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Articles

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The Justification of the Sectoral Model of Chambers of Commerce – Polish Perspective

Uzasadnienie sektorowego modelu izb gospodarczych – perspektywa polska

ABSTRACT

The authors of the conceptual article took up the topic of the sectoral model of chambers of commerce (of trade, of industry and commerce, etc.). This proposal complements the taxonomy of chambers present in the literature, based on three main models: continental, Anglo-Saxon and mixed. A comparative worldwide analysis of chambers of commerce indicates their significant diversity,

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but also the significant impact of historical and social conditions on their organization, position and effectiveness. Therefore, their system should be designed adequately to the needs of a given country, rather than directly transferring foreign or historical solutions into the domestic context. Present Polish chambers of commerce function as voluntary organizations associating entrepreneurs at various levels: sectoral, national, regional, local and bilateral (as Polish-foreign chambers). However, this solution does not provide effective communication between entrepreneurs and public authorities. Polish studies propose the creation of chambers of commerce in the continental model, which is based on the 19th-century regional structure. The authors argue that this concept is outdated in the era of global economic interconnections. The concentration of knowledge and competences needed today can be more effectively provided by the sectoral model. Sectoral chambers of commerce enable expert specialization appropriate to the needs of entrepreneurs and public authorities. They are also an effective platform for the decentralization of public administration. This model is an original concept of the authors in the discussion about possible evolution of chambers of commerce in the Polish context. Its implementation requires, i.a., proper definition of chambers' tasks and the inclusion of entrepreneurs in the process of their creation. The discussion in the national press and industry magazines shows that these inquiries are valuable not only for science, but also for entrepreneurs and people responsible for the legislative process. Therefore, the aim of the conducted research was to justify the implementation of the sectoral model in the context of the current Polish practice and the increasing role of expert knowledge.

Keywords: sectoral model; chambers of commerce; chambers of industry and commerce; entrepreneurs; public authorities

INTRODUCTION

According to the reports of the Polish Agency for Enterprise Development and Main Statistical Office, in 2019 there were 2.26 million enterprises in Poland, including 96.95% of micro-enterprises, 2.21% of small, 0.67% of medium-sized, and 0.17% of large. They generated 72.3% of GDP with the share of 30.6% of micro, 8.8% of small, 10.2% of medium, and 22.7% of large.[1] In the last decade, despite the increase in the total number of enterprises, the percentage structure of size classes has not changed significantly. It should be only noted a slow increase in the number of micro entities at the expense of the small and medium ones.

Enterprises are the main driving force of the country's economic development, the largest employer and one of the best, as diverse, sources of knowledge about the economy. The development of the state in most of its aspects requires the creation of an effective institutional framework for civil dialogue with the participation of entrepreneurs. This is necessary due to the complexity of economic processes, which the administration is unable to manage on its own. As H. Gawroński rightly pointed out, every case that concerns two or more people ceases to be an internal

[1] A. Skowrońska, A. Tarnawa (eds.), *2022: Raport o stanie sektora małych i średnich przedsiębiorstw w Polsce*, Warszawa 2022, p. 6, 20; Statistics Poland, *2020: Activity of Non-Financial Enterprises in 2019*, Warszawa 2020, p. 17, 23. Both studies refer to data for 2019.

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administrative matter and empowers people to jointly work out solutions through various forms of social consultations.[2]

The social group of entrepreneurs is however not homogeneous. There are at least sole proprietorships in one or more industries, partners in partnerships or capital companies, as well as persons conducting seasonal activity or for whom own business activity is additional in relation to their income obtained from full-time work performed for other entities. It is also worth mentioning that in some cases running a business is secondary to the profession. Some people would not become entrepreneurs, if it were not for the obligation to practice certain professions in the form of a registered enterprises. Such diverse entrepreneurs should receive support that is adequate to the nature of their business, legal requirements and public interest.[3]

Entrepreneurs also play diverse roles in society, including fulfilling social needs.[4] Their activities are supported by business environment institutions.[5] Among

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[2] H. Gawroński, *Konsultacje społeczne jako forma partycypacji w zarządzaniu strategicznym jednostkami samorządu terytorialnego*, "Współczesne Zarządzanie" 2010, no. 1, pp. 24–37.

[3] M. Zdyb, *Wstęp*, [in:] *Ustawa o zwalczaniu nieuczciwej konkurencji. Komentarz*, eds. M. Zdyb, M. Sieradzka, Warszawa 2016, pp. 23–26.

[4] R.B. Carton, C.W. Hofer, M.D. Meeks, *The Entrepreneur and Entrepreneurship: Definition of Role in the Society*, Georgia 2007; B. Glinka, *Przedsiębiorcze społeczeństwo*, "Przedsiębiorczość i Zarządzanie" 2017, vol. 18(12/2), pp. 9–24; W. Naudé, *Entrepreneurship and Economic Development: Theory, Evidence and Policy*, "IZA Discussion Paper" 2013, no. 7507; idem, *Entrepreneurship in Economic Development*, "WIDER Research Paper" 2008, no. 20; W. Ostaszewski, *Przedsiębiorca i jego rola w życiu społeczno-gospodarczym*, "Cywilizacja" 2007, no. 20, pp. 83–90; S. Ripsas, *Towards an Interdisciplinary Theory of Entrepreneurship*, "Small Business Economics" 1998, vol. 10, pp. 103–115; D.F. Spulber, *The Economic Role of the Entrepreneur*, Illinois 2008; idem, *The Role of the Entrepreneur in Economic Growth*, [in:] *Handbook on Law, Innovation and Growth*, ed. R.E. Litan, Cheltenham 2011, pp. 11–44.

[5] Z. Adamowicz, *Działalność regionalnych organizacji samorządu gospodarczego na rzecz wspierania przedsiębiorczości w województwie lubelskim*, [in:] *Zarządzanie organizacją w nowej rzeczywistości gospodarczej. Materiały konferencyjne II Międzynarodowej Konferencji Naukowej, Białystok, 25–26.11.2009*, ed. A. Daniluk, Białystok 2009, pp. 6–11; idem, *Formy wspierania przedsiębiorczości przez regionalne organizacje otoczenia biznesu w województwie lubelskim*, [in:] *Nowoczesne podejście do zarządzania organizacjami*, ed. A. Wasiluk, Warszawa 2010, pp. 108–119; idem, *Regionalne organizacje samorządu gospodarczego na Lubelszczyźnie (1989–2009) – wybrane aspekty funkcjonowania*, [in:] *Oblicza polskiej modernizacji. Próba bilansu transformacji systemowej III Rzeczypospolitej*, eds. E. Krasucki, T. Sikorski, A. Szczepańska, Toruń 2011, pp. 274–295; J. Markiewicz, *Rola izb gospodarczych w stymulowaniu powiązań kooperacyjnych pomiędzy przedsiębiorstwami sektora MSP na przykładzie Północnej Izby Gospodarczej w Szczecinie*, "Zeszyty Naukowe Uniwersytetu Szczecińskiego. Ekonomiczne Problemy Usług" 2006, no. 4, pp. 233–240; idem, *Wpływ instytucji wsparcia na rozwój kooperacji i innowacyjności przedsiębiorstw w województwie zachodniopomorskim*, "Zeszyty Naukowe Uniwersytetu Szczecińskiego. Ekonomiczne Problemy Usług" 2007, no. 8, pp. 133–142; J. Sikora, *Rola izb przemysłowo-handlowych w kształtowaniu elit gospodarczych w Polsce*, "Zeszyty Naukowe Wyższej Szkoły Bankowej w Poznaniu" 2008, no. 21, pp. 49–57; R. Stanisławski, *Zasoby relacyjne instytucji otoczenia biznesu w kontekście rozwoju innowacyjnego małych i średnich przedsiębiorstw*, "Przegląd Organizacji" 2016, no. 6, pp. 9–18;

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them, important position have chambers of commerce that direct many services towards small and medium-sized enterprises (SMEs).[6] Chambers of commerce in general are business associations of a dual character. They support their members and represent the interests of their members towards the public administration, for which they often provide advisory services. In some countries, they can also carry out tasks commissioned by public administration. The most common taxonomy groups chambers into three models, which differ mainly in the manner in which the chambers are established, membership rules and catalogues of tasks.

In the continental model chambers are established by public law act which determines their structure, tasks and obligatory membership. In the Anglo-Saxon model, chambers are established by interested enterprises, membership is voluntary, and the main task of the organization is to support and represent its members. The mixed model groups chambers of a hybrid nature: containing elements of both of the above-mentioned models.

Comparative studies indicate, however, that the organization and functioning of the chambers vary from country to country. In addition, in some countries the term "chamber of commerce" is used to identify government foreign trade agencies or organization partly controlled by the government – they are sometimes referred to as administrative or public model.[7]

In addition, chambers of commerce can be described in a territorial or sectoral model. In the territorial model of the chambers of commerce the enterprises from a given administrative territorial entity are grouped in one common organization and the territory of the state is divided into territorial entities of chambers of commerce. In this way, enterprises from different sizes and industries are grouped together in one common chamber. In the sectoral model, the chambers are formed for specific industries: at the national level and with the possibility for creating of branches. In this way, it is possible to create sectoral homogeneous chambers of commerce which will be able to flexibly shape their territorial structure.

The authors believe that the sectoral model, in the 21st century, in the case of Poland, is more adequate than the territorial model. Therefore, the main purpose of the article is to indicate the premises for the implementation of public law chambers of commerce in Poland in the sectoral model. The authors argue that

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K. Walkowiak, *Działania izb przemysłowo-handlowych na rzecz rozwoju innowacyjności polskich przedsiębiorstw*, "Przegląd Politologiczny" 2011, no. 4, pp. 71–78.

[6] T. Dorożyński, *Instytucje otoczenia biznesu a rozwój przedsiębiorstw – ujęcie regionalne*, "Zarządzanie i Finanse" vol. 11(1/3), pp. 135–150.

[7] K. Bandarzewski, *Samorząd gospodarczy w prawie polskim. Studium prawne*, Kraków 2014, pp. 279–291; D. Sack (ed.), *Chambers of Commerce in Europe*, Cham 2021, pp. 6–8; V.I. Fedotov, *Organizational and Legal Models of Chambers*, Washington 2007, pp. 6–10; M. Pilgrim, R. Meier, *National Chambers of Commerce – A Primer on the Organization and Role of Chamber System*, Washington 1995, pp. 3–5.

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chambers of commerce referring to economic sectors with a clearly defined catalogue of public tasks will allow the creation of effectively operating chambers as public law entities.

LITERATURE REVIEW

The Polish-language literature focuses mainly on describing the concept of the continental (territorially organized) model of chambers of commerce.[8] Chambers were also discussed in terms of decentralization of public administration.[9] However, an analysis of the social and political situation and perception of chambers in Europe, where the continental model exists, was generally omitted. The projects debated in Poland in the last 30 years were mostly the intellectual aftermath of the 19th-century model of chambers of commerce and industry. This overlooked the actual and formal changes that have occurred with the evolution of the economy in the 21st century. Such an approach does not give the Polish legislator the possibility to avoid the problems that governments, chambers, and entrepreneurs in other countries are facing today.

The subject-matter literature in Polish is not extensive. The most important subject-specific works created over the past 30 years are the publications of S. Wykrętowicz and R. Kmieciak, P. Antkowiak, A. Jaskulski (referring to their own proposals of acts on chambers of commerce), as well as the monograph by K. Bandarzewski (analysing the discussed institution in the context of Polish law). It should be noted, however, that almost all scientific publications were created before 2016. The last of the known proposals of laws are also dated to this year.[10]

[8] R. Kmieciak, *Formy organizacyjne samorządu w III Rzeczypospolitej*, [in:] *Polska w XX wieku. Politologiczna charakterystyka dokonań i perspektywy rozwoju*, ed. R. Kmieciak, Poznań 2000, pp. 189–210; idem, *Formy samorządu korporacyjnego w Polsce – dwadzieścia lat doświadczeń państwa demokratycznego*, "Przegląd Zachodni" 2012, no. 1, pp. 55–60; idem, *Perspektywy rozwoju samorządu gospodarczego w Polsce jako podmiotu administracji publicznej*, "Przegląd Politologiczny" 2008, no. 3, pp. 97–107; idem, *Samorząd gospodarczy w Polsce. Rozważania na temat modelu ustrojowego*, Poznań 2004; idem, *Samorząd zawodowy i gospodarczy w Polsce po 1989 roku*, "Przegląd Politologiczny" 2011, no. 4, pp. 49–58; R. Kmieciak, P. Antkowiak, K. Walkowiak, *Samorząd gospodarczy i zawodowy w systemie politycznym Polski*, Warszawa 2012; S. Pawłowski, M.A. Waligórski, *Samorząd zawodowy i gospodarczy w Polsce*, Poznań 2005; S. Wykrętowicz (ed.), *Spór o samorząd gospodarczy*, Poznań 2005.

[9] M. Jurewicz, *Działalność izb gospodarczych jako zdecentralizowanych organizacji przedsiębiorców: zarys historyczny koncepcji decentralizacji administracji publicznej*, "Zeszyty Naukowe Politechniki Rzeszowskiej. Zarządzanie i Marketing" 2010, vol. 17(3), pp. 137–147; idem, *Prawne i organizacyjne podstawy członkostwa przedsiębiorców w izbach gospodarczych*, "Studia Ekonomiczne Regionu Łódzkiego" 2012, no. 8, pp. 467–474; idem, *Ustrój prawny izb gospodarczych – propozycje jego usprawnienia*, "Studia Prawno-Ekonomiczne" 2009, vol. 79, pp. 125–138.

[10] Project 27.06 of the Act of the General Chambers of Commerce developed at the Ministry of Development (unpublished, available in the authors' archive).

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Also in the English-language literature, the discussion on chambers of commerce is not intense. The key comparative law studies include, above all, the already mentioned publications by M. Pilgrim and R. Meier, V.I. Fedotov, and D. Sack. Other publications usually take the form of articles – often popular science – focusing on national issues.

The authors of this article relied on the latest conclusions of P. Marciniak, who justifies the purposefulness of establishing chambers of commerce in Poland in the sectoral model.[11] At the same time, the authors refer to the research of K. Dąbrowski, who described three possible options of building chambers of commerce: 1) creating uniform and general chambers of commerce for all entrepreneurs at a specific territorial level (continental model); 2) creating many non-uniform industry chambers of commerce (in fact sectoral model); 3) introducing the obligation to belong to chambers of commerce while maintaining their pluralism (competitive chambers).[12] Instead of individual demands to establish separate public law chambers for individual business groups, the authors propose a new and systemic approach.[13]

MATERIALS AND METHODS

The authors analysed primary (normative acts) and secondary sources (literature). They referred to the interpretation of the law and comparative analysis of the regulations of various countries. The text uses the term "chambers of commerce" and a model taxonomy appropriate for English-language literature indicated in the introduction.

It should be noted, that Polish-language studies use different terminology. First, in addition to the term "chamber of commerce" (Pol. *izba gospodarcza*), but in reference to the nomenclature used before the Second World War,[14] also the term "chamber of industry and commerce" (Pol. *izba przemysłowo-handlowa*) can be found in the literature, in the names of some chambers (mainly regional ones) and in several bills drafted after 1989.[15] Second, in the English-language nomenclature

[11] P. Marciniak, *Sektorowy model samorządu gospodarczego. Założenia i perspektywa wprowadzenia w Polsce*, Warszawa 2023, p. 547.

[12] K. Dąbrowski, *Samorząd gospodarczy w Polsce – próba oceny*, [in:] *Reformy ustrojowe w Polsce 1989–1998*, eds. T. Staniszewski, B. Przywora, Ł. Jurek, Lublin 2014, p. 64.

[13] A. Żywicka, *Rola samorządu gospodarczego w rozwoju branży turystycznej w Polsce*, "Zeszyty Naukowe Wyższej Szkoły Ekonomii i Innowacji w Lublinie. Seria Administracja" 2011, no. 1, p. 162.

[14] Regulation of the President of the Republic of Poland of 15 July 1927 on chambers of industry and commerce (Journal of Laws 1927, no. 67, item 591; consolidated text, Journal of Laws 1936, no. 45, item 335).

[15] R. Kmieciak, P. Antkowiak, A. Jaskulski, *Pożądany kierunek zmian modelu samorządu gospodarczego w Polsce. Rozważania na podstawie ustawy o izbach przemysłowo-handlowych Ogólnopolskiej Federacji Przedsiębiorców i Pracodawców Przedsiębiorcy.pl*, Warszawa–Poznań 2016, pp. 96–153.

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there is no equivalent of the Polish term *samorząd gospodarczy* (sometimes translated into English directly as "economic self-government"). It describes a community of people who independently manage public affairs, functioning as a public law entity, obligatorily associating all enterprises that operate in the sphere of trade, industry, agriculture and crafts. This entity has administrative authority. The objective approach emphasizes governance by organizations, and the subjective approach – a collection of the public institutions (corporations).

In general, it reflects the continental model of chambers of commerce but with a specific name which corresponds with the Polish theory of the public administration, which is divided in simple terms to the governmental administration (Pol. *administracja rządowa*) and self-governmental administration (Pol. *administracja samorządowa*). In Polish administrative culture and tradition, the term "territorial self-government" is used, not the "local government" nor "local self-government". Therefore, in the theoretical approach the self-governmental administration is divided into territorial self-government (Pol. *Samorząd terytorialny*) and non-territorial self-government (Pol. *samorząd nieterytorialny*).[16] Finally, non-territorial self-government is divided into professional self-government (Pol. *samorząd zawodowy*), economic self-government (Pol. *samorząd gospodarczy*) and other "self-governments". All the above translations are the direct calque from the Polish language.[17] But they also correspond with the concept of self-governing organizations.[18]

RESULTS

Generally speaking, from an economic perspective, chambers of commerce and their (also public) tasks can be seen as similar to those of business environment institutions. The concept of business environment institutions appears in many theoretical and empirical scientific studies and practical reports. In general, they are part of the institutional infrastructure and play an important role in the development of enterprises (including SMEs) by providing numerous services to them.[19]

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[16] M. Kępa, *Essence of Self-governance Illustrated with an Example of the Professional Self-government Body of Legal Counsels (in Poland)*, "Lex localis – Journal of Local Self-Government" 2021, vol. 19(4), pp. 893–919; D. Sypniewski, *Competition Restrictions by Professional Self-Government*, "Ekonomia i Prawo" 2018, vol. 17(4), pp. 405–415.

[17] M. Gorynia, B. Jankowska, *Recommendations for Economic Self-Government*, [in:] *Influence of Poland's Accession to the Euro Zone on the International Competitiveness and Internationalisation of Polish Companies*, eds. M. Gorynia, B. Jankowska, Warszawa 2013, p. 197.

[18] M.J. Nederhand, E.H. Klijn, M. Van der Steen, M. Van Twist, *The Governance of Self-Organization: Which Governance Strategy Do Policy Officials and Citizens Prefer?*, "Policy Sciences" 2019, vol. 52(2), pp. 233–253.

[19] W. Burdecka, *Instytucje otoczenia biznesu. Badanie własne*, Warszawa 2004; M. Górzyński, W. Pander, P. Koć, *Tworzenie związków kooperacyjnych między MSP oraz MSP i instytucjami oto-*

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On the chambers of commerce, we can also look from the organizational side. Institutional structures are indispensable to create a framework for economic development. The concept of institutions is ambiguous and often used in different contexts. In the so-called new institutional economics, a distinction is made between institutions, which are understood as rules that put human behaviour in order, and organizations, which bring together specific individuals who put these rules into practice, together with the necessary resource.[20]

For the purpose of this study, it has been assumed that business environment institutions are public and private entities that offer entrepreneurs various types of services to support their business operations. This support may be provided in return for a fee or on a free of charge basis to start-ups or established enterprises to boost their development. Their activities can also be financed from other sources – including public subsidies and a share of taxes paid by enterprises. In a market economy, investment creates a foundation for growth of companies by helping to increase their value. Furthermore, investments are a necessary condition for the proper allocation of resources in the economy. In order to produce long-term structural changes, they must be economically efficient.[21]

Investment has a positive impact on economic growth and, more broadly, on development (of countries, regions and local units). At the same time, the institutional environment is one of the major determinants of investment attractiveness. Its importance has been recognized for a long time, but it was only at the turn of the 20th and 21st centuries that more importance began to be attached to it in research.[22]

In assessing investment attractiveness, as well as the role and quality of institutions, investors (including foreign ones) are driven by the following considerations:

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czenia biznesu, Warszawa 2006; R. Lisowska, *The Potential of Business Environment Institutions and the Support for the Development of Small and Medium-sized Enterprises*, "Entrepreneurial Business and Economics Review" 2016, vol. 4(3), pp. 85–101; M. Mażewska, *Infrastruktura otoczenia biznesu w Polsce*, [in:] *Ośrodki innowacji i przedsiębiorczości w Polsce. Raport 2014*, eds. A. Bąkowski, M. Mażewska, Poznań–Warszawa 2015, pp. 7–25.

[20] B. Guziejewska, P. Marciniak, *Znaczenie dorobku nowej ekonomii instytucjonalnej dla rozwoju idei powszechnego samorządu gospodarczego w Polsce*, "Studia Prawno-Ekonomiczne" 2021, vol. 119, pp. 234–235; J. Kindler, J. Iwanicki, Z.W. Kundzewicz, P. Matczak, R. Miłaszewski, J. Żelazo, *Zagrożenia instytucjonalne*, "Nauka" 2014, no. 1, pp. 173–195.

[21] R. Mandziuk, P. Nawra, J. Ossowska, *Inwestycje rzeczowe przedsiębiorstw*, "Finanse, Rynki Finansowe, Ubezpieczenia" 2016, no. 1, pp. 545–553.

[22] A. Bénassy-Quéré, M. Coupet, T. Mayer, *Institutional Determinants of Foreign Direct Investment*, "The World Economy" 2007, vol. 30(5), pp. 764–782; N. Bailey, *Exploring the Relationship between Institutional Factors and FDI Attractiveness: A Meta-analytic Review*, "International Business Review" 2018, vol. 27(1), pp. 139–148; V. Daniele, U. Marani, *Do Institutions Matter for FDI? A Comparative Analysis for the MENA Countries*, "SSRN" 2006 (June); J.H. Dunning, *Trade, Location of Economic Activity and the Multinational Enterprise: A Search for an Eclectic Approach*, [in:] *Theories and Paradigms of International Business Activity – the Selected Essays of John H. Dunning*, ed. J.H. Dunning, Cheltenham 2002, pp. 52–76.

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1) according to the new institutional economics, companies operate in a complex and uncertain environment and therefore their decisions are highly dependent on institutions that have an impact on the investment environment;[23]
2) the presence of efficient public institutions promotes the improvement of the security of firms and thus reduces transaction costs;[24]
3) institutions at different levels shape the business environment by creating conditions and reducing barriers to business activity. Thus, the quality of institutions in the host country influences investors' choice of location.[25]

Explaining why a country is seen as an attractive investment destination seems quite simple: companies tend to choose locations that they associate with the highest expected profitability and the lowest project risk and uncertainty. In other words, enterprises are looking for optimum locations in almost all countries and regions across the world which are politically and economically safe. An investor is interested, above all, in finding a concrete location where he would be able to bring the project to a successful end. With this knowledge in mind, countries try to attract investors using public resources for this purpose.[26]

The subject-matter literature distinguishes a number of determinants of investment inflows. Their basic catalogue includes, among others, size and potential of the host market, economic stability, agglomeration effects, production costs, labour resources, quality of human capital, taxes, openness of the economy, political risk, infrastructure, geographic and cultural distance, quality of life, and (last but not least) institutional (business) environment.[27]

Institutions shape the business framework by creating conditions and reducing barriers.[28] Thus, countries planning to attract more capital (including foreign capital) should ensure an appropriate institutional environment in terms of political stability, adequate protection of property rights, or low levels of uncertainty and

[23] J. Francis, C. Zheng, A. Mukherji, *An Institutional Perspective on Foreign Direct Investment: A Multi-level Framework*, "Management International Review" 2009, vol. 49(5), pp. 565–583.

[24] V. Daniele, U. Marani, *op. cit*.

[25] B.B. Nielsen, C.G. Asmussen, C. Weatherall, *The Location Choice of Foreign Direct Investments: Empirical Evidence and Methodological Challenges*, "Journal of World Business" 2017, vol. 52(1), pp. 62–82.

[26] J. Świerkocki (ed.), *Foreign Direct Investment: The Case of Lodz Region*, Łódź 2011.

[27] F.A. Ali, N. Fiess, R. MacDonald, *Do Institutions Matter for Foreign Direct Investment?*, "Open Economies Review" 2010, vol. 21(2), pp. 201–219; F.L. Bartels, F. Napolitano, N.E. Tissi, *FDI in Sub-Saharan Africa: A Longitudinal Perspective on Location Specific Factors (2003–2010)*, "International Business Review" 2014, vol. 23(3), pp. 516–529; A. Bénassy-Quéré, M. Coupet, T. Mayer, *op. cit.*, pp. 764–782; J. Du, Z. Tao, *Economic Institutions and FDI Location Choice: Evidence from US Multinationals in China*, "Journal of Comparative Economics" 2008, vol. 36(3), pp. 412–429; C. Kostevc, T. Redek, A. Sušjan, *Foreign Direct Investment and Institutional Environment in Transition Economies*, "Transition Studies Review" 2007, vol. 14, pp. 40–54.

[28] B.B. Nielsen, C.G. Asmussen, C. Weatherall, *op. cit.*, pp. 62–82.

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business risk. In addition, a higher level of institutional quality means that a country's consumer market is more competitive and efficient, and demand ensures higher profitability of investment projects.[29] On the other hand, poor institutional quality can be a significant obstacle, as it poses a threat to investors by increasing the cost of doing business.[30]

The quality of institutions is an important determinant of foreign direct investment inflows. Business environment institutions can play an important role in attracting them. Industrial policy instruments (investment incentives) are used for this purpose, depending on their scope, regulations and resources. The authorities obviously have a choice – they can refrain from doing anything, but they can also take a proactive stance and make efforts to attract capital to a particular location. In the latter case, they should be guided mainly by economic (efficiency) or social (redressing imbalances) considerations, with a view to achieving tangible benefits for the host country's economy. These may be related to, among other things, job creation, the inflow of innovative technologies, the implementation of new managerial methods, additional revenue from exports, opportunities for closer cooperation between local and foreign entrepreneurs or, finally, changes in the structure of the economy.[31]

The theory of new institutional economics and the description in this context of the business environment institutions are good introduction to presenting the position of chambers of commerce in Poland.

In Poland are present two models of chambers of commerce:

- two public law entities: agricultural chambers[32] and the Polish Chamber of Insurance;[33]
- 443 private law chambers, which are called *izby gospodarcze* ("economic chambers").[34]

The Polish Chamber of Insurance cannot be identified with the structure of the social self-government known from the German legal system.[35] Agricultural chambers and the Polish Chamber of Insurance should be positioned as examples

[29] A. Aibai, X. Huang, Y. Luo, Y. Peng, *Foreign Direct Investment, Institutional Quality and Financial Development along the Belt and Road: An Empirical Investigation*, "Emerging Markets Finance and Trade" 2019, vol. 55(14), pp. 3275–3294.

[30] O.G. Aziz, *Institutional Quality and FDI Inflows in Arab Economies*, "Finance Research Letters" 2018, vol. 25, p. 111.

[31] T. Dorożyński, *Incentives to Attract FDI: Evidence from the Łódź Province*, Łódź 2020.

[32] Act of 14 December 1995 on agricultural chambers (consolidated text, Journal of Laws 2022, item 183, as amended).

[33] Act of 11 September 2015 on insurance and reinsurance activity (consolidated text, Journal of Laws 2022, item 2283, as amended); R. Kmieciak, *Ubezpieczeniowy samorząd gospodarczy w Polsce*, "Zeszyty Naukowe Wyższej Szkoły Bankowej w Poznaniu" 2003, no. 16, pp. 77–88.

[34] Act of 30 May 1989 on economic chambers (consolidated text, Journal of Laws 2019, item 579).

[35] K. Dąbrowski, *Analiza i ocena procedury wyborów niekonkurencyjnych w niemieckim samorządzie ubezpieczeniowym*, "Teka Komisji Prawniczej PAN" 2020, vol. 13(2), pp. 103–124.

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of sectoral model. They are established by public law acts and mandatory for entities indicated in the acts but are not universal regional chambers of a continental model. The no longer existing Chamber of Storage Houses[36] had the same character. Private law chambers operate in the Anglo-Saxon model.

Private law chambers of commerce in Poland may have a regional or sectoral nature. They work as relatively small, voluntary associations (which makes their resources and capabilities limited) with an extremely diverse character: international, national, sectoral, regional, or local.[37] As of 31 March 2023, there are 443 private law chambers of commerce registered in the National Court Register. In this number are eight branches and delegations. Ten chambers are under liquidation.[38] The law only requires that at least 100 entrepreneurs take the initiative to establish a nationwide chamber, and 50 entrepreneurs in the case of regional chambers whose area of activity does not exceed the voivodeship. For some industries, the law sets lower limits.[39] According to available studies, no more than 3% of entrepreneurs were members of these chambers. This means that approximately 97% of entrepreneurs in Poland lack institutional representation.[40]

In Poland, the mosaic of institutions representing the interests of entrepreneurs is much wider. In addition to the above-mentioned chambers, there are also employers' organizations,[41] associations of trade and services,[42] transport associations, craft chambers,[43] etc. They are all voluntary. Of course, there are also commercial entities providing lobbying services for business.[44]

The multiplicity of business environment organizations and the high share of companies operating in Poland and creating GDP do not translate into the partic-

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[36] R. Jastrzębski, *Samorząd gospodarczy. Izba Domów Składowych*, "Przegląd Ustawodawstwa Gospodarczego" 2004, no. 10, pp. 2–11.

[37] K. Bojarski, *Ile samorządu w samorządzie gospodarczym?*, "Studia Prawnicze KUL" 2012, no. 1, pp. 7–16; B. Zamącińska, *Kształt samorządu gospodarczego w Polsce (uwagi prawne na tle inicjatywy zmierzającej do powołania powszechnego samorządu gospodarczego)*, "Administracja Publiczna. Studia Krajowe i Międzynarodowe" 2012, no. 2, pp. 87–97.

[38] Own calculation based on data from: Ministerstwo Sprawiedliwości, https://ekrs.ms.gov.pl/web/wyszukiwarka-krs/strona-glowna/index.html (access: 31.3.2023); Portal Rejestrów Sądowych, Wyszukiwarka KRS, https://wyszukiwarka-krs.ms.gov.pl (access: 31.3.2023); Sunrise System, *Pozycjonowanie stron*, http://www.krs-online.com.pl (access: 31.3.2023).

[39] Article 7 (1a) and (1b) of the Act of economic chambers; Article 92 of the Act of 29 July 2005 on trade in financial trading (consolidated text, Journal of Laws 2022, item 1500, as amended).

[40] R. Kmieciak, *Samorząd gospodarczy w państwach Unii Europejskiej*, "Rocznik Integracji Europejskiej" 2013, vol. 7, p. 64; P. Marciniak, *Sektorowy model…*, pp. 39–41.

[41] Act of 23 May 1991 on employers' organization (consolidated text, Journal of Laws 2022, item 97).

[42] Act of 30 May 1989 on professional self-government of some economic entities (Journal of Laws 1989, no. 35, item 194, as amended).

[43] Act of 22 March 1989 on craftmanship (consolidated text, Journal of Laws 2020, item 2159).

[44] P. Marciniak, *Organizacja i zadania krajowych izb gospodarczych sektora telekomunikacji*, Toruń 2019, pp. 90–109.

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ipation of the private sector in making decisions on economic policy. At the same time, we are dealing with a low level of membership of entrepreneurs in private law institutions representing their interests. There are no effective institutional consultation mechanisms and no representative business organizations. Six employers' organizations designated to participate in the work of the Social Dialogue Council do not have such a mandate.[45] Business organizations also do not participate in a sufficient manner in the decision-making process at the regional level.

DISCUSSION

Chambers of commerce, representing the interests of entrepreneurs, have the potential for substantive and effective participation in the process of preparing and undertaking political decisions, co-creating public policies and implementing public tasks.[46] Well-functioning chamber of commerce, understood as an institution that offers support to entrepreneurs, can have a positive impact on the use of limited resources, the quality of business environment, reducing transaction costs, the efficiency of public expenditures, investment attractiveness, capital inflows (domestic and foreign), jobs creation, innovativeness, and finally on the economic growth (in terms of quantity) and development (in terms of quality). It may also support reducing economic, social, and territorial disparities within countries and regions.

Business environment institutions can foster spatial concentration of economic activities and, consequently, produce agglomeration effects. These benefits arise primarily from the scale of production, better sales opportunities, easier access to skilled labour, close proximity of other production and service entities, and a large market. A feature characteristic of external benefits is their potential to spread to other industries. Moreover, institutions can also affect the quality of the investment. Countries with underdeveloped institutional system tend to attract investment with lower levels of technological sophistication.[47]

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[45] Article 24 of the Act of 24 July 2015 on Social Dialogue Council and other institutions of social dialogue (consolidated text, Journal of Laws 2018, item 2232, as amended) defines representativeness only in the context of the conditions that an employers' organization must meet in order to become a member of the Council. See Serwis Rzeczypospolitej Polskiej, *Rada Dialogu Społecznego*, https://www.gov.pl/web/dialog/rada-dialogu-spolecznego3 (access: 31.3.2023). See more P. Marciniak, *Sektorowy model…*, pp. 380–384.

[46] P. Antkowiak, R. Kmieciak, *Udział przedsiębiorców w podejmowaniu decyzji publicznych w sferze gospodarczej na poziomie lokalnym*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2015, vol. 77(1), pp. 289–309; R. Kmieciak, *Pozycja ustrojowa samorządu gospodarczego w Polsce*, "Studia z Polityki Publicznej" vol. 3(2), pp. 89–102.

[47] F.A. Ali, N. Fiess, R. MacDonald, *op. cit.*, pp. 201–219; M. Busse, C. Hefeker, *Political Risk, Institutions and Foreign Direct Investment*, "European Journal of Political Economy" 2007,

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The case of Poland's special economic zones (SEZs) is worth mentioning at this point. The objective of the study by Dorożyński et al. was to find out why some zone managing companies (ZMCs) were more successful in developing their special economic zones than others. This was based on the assumption that in almost every region of Poland, there are winners and losers among SEZs, meaning that the advantage of a better zone location is relative, and other factors may play an important role. The authors used cluster and correlation analysis and estimated regression models to explain the relative performance of SEZs in Poland. They concluded that the quality of governance does matter.[48]

The aim of the second study was to assess institutional quality in 28 EU Member States and to examine the relationship between the quality of institutions and FDI inward stock as a percent of GDP. The study demonstrated that the EU Member States differ with respect to institutional quality. The results of the statistical analysis have provided grounds to positively verify the hypothesis about a positive relationship between the level of institutional quality and investment attractiveness. The study has implications for practice. An efficient and effective institutional system may importantly contribute to boosting the investment attractiveness of countries and impact FDI flows.[49]

The cited studies have shown that there is a relationship between the quality of governance, the quality of the institutional system and the investment attractiveness of a country. In this way, it can be pointed out that the business environment organizations can be an important element in this arrangement of economic relations. The economic organizations do not operate in a vacuum. Their effectiveness largely depends on their social perception, political position, resources and competences. This is clearly visible when we compare chambers operating in different countries. Despite their formal affiliation to particular models, a closer analysis reveals significant differences in the way they function and their social perception. In each country were developed different solutions tailored to local needs. Thus, also in the case of Poland, it is advisable to look for the most effective and modern solutions, instead of simply copying one of the foreign implementations.

When designing a new system in Poland from scratch, the high complexity, specialization and regulatory requirements of the 21st century economy should be taken into account. The experiences and expectations of entrepreneurs are also important.

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vol. 23(2), pp. 397–415; C. Jude, G. Levieuge, *Growth Effect of FDI in Developing Economies: The Role of Institutional Quality*, "The World Economy" 2017, vol. 40(4), pp. 715–742.

[48] T. Dorożyński, J. Świerkocki, B. Dobrowolska, *Governance of Special Economic Zones and Their Performance: Evidence from Poland*, "Entrepreneurial Business and Economics Review" 2021, vol. 9(3), pp. 149–167.

[49] T. Dorożyński, B. Dobrowolska, A. Kuna-Marszałek, *Institutional Quality and Its Impact on FDI Inflow: Evidence from the EU Member States*, "Comparative Economic Research. Central and Eastern Europe" 2021, vol. 24(4), pp. 23–44.

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The low effectiveness and position of private law organizations, especially evident in the weak representation of SMEs, has resulted (since the 1990s) in Poland at last six conceptual projects aimed at amending the Chambers of Commerce Act.[50] Most of these projects assumed the need for imposing on all entrepreneurs uniformly organized regional chambers of commerce appropriate for the continental model.[51] These projects focused on representative advocacy of business in dialogue with authorities. Unfortunately, the common weakness of these studies was the absence of a clear concept of administrative and legal tasks that the reformed chambers should fulfil.[52]

It should be clarified that in the discussion on the sectoral model (especially in Poland), we do not refer to the classic three-sector taxonomy (raw materials, manufacturing, services) or sectors by ownership. Sectoral model requires more detailed taxonomy to be effective. In Poland, the Polish Classification of Activities (PKD – *Polska Klasyfikacja Działalności*) is used.[53] It divides the economy into 21 sections. This division is initially an effective basis for building relatively large and effective, but still specialized chambers of commerce associated in an umbrella organization. At the preparation stage, however, it should be clarified whether it would not be advisable to combine some smaller and interrelated sections so that the target number of chambers would not extend 15–18 ones.

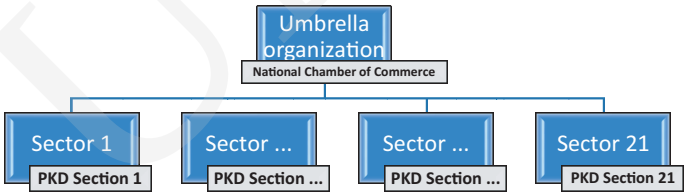


Figure 1. Assumptions of the sectoral model in relation to the PKD

Source: own elaboration.

This concept of general (common) sectoral chambers of commerce, established for every sector of the economy, shares the theoretical criteria set for the continental model, but raises the substantive level of discussion on economic issues. Its ex-

[50] P. Marciniak, *Sektorowy model*..., pp. 284–341.

[51] S. Wykrętowicz (ed.), *Obywatelski projekt ustawy o izbach przemysłowo-handlowych w Polsce*, Poznań 2012.

[52] P. Marciniak, *Sektorowy model*..., pp. 493–508.

[53] Regulation of Council of Ministers of 24 December 2007 on Polish Classification of Activities (Journal of Law 2007, no. 251, item 1885, as amended). Polish Classification (see Główny Urząd Statystyczny, *Polska Klasyfikacja Działalności (PKD 2007)*, https://stat.gov.pl/Klasyfikacje/doc/pkd_07/pkd_07.htm, access: 31.3.2023) refers to standards of International Standard Industrial Classification of all Economic Activities ISIC Rev. 4 and EU: Statistical Classification of Economic Activities in the European Community NACE Rev. 2 (OJ EU L 393/1, 30.12.2006).

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pert-focused character will make such chambers much more competent partner for discussions with the government (the actual creator of policy and law), the legislative authority, other stakeholders, media and of course entrepreneurs. In this model, the main task of the umbrella organization is to coordinate horizontal issues.[54]

At the initial organizational stage, an interesting aspect of the sectoral model is the possibility of establishing only some of the chambers. First, for those industries where the level of readiness for this process is the highest. Experiences from these "startup" implementations should facilitate the establishment of subsequent chambers. Another argument for the gradual implementation of the model is the complexity of the decentralization processes, which includes the reconstruction of some administrative procedures – different for each sector.

In the discussion about the sectoral model, a question may arise – what distinguishes sectoral chambers of commerce from sectoral business associations? Business organizations are generally voluntary, private law associations of entrepreneurs – either national or international. In Poland they can be created on the basis of various legal acts, including the law of associations. They usually focus on providing services for businesses, self-help and development of industry cooperation. They can engage in lobbying activities, primarily in the interest of their members (due to their private law nature) but sometimes also in the interest of the specific industry.[55]

All public law chambers of commerce have a significantly different character. They are established by an act. They associate all entrepreneurs by law – thus they are representative for them. They have a legally defined position within the structure of public institutions, statutory obligations and tools for implementation their public law tasks, including authoritative administrative ones. Their structure is more complex (then private organizations), and their activities are generally financed from public funds, such the share of corporate taxes. Of course, they can also carry out some tasks typical of private law business organizations. However, the mandatory (universal) membership and the catalogue of public law tasks are the fundamental elements that distinguish public law chambers of commerce from private law business organizations. In fact, sectoral chambers have the same public law character as continental ones. The most important difference between them lies in the organizational concept and the resulting level of specialization. Therefore, the difference between sectoral chambers and private law business organizations is analogous to the difference between continental chambers and local or regional private law business associations. They are completely different categories of entities.

Modern chambers of commerce do not have to follow the continental model. In addition to the need to adapt the concept of chambers to the requirements of

[54] P. Marciniak, *Sektorowy model…*, pp. 444–527.

[55] R.J. Bennett, *The Logic of Membership of Sectoral Business Associations*, "Review of Social Economy" 2000, vol. 58(1), pp. 17–42.

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the 21st-century economy, it is also worth noting that the Polish tradition is the establishment of sectoral or industry chambers under public law.[56] Hence, the belief present in the literature that chambers of commerce can only be established in a territorial arrangement is incorrect.

The continental model has its roots in the 19th-century method of creating chambers by the monarchy. It reflects the thinking of the time about the economy as built on a local, not a global level. Life and economic activity of a craftsman, merchant or industrialist was usually concentrated around a city or a region. There were not as many business connections and dependencies on a national and global level as entrepreneurs have today. The lack of developed means of communication meant that the entrepreneur operated mainly in the local circle of acquaintances and contacts. There were also no strong and frequent links between entrepreneurs of the same industry on a national scale. Running a business was strongly conditioned by local realities. As a result, the conditions for conducting business activity by entrepreneurs in the same industry in different regions were very different. It is confirmed by historical reports. Finally, it should be underlined that chambers of commerce by their very nature are of a non-territorial nature. Their substrate are entrepreneurs, and its key bond is running a business.[57]

Nowadays, the dominant reference point for entrepreneurs in a given industry is another company conducting the same activity, even if it is located in another region or country. An entrepreneur learns methods and techniques from all possible sources – including foreign ones. Supply chains and business dependencies are increasingly global in nature. Employees are often employed remotely or remain on contracts – also abroad. The structure of enterprises is becoming more and more complex, and in some cases even non-territorial. This is particularly visible in two cases. When the company's headquarters is virtual and its activity is carried out, for example, in the so-called IT cloud or by outsourcing production to subcontractors. And when employees hired by a capital group work in teams and corporate structures (often international) not limited to employing entities.

In the 21st century, regional chambers dedicated to all industries should be considered an anachronism. The paradigm of regional organization of chambers, strongly supported by the above-mentioned Polish literature, based on the administrative division of the state according to the needs of general or special administration, should be verified with the assumptions and effectiveness of the sectoral model. Compared to the continental (territorial) model, it provides the concentration

[56] K. Dąbrowski, *Izby przemysłowo-handlowe Drugiej Rzeczypospolitej jako instytucje samorządu przemysłowo-handlowego. Ujęcie doktrynalne i konstytucyjne*, "Studia z Dziejów Państwa i Prawa Polskiego" 2007, vol. 10, pp. 303–321.

[57] K. Bandarzewski, *op. cit.*, p. 79; R. Kmieciak, P. Antkowiak, A. Jaskulski, *op. cit.*, p. 14; B. Zamącińska, *op. cit.*, p. 89.

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of competences and flexibility that is desirable in the era of globalization and knowledge-based economy. It is also resistant to location changes, such as relocation of headquarters, mergers and divisions of enterprises, as well as the formation of special economic zones. Unlike the German chambers of industry and commerce, it does not require the construction of a curial electoral system or the division of chambers into sections, and it does not lead to over-representation or under-representation of industries. The implementation of the sectoral model, which enables the construction of an ecosystem of specialized chambers, would be a systemic solution to this type of inequality. Except that the establishment of chambers in the sectoral model will finally make it possible to reform present catalogue of existing public law chambers in Poland.

The proper implementation of public law chambers of commerce in Poland should be based on the "road maps" proposed by K. Bandarzewski.[58] This is a bottom-up approach. Entrepreneurs analyse what obligations they have in connection with their business activity, and in what cases they interact with public administration. Next public administration together with entrepreneurs should prepare a list of public tasks that can be performed more effectively by the chambers.[59] It is worth remembering that individual industries have different responsibilities and spheres of interaction with the administration. The sectoral model addresses this diversity. It allows for a deeper decentralization of public tasks.

CONCLUSIONS

Considering the advisability of establishing public law chambers of commerce in Poland, the question should be asked how to design this institution so that it is structurally prepared for the challenges of the 21st century.

The conducted analysis of the Polish literature indicates that the dominant proposal so far is the top-down establishment of chambers in the continental model. Some of the available projects and publications refer to German solutions or contain borrowings from Polish laws of the interwar period – but they omit the sectoral character of both past and present chambers established by acts of public law. It should be also noted that the scope of current comparative law analyses is extremely limited and there is no in-depth reflection on the public-law role of the discussed institution in the process of decentralization of public tasks.

Our starting point was the observation of the low efficiency, representativeness and influence of entrepreneurs and their private law associations on the economic policy of the country, which justifies the need to develop more effective frame-

[58] K. Bandarzewski, *op. cit.*, p. 298.

[59] See also: P. Marciniak, *Sektorowy model…*, pp. 345–392, 493–508.

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work. As a result of analysing the three possible groups of solutions listed by K. Dąbrowski in the context of today's highly specialized business and related legal regulations, it was found that optimal support for the economy shall be provided by experts, not horizontal institutions. These conclusions indicate the desirability of developing an alternative to the continental model and the necessary evolution of the chambers of commerce assumptions.

Searching for possible concepts authors focused on the sectoral model proposed recently by P. Marciniak. This model was discussed from the perspective of law and economics. It is a new concept of common public law chambers of commerce. It focuses on specialization of such chambers, their non-territorial nature, balanced representativeness of industries and enterprise size classes, and high potential for decentralization of public tasks. Corresponds with the assumptions of the new institutional economics perspective and supports bottom-up processes. Refers to institutions known and implemented in Poland. As a result of the conducted considerations, it seems justified that it can be an alternative to the continental model. However, it requires refinement both in terms of the optimal number of chambers and the development of a specific catalogue of public tasks with stakeholders.

What is unique is the fact that the process of building a sectoral model can begin by selecting 3–5 industries where strong private law organizations already exist. In cooperation with them, it is possible to efficiently develop the catalogue of public law tasks, define relations with other public institutions and private entities, and ensure balance between company size classes. When creating a sectoral model of chambers of commerce, conceptual work with subsequent groups of enterprises that already keep contacts with each other will be easier and cheaper than the widely suggested approach in the literature of top-down implementation of territorially organized chambers of commerce in parallel for over two million enterprises. The experience gained in this "pilot" process can then be used to establish chambers for other industries.

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ABSTRAKT

Autorzy w artykule koncepcyjnym podjęli temat sektorowego modelu izb gospodarczych (handlowych, przemysłowo-handlowych itp.). Propozycja uzupełnia obecną w literaturze taksonomię izb opartą o trzy główne modele: kontynentalny, anglosaski i mieszany. Analiza porównawcza izb gospodarczych na świecie wskazuje na ich dużą różnorodność, ale również na istotny wpływ uwarunkowań historycznych i społecznych na ich organizację, pozycję i efektywność. Ich ustrój należy więc projektować adekwatnie do potrzeb danego państwa, a nie przenosić wprost na grunt krajowy rozwiązań zagranicznych lub historycznych. Dzisiejsze polskie izby gospodarcze funkcjonują jako dobrowolne organizacje zrzeszające przedsiębiorców na szczeblu branżowym, ogólnopolskim, regionalnym, lokalnym i bilateralnym (jako izby polsko-zagraniczne). Rozwiązanie to nie zapewnia jednak efektywnej komunikacji między przedsiębiorcami a władzami publicznymi. W polskich opracowaniach proponuje się tworzenie izb gospodarczych w modelu kontynentalnym, który oparty jest na dziewiętnastowiecznym układzie regionalnym. Autorzy stawiają tezę, że w dobie globalnych powiązań gospodarczych ta koncepcja jest przestarzała. Potrzebną dziś koncentrację wiedzy i kompetencji może efektywniej zapewnić model sektorowy. Sektorowe izby gospodarcze umożliwiają specjalizację ekspercką odpowiednią do potrzeb przedsiębiorców i władz publicznych. Stanowią też skuteczną platformę decentralizacji administracji publicznej. Model ten jest oryginalną propozycją autorów w dyskusji o możliwej ewolucji izb gospodarczych w realiach polskich. Jego wdrożenie wymaga m.in. właściwego zdefiniowania zadań izb oraz włączenia przedsiębiorców w proces ich tworzenia. Dyskusja toczona na łamach prasy ogólnopolskiej oraz czasopism branżowych pokazuje, że dociekania te mają wartość nie tylko dla nauki, lecz także dla przedsiębiorców i osób odpowiedzialnych za proces legislacyjny. Dlatego celem podjętych badań było uzasadnienie wdrożenia modelu sektorowego w kontekście dotychczasowej polskiej praktyki i rosnącej roli wiedzy eksperckiej.

Słowa kluczowe: model sektorowy; izby gospodarcze; izby przemysłowo-handlowe; przedsiębiorcy; władze publiczne