

# How legal regulation can foster public services co-production? Lessons from the failure story of Local Initiative in Poland

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## Abstract

A local initiative is a form of co-production of local public services introduced by national legislation in Poland, in 2010. The local initiative focuses mainly on small projects aiming at maintenance or upgrading the local infrastructure, e.g. parks, playgrounds, or leisure facilities. According to the legislation, the citizens' input may have the form of labor, providing raw materials, or financial contribution. The procedure for establishing cooperation requires an application from the group of interested residents to be submitted to the local government. The local government considers the application and, in case of acceptance, concludes an agreement with the applicants for implementation of the projects. This agreement specifies the scope of the projects and contributions of both parties. While general principles of the local initiative are set by national legislation, the local governments enjoy extensive autonomy in regulating detailed elements of the initiative through local legislation.

The research question posed in the presented paper is as follows: Which regulatory approaches support and which constitute a barrier to effective co-production of public services?

This paper aims at identifying key regulatory strategies developed by the local governments with regard to the local initiative. Both the qualitative and quantitative analysis of the resolutions covers all local governments that have adopted local regulations on the local initiative (772 local governments out of a total of 2,807). Resolutions of local councils regulating local initiative in all Polish municipalities have been reviewed in order to distinguish major patterns of regulation of the following aspects of the local initiative:

1. Regulation of the co-production procedure
  - 1.1. Regulations supporting the involvement of residents (good practices)
  - 1.2. Regulations limiting the ability of residents to interact with local authorities (bad practices)
2. Regulation of criteria for assessing residents' ideas
  - 2.1. Regulations supporting the involvement of residents (good practices),
  - 2.2. Regulations limit the ability of residents to interact with local authorities (bad practices).

Structure of the paper:

1. Legal dilemmas of public services co-production.
2. Local initiative in Poland as an example of centralization of the legal framework.
3. Towards factors for centralization and formalization phenomena of co-production.
4. Analysis of regulatory approaches of Polish local governments
5. Determining good and bad examples for the development of co-production
6. Conclusions (especially - guidelines for regulators)

The following research methods will be used:

- 1) review of literature on public services co-production, in particular, legal regulatory challenges;
- 2) comparative review – analysis of various examples of instruments for co-production of public services in different countries (in terms of their legal regulation, and in particular – formalization and centralization);
- 3) qualitative research – analysis of regulatory approaches of Polish local governments (combined with quantitative analysis), analysis of good and bad examples, challenges, barriers, and limitations.