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Abstract of the Ph.D. dissertation entitled: “Legal status of budget institutions”, prepared under the academic supervision of Prof. Artur Kuś, Ph.D.

This Ph.D. dissertation examines the issue of the legal status of a budget institution (hereinafter: BI) as one of the new organisational and legal forms that has been present in the public finance sector since January 2010.

The budget institution was established to carry out public duties, however, the Public Finance Act of August 27, 2009 (Dz.U. – Journal of Laws – of 2021, item 305, as amended) does not specify the public duties to be performed by the said institutions.

The aim of this dissertation is to present the position and location of BIs among entities of the public finance bodies. It was, therefore, necessary to analyse BI's activities in individual years, in particular in order to assess whether the institution was meeting its key statutory objectives and fulfilling its public duties. Whether the current BI model ensures the rights and freedoms of business activity warranted to business organisations by the Polish Constitution in economic relations. Furthermore, the author addressed the issues concerning the financial management of BIs in the context of the current wording of the Polish Public Finance Act, which give rise to certain controversy in business practice. The first issue concerned the ability of BI to raise revenue, to make a profit from providing services. The second issue related to the problem of limiting financial independence of BI in terms of allocating the generated profit.

Four research methods were adopted in the dissertation: historical and legal, dogmatic and legal, theoretical and legal as well as statistical and documentary.

As regards its structure, the dissertation consists of an introduction, eight chapters and a conclusion. Each of the chapters has been summed up with the conclusions drawn from the conducted analysis, which have been used to formulate the final conclusions of the dissertation.

Chapter I contains theoretical considerations and discusses the structure of the public finance sector as well as changes in organisational and legal forms of public finance sector bodies. Moreover, the chapter presents the characteristics of the selected forms of organisational solutions adopted by public finance sector bodies and their comparison with BIs.

Chapter II was dedicated to the aspects of establishing the first BIs in a historical perspective by means of transformations of auxiliary enterprises and budget establishments.

Chapter III indicates the administrative and legal basis as well as economic conditions for the establishment of BIs. Additionally, the chapter expresses reservations regarding the

by-laws of BIs, in particular their charters, pointing out that they do not always correspond to the objective (principles) of BI as a legal entity and an independent business entity.

Chapter IV introduces the organisation and management of BI. A particularly important issue has been raised here concerning, among other things, the employment of BI staff. This applies to both employment contracts and civil law contracts (contracts of service, contracts to produce a work), taking into account both short-term and long-term employment. The chapter indicates that the Head of BI acts as an independent employer in the sense of the Polish labour law. Moreover, it discusses the supervision function of the founding bodies and control function of state bodies over BI. Management control and the conditions and criteria for conducting an internal audit of BI were characterised. The next part of the chapter concerns the duty of BI to provide public information and defines the scope of that information.

Chapter V deals with the fundamental issue of the purpose of BI establishment and the performance of its public duties. Attention has focused mainly on those elements of BI activities that distinguish it from other business entities. Despite the fact that the dissertation concerns BI as a public finance sector body, some of its operating conditions have been compared to the those of business organisations in the market economy.

Chapter VI presents the principles of BI financial management, which is a fundamental issue for this subject matter concerning the rules of managing public funds by BI. The responsibility of the BI management for breaches of public finance discipline was defined. The issue of allocation and distribution of profit earned by BI was also raised.

The penultimate chapter VII characterises the BIs that are currently in place. Their charters and objectives were analysed.

The last chapter VIII explores the issue of restructuring BI as a business entity. The purpose of this chapter was to present the civil law and administrative mechanisms as well as economic measures that allow BIs to continue their business activity in the event of adverse economic conditions. It was noted that BIs have insolvency capacity which allows BIs to be put out of business due to their insolvency.

In the final part of the dissertation all the considerations have been summed up and conclusions have been drawn from the main research postulate which is as follows: it is advisable to establish and maintain only such BIs which are capable of self-financing and carry out public duties.

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