

EXPERIENCE OF THE REPUBLIC OF POLAND IN IMPLEMENTING THE STATE POLICY IN THE FIELD OF ENTREPRENEURSHIP ACTIVITIES

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Abstract. *The author of the article has attempted to analyze the successful experience of the Republic of Poland in implementing the state policy in the field of entrepreneurship activities. It has been proved that the Republic of Poland carried out successful economic reforms in the field of entrepreneurship activities and continues to implement them that led to significant achievements in the development of the entrepreneurial sphere, in particular, within state regulation of micro, small and medium-sized businesses. It is the reason that the specified experience is interesting and useful for Ukraine. It has been substantiated that the state policy in the field of entrepreneurship activities in the Republic of Poland is implemented, in particular, through strategic planning of state regulation of the entrepreneurial sphere. The main example of such a strategically important document, among other things, is the Constitution for Business (Konstytucja Biznesu), which became innovative for the implementation of the state policy in the field of entrepreneurship activities in Poland. The state support in the field of entrepreneurship activities has proved its effectiveness in Poland, and therefore this experience can be also used in Ukraine. The positive in this case is: a comprehensive approach in state regulation of small and medium-sized enterprises; a number of benefits for entrepreneurs of micro, small and medium businesses; reduction of administrative burden and state influence; various forms of financial support. The analysis of the functioning of the Institute of the Spokesman of Small and Medium-Sized Entrepreneurs of the Republic of Poland, whose activity is also more successful than a similar institution in Ukraine, was also relevant. Given that the Republic of Poland is an important strategic partner for Ukraine, we consider it possible for our country to take into account such legislative progress in the specified aspects.*

Key words: business administration; administrative and legal principles; state policy; legislation of the Republic of Poland; international experience, entrepreneurship activities

1. Introduction

Modern Ukraine is rapidly developing in terms of the formation of global international cooperation. Like most states, our country is in constant interaction with other foreign states and a number of international governmental organizations. Such interaction is due, first of all, to the common political, economical and cultural interests of these states and international institutions. Over time, we can observe an increasingly close interaction of Ukraine with certain foreign countries due to military actions in our country and numerous military escalations on the territory of other countries. It may further lead to the creation of interstate unions united by a certain legal boundaries, as well as common goal on the way to building democratic, economically independent, free states.

The war, first of all, posed Ukraine the task of preserving the economy and its successful recovery after its end. An important component of the full post-war recovery of Ukraine's economy is also the formation and implementation of an adequate and effective state policy in the field of legal regulation of entrepreneurship activities, which should create a reliable basis that would contribute to the development of entrepreneurship, increase the number of national producers, unshadowing business and attractive conditions for capital investment into the development of business.

One of the main purposes of such international cooperation is the analysis of international experience of the principles of the state policy implementation, as well as state regulation in one or another socially important sphere, in order to assess the possibilities of its use in Ukraine.

2. Review of the literature

The following scholars studied certain aspects of international experience of the state policy implementation in some areas, in particular: A. H. Bobkova, O. M. Vinnyk, V. M. Haivoronskyi, V. A. Holovenko, L. M. Doroshenko, L. F. Kryvachuk, S. M. Lutsenko, Yu. I. Ostapenko, N. M. Parkhomenko, N. O. Saniakhmetova, Yu. Zh. Shaihorodskyi and many others. However, there are currently no scientific works focused on the analysis of international experience in the implementation of the state policy in the field of entrepreneurship activities, which actualizes the chosen topic.

3. Research purpose

Therefore, **the purpose of this article is:** to study the positive experience of the Republic of Poland regarding the implementation of the state policy in the field of entrepreneurship activities and the possibilities of its implementation in Ukraine.

4. Results

Considering the comprehensive approach, there is a big difference between the socio-economic development of Ukraine and the Republic of Poland, which is due to certain reasons, in particular: historical, economical, political and, of course, legal. Since appropriate legislative framework should be formed and effective state policy should be implemented for the development of the market economy, as well as for the creation of an appropriate legal basis for the implementation of entrepreneurship activities.

Considering the purpose of this article, it is important to single out the most successful experience of implementing the state policy in the field of entrepreneurship activities in the Republic of Poland, in order to study it and assess the possibilities of its implementation in Ukraine.

First of all, it is appropriate to note that the right to free entrepreneurship activities is guaranteed both in the Republic of Poland and in Ukraine by the Constitution. Thus, the Article 20 of the Constitution of the Republic of Poland states that “the social market economy, which is based on freedom of economic activity, private property and solidarity, as well as on the dialogue and cooperation between social partners, is the basis of the economic system of the Republic of Poland” [1]. According to the Article 22 of the Constitution of the Republic of Poland, restrictions on the freedom of economic activity may be established only by law and only under the condition of exceptional social importance of applying such restrictions [1]. Occasionally, it should be emphasized that the Constitution of the Republic of Poland contains the provisions of the specified Article in the Section dealing with human and civil rights and freedoms, which also emphasizes the social importance of entrepreneurship activities, which enshrine freedoms for human and civil rights [1].

Strategic documents such as the National Program of Reforms of the Republic of Poland for 2008-2011 [2]; the Strategy of the National Strategic Foundations of Interaction in 2013; Areas for the growth of innovativeness of the economy for 2007-2013, Collection of statistical materials on promoting the development of entrepreneurship; Areas of the country's development for 2020 [3] are the foundation of the state policy in the field of entrepreneurship activities of the Republic of Poland. The specified strategic documents of the Republic of Poland directly or indirectly affect the implementation of the state policy of this country in the field of entrepreneurship activities. The state policy is always related to the creation of apprehended, clear strategy, which should serve as a certain reference point, first of all, for the legislative power, directly for the subjects of a certain sphere, in particular, the subjects of entrepreneurship activities, and for the state in general. We agree with A. A. Hrytsenko, who rightly stated: “the process of policy planning is called strategic, when strategically

important political tasks are solved” [4, p. 41], because any strategic document contains a program for the future issues, for ensuring quality results in the future from currently made decisions and taken measures.

The state program to support entrepreneurship called the *Konstytucja Biznesu* [5] was introduced in Poland on December 30, 2018. This document contains a package of laws aimed at reforming and simplifying the rules for the field of entrepreneurship activities. Amendments introduced by the *Konstytucja Biznesu* relate to legal relations in the field of entrepreneurship, in particular: - legal relations between business entities and entities dealing with business insurance issues; establishing a business (registration of business entities); - termination of the activities of business entities; - principles of economic law; responsibilities of business entities [5]. The most important regulatory legal act related to the *Konstytucja Biznesu* state program is the Law on Entrepreneurs, which defines the most important rights of entrepreneurs and the principles of conducting entrepreneurship activities. The advantages of the *Konstytucja Biznesu* are: entrepreneurs while establishing a business receive a preferential package, in particular, start-up entrepreneurs can be exempted from paying social insurance contributions for the first six months of entrepreneurship activities. Entrepreneurs must register for compulsory social insurance within 6 months of starting their own business, instead of within 7 days as it was before, then they will be able to use benefits for entrepreneurs for 2 years. In parallel with the above, the concept of “unregistered activity” (*firma na próbę*) was introduced. Activities that generate income, no more than 50% of the minimum wage (about 260 euros per month), are not subject to the state registration [5].

Regarding administrative and legal principles for the implementation of the state policy of the Republic of Poland in the field of entrepreneurship activities, it is possible to note the introduced mechanism for reducing the administrative burden, namely: the principle of administrative burden's proportionality was introduced for entrepreneurs, in particular, representatives of the small business sector, i.e. administrative influence on entrepreneurs of the specified sector of economy should be limited. The principles of preventing excessive application of the legislation of the European Union were introduced among other things.

Administrative and legal forms and methods of regulating entrepreneurship activities have been also optimized by singling out only three main from multiple ones, in particular: licenses, permits and registries of regulatory activity. Besides, they have introduced the principle, according to which all permits cannot be exclusively discretionary and must always be granted when the subject of entrepreneurship activities fully meets all legal requirements [5].

Therefore, taking into account the above, particular attention should be paid to the fact that the Republic of Poland introduced a reform in the field of entrepreneurship activities in 2018 through the adoption

of the comprehensive *Konstytucja Biznesu* program, which contains a number of laws regulating legal relations in a certain area, which launched the mechanism for the minimization of administrative burden and state influence in the field of entrepreneurship activities. In particular, the following provisions were introduced: 1) the concept of “unregistered activity” - extends to the sphere of small household transactions, small retail trade, provision of one-time services. Such entrepreneurs are allowed to conduct business without obtaining the relevant permits, licenses, concessions, etc. The list of benefits for such entrepreneurs has been established – this mechanism makes it possible to bring out of the shadow those entrepreneurs, who are actually involved in entrepreneurship activities, receive profit, but do not pay the appropriate contributions to the state; 2) the exemption period of 6 months from the moment of registration of business activity for the payment of social contributions (ZUS) was established, and the similar exemption period for the payment of contributions was introduced for entrepreneurs who resumed their own business activity (at least 60 months from the moment of termination); 3) the concept of “leave for entrepreneurial activity” has been introduced - such termination lasts up to 60 months for individual entrepreneurs, and up to 24 months for legal entities, respectively. These terms are calculated from the moment the entrepreneur sends the appropriate notification to the tax authorities; 4) digitalization of reporting related to the business sphere was carried out; 5) the law to support investment activities in the Republic of Poland was introduced, in particular, by expanding special economic zones and spreading them throughout the country.

The institutional support for entrepreneurs is another great asset of the state policy of the Republic of Poland in the field of entrepreneurship activities over the past 10 years. Thus, the Institution of the Spokesman for Small and Medium-Sized Entrepreneurs was introduced, the legal basis of which was the Law of the Republic of Poland “On the Spokesman (Ombudsman) for Small and Medium-Sized Entrepreneurs” of 2018 [6]. According to the Law [6], the main tasks of this official are, in particular: (a) providing legal opinions on draft laws in the field of entrepreneurship activities, namely, regarding the regulation of small and medium-sized business; (b) provides assistance in setting up mediation between entrepreneurs and public authorities; (c) cooperates with public organizations, the purpose of which is to protect the rights of entrepreneurs; (d) cooperates with public movements, associations, both national and international foundations, social and professional organizations whose activities are aimed at protecting the rights and interests of business entities; (e) organizes educational information events on issues related to entrepreneurship activities, etc. [6]. The powers of the Spokesperson (Business Ombudsman) of the Republic of Poland are limited to representation exclusively in cases between entrepreneurs and subjects of public administration, as well as local self-government agencies or other state institutions. It is important that such a person mediates between business entities and administrative agencies, it, in fact, performs the role of a mediator for such subjects.

This institution, from the point of view of Polish scientists, was introduced to guarantee and protect the rights and legitimate interests of representatives of small and medium-sized enterprises, as well as for the purpose of assessing violations and abuses of legislation by representatives of public administration in the specified area, and protecting entrepreneurs within an appropriate way [7, p. 46]. That is, the Spokesman (Business Ombudsman) of the Republic of Poland is completely independent within the professional activity, in particular, not interrelated with state authorities. Such freedom of activity is due to the fact that the Spokesman is appointed for 6 years without the right to be recalled from the position, and is not subject to state supervision and control [7, p. 67].

In the context of this research, it would be fair to note that the Institution of Business Ombudsman was also introduced in Ukraine in 2014. The Memorandum of Partnership between the Business Ombudsman Council of Ukraine (BOC) and the Polish SME Ombudsman (BRMSP) was signed in 2022. The heads of the institutions, Roman Waschuk and Adam Abramowicz, agreed to jointly help entrepreneurs operating in Ukraine and Poland, exchange information on the state of business and cooperate on other issues within the competence of BOC and BRMSP [8]. However, the work experience of the Office of the Polish Spokesman (Business Ombudsman) is more successful than in Ukraine. The legal status and powers of the Ukrainian Business Ombudsman are disproportionate in comparison to the Polish counterpart, in particular, “in terms of legislative provision, powers, opportunities for participation / representation in the relevant courts”, etc. [9]. Therefore, the experience of the Republic of Poland in regard to the activities of the Spokesman (Business Ombudsman) is extremely important for Ukraine, in our opinion, and the adoption of effective Polish practices will be useful for Ukraine.

5. Conclusions

The indicated above allows us to make conclusions that the state policy of the Republic of Poland is implemented through strategies, programs, plans, goals, etc., which are designed for 4-5 years. The experience of the Republic of Poland in implementing the state policy in the field of entrepreneurship activities is more successful than in Ukraine, because the following things have been introduced: 1) comprehensive approach to state regulation of small and medium-sized enterprises; 2) a number of benefits for entrepreneurs of micro, small and medium businesses; 3) the administrative burden and state influence in the field of entrepreneurship activities are minimized; 4) various forms of financial support for entrepreneurs (low-interest loans, subventions, subsidies, tax benefits, attraction of public and investor funds, preferential services in the field of business education and consulting). Ukraine has all the opportunities to use such positive experience to improve the legal framework, in particular, the administrative and legal, the implementation of the state policy in the field of entrepreneurship activities in Ukraine.

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