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The influence of public-private partnership on the implementation of the principle of sustainable development in local government units

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Abstract: The article presents deliberations on the impact of public-private partnership on the implementation of the principle of sustainable development in local government units. The theoretical and empirical considerations are based on normative acts, specialist literature and data relating to public-private partnership. The legislator imposes the obligation to perform public tasks on the local government units. They include duties that fall into the category of spatial and ecological order. The statutory obligation results in the necessity to undertake activities dependent on the currently binding law on the one hand, and on the capabilities and needs of a specific local government unit on the other hand. The potential of the local government unit determines the scope and speed of changes. Public-private partnership, as a form of cooperation between a public entity and a private partner, allows a division of tasks and risks between the parties, and thus uses the potential of a private partner and relieves the public body in the field of activities taken over by the private partner. Cooperation in performing public tasks allows implementing the assumptions of sustainable development based on the cooperation of socio-economic and ecological solutions, also in relation to the quality and economic conditions. The aim of the publication is to examine to what extent public-private partnership can contribute to the implementation of the principle of sustainable development in local government units. The study indicates that public-private partnership affects the implementation of the principle of sustainable development by combining process management and control of public tasks in order to prevent and reduce the waste of human resources, raw materials and energy.

Keywords: sustainable development, public private partnership, cooperation, local government

JEL codes: K23, K32

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1. Introduction

Sustainable development is a process that involves social, economic and environmental changes that aim to use resources to ensure that the needs of the present generation are met and, at the same time, the needs of future generations are secured. This involves recognising current needs and forecasting them for the future. According to the definition put forward by the Economic Commission for Europe (ECE), the ideal sustainable community is characterized by such factors as environmental integrity, economic vitality and social well-being (Rusen, 2002: 333-336). The legislator, imposing the obligation to perform public tasks on local self-government units, equips them with local government property, which is used to perform these tasks. It should be managed in accordance with the principle of independence and the principles of the duty of care. Practice shows, however, that technical and financial facilities are not sufficient to perform all public tasks. Hence, part of the needs of members of self-government communities is not satisfied or is only partially satisfied. Therefore, the legislator creates legal mechanisms, including cooperation with non-public entities that can be used by local government units in performing public tasks. One of them is public-private partnership, which involves the use of resources to benefit both the private partner and the public entity and members of local communities. Thus, it is claimed that sustainable development cannot be achieved without changes in governance. The nature of sustainable development is complex, involving the collective action of different stakeholders (van Zeijl-Rozema et al., 2008: 410-421). The aim of the publication is to examine to what extent public-private partnership can contribute to the implementation of the principle of sustainable development in local government units.

2. Methodology

The present theoretical and empirical considerations are based on normative acts, specialist literature and the data are related to public-private partnership. First of all, local government units operate on the basis of national law. Therefore, to investigate the subject matter, the legal basis of public-private partnership had to be analysed. Secondly, the principle of sustainable development is also subject to the regulation of international law. For this reason, international law documents regarding the principle of sustainable development have been analysed. In addition, the article includes examples of data from the investment projects database on public-private partnerships,

showing projects related to the implementation of the principle of sustainable development. The conducted theses have been supplemented by the specialist literature.

3. Material and financial determinants of the functioning of local governments

The local government is a form of decentralization of public administration, equipped with competences to exercise power within the territorial division of the state. The exercise of power is associated with the independent performance of tasks and competences arising from the statutory basis. Local governments perform public tasks not reserved by the Constitution or statutes for the authorities of other public bodies. Public tasks for satisfying needs of the local community are performed by local government units as their own tasks. If this results from the justified needs of the state, an act may delegate other public tasks to local government units. The Act of 8 March 1990 on the local government (consolidated text in the *Journal of Laws* of 2017, item 1875, as amended), the Act of June 5 on *poviat* self-government (consolidated text in the *Journal of Laws* of 2017, item 1868, as amended.), the Act of June 5 on the self-government of the voivodship (consolidated text in the *Journal of Laws* of 2017, item 2096, as amended), define the scope of activity of local government units. Within the scope of activity, it is possible to identify tasks that can be assigned to the following areas: technical infrastructure, social infrastructure, spatial and ecological order, public order and safety.

Among the tasks of the commune, related to spatial and ecological order, indicated in Article 7, par. 1 of the Act on the local government, the following ones can be distinguished: tasks related to spatial order, environment and nature protection as well as water management, water supply, sewerage, municipal sewage disposal and treatment, cleanliness and order as well as sanitation, landfills and waste disposal (Czajkowska-Matosiuk, 2013: 48-49).

The *poviat* (county) exercises certain public tasks of the supra-municipal nature, related to water management, environment and nature protection, forestry and inland fishing, as well as prevents extraordinary environmental threats (Article 4 (1) of the *Poviat Self-Government Act*).

On the basis of the Act on the voivodship local government, the voivodship (province) is obliged to draft a development strategy of voivodship, preserve the value of the cultural and natural environment, taking into account the needs of future generations as well as shaping and maintaining spatial order (Article 11, par. 1). Additionally, pursuing a voivodship development

policy, the voivodship local government considers rational use of natural resources and shaping the natural environment in accordance with the principle of sustainable development (Article 11, par. 2). In the catalogue of relevant tasks, stipulated in Article 14 of the Act, the legislator indicates tasks related to spatial development, environmental protection and water management.

The analysis of the above-mentioned regulations shows that the statutory obligation to implement tasks related to the implementation of the principle of sustainable development was imposed on *gminy* (communes/municipalities), *poviats* and voivodships. Undertaking them takes place in various areas, depending on the level of the local government unit performing its tasks, their scope and forms of activity.

In order to perform tasks included within the scope specified in the Acts, it is necessary to ensure sufficient financial and material resources. To ensure financial independence, local government units are guaranteed a share in public revenues in accordance with their tasks. The income of local government units, in accordance with the Constitution of the Republic of Poland of April 2, 1997 (*Journal of Laws* of 1997 No. 78, item 483, as amended), includes their own revenues as well as general subsidies and targeted subsidies from the state budget. The sources of income of local government units are defined in the Act of November 13, 2003 on the revenues of local government units (consolidated text, *Journal of Laws* of 2017, item 1453, as amended). They include taxes, fees, revenues obtained by local government budgetary units and payments from budgetary establishments, income from property, inheritances, subscriptions and donations, income from fines specified in separate regulations, 5.0% of the income obtained on the state budget in connection with the implementation of tasks in the field of government administration and other tasks commissioned by laws, unless separate provisions provide otherwise, interests on loans granted by the local government unit, unless separate provisions provide otherwise, interest on late payments of receivables constituting the income of the unit self-government, interest on funds accumulated on the bank accounts of a local government unit, unless separate regulations provide otherwise, subsidies from the budgets of other local government units, other income due to the local government unit on the basis of separate regulations, and also shares in the income from personal income tax and income tax from legal persons.

Changes in the scope of tasks and competences of local government units should take place with appropriate changes in the distribution of public revenues. In addition, the local government is bound by restrictions on incurring liabilities, affecting the local government's public debt. A

good-result implementation of the policies concerning sustainable development at the local administration level is directly related to the existence of an appropriate accounting system adjusted to these requirements, one that can provide data and information to substantiate the decisions locally (Ionita Predescu et al., 2011: 91-97).

Performing public tasks also requires providing adequate material support in the form of adequate infrastructure and material resources necessary to maintain it. This is a communal property which is entrusted to every local government unit – municipality, county and voivodship. According to local government acts, property means belongings and other property rights. Equipping local government units with municipal property is aimed at ensuring the correct implementation of public tasks. Therefore, the legislator imposes an obligation to manage municipal property based on the principle of independence and the principle of the duty of care on local government units. A local government unit uses the pool of municipal property to perform public tasks, may decide to reduce it, but it should also take care of its efficiency, incur depreciation costs and adjust the property to a changing range of tasks. The material and financial security should be adapted to the scope of tasks that the local government unit is required to perform. Still, both the technical infrastructure and the financial resources turn out to be insufficient to perform their own tasks in practice. Therefore, local government units seek new forms of performing public tasks that would improve the process of their implementation. One of such solutions is public-private partnership

4. The concept of public-private partnership

Public-private partnership is regulated by the Act of 19 December 2008 on public-private partnership (consolidated text, *Journal of Laws* of 2017, item 1834). The complementary act is the Act on a concession contract for works or services of October 21, 2016 (*Journal of Laws* of 2016, item 1920). These acts constitute the public-private partnership in Poland. The legislator left a certain scope of freedom to the parties in clarifying the rules of cooperation. A public entity may establish cooperation based on one or the other normative act. The use of one of these acts determines the way of rewarding the private partner/concessionaire and the degree of public/contracting entity's involvement in the implementation of the undertaking. In addition, the Act on a concession contract which is equal to or exceeds the PLN equivalent of EUR 30,000,

determined using the average exchange rate of the Zloty against the Euro, specified in the regulations issued under Article 35, par. 3 of Public Procurement Law. As a consequence of the conclusion of the contract, based on the Public-Private Partnership Act, the public entity's involvement in the implementation of the undertaking is greater, whereas the Act on a concession agreement for works or services, in turn, allows the concession-holders to take over most duties involved. Choosing the act which will rule the procedure for the selection of a private entity/concessionaire, the public entity decides a certain degree of its involvement in the implementation of the undertaking at the same time.

These acts also refer to other normative acts, including the Act of 29 January 2004 on Public Procurement Law (consolidated text, *Journal of Laws* of 2017, item 1579, as amended), the Act of 27 August 2009 on public finance (consolidated text, *Journal of Laws* of 2017, item 2077), the Act of July 2, 2004 on the freedom of economic activity (*Journal of Laws* of 2004 No. 173, item 1807, as amended). According to the legal definition, expressed in the act on public-private partnership, the subject of public-private partnership is the joint implementation of the undertaking based on the division of tasks and risks between the public entity and the private partner. The subject of the undertaking may be construction or renovation of a building, provision of services, execution of works, in particular equipping the asset with devices increasing its value or usefulness, or another performance combined with the maintenance or management of a property component that is used to implement a public-private venture or is connected therewith. However, on the basis of the Act on a concession contract for works or services, the subject of cooperation may include construction works or services. The scope of cooperation specified in both laws applies to public tasks performed by local government units. The concept is related to the implementation of infrastructure projects, combined with the creation of new infrastructure or with the modernization of the existing infrastructure, as well as the provision of municipal services. The subjective scope of cooperation includes, on the basis of the Act on public-private partnership, a public entity and a private partner, and on the basis of the Act on a concession contract for works or services – a contracting party and a contractor, who becomes a concessionaire after signing the contract. What distinguishes public-private partnership from other types of cooperation specified in other legal regulations is the participation of both public and private entities in the implementation of given undertakings. This can take many forms. A public entity and a private partner may engage in partnership by making own contribution, in other words, a benefit consisting

in particular of:

a) incurring part of the expenses for the implementation of the undertaking, including financing additional payments for services provided by the private partner as part of the undertaking,

b) contribution of a property component, a real estate component, an enterprise, in the meaning of Article 55¹ of the Act of 23 April 1964 – Civil Code (consolidated text, *Journal of Laws* of 2017, item 459), movables and property rights.

The parties undertake to contribute such a property component that is able to make a real contribution to the implementation of the undertaking, i.e. the task of the public local government unit.

In addition, the distinction between partnership and other forms of cooperation is the division of risk between the parties. In the traditional financing and implementation model, the entire risk is borne by the public sector (Korbus and Strawiński, 2009: 101-103), which is associated with a significant financial and organizational burden of the local government unit. Public-private partnership enables risk-sharing, particularly dependent on their arrangements. The risk should be taken over by the party that has the appropriate material and technical, personal and logistic facilities to take quick and effective actions to counteract the occurrence of risk or neutralize the resulting effects of risk. Still, the Act on a concession contract for construction works or services, as it is stipulated by the legislator in Article 3, determines that the concessionaire bears the economic risk related to the operation of building or provision of services and includes the risk related to demand or supply.

If a given risk occurs, the party who has undertaken to eliminate the negative effects is responsible for taking certain actions. Therefore, if the party which is obliged to take actions does not do it, the party violates the terms of the contract, which may result in the application of contractual penalties. Thus, it is important to examine the potential of a party to the agreement that takes over the risk involved. Taking over the risk should be motivated exclusively by achieving the purpose of the contract defining the principles of cooperation.

The risk distribution can be made in various ways. A given type of risk may be assigned entirely to one of the parties or the parties may divide their involvement into the elimination of a specific risk. In the second case, each of the parties, in the event of a risk, will be responsible for performing specific activities, which then have to be compatible with each other (Kisala, 2012:

151-159).

The parties share responsibilities and risks considering legal, organizational, personal and technical possibilities. This flexibility is to facilitate and improve cooperation and give the highest possible guarantee for the implementation of the undertaking. It affects the manner of using the contributed assets and the personal potential of the parties to the cooperation.

Cooperation with a private partner (entrepreneur or a foreign entrepreneur based on the Public-Private Partnership Act) or a licensee (contractor with whom a concession contract has been concluded, pursuant to the Act on a concession contract for works or services), may contribute to the benefits for the entity public/ordering – local government units. The expected benefits include: acceleration of investment processes in the scope of infrastructure, risk division and tasks related to the undertaking between the public entity/contracting authority and private partner/concessionaire, financing or co-financing of the project by the private partner/concessionaire, taking the burden off the public entity/contracting authority that can focus on the implementation of other tasks, reduction of total project costs, improvement of the quality of services provided, optimization of expenses and access to modern technologies. However, it should be remembered that the private entity/concessionaire will operate on the basis of an economic account, therefore, cooperation must guarantee a certain profit during the period for which the contract was concluded. Cooperation, depending on the type of undertaking, may be short-term or long-lasting – even a few years, according to the time necessary for the private partner/concessionaire to recover the invested funds and to achieve the profit assumed by the parties. During the term of the contract, the private partner/concessionaire remains responsible for the infrastructure, its quality and functioning as well as the risk involved. The public entity/contracting entity gains infrastructure or, for the duration of the service or work performed by the private partner/concessionaire, is relieved from performing duties related to them.

5. Rules of sustainable development

The term "sustainable development" was first used during the World UN Conference held in Stockholm in 1972. This conference ended with the adoption the Declaration of the United Nations Conference on the Human Environment on 16 June 1972. However, clearly this term was formulated only in 1975 at the II Session of the Governing Board of the UN Environment

Protection Program (UNEP). The concept of sustainable development was developed during the proceedings of the World Commission for Environment and Development in 1983. The Commission's deliberations ended with a report that was submitted to the UN General Assembly in 1987 by the chairman of the Commission, Prime Minister of Norway, Gro Harlem Brundtland. The document underlines the importance of the principle of sustainable development. This principle was also discussed at the UN Conference "Environment and Development" in 1992. The conference ended with the signing of the Declaration on Environment and Development (the so-called Rio Declaration), which this principle was included in (Barczak & Kowalewska, 2015).

The principle of sustainable development is an inseparable element of not only ecological policy and socio-economic policy, but also of various strategies for socio-economic development at individual levels of responsibility and management. It was expressed in the Polish legal order in Article 5 of the Constitution of the Republic of Poland of 1997, according to which the Republic of Poland safeguards the independence and inviolability of its territory, guarantees freedom and human and civil rights and citizens' safety, protects national heritage and ensures environmental protection, guided by the principle of sustainable development. It is a systemic principle indicating environmental protection as one of the basic functions of the state. It is an essential guideline defining how the state performs specific tasks, including environmental protection (Barczak & Kowalewska, 2015). It should also be stressed that according to Article 86 of the Constitution of the Republic of Poland of 1997, everyone is obliged to care for the state of the environment and bears responsibility for its deterioration. A special role in this area is played by public authorities, including local government bodies, for which a constitutional obligation to conduct a policy ensuring ecological safety to contemporary and future generations was imposed (Article 74 of the Constitution). Public authorities should take measures to counteract or prevent harmful impacts on the environment, hence equipping them with means aimed at improving its condition (Banaszak, 2009: 377). It highlights the urgency of global environmental and social disparities that underpin the world's environmental and development challenges. It also charts a path forward, identifying partnerships as a way to sustainable development (MacDonald, 2016: 10). The concept of "sustainable development" is also the content of many regular acts. The main normative act that creates a legal definition is the Act of 27 April 2001 on Environment Protection Law (consolidated text, *Journal of Laws* of 2017, item 519, as amended), which defines the principles of environmental protection and the conditions for using its resources, taking into account the

requirements of sustainable development, in particular: 1) the rules determining: a) the conditions for protection of environmental resources, b) the conditions of introducing substances or energy into the environment, c) costs of using the environment; 2) duties of administrative bodies; 3) liability and sanctions. The Act recognizes sustainable development as socio-economic development in which the process of integrating political, economic and social activities occur, preserving the natural balance and durability of basic natural processes, in order to guarantee the ability to satisfy the basic needs of individual communities or citizens of both the contemporary and future generations.

The basic assumption of sustainable development is the implementation of measures in individual sectors of the economy and social life, which leads to the preservation of resources and values of the natural environment in a condition that ensures sustainable use by current and future generations, while ensuring the sustainability of natural processes (Przyborowska-Klimczak, 2004: 25-30). Sustainable development is also associated with the equal treatment of social, economic and environmental reasons, which means the need to integrate environmental protection issues with policies in specific areas of the economy (Maśniak, 2003: 21-23). The implementation of its assumptions is possible thanks to instruments supporting sustainable development, which include administrative and economic instruments. The first group includes the standards of the surrounding environment, emission standards, technological standards, other orders, permits, licenses, prohibitions and instructions resulting from the provisions of administrative and economic law. The second group includes: ecological fees, ecological taxes, subsidies, deposit and refund systems as well as marketable permits (Jeżowski, 2006: 13-25). This principle should have an impact on the implementation of public tasks related to environmental protection and provide the basis for the implementation of pro-ecological investments (Rudnicki, 2006: 119-125). Sustainable development changes the approach to economic growth and environmental protection, according to which economic growth cannot be stopped, but should change its character and should become less devastating in ecological terms. Moving towards sustainable development involves the need to reorganize the forms of performing public tasks. Properly prepared public-private partnership can contribute to the implementation of the assumptions of sustainable development.

6. Relations between public-private partnership and sustainable development in the local government

The principle of sustainable development is a dynamic process that involves changes in technical progress and human patterns of consumption and behaviour (Zielińska, 2006: 265-270). There are many similarities between the mainstream sustainable development discourse and that of ecological modernisation as there is generally an emphasis on win-win solutions, partnerships, technological development and the assumption that environmental problems can be solved with market mechanisms (Bradley, 2009: 38). Public-private partnership can be a response to the implementation of these changes. In practice, this means incorporating the process of managing and controlling the performance of public tasks in order to prevent and limit waste of human resources, raw materials and energy. Public-private partnership implies cooperation based on the principles adopted in the agreement, which allows controlling and measuring positive effects of the actions taken and, at the same time, preventing or reducing any irregularities. The admissible scope of cooperation is determined by laws regulating public-private partnership: the Act on public-private partnership and the Act on a concession contract for construction works or services.

The impact of public-private partnerships on sustainable development in the local government can be discussed in several aspects. First of all, it may refer to the stage of selecting a normative act that will determine the degree of public involvement in cooperation. The public entity should objectively assess its possibilities within the framework of cooperation in the scope of accepting the implementation of specific obligations, liability for risk, and contributing a property component. Its involvement should not threaten the financial situation of the local government unit or damage, wastage or loss of communal property. Commitment to cooperation should be proportionate to the possibilities of action and to achieve measurable benefits for the community. The manifestation of the principle of sustainable development is also visible in the Act on public-private partnership, in relation to the property component contributed by the public entity. The legislator indicates that it can be used only for its intended purpose, to implement the undertaking. When used for a different purpose, or not used by a private partner at all, it is obliged to transfer this component to a public entity under the terms of the public-private partnership agreement (Article 9 of the Act on public-private partnership).

Cooperation is rational when its effect is to improve the infrastructure serving

environmental protection and to improve the quality, standard and level of pro-environmental public services. Therefore, the partnership may involve the emergence of new infrastructure or modernization of the existing one in the scope of water supply or sewage treatment, waste management, mass transport, thermo-modernization and energetic modernization of buildings, improvement of quality, standard and level of pro-ecological public services. Based on the data indicated in the PPP Investment Plan Database, as of 30 June 2017, among the projects related to the implementation of the sustainable development principle, one can mention mainly: 1) projects involving waste management, consisting of design, construction and management, maintenance and exploitation, possible financing of the municipal waste treatment infrastructure created under PPP (e.g. waste management system for the Tri-City metropolis); 2) implementation of a comprehensive thermo-modernization with the implementation of the energy management system. Responsibilities of the Private Partner will include financing, designing a part of the scope of the Project for which the Public Entity does not have project documentation and carrying out thermo-modernization works, renovation and construction works aimed at improving the energy properties of buildings (e.g. improving the energy properties of the buildings of the St. Barbara's Provincial Specialist Hospital no. 5 in Sosnowiec); 3) design and execution of construction works and related supplies for the purpose of energy modernization of public facilities and maintenance of facilities, including energy management in these facilities, which will result in, among others, reducing the costs of thermal energy and electricity consumption in buildings falling within the scope of the undertaking (e.g. energy modernization of public facilities in the Municipality of Mielno); 4) design and execution of construction works and deliveries in the scope of modernization, extension, arrangement and maintenance of the existing street lighting network (e.g. modernization and development of street lighting in Giżycko for the purpose of increasing its effectiveness under the Public-Private Partnership formula); 5) construction, reconstruction and extension of the gravity and discharge network of sanitary sewerage network (e.g. development of sanitary sewerage network in the commune and the city of Chocianów); 6) construction of a sewage treatment plant (e.g. construction of a sewage treatment plant in Wietrzno together with a collector supplying wastewater for the needs of Dukla and Równe agglomerations). The analysis of the above projects allows stating that the purpose of these projects is primarily to ensure the living needs of members of local communities, related to the management of environmental resources in accordance with the principle of sustainable development and prevention of pollution. It is

significant to use pro-efficiency solutions aimed at achieving measurable economic effects.

The impact of PPP on the implementation of sustainable development concerns not only the ability to provide infrastructure in a shorter time, using modern technologies and materials, specialized equipment, and associated savings, but also involves the subsequent management of the infrastructure thus created. Often, such projects are characterized by a longer management time, lasting several or several dozen years, in comparison with a shorter time of infrastructure creation or modernization. The entire period is determined by public-private partnership. The answer to the question whether the infrastructure created in this way brings the assumed effects can only be given after a certain time of its use. Then one can draw conclusions related to the evaluation of the benefits of the applied solutions and their impact on issues related to sustainable development. An investment in specific pro-ecological solutions at the design and construction stage determines the scope of implementation of sustainable development in a local government unit. It should also be stated that the implemented changes may be objectively necessary for ensuring environmental safety, but also for protecting the life and health of members of local communities. Ecological safety is not only protection of the natural environment, but also activities improving the current state of the environment and programming its further development (Judgment of the Constitutional Tribunal of June 6, 2006, K 23/05, OTK-A 2006, No. 6, item 62). The necessity to undertake complicated actions may increase interest in PPP, even more so as overloading local governments with tasks and insufficient financial resources and technical facilities are often an obstacle to the individual implementation of the undertaking. The implementation of pro-ecological solutions may also be related to planning changes due to improvement of living conditions of community members, reduction of costs of performed tasks, implementation of quality solutions having a positive impact on the natural environment.

In addition to PPP infrastructure solutions, it may also include the provision of services. In the case of this type of undertakings, the implementation of the assumptions of sustainable development under the partnership will concern fair and reasonable access to the service, appearing in the situation of actual demand. Public-private partnership will therefore involve optimal use of resources. Service planning should also take into account a balanced financial management, consisting in a determination of prices for services, on the one hand – not to exclude social groups from using services, and on the other one – to make use of them in a well-considered way so as not to waste natural resources (e.g. water, energy). A well-formed partnership will thus implement

the principle of sustainable development, it will be its tool related to the appropriate use of resources of a different nature in the implementation of the local government tasks. Collaboration in partnerships is supposed to promote the potential for learning and innovation needed for environmental transformation and sustainable development (Malmborg, 2007: 17-30).

7. Conclusion

The obligation to implement the principle of sustainable development imposed on organs of the state authority, including local government administration bodies, by undertaking measures aimed at protecting the natural environment on the one hand, and, adequate socio-economic development, on the other hand, take into account the rational management of natural resources. These activities may be implemented by local government units, within their own organizational structure, by means of local government organizational units or in cooperation with other entities. This cooperation may take different forms, one of them being a public-private partnership. It is a solution by means of which services or infrastructure can be provided, taking into account the specific environmental conditions of the local government unit and focusing on the rational use of resources, taking into consideration the objective current and future needs of community members. Public-private partnership affects the implementation of the principle of sustainable development by combining process management and control of public tasks in order to prevent and reduce the waste of human resources, raw materials and energy. It concerns a fair and reasonable access to the service, appearing in the situation of an actual demand and optimal use of resources. The impact is also visible in determination of prices for services, on the one hand, not to exclude social groups from using services, and on the other one, to make well-considered use of them and not to waste natural resources (e.g. water, energy). The impact of PPP on the implementation of sustainable development concerns using modern technologies and materials, specialist equipment, and associated savings. With PPP economic and social development it is possible with respect to conservation of the natural balance. Public-private partnership is therefore correlated with sustainable development in such a way that PPP serves its implementation. Applying solutions in the field of sustainable development as part of a PPP-based cooperation can bring tangible benefits to local government units. They are related to the use of modern, pro-ecological technologies that – in the long-term perspective – are aimed at achieving savings, meeting the needs of residents,

protecting natural resources and being environmentally friendly.

Literature:

- Banaszak, B. (2009). *Constitution of the Republic of Poland. Commentary*. Warsaw: C.H. Beck: 377.
- Barczak, A.; Kowalewska E. (2015). *Zadania samorządu terytorialnego w ochronie środowiska. Aspekty materialne i finansowe*. Warsaw, Wolters Kluwer.
- Bradley, K. (2009) *Just Environments: Politicising Sustainable Urban Development*. Stockholm: Universitetservice AB, 38.
- Czajkowska-Matosiuk, K. (2013). *Ochrona środowiska w gminach*. *Prawo i Środowisko* 3: 48-49.
- Ionita Predescu, L.; Radu, F.; Tabirca A.I. (2011). *Needs of local sustainable development*. *Annals of the University of Oradea: Economic Science* 1(2): 91-97.
- Jeżowski, P. (2006). *Trwałość a ekonomiczne aspekty rozwoju zrównoważonego*. In: Kozłowski, S., Haładaj, A. (eds.). *Rozwój zrównoważony na szczeblu krajowym, regionalnym i lokalnym – doświadczenia polskie i możliwości ich zastosowania na Ukrainie*: 13-25. Lublin: Katolicki Uniwersytet Lubelski Jana Pawła II.
- Kisała, M. (2012). *Zarządzanie ryzykiem w ramach partnerstwa publiczno-prywatnego*. In: Rudnicki, M. (eds), *Administracyjnoprawne rodzaje ryzyka w realizacji inwestycji strategicznych*: 166-167. Lublin: Wydawnictwo KUL: 151-169.
- Korbus, B.P., Strawiński, M. (2009). *Partnerstwo publiczno-prywatne*. Warsaw: LexisNexis 53: 101-103.
- MacDonald, A. (2016). *Multi-Stakeholder Partnerships for Community Sustainability Plan Implementation: Understanding Structures and Outcomes at the Partner and Partnership Levels*. Waterloo, Ontario, Canada, 10.
- Malmberg, F. (2007). *Stimulating learning and innovation in networks for regional sustainable development: the role of local authorities*. *Journal of Cleaner Production* 15: 17-30.
- Maśniak, D. (2003). *Ubezpieczenia ekologiczne*. Cracow: Kantor Wydawniczy ZAKAMYCZE: 21-25.
- Przyborowska-Klimczak, A. (2004). *Ochrona przyrody. Studium prawnomiędzynarodowe*. Lublin: UMCS: 25-30.
- Rudnicki, M. (2006). *Zasada zrównoważonego rozwoju w programowaniu i realizacji publicznych inwestycji proekologicznych*. In: Kozłowski, S., Haładaj, A. (eds), *Rozwój zrównoważony na szczeblu krajowym, regionalnym i lokalnym – doświadczenia polskie i możliwości ich zastosowania na Ukrainie*. Lublin: Katolicki Uniwersytet Lubelski Jana Pawła II: 119-125.
- Rusen, K. (2002), *Sustainable development, international cooperation and local authorities*. *Ekistics* 69(415-417): 333-336.
- van Zeijl-Rozema, A., Corvers, R., Kemp, R., Martens, P. (2008), *Governance for sustainable development: A framework*. *Sustainable Development*, 16: 410-421.
- Zielińska, A. (2006). *Udział przedsiębiorstw we wdrażaniu założeń rozwoju zrównoważonego*. In: Kozłowski, S., Haładaj, A. (eds), *Rozwój zrównoważony na szczeblu krajowym, regionalnym i lokalnym – doświadczenia polskie i możliwości ich zastosowania na Ukrainie*. Lublin: Katolicki Uniwersytet Lubelski Jana Pawła II: 265-270.

***Wpływ partnerstwa publiczno-prywatnego
na zrównoważony rozwój w samorządzie terytorialnym***

Streszczenie

Przedmiotem artykułu są rozważania na temat wpływu partnerstwa publiczno-prywatnego na realizację zasady zrównoważonego rozwoju w jednostkach samorządu terytorialnego. Ustawodawca nakłada na jednostki samorządowe obowiązek wykonywania zadań publicznych, wśród których są także zadania mieszczące się w kategorii zadań ładu przestrzennego i ekologicznego. Obowiązek ustawowy rodzi konieczność podejmowania działań uzależnionych z jednej strony od treści przepisów prawa powszechnie obowiązującego, a z drugiej od możliwości i potrzeb konkretnej jednostki samorządowej. Potencjał jednostki samorządowej determinuje więc zakres i szybkość wdrażanych zmian. Partnerstwo publiczno-prywatne, jako forma współpracy pomiędzy podmiotem publicznym a partnerem prywatnym, umożliwia podział zadań i ryzyk z nimi związanych pomiędzy strony, a więc wykorzystuje potencjał partnera prywatnego oraz odciąża podmiot publiczny w zakresie przejętych przez partnera prywatnego działań. Dzięki współpracy w wykonywaniu zadań publicznych możliwa jest realizacja założeń zasady zrównoważonego rozwoju w oparciu o kooperację rozwiązań społeczno-gospodarczych i ekologicznych, powiązanych także z rachunkiem jakościowo-ekonomicznym. Celem publikacji jest zbadanie, w jakim stopniu partnerstwo publiczno-prywatne może przyczynić się do wdrożenia zasady zrównoważonego rozwoju w jednostkach samorządu terytorialnego. Badanie wykazało, że partnerstwo publiczno-prywatne wpływa na wdrażanie zasady zrównoważonego rozwoju poprzez połączenie procesu zarządzania i sterowania wykonywaniem zadań publicznych, w celu zapobiegania marnotrawstwu zasobów ludzkich, surowców i energii.

Słowa kluczowe: zrównoważony rozwój, partnerstwo publiczno-prywatne, współpraca, samorząd terytorialny