Summary

Planning is an essential activity of modern public administration. Its various forms are present in all major areas of its actions. Administration creates and implements a variety of planning acts within the internal and external relations, within its individual functions, and using a number of legal forms of action. The importance of planning in contemporary public administration increases steadily, and the regulations relating to it are subject to a noticeable process of organisation and systematisation. Such statement may also be referred to the practice of issuing planning documents by public administration bodies.

These processes have varied legislative and non-legislative reasons. Among them one can indicate an increase in complexity and scope of tasks carried out by the public administration, its far-reaching decentralisation, privatisation of exercising public tasks and the related transformations within the structure of the administrative system, as well as concerning the nature of relationships between entities that compose it. These occurrences affect both the increasing application of planning acts and activities, and determine their legal nature. A diverse, multi-entity administrative system compels to undertake such actions not only within the framework of hierarchical relationships, as an element of management, but mainly outside such ties, as a manifestation of coordination in the broad sense. For these reasons, the increase in the

importance of planning in contemporary public administration should be associated with such theoretical trends as *New Public Management* or *Public Governance*.

The discussed state of affairs is a source of numerous problems, both practical and theoretical. On the one hand, it turns out that the applicable regulations are not fully consistent with certain planning solutions adopted in practice, especially when they are to be implemented outside of centralised systems. On the other, it should be noted that although the description and analysis of these occurrences is possible using concepts found in the science of administrative law, one may observe some mismatches between them and established theories.

Planning acts are a diverse group of statements made by public administration bodies that can be recognised both as a legal category, as well as an instrument of management. A group of planning documents referred to as programmes can be quite clearly recognised within it. They include acts, whose meaning comes down to a detailed determination of measures for the implementation of certain public tasks, particularly including those resulting from planning acts of a more general nature (strategies, policies), together with an indication of the specific way in which they are funded.

An example of planning acts within this group includes government programmes. They are acts laid down by the Council of Ministers, determining the manner of performing certain public tasks or their groups, together with an indication of the amount and mode of financing of these measures from funds provided in the public budget. These acts are adopted by the Council of Ministers on the basis of its competence to conduct internal and foreign state policy, and their enforcement is ensured by government administrative bodies (ministers, voivodes). They usually cooperate with actors from outside the government administration, including local government units, in particular. This largely results from the fact that extensive decentralisation of public administration resulted in a significant restriction of legal, physical and organisational meas-

ures remaining at the disposal of government administrative bodies, and consequently – weakening their capacity to perform their public tasks. It should be noted, however, that issuing government programmes pertaining to areas defined by the local government units' own tasks raises reasonable doubt from the point of view of the constitutional principle of sovereignty of these units.

Government programmes constitute detailed, specific and complex planning documents, which are oriented towards forming a complete and comprehensive action plan that allows to achieve certain objectives established for the public administration by the Council of Ministers. For these reasons most of them have a similar material and normative structure that includes both planning guidelines, which lay down objectives to be achieved, and indicate the instruments to achieve them; typical substantive and procedural legal norms, addressed to entities outside the administrative system, as well as statements that lack normative value, in favour of an indicative or evaluative one. Contrary to the presented normative value, from which it is apparent that acts establishing government programmes also contain general and abstract legal norms addressed to all non-subordinated entities, these documents typically take the form of resolutions of the Council of Ministers, referred to in Art. 93(1) of the Constitution.

Despite the indicated differences that allow to recognise government programmes as a group of planning acts, they cannot be allowed to form a separate legal instrument. There is no standalone and complete statutory regulation of their establishment, material structure and, above all, implementation, as well as funding. As a consequence, the analysed planning acts are regulated by provisions governing various legal instruments. This leads to a situation in which a large part of measures adopted in government programmes, including their practical adoption and implementation, violates the applicable law or circumvent it. This represents a significant challenge for the legislature and the Council of Ministers, which adopts them. On the one hand, it seems necessary to create an appropriate legal framework for the purposes

of laying down and implementing government programmes, and on the other – to align the practice in this regard with the requirements of the Constitution. This is particularly true of aligning the legal form of establishing these planning acts with the structure of the constitutional catalogue of sources of law and – in so far as they are performed by local government units – with the contents of the principle of sovereignty of these units, as declared by the Constitution.