

Local and regional self-government in Poland

Rules, activities, perspectives

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Plan of presentation

1. Historical background
2. Institutional, legal and political aspects of the system of territorial self-gov. in Poland
3. Local and regional finances – fiscal decentralization
4. LRAs-central government relations
5. Europeanisation and its effects in LRAs
6. Good practices and challenges

Experience from the past

- Challenges in the times of regained independence (after 1918)
 - Unification of the competences, structure and rules of elections of LRA from Prussian, Austro-Hungarian and Russian territories.
 - Creation of three-level system of self-government
 - Units at each level were diversified
- Breaking the continuity (after 1944)
 - Executive authorities subordinated to the national councils – new local legislative authorities established by the communists (1944-1950)
 - Abolition of LRA – national councils became territorial representation of central government (1950-1990)
- Revival of territorial self-government in Poland – at local level (1990-) and then regional level (1999-).

Legal acts

- Constitution of the Republic of Poland (1997)
- Act of 8 March 1990 on Municipal Self-Government
- Act of 5 June 1998 on County Self-Government
- Act of 5 June 1998 on Regional Self Government
- Act on the Revenues of Local Government Units from 2003
- Act on Voivodes and Governmental Administration in Voivodships from 2009
- Act of 15 March 2002 on the system of the capital city of Warsaw.

Article 3. The Republic of Poland shall be a unitary State.

Article 15

1. The territorial system of the Republic of Poland shall ensure the decentralization of public power.
2. The basic territorial division of the State shall be determined by statute, allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties.

Chapter VII

Article 164

1. The commune (gmina) shall be the basic unit of local government.
2. Other units of regional and/or local government shall be specified by statute.

(...)

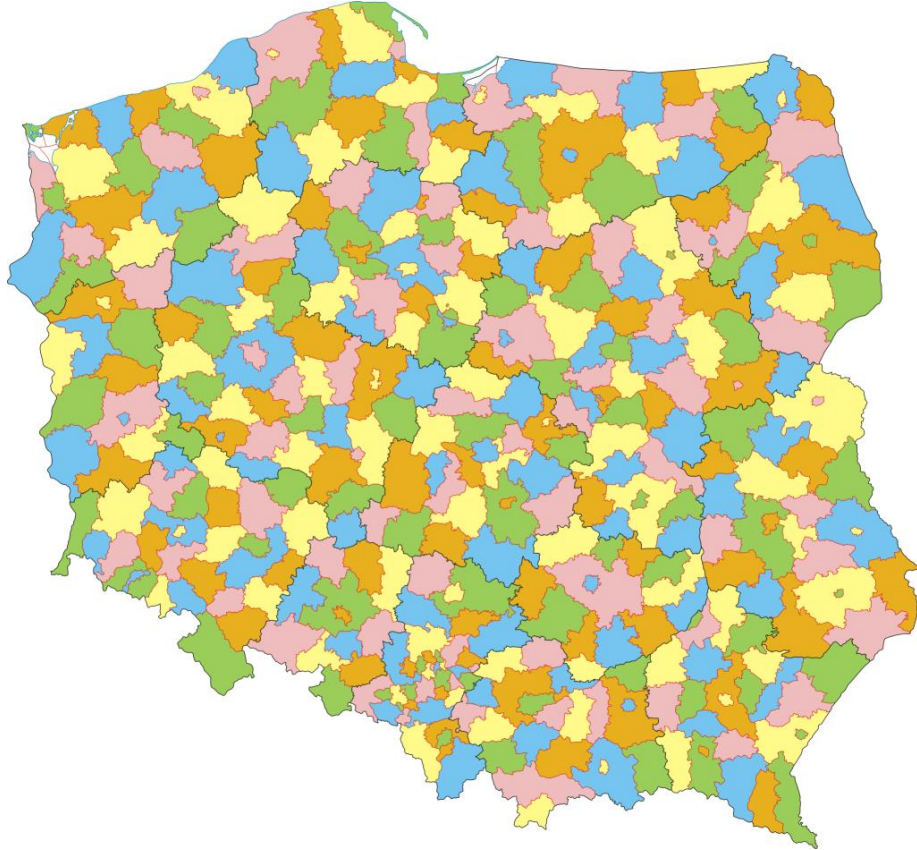
Article 165

1. Units of local government shall possess legal personality. They shall have rights of ownership and other property rights.
2. The self-governing nature of units of local government shall be protected by the courts.

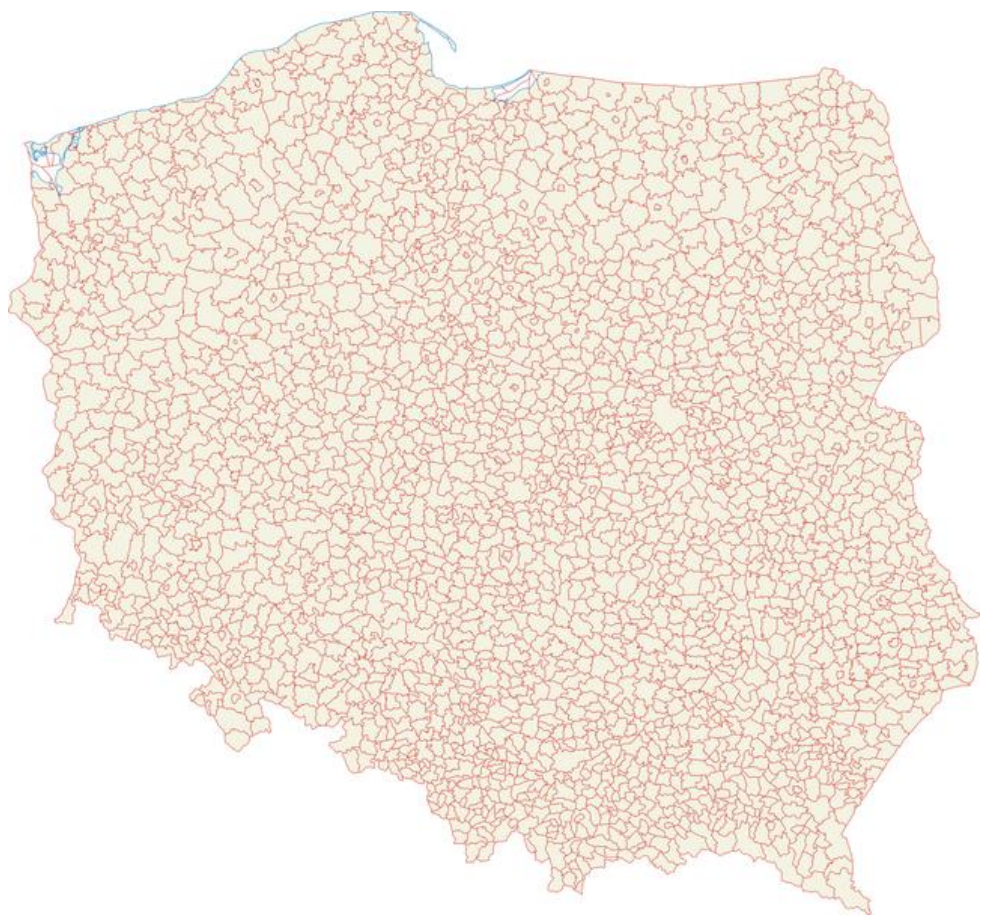
System of local self-government



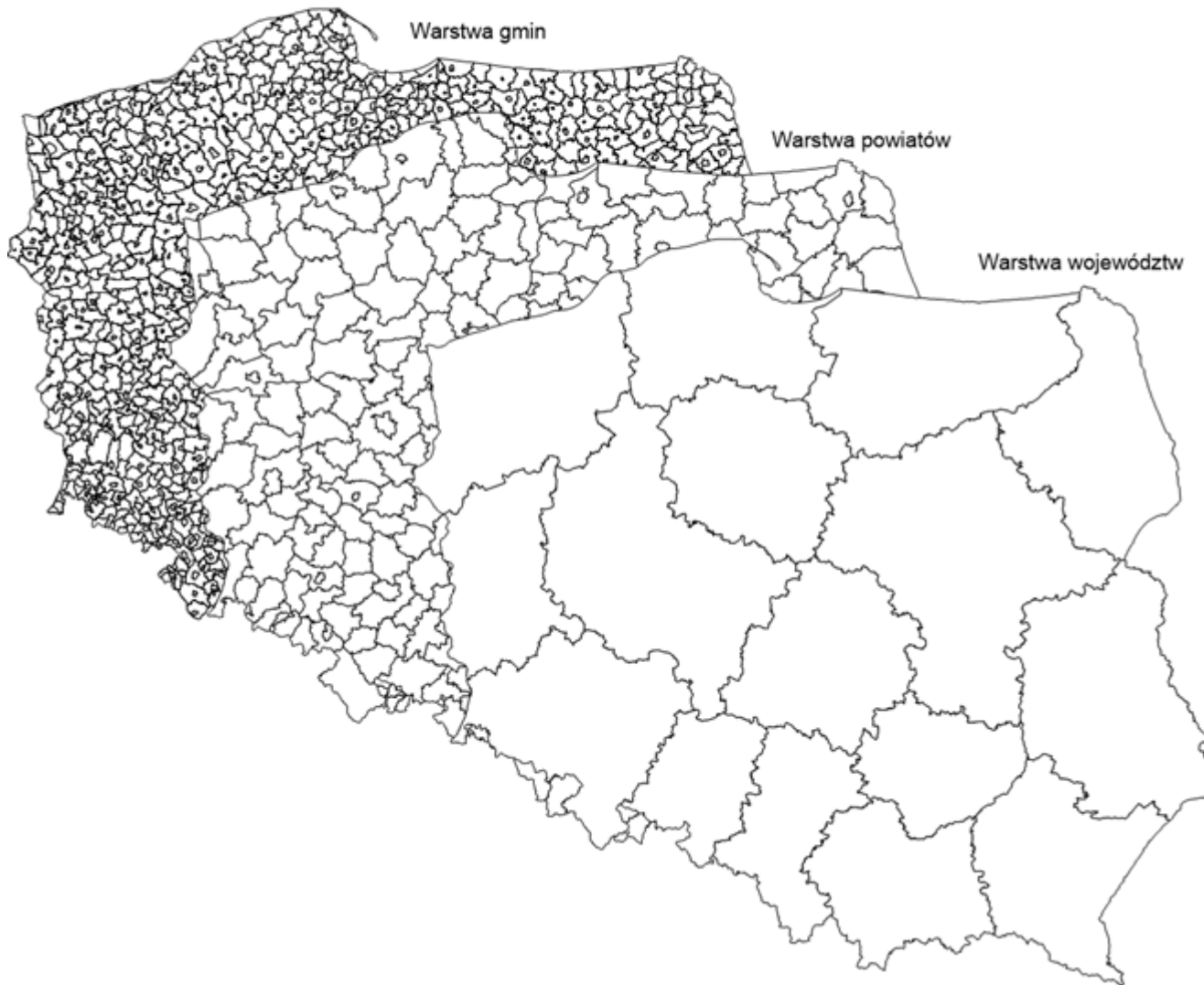
- Medieval nomenclature (XIV, XV c.); before 1998 – 49 voivodeships (województwa)
- Unit of self-government since 1999
- NTS 2 – regional level – 16 voivodeships
- Authorities: marszałek (marshal), board of the województwo, Sejmik (regional assembly) – system similar to parliamentary-cabinet
- Competences: pursue the regional development policy; responsible for developing and implementing regional development strategy; perform the delegated tasks by the national legal acts which referred to the regional level of administration
- „Steward of european funds” => compete with province governor (wojewoda), who is a government’s rep. in the region



- Medieval nomenclature (XIV, XV c.); between 1975 and 1998 there were no poviats
- NTS 4 – local level – 66 cities + 314 land poviats
- Authorities: starosta, board of the powiat, rada powiatu (powiat's council) – system similar to parliamentary-cabinet
- Competences: perform subregional public services which are not assigned to gmina; perform the delegated tasks by the national legal acts which referred to the local level of administration
- Starosta is personally responsible for supervision over the central government administration at the local level (together with province governor – wojewoda)
- Perceived as a useless element of the Poland's system of self government



- Nomenclature after the period of partitions of Poland (XIX c.)
- NTS 5 – local level – 2477 (302 towns + 652 urban-rural areas + 1523 rural areas)
- There are 66 cities that are at the same time poviats and gminas
- Authorities: mayor (prezydent/burmistrz/wójt), rada gminy/miasta (city/town/gmina council) – system similar to presidential
- Competences: presumption of competences in favor of gmina; perform the delegated tasks by the national legal acts which refereed the local level of adminsitration
- Growing poltical and systemic role of mayors of big cities (metropolies)
- Big differencess between structural capacities of gminas
 - Warsaw – 1,79 mln inhabitants
 - Opatowiec – 3265 inhabitants (since 2019)
 - Kleszczów (rural district) – 47 245 PLN per capita of tax revenues
 - Pszów (urban district) – 2 932 PLN per capita of tax revenues



How teritorial units are formed?

- Council of Ministers is responsible for:
 - creation, merging and dividing communes (gminy) and their borders
 - granting a city status
 - establishing or changing names of communes (gminy) and seats of their authority
- Those decisions may be taken upon request of the concerned municipal/commune council.
- Communes (gminy) have to consult such decisions with inhabitants and in some cases with other commune conucnils, poviats and voivodeship authorities.
- Since 1999 6 poviats, 1 city with poviat rights, and 12 communes were formed

Competences – own assignments

Gmina (commune)	Powiat	Voivodeship
<ul style="list-style-type: none"> ▪ Spatial planning; ▪ Real estate management; ▪ Municipal green areas, municipal cemeteries, marketplaces; ▪ Local public transport; ▪ Municipal roads, streets, bridges, and public squares; ▪ Traffic organization; ▪ Telecommunications; ▪ Protection of the environment and nature, ▪ Supply of electricity, gas, heating, and water; ▪ Water and sewage works, landfills and waste management ▪ Health care (primary healthcare services); ▪ Social welfare, including care units; ▪ Family support and the foster care system; ▪ Maintenance of gmina facilities, public utility facilities, and administrative facilities; ▪ Housing; ▪ Culture, including management of municipal libraries and other cultural institutions protection of monuments; ▪ Sport and tourism, including recreational areas and sport facilities ▪ Education (kindergartens; elementary education); ▪ Public order and civil security ▪ Flood protection, fire protection. 	<ul style="list-style-type: none"> • Sport and tourism; • Cadastre, cartography, and geodesy; • Real estate management, architecture and construction administration; • Water resources management; • Agriculture, forestry, and inland fisheries; • Cooperation with NGOs; • Education (secondary education, i.e. post-elementary schools, vocational and special schools); • Protection of the environment and nature; • Health care and health promotion (general responsibility for the operation of public health service institutions; health promotion); • Consumer rights protection; • Social welfare (services that extend beyond municipal boundaries; maintenance of powiat facilities and public utilities); • Family support and the foster care system; • Support to the disabled; • Child protection (running tutelary and educational facilities, including orphanages); • Employment (powiat labour offices; tackling unemployment); • Public transport and public roads (road building and maintenance at the powiat level); • Telecommunications; • Defence; • Maintenance of the public order and civil security; • Flood protection, Fire protection; • Culture, including protection of monuments. 	<ul style="list-style-type: none"> ▪ Economic development; ▪ Employment and labour market policy (tackling unemployment); ▪ Protection of employee claims in case of employer insolvency; ▪ Public transport and public roads; ▪ Telecommunications; ▪ Health care and health promotion, specialised health services, medical emergency and ambulance services; ▪ Culture and heritage, including protection of monuments; ▪ Spatial development ▪ Modernisation of rural areas; ▪ Education, including higher education (running post-secondary schools, some secondary schools and vocational schools, teacher training colleges, voivodeship libraries; initiating the establishment and financing of higher education); ▪ Social welfare; ▪ Sport and tourism; ▪ Consumer rights protection; ▪ Defence; ▪ Maintenance of public order; ▪ Environmental protection; and ▪ Family support and the foster care system.

Competences – delegated assignments

Gmina (commune)	Powiat	Voivodeship
<ul style="list-style-type: none"> ▪ Civil status (such as civil registration status, issuing a decision on the first and last names); ▪ Civil registration (including registration events); ▪ National defence (including keeping a register of pre-recruits, conduct defence exercises and trainings, planning and preparation of medical cover for defence needs, keeping control of subordinate units in this area, etc.); ▪ Civil defence (including the preparation and updating of civil defense plans, the plan for protection of monuments, evacuation plans, the creation of civil defense formations and supply them with equipment, technical means, uniforms, conducting exercises, training of civil defence formations and population of common self-defense, etc.); ▪ Receiving applications and distribution of identity cards; ▪ Assistance for veterans and other entitled persons who are in the difficult material conditions; ▪ Selection of lay judges for district courts; ▪ Keeping records of economic activities; ▪ Issuing licences for the sale of alcoholic beverages; ▪ Services for people with mental disorders; ▪ Proceedings in matters of public assemblies; ▪ Organisation and conduct of agricultural censuses; ▪ Licensing of road transport by taxi, the issuance of permits to transport people within the municipality; ▪ Voter registers, administration and execution of tasks related to the organisation and conduct of elections or referendums; 	<ul style="list-style-type: none"> • State Treasury property management, compensation for property taken for public roads and railways; • Regulation of the legal status of real estates; • Collection, handling, updating and sharing of district and district's geodetic and cartographic repertoires; • Environmental protection and agriculture (including the conduct of the land merging procedures and land exchange, reclamation and protection of agricultural land, issuing a decision declaring the forest to be protective or depriving it of this character, issuing a decision on conversion of forest to agricultural land, approval of projects of geological operation, decisions within water law); • Tasks of national and civil defence; • Tasks assigned to the field of economy and transport (including keeping a register of enterprises conducting drivers training centres, keeping a register of entrepreneurs engaged in vehicle inspection station and the implementation of supervision of vehicle inspection stations, issuing licenses for road transport operations, etc.); 	<ul style="list-style-type: none"> ▪ Selected tasks of national defence (of regional importance); ▪ Selected social issues (incl. Support for associations of veterans); ▪ Tasks of geodetic and cartographic issues (incl. Monitor changes in land use and grading); ▪ Permits for wholesale trade in alcoholic beverages ▪ Selected tasks of transport issues (control of medical examinations, issuance of license for driving examiners and supervision of state examinations); ▪ Records of agricultural producer groups and the controls of these groups; ▪ Tasks in the field of environmental protection (including for the generation and storage of hazardous substances etc.) ▪ Selected tasks related to tourism (such as keeping a register of tour operators and travel agents and controlling the entrepreneurs operating in this field; conducting cases related to the hotel quality certification system, keeping their records and control

Electoral system (1)

- Term: 5 years (before 2018 it was 4 years) for all LRAs

Local and regional legislatures

- Gminy under 20 thousand inhabitants – majority elections in single-members constituencies (relative majority of votes)
- Gminy over 20 thousand inhabitants, poviats, districts of Warsaw and voivodships - proportional elections (in multi-seat constituencies) with a preferential vote.
- Representatives exercise their mandate freely

Gmina	Poviat	Voivodeship
Min: 15 rep. (communes under 20K. inhabitants)	Min: 15 rep. (poviats under 40K. inhabitants)	30 rep. In voivodeships under 2 MM. inhabitants
Max: 45 rep. (Warsaw has 60 councilors)	+ 2 for each additional 20K inhabitants	+ 3 rep. for each additional 500 K. inhabitants.
	Max: 29 rep.	

Electoral system (2)

- Term: 5 years (before 2018 it was 4 years) for all LRAs

Local and regional executive authorities

- Gminy (wójt, burmistrz, prezydent) - direct elections with an absolute majority of votes. Max: two terms in office
- Powiat – elected by the powiat council
- Voivodeship – elected by the sejmik

Local and regional finances (1)

Local and regional revenues:

mandatory own income;
general subsidy;
targeted subsidies from the state budget.

optional non-returnable funds from foreign sources;
funds from the budget of the European Union;
other measures specified in separate regulations.

Own income of local and regional self-government

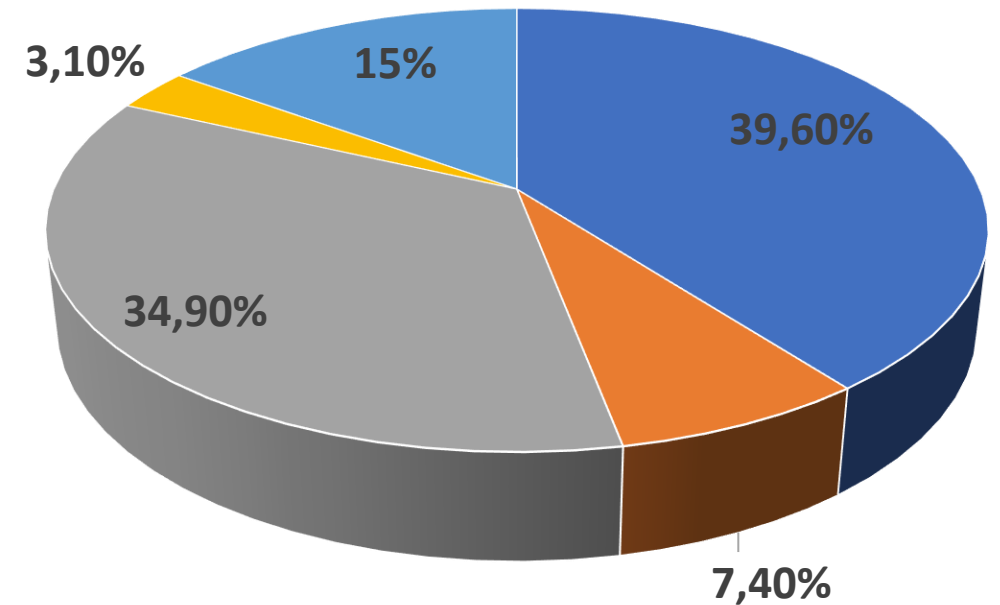
Gmina	Powiat (poviat)	Województwo (voivodeship)
Revenues from taxes: on real estate, agriculture, forestry, means of transport, paid in the form of a tax card, on inheritance and donations, on civil law transactions;		
Revenues from fees: stamp duty, market, local, spa and dog fees, advertising, maintenance, other fees constituting the commune's income	Revenues from fees: stamp duty, driving licence and other documents regarding transport, registration of vehicles	
Share in state's taxes (personal income tax and corporate income tax)		
Income obtained by budgetary units of a given local government		
Property income		
Inheritance and donations to a given local government		
Income from fines and penalties specified in the laws.		
Interest on loans granted and on funds in bank accounts		
5.0% of revenues obtained for the state budget related with the implementation of tasks in the field of government administration and other tasks mandated by statutes		

Local and regional finances (3)

Share of local and regional governments in state's taxes in 2021

	PIT	CIT
Gmina	38,23%	6,71%
Powiat (powiat)	10,25%	1,40%
Województwo (voivodeship)	1,60%	14,75%

Sources of revenues of the territorial self-government in 2017



■ PIT ■ CIT ■ Local taxes and fees ■ Income from the sale of property ■ Other revenues

Main reforms of last three decades

- March 1990 – gmina's self-government act
- June 1998 – powiat's and voivodeship's self-government acts
- June 2002 – direct elections of mayors
- 2014 – majority voting in all gminas (except 66 large cities)
- January 2018 – elections every five years, only one re-election of mayors; majority voting in local elections only in gmina under 20 000 inhabitants
- October 2019 – personal income tax reform
- 2021 – economic recovery programme Polish Deal

Government's representatives at local and regional level

- Wojewoda (voivode, province governor)
 - Supervision over the local and regional self-government (legality control)
- Heads of services and inspections under the authority of the governor (ex. construction supervision, sanitary inspection, veterinary, police, fire brigade, restorer, environmental protection, geodetic and cartographic supervision)
- Local institutions reporting directly to the ministers (ex. tax chambers, tax offices, border guard)

The supervision authorities over the local and regional self-government are the **Prime Minister, governors**, and in the field of financial matters, the **regional audit chambers**

Joint Commission of the Government and Territorial Self-Government in Poland

- 24 members – 12 rep. of government + 12 rep. of territorial self-government
 - Union of Polish Metropolises;
 - Union of Polish Towns;
 - Association of Rural Communes of the Republic of Poland;
 - Association of Polish Cities;
 - Association of Polish Poviats;
 - Union of Voivodships of the Republic of Poland.
- "(...) assessment of the status of the territorial self-government in relation to the integration process within the European Union, including the use of financial means by local government units,,
- Drawback: some of the legislative proposals are not discussed by the Joint Commission

Which conditions facilitate or inhibit the Europeanization?

1. Socio-economic mistfits – adaptational pressure
2. Promising perspective of cohesion policy's interventions – Europeanisation as modernisation
3. No veto points
4. Hierarchical organization of unitary state
5. Województwa as a new element of public administration supposed to be equipped with material and ideational resources
6. Województwa become norm entrepreneurs at domestic level
 - Strategic planning level
 - Financing of development

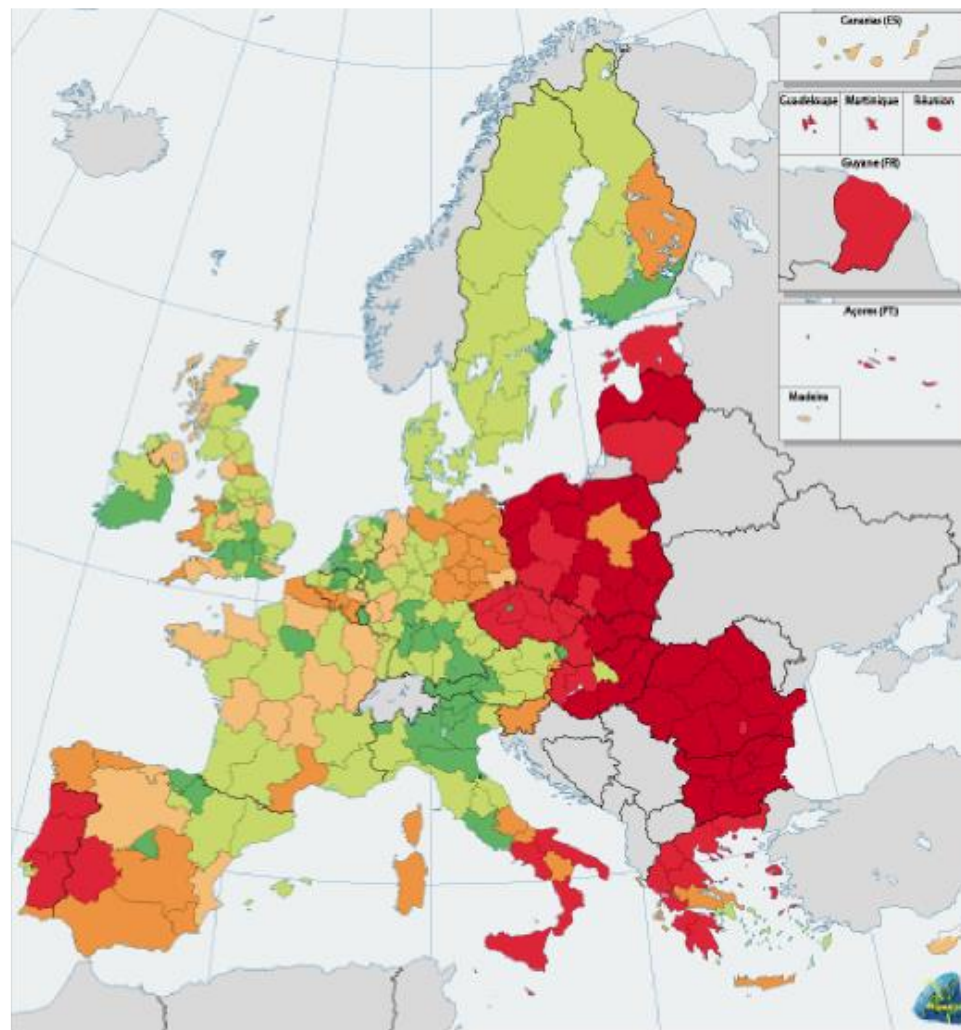
Effects:

1. Territorial self-government was the area of the most intensive Europeanisation processes.
2. Position of the territorial self-government in Poland is stronger de facto than de iure.
3. Territorial self-government has a supplementary role in legitimization of national European policy.

Act of June 5, 1998 on voivodship self-government

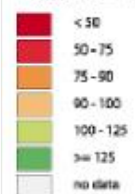
Objectives of establishing the voivodeship self-government:

- ordering the territorial system by creating large regions (voivodeships), i.e. regional government units - public law entities, capable of conducting regional policy and performing those tasks that are supra-local, and at the same time do not have a state-wide character and do not cover the entire country (...);
- **adapting the territorial organization of the country and local government structures to EU standards, which will enable the use of legal and economic instruments developed by the Union, serving regional development and interregional cooperation.**



1.2 GDP per head (PPS), 2004

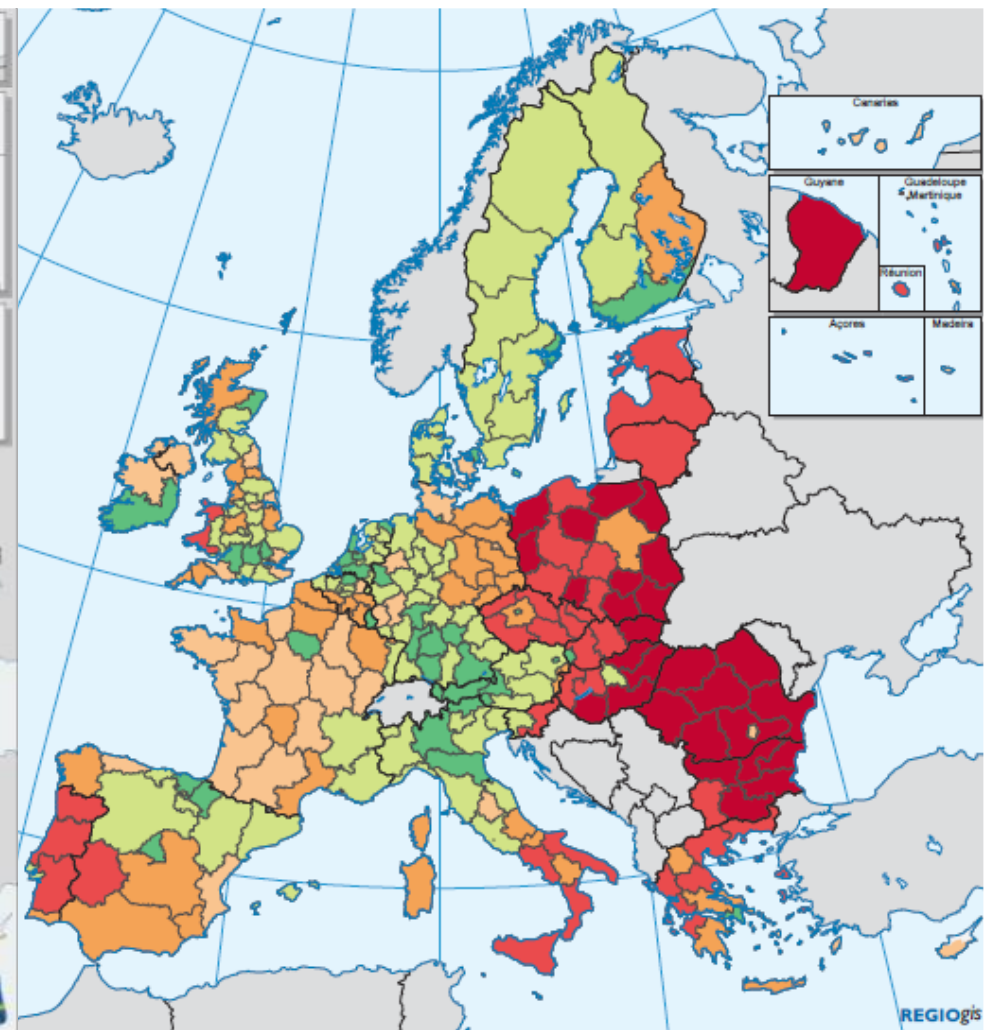
Index, EU-27 = 100



Source: Eurostat

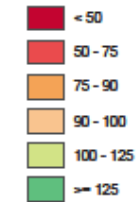


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1.4 GDP per head (PPS), 2007

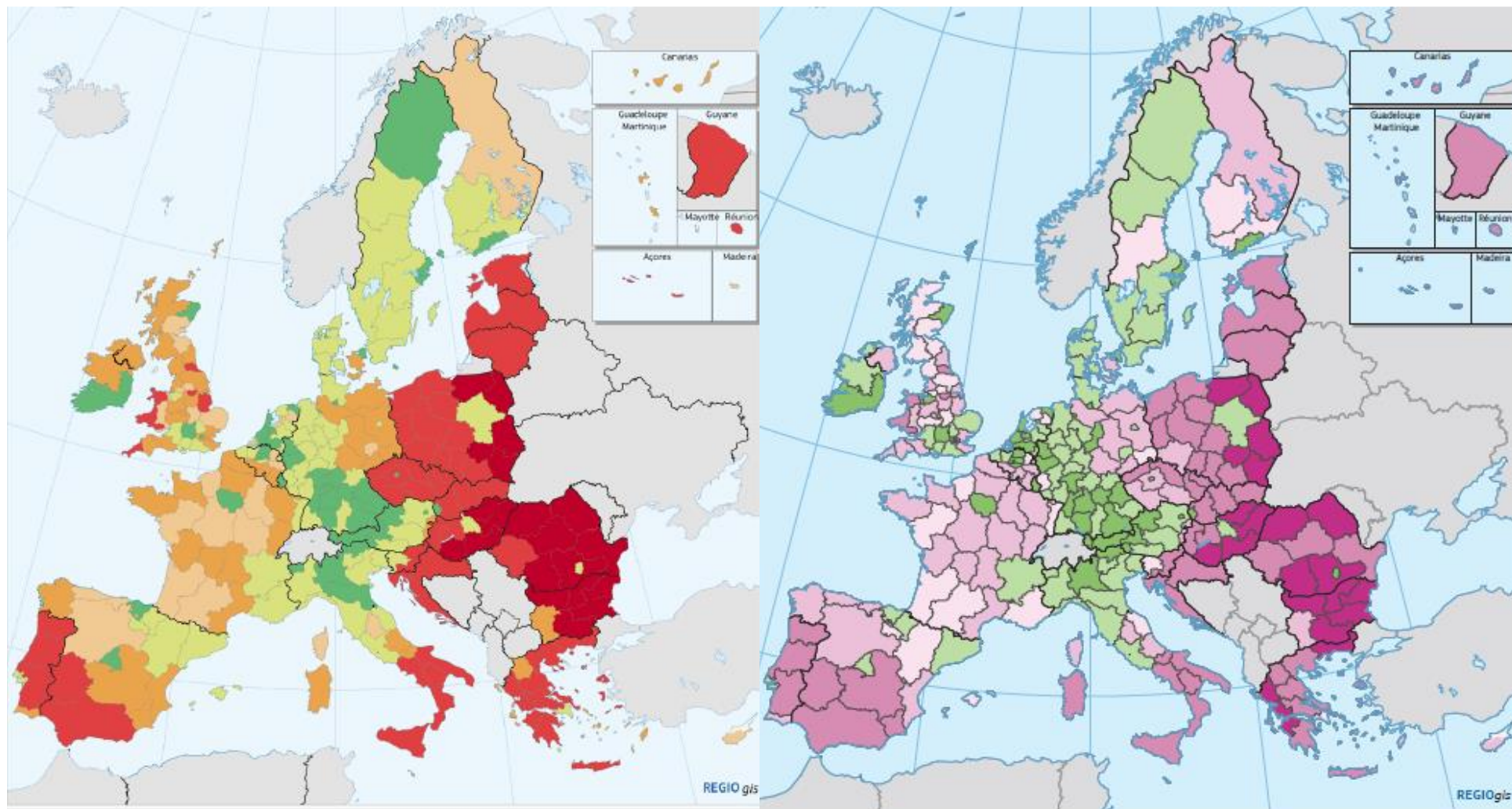
Index, EU-27 = 100



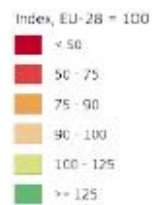
Source: Eurostat



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Map 1.1 GDP per head (PPS), 2011



Source: Eurostat

0 500 Km

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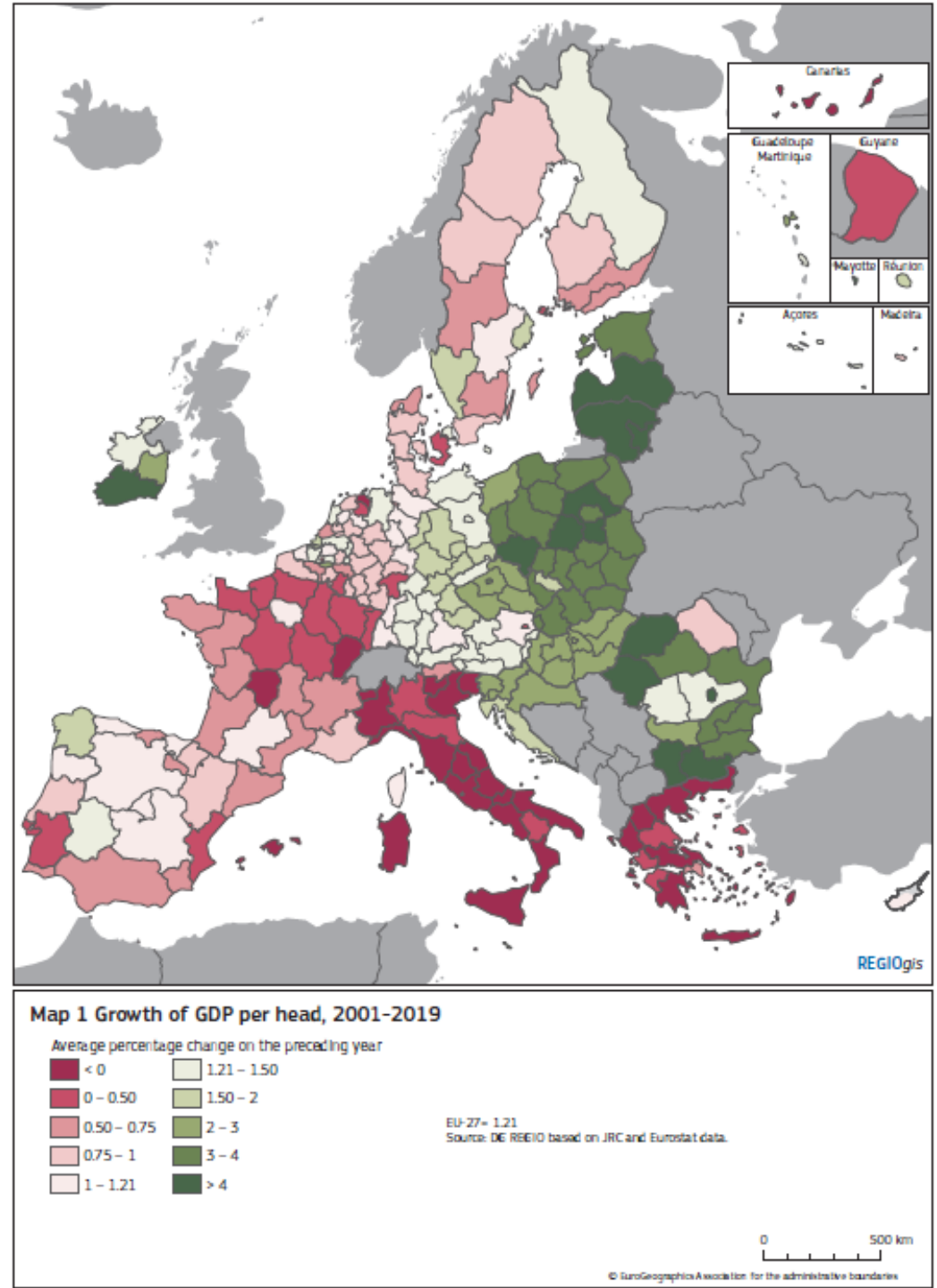
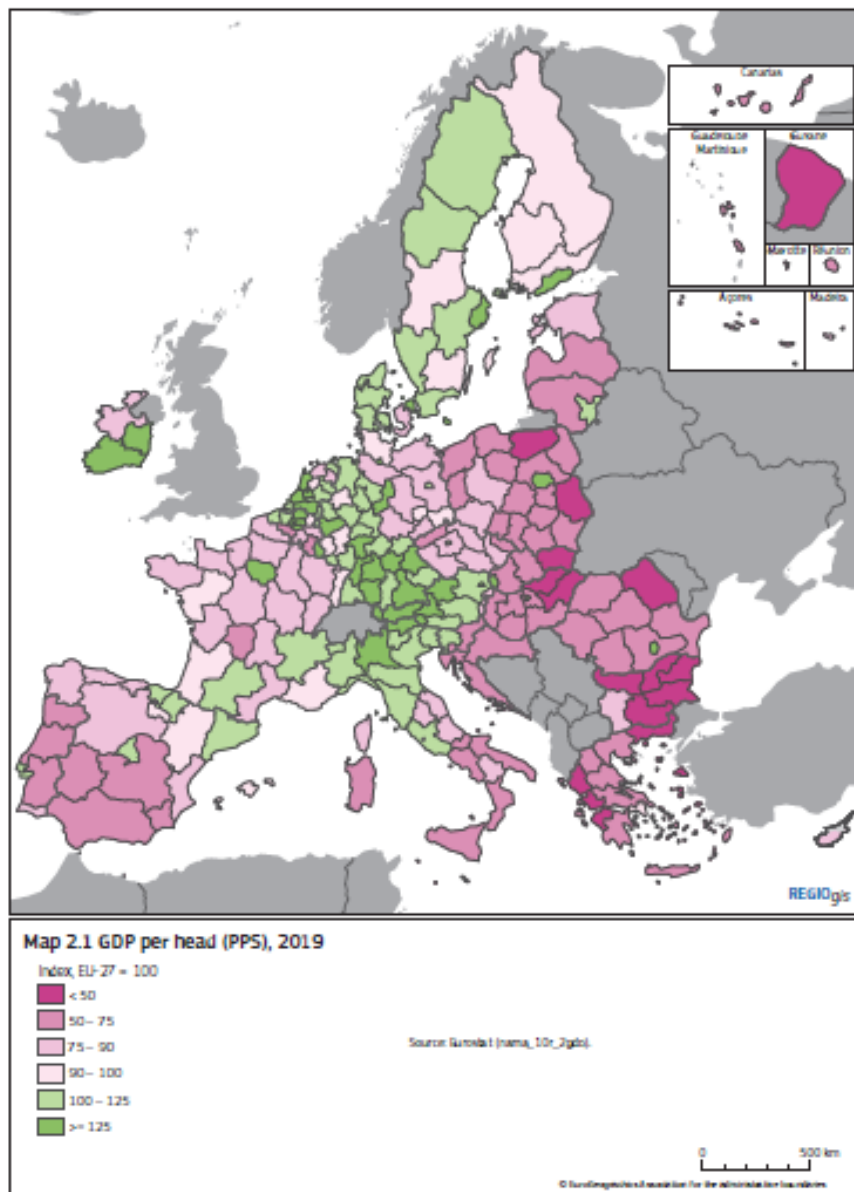
Map 1.1 GDP per head (PPS), 2015



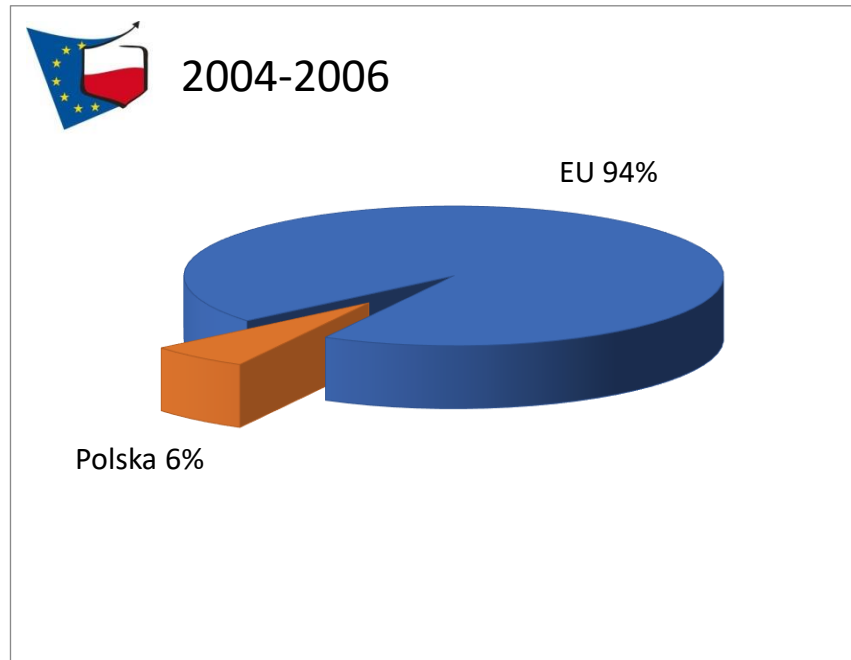
Values for the two regions in Ireland for 2015 have been estimated from the 2014 figures on the basis of the changes in the national figure.
Source: Eurostat, DG REGIO

0 500 km

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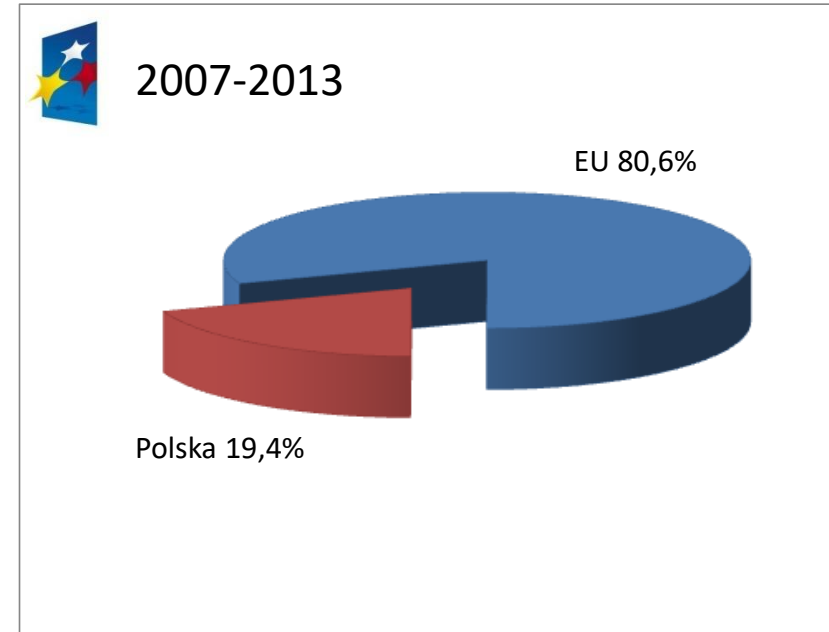


EU funds in the years 2004-2006 and 2007-2013



EU (2000-2006) – 213,0 bn EUR

Poland – 12,8 bn EUR

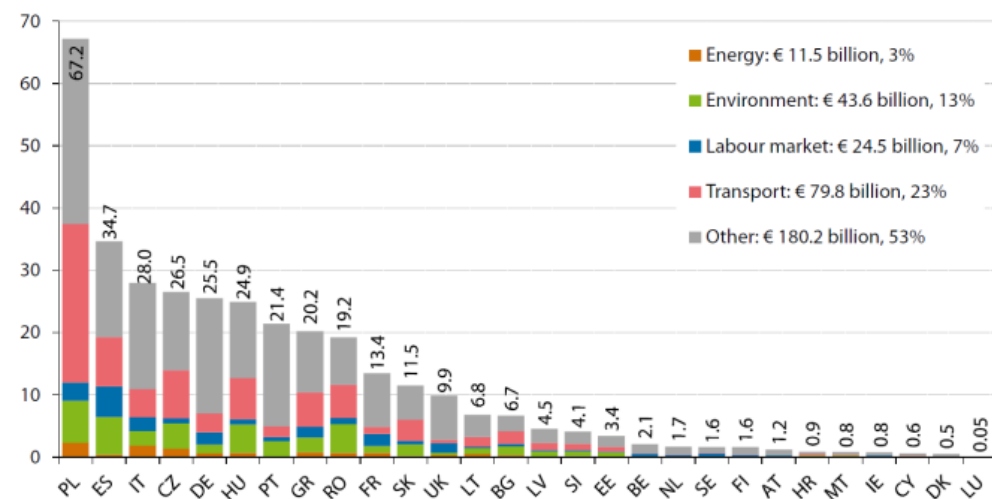


EU – 346,5 bn EUR

Poland – 67,3 bn EUR

EU structural and investment funds for Poland

Fig. 3: Thematic breakdown by Member State (2007 - 2013, € billion)

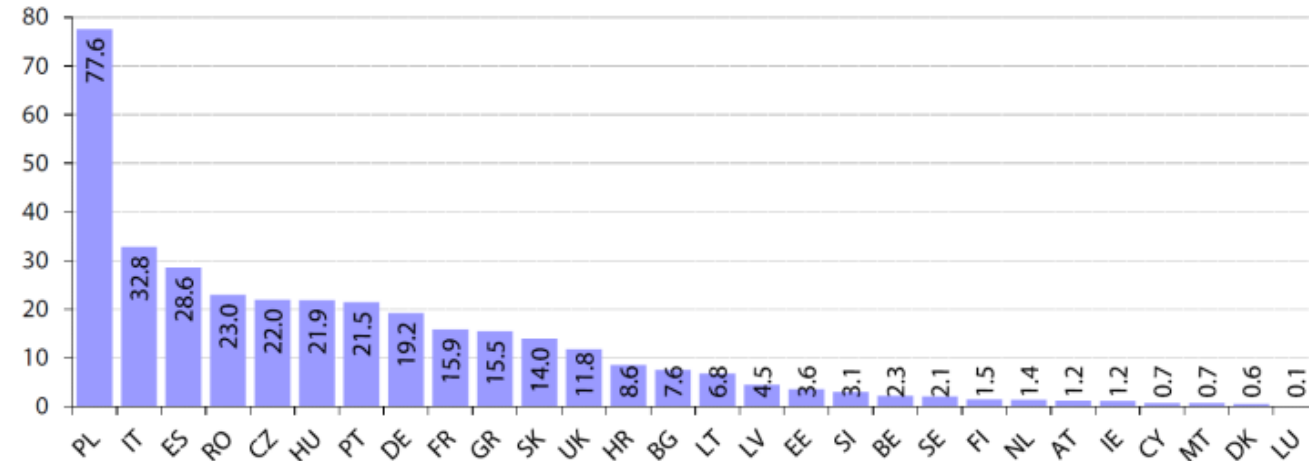


Other: Innovation & RTD, IT services and infrastructure, Other SME and Business support, Culture, heritage and tourism, Urban and territorial dimension, Social Inclusion, Social infrastructure, Human capital and TA & Capacity Building

Note: Figure does not include € 7.9 billion from ERDF "Cross-Border" allocation.

Source: [European Commission](#)

Fig. 1: Total EU allocations of Cohesion Policy 2014 - 2020 (€ Billion, Current prices)



Source: [European Commission](#)

Operational programmes 2007-2013

Program	Allocation (in bn euro)	% of allocation
Infrastructure and Environment OP	28,3	41,8
Human Capital OP	10	14,7
Innovative Economy OP	8,7	12,7
Development of Eastern Poland OP	2,4	3,5
Technical Support OP	0,5	0,8
European Territorial Cooperation	0,7	1,1
16 regional OP	17,3	25,4
Sum	67,9	100

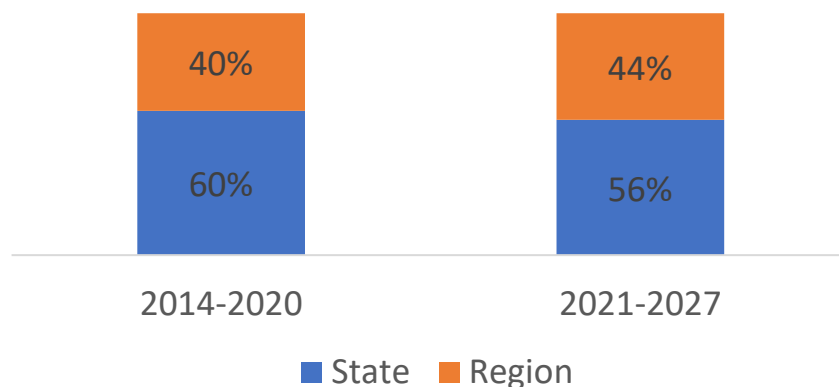
voivodeship	Total Regional OP
dolnośląskie	1 213 144 879
kujawsko-pomorskie	951 003 820
lubelskie	1 155 854 549
lubuskie	439 173 096
łódzkie	1 006 380 910
małopolskie	1 290 274 402
mazowieckie	1 831 496 698
opolskie	427 144 813
podkarpackie	1 136 307 823
podlaskie	636 207 883
pomorskie	885 065 762
śląskie	1 747 104 507
świętokrzyskie	725 807 266
warmińsko-mazurskie	1 036 542 041
wielkopolskie	1 272 792 644
zachodniopomorskie	835 437 299

EU funds in Poland 2014-2020

Program	Fundusz	Kwota
PO Infrastruktura i Środowisko	EFRR Fundusz Spójności	27,41 mld euro
PO Inteligentny Rozwój	EFRR	8,61 mld euro
PO Polska Cyfrowa	EFRR	2,17 mld euro
PO Wiedza Edukacja Rozwój	EFS	4,69 mld euro
PO Polska Wschodnia	EFRR	2 mld euro
PO Pomoc Techniczna	Fundusz Spójności	700,12 mln euro
Regionalne PO	EFRR EFS	31,28 mld euro

Źródło: opracowanie własne na podstawie: Ministerstwo Infrastruktury i Rozwoju, *Programowanie per spektwy finansowej 2014 -2020. Umowa Partnerstwa*, op. cit., s. 165.

Distribution of cohesion policy allocations between national operational programmes and regional operational programmes



	Województwo	Alokacja (euro)
Regiony słabiej rozwinięte	Dolnośląskie	2 252 546 589
	Kujawsko-Pomorskie	1 903 540 287
	Lubelskie	2 230 958 174
	Lubuskie	906 929 693
	Łódzkie	2 256 049 115
	Małopolskie	2 878 215 972
	Opolskie	944 967 792
	Podkarpackie	2 114 243 760
	Podlaskie	1 213 595 877
	Pomorskie	1 864 811 698
	Śląskie	3 476 937 134
	Świętokrzyskie	1 364 543 593
	Warmińsko-Mazurskie	1 728 272 095
	Wielkopolskie	2 450 206 417
	Zachodniopomorskie	1 601 239 216
Region lepiej rozwinięty	Mazowieckie	2 089 840 138

Źródło: opracowanie własne na podstawie Ministerstwo Infrastruktury i Rozwoju, *Programowanie per spektwy finansowej 2014 -2020. Umowa Partnerstwa*, op. cit., s. 168.

No veto points for Europeanisation at local and regional level

EU accession support

	For Poland's accession to the EU (%)	Against Poland's accession to the EU (%)	No answer (%)
Voivodeship elites (2001)	94,6	5,4	0
Powiat elites (2001)	89,7	10,3	0
Gmina elites (2001)	86,0	14,0	0
Inhabitants (2002)	61,0	29,8	9,2

Role of the territorial self-government regarding the EU matters

Territorial self-government as a <u>recipient of politics</u>	Territorial self-government as a <u>co-creator of politics</u>
<ol style="list-style-type: none"> 1. Territorial self-government is an element of public authority in the state. 2. It is his duty to implement the decisions of the central government in a given area. 3. This obligation is positioned by the local government, as one of the levels in the hierarchical structure of state power, which has been assigned a precisely defined task at the end of the process of implementing public policies, i.e. at the time of their implementation. 4. In the structure described in such a way, local self-government passively implements the provisions of the national law transposing EU legal acts. 	<ol style="list-style-type: none"> 1. The territorial self-government is influenced by the pan-European process of creating the "Europe of Regions" and strengthening their role in the EU political system. 2. Territorial self-government is one of the levels in a non-hierarchical, multi-level structure of the EU system. 3. MLG means that territorial self-government is a direct partner for the EU institutions, especially the EC, in the implementation of cohesion policy. 4. Regional self-government, implementing cohesion policy in its area, has the freedom to create appropriate procedures and institutional environment.
<p>Territorial self-government acts as a form of representation of citizens. Local authorities are elected in the general election, thanks to which they have the mandate to make binding decisions together with the institutions of the national authority or the EU. This indirectly legitimizes a given policy implemented at the national or supranational level.</p>	

Effects of Europeanisation in territorial self-government

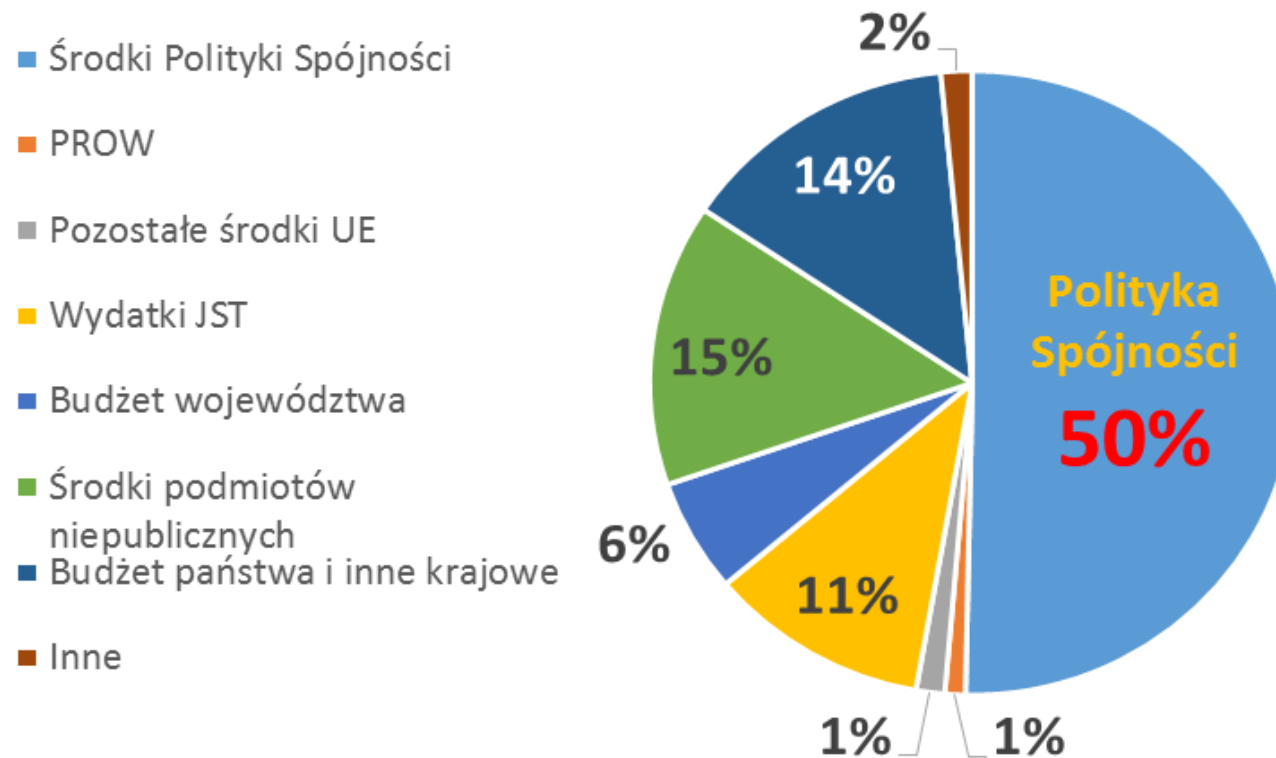
- Strategic planning
- Adjustments of organisational structure of public administration
- New institutions responsible for development policy

Strategic planning



The importance of cohesion policy for the socio-economic development

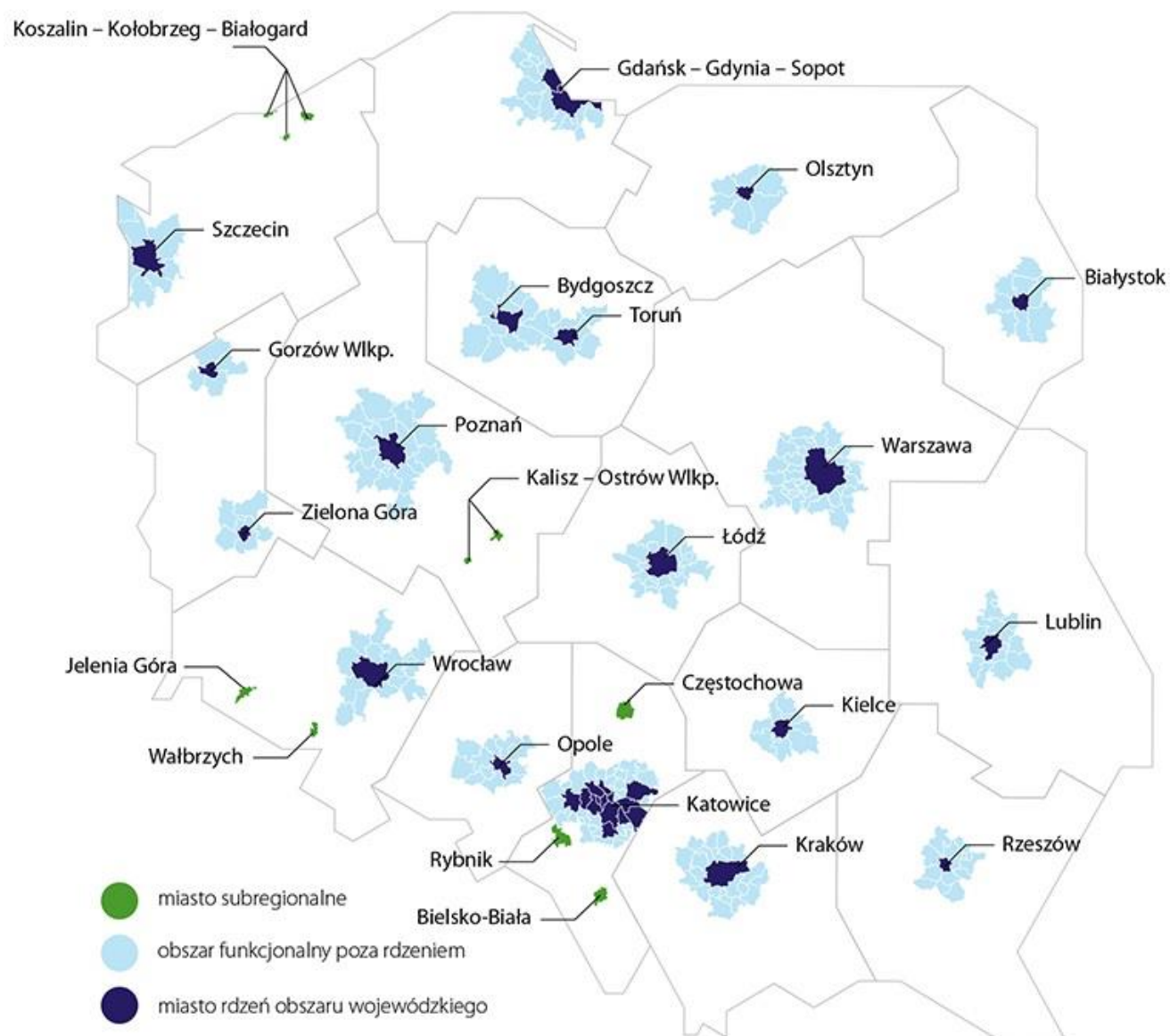
Share of financial sources in the implementation of the Regional Development Strategy of Małopolska Region 2011-2020 (in 2011-2017)



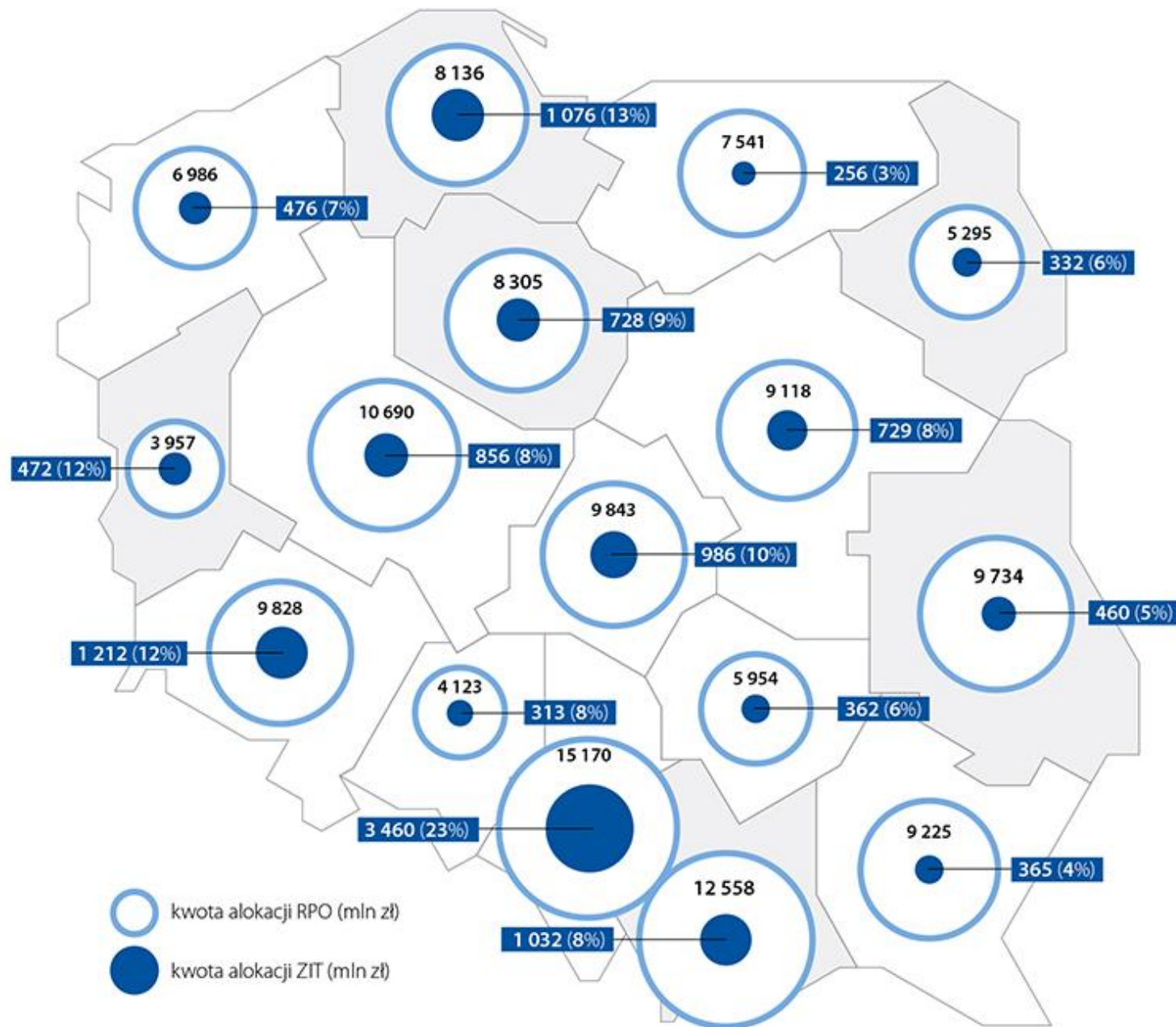
New instruments

Integrated Territorial Investments (ITI)

- ITI is a new instrument established in the 2014–2020 EU's financial perspective.
- The aim is to support the development of cities and their functional areas. Each of the EU Member States allocated at least 5% of ERDF (2014-2020) or will allocate 8% of ERDF (2021-2027) resources on ITIs implementation.
- ITIs in Poland are implemented under 16 ROPs and indirectly under national programs.



Allocation on ITIs within the regional operational programmes



Map's source: Poland's Supreme Audit Office

Regional offices in Brussels

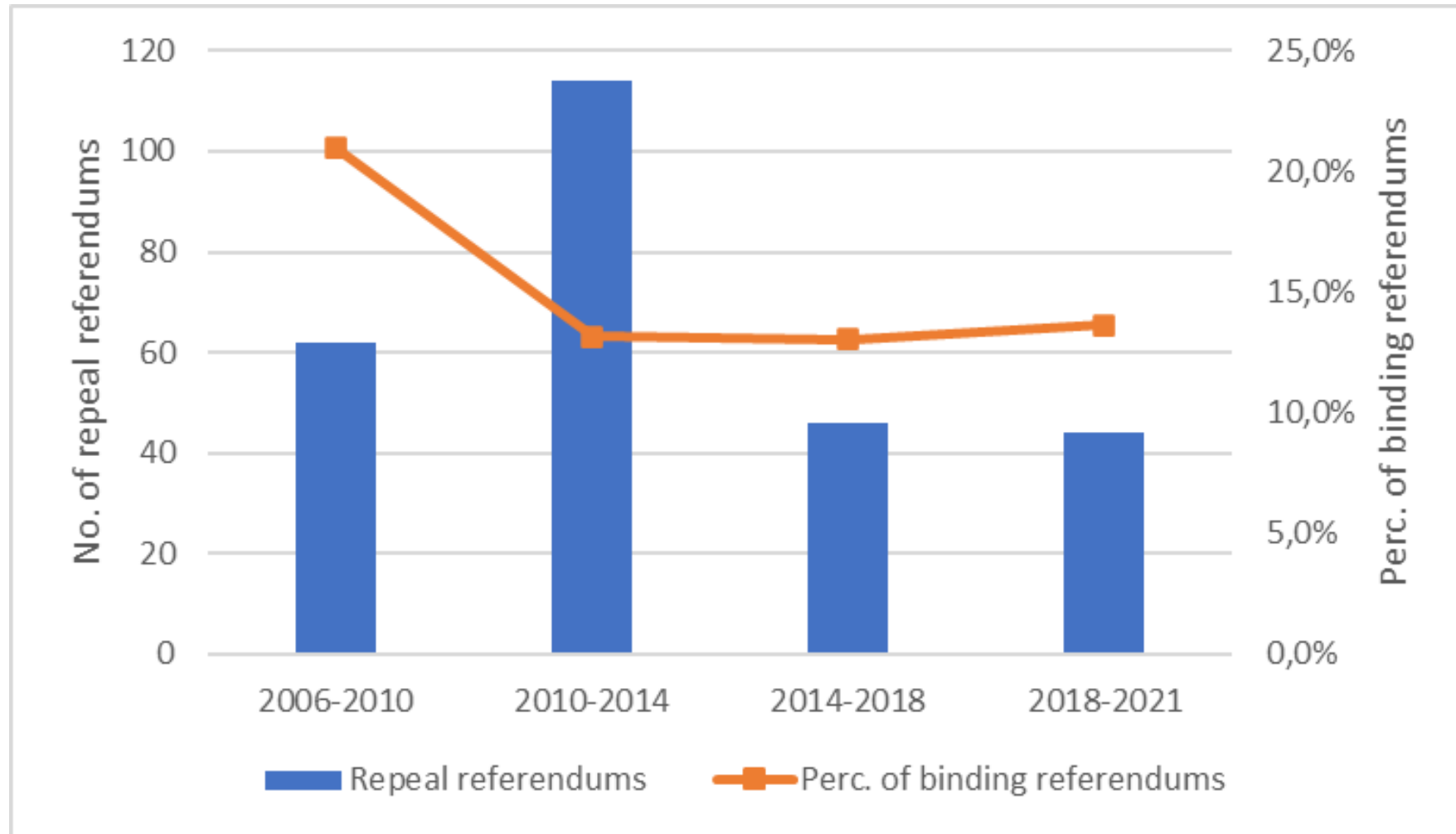
- There are no regulations specifying the manner of their establishment, the form of activity and the role they can play in another country
- Only the European Regional Self-government Charter mentions them - liaison offices are established to promote and defend the interests of the regions
- Objectives:
 - informing the local administration about initiatives and decisions important for it in the EU;
 - representing the interests of a given region on the EC and EP forum;
 - preparation of political visits by representatives and experts of the local authority;
 - gathering information and participating in creating a network of regions;
 - facilitating access to EU funding for regions and assistance to applicants;
 - organization of information and cultural events;
 - creating a positive image about the region's economic and tourist potential;
 - contact with citizens.

Good practices acquired and challenges ahead

Instruments of direct democracy and citizens participation at local and regional level in Poland

- electoral participation
- local referendum,
- public consultation,
- access to public information,
- resolution initiative of residents,
- Civic/participatory budget,
- auxiliary division within local government (e.g. village councils, housing estate, district),
- institutions of civil dialogue (public benefit councils, consultative councils),
- cooperation of local governments with non-governmental organizations

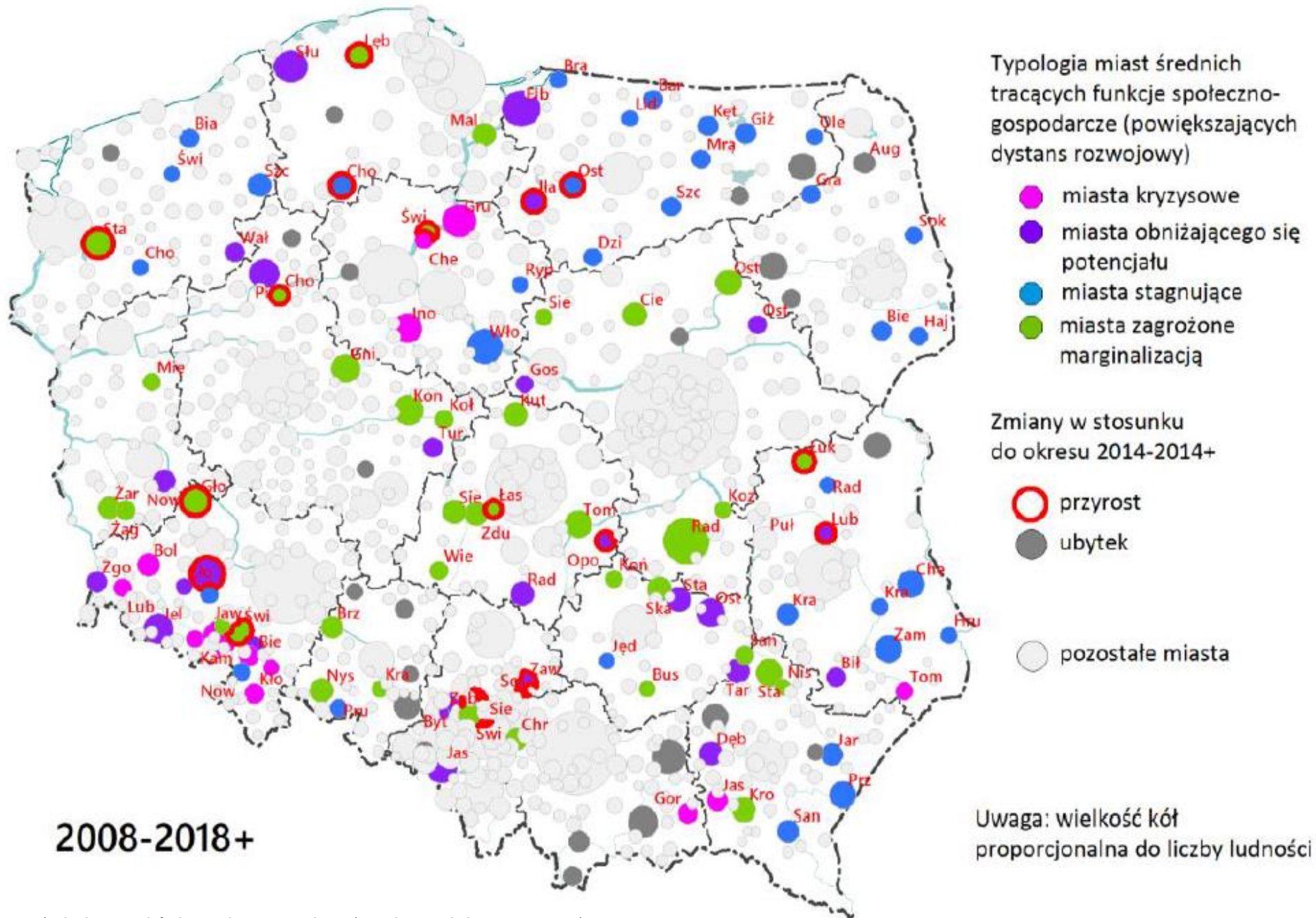
Repeal referendums



Civic/participatory budgets

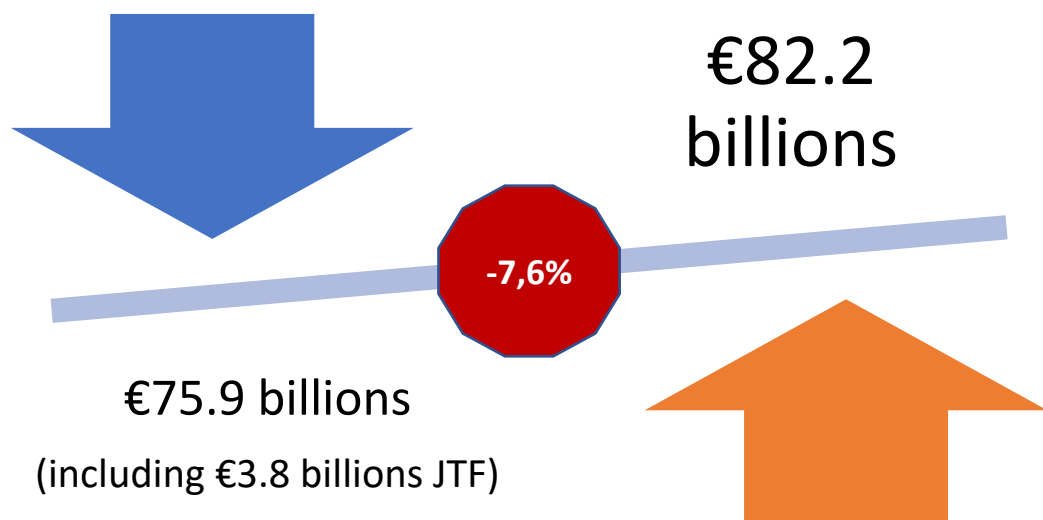
- in 2016, the percentage of cities with a civic budget was approx. 49%.
- In 2018 - mandatory civic/participatory budgets in large cities with the amount at least 0,5% of expenditures from last year
- In 2020, due to the pandemic, many cities gave up this mechanism, especially in the group of small cities (5-20 thousand inhabitants) and medium-sized cities (20-50 thousand inhabitants).
- However, in 2021 the situation stabilized and now 244 cities (approx. 42% of all) have civic budgets. The highest percentage of cities with civic budgets was in the voivodships of Podlaskie (63.2%), Pomorskie (58.8%) and Śląskie (57.6%); the least were the voivodships of Lubuskie (30.4%), Małopolskie (28.6%) and Mazowieckie (27.1%).

Medium-sized cities losing their socio-economic functions

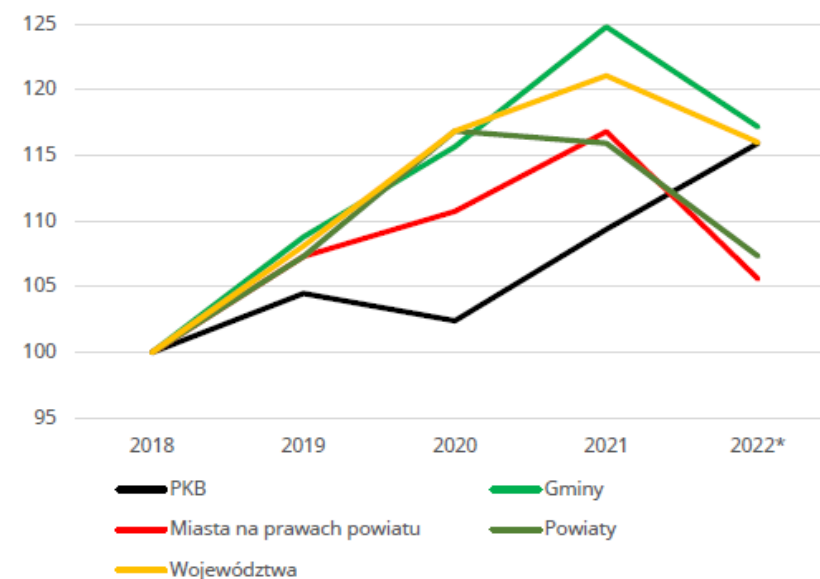


Financial and development challenges

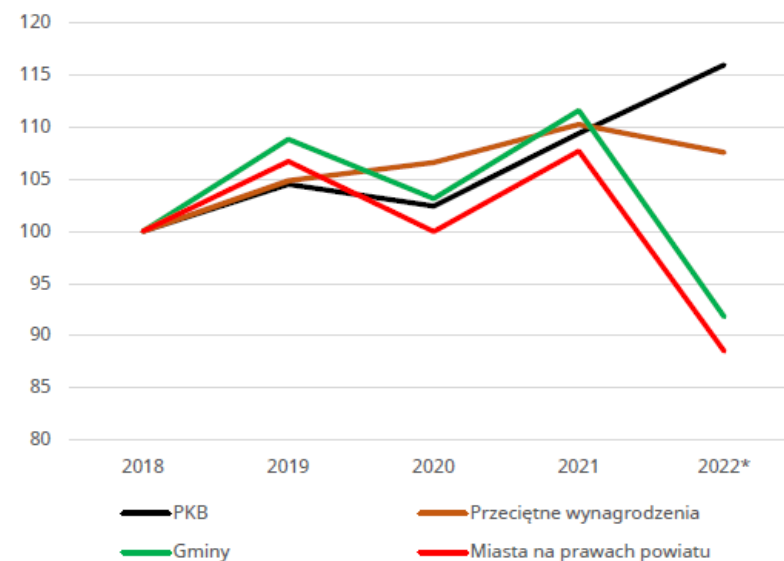
Cohesion policy allocation for Poland



Changes in general revenues (fixed prices; 2018 = 100)



Share in PIT revenues (fixed prices; 2018 = 100)



Regional territorial observatories

- function within the structure of 16 marshal offices;
- constitute a research and analytical base, providing information for the formation of development policy in the province;
- monitor the effects of the implementation of the province's development strategy;
- collect the results of research and analysis conducted by other entities;
- organize and make available knowledge resources about the region;
- conduct their own research and analysis in accordance with the needs of the provincial government;
- have external financing: from EU funds for regions (Technical Assistance)

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