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**SUMMARY OF THE DOCTORAL DISSERTATION**  
**"MANAGEMENT OF MUNICIPAL PROPERTY AS PART OF THE PUBLIC-PRIVATE PARTNERSHIP"**

Public-private partnership (PPP) is an alternative to traditional public procurement. Its significant advantage is the possibility of obtaining private capital for individual investments. It also allows for the optimal distribution of risks related to the project and determination of the scope of tasks between the participating entities. Over the next few years, the importance of the PPP formula is expected to increase in the Polish market. To a large extent, this is related to the expected decrease in the inflow of EU funds, which so far has been the driving force behind a significant part of public investment plans.

Public-private partnership, as its name implies, requires close cross-sector cooperation. This is to provide additional benefits compared to other methods of performing public tasks. Due to the wide scope of application and the possibility for the parties to freely arrange the terms of cooperation, the PPP formula will be particularly important for innovative projects.

This doctoral dissertation is devoted to a comprehensive examination of the normative possibilities of involving municipal property in public-private partnership projects. Although these projects can be successfully implemented by all units of the public finance sector and a significant part of entities controlled by them, the scope of the research conducted did not cover all public property. This is justified by the characteristics of projects of this type implemented in Poland so far. The analysis of all currently implemented and completed public-private partnership initiatives leads to the conclusion that approx. 90% of them are local government projects, of which, in turn, approx. 83% were implemented by municipalities. This is an unusual situation in countries with rich experience in developing the PPP formula. The presented data encourage looking for answers, which is the source of the so far dominance of basic local

government units in the implementation of PPP projects. Initially, it can be assumed that it results from the specificity of municipal property. The following two arguments support this.

Firstly, municipal property is a key instrument by which entities managing it carry out public tasks.

Secondly, the public-private partnership formula is a form of performing public tasks that involves a multi-faceted involvement of property belonging to a public entity. This is mainly due to the obligation to operate an asset that is specific to any PPP project.

Considering the above, municipal property is essential to the success of individual partnership initiatives. However, it must not be forgotten that the indicated property should be used by all residents. Consequently, all related activities must be in line with the public interest. Thus, the management of municipal property is subject to increased protection and cannot be arbitrary. Bearing this in mind, it is difficult not to notice the conflict between the need to protect the public interest in the form of preventing mismanagement in the use of municipal property and the considerable freedom in shaping contracts, which is characteristic of public-private partnerships.

Management should be considered as the concept most adequately describing the ways of involving property in PPP projects, as it covers all factual and legal actions relating to individual assets and their rights. The conducted research was largely limited to the stage of planning and preparation of the project. Thus, they do not include activities that are already performed during the project implementation.

The main research problem raised in this dissertation concerns the verification of whether there are normative limitations in the management of municipal property under public-private partnership and, if necessary, what their nature is and what they result from. Its solution should answer whether there is a relationship between the legal framework for managing municipal property and the current dominance of municipal PPP undertakings on the Polish market. This will allow to determine whether the applicable regulations on municipal property really facilitate the undertaking and implementation of projects in this formula.

In addition to the above, this dissertation should also help to solve other, side research problems related to the subject matter.

The first relates to the question of whether municipal property managers can use all items of municipal property for PPP projects. If the answer is negative, it will be necessary to select the key assets for the partnership and to present the criteria for their selection.

The second side research problem concerns determining whether the potential normative limitations in the management of municipal property relate to both main levels of



involvement of this property in public-private partnership projects, i.e. own contribution and remuneration for the private partner. If so, then it is necessary to determine the *ratio legis* and the nature of the regulations introducing these restrictions. Research in this area should, inter alia, decide whether the public entity may dispose of its property by donation or at a price significantly lower than the market price. Thanks to them, it will also be possible to determine whether the payment to the private partner may take a non-standard form, e.g. non-monetary or hybrid.

The third side research problem relates to determining whether the existing *de lege lata* legal solutions ensure a consistent and comprehensive verification of the method of municipal property management for the purposes of the PPP formula, as well as whether they provide for legal instruments necessary to remove the identified violations. It is important in the context of determining whether the regulations in force in this regard implement the principle of proper management of public property, which is one of the specific principles of public economic law.

The issue of managing municipal property under PPP has not been of particular interest to representatives of the legal doctrine so far. Until now, it has also not received many scientific publications. Therefore, this dissertation aims to fill this gap. In addition, it may prove to be of assistance to practitioners preparing ventures involving the private sector.

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