

Organizational-Legal Conditioning of Tourist Economy Functioning in Poland

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In many countries tourism is treated as one of the whole economy development stimuli. Development of tourist economy contributes to producing gross domestic product (PKB) to a considerable degree and it gives about 9% of all workplace. Such an essential influence of tourist economy on general economic condition of particular countries contributes to the fact that governments are forced to take this sphere into definite organizational-legal frames. This article shows a model of tourist economy management in Poland, elaborated after the year 2000, when Polish Tourist Organization was created. The author characterizes institutions and organizations existing within Poland, whose activity has a considerable influence on functioning Polish tourist economy. He also discusses the most important legal acts relating tourism.

1. Organizational - legal changes in Polish tourist economy

The change of Polish tourist economy management organization was caused by the necessity of adapting our law to the standards of the European Union. The year 1997 was a decisive year here, when the bill about tourist services was passed¹. The bill became the basic legal act regulating functioning on market basic tourist enterprises which are travel agencies and hotels. In its foundations the act had in purpose protection of travel agencies' customers, transferring to the Polish law decisions of Orders of Council (Dyrektywy Rady) of 13 June 1990 relating organized travels, holidays and guided trips². In the chapters 2 and 3 were defined the requirements and principles of opening and leading economic activity consisting in organization of tourist events (activity of travel agencies) as well as principles of travel agencies consumers' protection and rights. In the chapter 4 were qualified requirements and qualifications which should be fulfilled by people working as tourist guides and trip pilots. A detailed range of tourist guides and trip pilots' training as well as the principles of conducting examinations and giving authorizations were qualified in a special order³. In the chapter 5, however, were qualified requirements concerning providing hotel services dividing accommodation objects into two groups - hotel objects and other objects in which accommodation is provided. A system of categorization was created for the first group. Detailed categorical requirements were qualified in a special order⁴.

Next crucial moment in changes referring to management of Polish tourist economy was the moment of liquidating the Physical Education and Tourism Office on 31 December, 1999 and creating by virtue of the act of 25 June 1999⁵ Polish Tourist Organization of 1 January 2000. By virtue of the act, similarly to European countries, was created in Poland the National Tourist Organization (NTO), whose the main purpose is promotion of Poland as an attractive tourist country.

Thanks to these activities it was possible to base the Polish system of tourism management on two principle pillars that is: the National Tourist Administration (NTA) and the National Tourist Organization (NTO).

2. Organization of tourism in Poland

2.1. National Tourist Administration

The Central Level of NTA - Ministry of Economy

¹ The act of Parliament of 29 August 1997 about tourist services. Uniform text DZ. U. 2004. No. 223, p. 2268, No.273, p. 2703 and of 2005.No 175, p. 1462.

² Order of Council (Dyrektywa Rady) of 13 June 1990 referring to organized travels, holidays and guided trips 90/314/EWG.

³ An order of Economy and Labour Minister of 17 January 2006 about tourist guides and trip pilots (Dz. U. of 2006 No. 15, p. 104.

⁴ An order of Economy and Labour Minister of 19 August 2004 about hotel objects and other objects which provide hotel services (Dz. U. of 2004 No.188, p. 1945 and of 2006 No. 5, p. 29).

⁵ An act of 25 June 1999 about Polish Tourist Organization. Dz. U. 1999 no. 62, p. 689 with changes Dz. U. 2000 no.22, p. 273 and Dz. U. 2001 no. 22, p. 249.

From 2000 the proper ministry referring to tourism has been the Ministry of Economy⁶, and within it the Department of Tourism. The Minister gives also executive orders to the tourist services act.

The basic function of the Department of Tourism is shaping policy referring to tourism as well as dealing with matters relating tourist implementation of the country and mechanisms regulating tourist market.

The main tasks of the Department of Tourism are:

- working out and monitoring realization of programs relating tourism,
- dealing with matters connected with spatial implementation of the country relating tourism and rest,
- assessment of functioning a tourist services sector,
- undertaking activities having in view enlargement of Polish tourism competitiveness,
- tourist services consumers' protection (in this conducting central register of permissions given tourism organizers),
- undertaking initiatives relating creating profitable legal regulations of tourist economy functioning,
- supervising the Polish Tourist Organization.

Council of Tourism

By virtue of the decision of the Minister of Economy on 10 January 2001 was created the Council of Tourism being an auxiliary organ for shaping tourist policy, tourist implementation of the country, mechanisms regulating tourist market, as well as promotion of Polish tourism.

The main tasks of the Council among others are:

- promoting system solutions favourable to development of tourism and national tourist product as well as matters connected with tourist implementation of the country,
- assessment of tourist services sector functioning as well as activities having in view enlargement of competitiveness of Polish tourist offer,
- giving opinions about directions of Polish tourism promotion, giving opinions about activities referring to educating and training staff for tourism.

Sessions of the Council of Tourism are also the forum of presenting activities and problems undertaken by non-governmental organizations and economic autonomies, represented in the Council of Tourism, the forum of experience exchange.

A Province Level of NTA – Province Office and Marshal Office

Government administration led by the governor of a province (voivode) has at present modest competences which are mainly managing the procedure of granting from European funds for the tasks connected with development of tourism in a region. However, from 1 January 2006 marshal of the province has been responsible, among others, for tasks referring to tourism resulting from the records of the act about tourist services of 29 August, 1997.

Tasks and duties of a **marshal of a province** referring to tourism within NTA are:

- a) Complex control and supervision over educating tourist staff - tourist guides and trip pilots:
 - giving permissions for organization of courses for tourist guides and trip pilots,
 - examining and giving authorizations for tourist guides and trip pilots,
 - conducting register of tourist guides and trip pilots,
 - controlling tourist guides and trip pilots' authorizations.
- b) Classification of hotels into particular kinds, giving categories, conducting register and control of the accommodation base - hotel objects (hotels, motels, boarding-houses, excursion houses, hostels, youth hostels, camping sites).
- c) Giving authorizations for organization and mediation in organizing tourist events,

⁶ From January to June 2000 it was Ministry of Transport and Sea Economy, then from 2000 Ministry of Economy and Labour, Ministry of Economy, Labour and Social Policy, Ministry of Economy.

- giving authorizations for tourist organizers (travel agencies – tour-operators),
- giving authorizations for tourist mediators - organizing tourist events following customers' orders,
- controlling the correctness of functioning tourist objects relating protecting tourist services consumers' rights.

A part of tasks of the National Tourist Administration has been passed to territorial councils in the form of their own tasks.

The **competences of a commune** (gmina) referring to realization of the act about tourist services are:

- conducting register of different objects in which hotel services are provided (e.g. holiday resorts, holiday houses, guest houses, inns, private lodgings, etc.) as well as camping sites,
- controlling following the rules predicted for other objects in which hotel services are provided.

The competences of an **administrative district** (powiat), immediately connected with tourist economy, within government administration are financing and running school youth hostels activities.

2.2. National Tourist Organization

Polish Tourist Organization (POT)

As opposed to the National Tourist Administration, the task of the National Tourist Organization is direct support of the national tourist sector through widely understood marketing and promotion activities.

The Polish Tourist Organization started its activity on 1 January 2000 on the ground of the act about Polish Tourist Organization of 25 June 1999. Supervision over the Organization is held by the minister proper for the matters of tourism (the Ministry of Economy and in it the Department of Tourism).

POT is a specialized state institution (the state legal body) dealing, first of all, with promotion of foreign arrival tourism and national tourism. The main tasks of POT are mainly:

- promotion of Poland as an attractive tourist country,
- assuring functioning and development of Polish system of tourist information in the country and in the world,
- initiating, giving opinions and supporting strategic plans of development and modernization of tourist infrastructure,
- inspiring creating regional and local tourist organizations.

POT co-operates among others with units of territorial councils, organizations uniting businessmen coming from the sphere of tourism as well as associations working in this field, and also Polish foreign representatives - referring to the tasks executed abroad.

Its tasks POT realizes through:

- running foreign centres in 11 countries having in view promotion of Poland as an attractive tourist country,
- organization of studio trips around Poland for foreign journalists and tourism organizers,
- participation in fairs and tourist exhibitions,
- co-operation with units of territorial councils and tourist organizations,
- support of creating regional and local tourist organizations and co-operation with already existing,
- assurance of functioning a national system of tourist information,
- publishing activity having in view preparation of promotion materials.

The main sources of financing POT are:

- budget allocations established annually in a budgetary act,
- financial means from led economic activity particularly including publishing, advisory, training, informative, exhibition, computer services as well as market researches and economic analysis,
- foreign irreclaimable aid,
- voluntary payments by units of territorial councils, businessmen as well as organizations uniting them, running economic activity in the field of tourism, recreation, sport and rest,
- donations and endowments,
- different receipts.

Regional Tourist Organizations

On regional and local levels for tourist economy management and its promotion are responsible regional and local tourist organizations. Their creating is the result of decentralization of tourism management in Poland as well as changes of legal acts referring to this sector of economy- in this passing the act about Polish Tourist Organization⁷.

Regional Tourist Organizations make up the forum of co-operation of territorial councils, professional trade organizations and economy subjects working in tourism. They are created in order to assure professional tourist promotion of a region. They come into being as a result of sovereign decisions of all interested in development and promotion of tourism subjects in a region. Uniting different subjects, experiences and businesses as well as being the preference instrument of council authorities, they assure more effective and co-ordinated promotion as well as the possibility of conducting a reliable system of tourist information in a region. They also make possible the inclusion of economic subjects functioning on tourist market in financing tourist promotion of a region as well as co - financing a system of tourist information and also gaining external means for this purpose, e.g. from help funds of the European Union.

The members of the Regional Tourist Organization, as the organization of co-operation of territorial councils and tourist local trade are:

- a province council,
- associations of communes or their unions, administrative districts, attractive tourist communes, and finally also local tourist organizations,
- representatives of local tourist trade as organizations uniting businessmen coming from the field of tourism, economic and professional councils as well as tourist associations,
- other subjects interested in development of tourism in a province, as e.g. the Polish Club of Tourist Journalists and Writers in the case of the Dolnośląska Tourist Organization.

Tasks of ROT among others are:

- co-ordination of promotion activities in a province,
- creating a regional system of tourist information - in order to assure complex information about a province based on local offices of IT as well as inclusion in national solutions of the system of tourist information,
- promotion of tourist values of a region in the country and abroad,
- stimulating creation and development of tourist product in a region, as well as other tasks being less significant for functioning a system of tourist information,
- inspiring and help with creating Local Tourist Organizations in a region,
- initiating, giving opinions and supporting development and modernization plans of tourist infrastructure,
- improvement of staff for the needs of tourism,
- conducting researches and marketing analyses in the field of tourism.

Local Tourist Organizations

On a local level comprising the level of an administrative district, commune, attractive tourist area, management of tourism as well as its promotion should be dealt by Local Tourist Organizations (LOT), being smaller organizations of co-operation of territorial councils (communes, administrative districts) and local tourist trade, created within an attractive tourist area.

Members of LOT are:

- communes,
- administrative districts,
- representatives of a tourist local trade (hotel-keepers, owners of travel agencies, owners of restaurants, administrators of tourist attractions and so on),
- other subjects interested in the development of tourism.

The basic task of LOT is integrating local community, mainly units of territorial councils and tourist trade and:

- creating a positive tourist image of so called 'small motherland',
- creation and development of tourist product around local tourist attractions,
- promotion of local products and tourist attractions,
- gathering and actualization of information about tourist attractions and products,

⁷ The act of 25 June 1999 about Polish Tourist Organization. Dz. U. 1999 no 62, p. 689 with changes Dz. U. 2000 no.22, p. 273 and Dz. U. 2001 no.22, p. 249.

- supporting and conducting local tourist information offices.

After amendments of the act about Polish Tourist Organization of 16 February 2001⁸, regional and local tourist organizations act according to the Act about associations⁹.

The choice of just such a form of activity assures among others:

- equal participation of all members in making decisions regardless the amount of paid membership fee,
- the possibility of non- commercial activity, with simultaneous possibility of running economic activity, from which incomes the statutory activity of an organization can be financed,
- fiscal charges lower than during an activity led in a form, e.g. of a company,
- the possibility of accession to organization on the supportive member's principle without the necessity of paying the membership fee, possessing simultaneously the advisory voice,
- the possibility of applying for grants without the requirement of taking part in an auction,
- the possibility of applying for means from programs and funds of the European Union, which is particularly important in the case of limited financial means on promotion and tourist activity in local budgets, or the central budget.

2.3. Tasks of territorial councils in the field of tourism

Polish territorial councils were reactivated in 1990 on the strength of the act of 8 March 1990 about territorial councils. In 1999 a reform of administrative division of the country was conducted, in result of which territorial councils on the level of a district and a province came into being.

Analysing detailed records of legal acts relating functioning territorial councils in Poland, tasks referring to functioning tourism on their area are not directly mentioned quite often. However, it is possible to point out indirectly tasks of particular levels of territorial councils relating functioning tourism.

Province council

The basic tasks of a province council (the marshal of a province) are:

- influence, with the help of various instruments, on economic and social development of a province (so one should also understand the development of tourist economy),
- determining the strategy of development of a province (including the qualification of a place of tourism in economic policy of a province),
- gaining and joining financial means - public and private - for realization of definite tasks (also tourist),
- undertaking promotion actions serving development of a province (including tourist promotion).

As detailed tasks of a province council in the field of tourism one should mention:

- running institutions of physical education and rest having a regional character,
- co-ordination of activities and financial support of units of physical education, sport and tourism within a province as well as province sport and tourist organizations,
- co-operation relating tourism development, creating new tourist products and promotion of tourist potential through, among others, taking part by a province council in the Regional Tourist Organization,
- co-ordination and development of the net of tourist information in a province,
- co-operation with institutions dealing with tourism on national, province, district and commune levels,
- giving opinions about plans of spatial implementation of sport, recreational and tourist objects.

District council

The tasks of district councils are connected directly with satisfying population's needs. It can lead only activities in the sphere of public utility without the possibility of leading economic activity having character of profit. The tasks of district councils concern among others technical and social infrastructure going beyond the borders of communes. For tourism especially important are: transport and public roads, estate economy, spatial implementation and building supervision, water economy.

⁸ The act of 16 February 2001 about changes of the act about Polish Tourist Organization. Dz. U. 2001 no22, p. 249.

⁹ The act of 7 April 1989. The act about associations. Dz. U. 1989 no.20, p. 104 with later changes.

The act about a district council among tasks relating social infrastructure mentions directly the tasks in the area of tourism.

As detailed tasks of district council relating tourism one should mention:

- conducting institutions of physical education, tourism and rest working on the area of an administrative district,
- keeping a record and supervision over activity as well as financing associations of physical culture, sport unions and tourist associations situated in the area of an administrative district,
- financial support of organizing sport, recreational and tourist top-ranking events, held in the area of an administrative district,
- co-operation in the sphere of planning spatial development and implementation of an area in sport, recreational and tourist objects,
- co-ordination of activities and support the water and mountain rescue,
- organizational and financial support of tourist associations and organizations working in the area of an administrative district,
- promotion and co-operation in the field of development of qualified tourism and other forms of active tourism in a district,
- co-operation in the field of promoting development of tourism in a district with a special regard to cooperation with Regional and Local Tourist Organizations.

Commune council

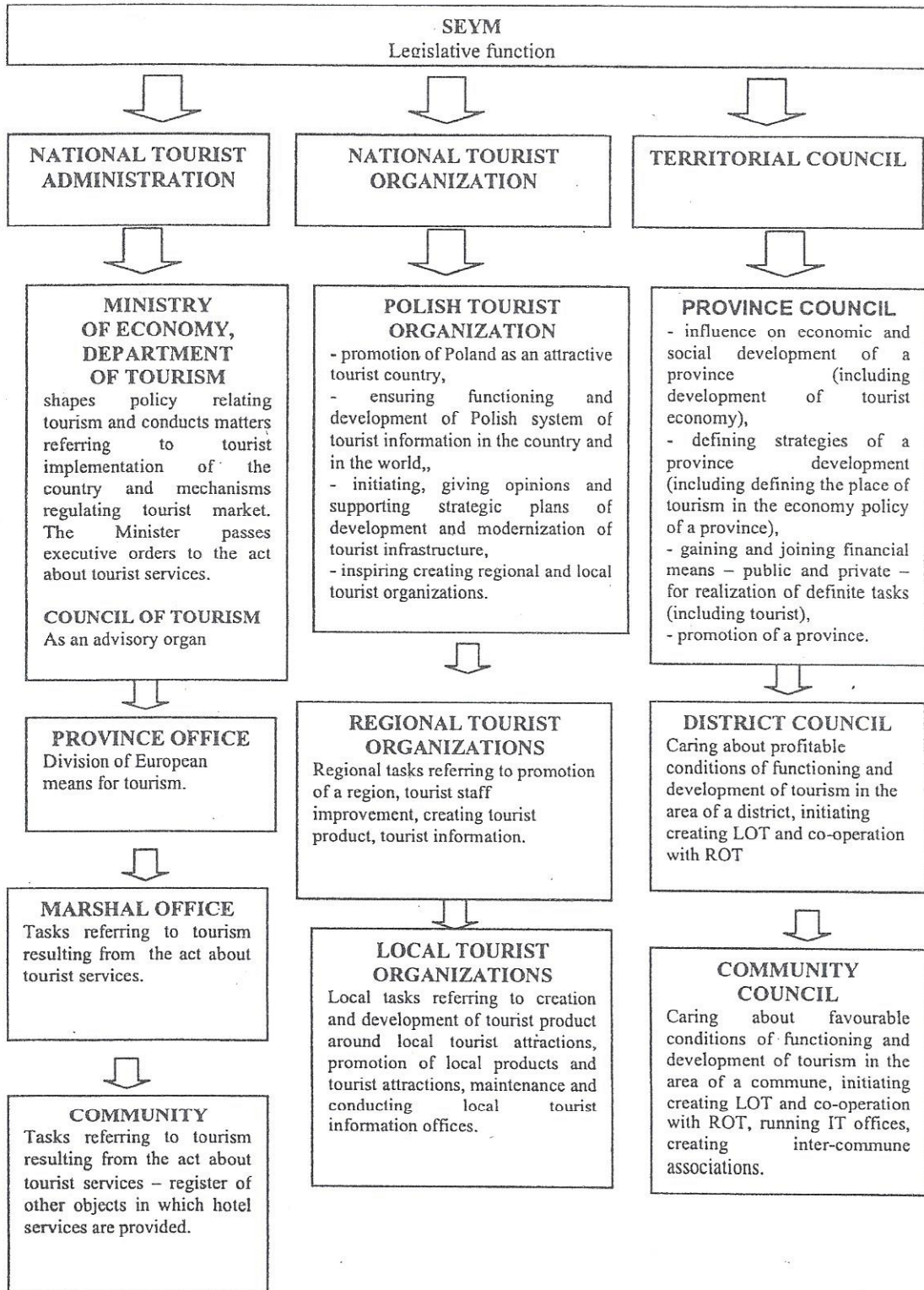
The matters of tourism have become commune councils' own tasks.

Among detailed tasks of commune councils in the field of tourism one should mention:

- maintenance, modernization and extension of sport and tourist objects and devices on the terrain of a commune,
- creating profitable conditions for economic activity in the sphere of tourism in the area of a commune,
- running institutions of physical education, tourism and rest working on the terrain of a commune,
- financing associations of physical culture, sport unions and tourist associations situated on the terrain of a commune,
- financial support of organizing sport, recreational and tourist events held on the terrain of a commune,
- planning spatial development and terrain implementation of sport, recreational and tourist objects,
- organizational and financial support of associations and tourist organizations working on the terrain of a commune,
- promotion of tourist values of a commune,
- co-operation with Regional and Local Tourist Organizations,
- running tourist information offices,
- acting for the benefit of development of rural tourism,
- acting for the benefit of education for tourism.

Commune councils can additionally create commune unions and inter-commune associations having in view the general development of the whole area thus and through tourism.

ORGANIZATION OF TOURISM IN POLAND



Picture 1. Organization of Tourism in Poland.
Source: Own study.