

**Summary of the doctoral dissertation titled: „Investments in the PPP<sup>3</sup> formula as one of the forms of implementation of the municipality's own tasks in environmental protection”**

The subject of this doctoral dissertation is investments in the PPP formula as one of the forms of implementation of the municipality's own tasks in environmental protection. The main purpose of my doctoral thesis is to analyze the impact of the PPP formula on the implementation of the municipality's own tasks in environmental protection in the waste management and water and sewage management sector. The motivation to address the topic of the dissertation was based on my participation in the legislative process in the work on adopting a new law amending the act on maintaining cleanliness and order in municipalities and certain other acts of 1 July 2011<sup>4</sup>, which gave rise to a new waste management system in Poland and imposed on municipalities an obligation to take over responsibility in this respect. Along with the growing interest in the subject of PPP development in environmental protection and the negligible number of publications in this area, it seemed reasonable to investigate this subject in Poland and abroad.

Environmental protection is currently one of the most important branches of the European Union ("EU"). The substantive scope of my doctoral dissertation concerns the issue of the broadly understood Public-Private Partnership in the law of environmental protection. The key issue in this respect is an analysis of the complex legal basis for cooperation between the Public Entity (municipality) and the Private Partner (investor). Recent years have brought many key changes in national legislation through the implementation of EU law in the subject matter.

The Public-Private Partnership seems to be an innovative solution and a positive response to the city budget deficit and the ever-growing demand for investment financing in the aforementioned areas, which the municipality is obliged to implement as part of its own tasks. The cooperation of the public sector with a private investor in the PPP formula is a contemporary challenge, because it greatly affects the interest of the citizen and serves the joint implementation of investment for the public good. In the field of environmental law, as well as waste and water law, the Polish legislator adopted the legal regulations in terms of the

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<sup>3</sup> Public-Private Partnership.

<sup>4</sup> Journal of Laws 2011, No. 152, item 897.

requirements of EU legislation. Therefore, in the last few years we have been able to experience the development of new national law systems regarding the water and sewage management and waste management sector.

When preparing the characteristics of a scientific problem, it is necessary to state a research hypothesis. In the present work I formulated and then verified the following research hypothesis: *"Investments in the PPP formula - as one of the forms of the municipality's own tasks in the field of environmental protection, especially in waste management and water and sewage management, can be successfully implemented in Poland"*. This hypothesis was considered to be correct. It should be remembered that in order to work effectively, a PPP needs a political, legal, economic and finally social environment in which it can fulfill its functions. Success for the purposes of this work means selecting a contractor (Private Partner) by way of a tender procedure announced by the Public Entity, which results in the implementation of an energy-efficient and economically effective investment in the waste management or the water and sewage management sector. I am attempting to demonstrate that a Public-Private Partnership can be a remedy for municipalities in fulfilling Poland's obligations in the field of environmental protection.

Along with the justification of the work issues, it is necessary to show the connection of a given matter with specific social needs. It is particularly important when the subject of future research has a practical nature, and therefore this dissertation has a theoretical and empirical nature. The work uses a hypothetical-deductive research model and information collected during study visits to waste incineration plants in Poland and abroad (i.e. in England, Germany, Spain and Austria). I used a case study in the dissertation. It is a research method that is based on the use of a variety of methods to make the most accurate diagnosis of a particular case. The research technique that was used in this work was my participation as a legal adviser in: (i) tender proceedings for the construction of a waste incineration plant in Poznan, (ii) tender proceedings for the construction of a heat and power plant in Olsztyn, (iii) preparing legal agreements for a modernized sewage treatment plant in the Konstancin-Jeziorna municipality near Warsaw, implemented in the PPP formula, and (iv) information collected during study visits to municipal waste incineration plants in Poland, England, Germany, Spain, and Austria. By proceeding with the interpretation of the results of visits and interviews, the dissertation presents a description of the abovementioned projects, as well as findings, observations and experiences using the PPP formula collected both in Poland and abroad. Interviews are a method of gathering information that is a process of mutual communication. The result of the research that I wanted to achieve was to improve




the implementation of PPP investment in environmental protection in the water and sewage management and waste management sector.

As part of the summary of the research results, it is worth emphasizing that in recent years it is not only many scientific authorities and experts but also representatives of various local governments that have been in favor of the development of Public-Private Partnerships, and there is a large consensus of views that confirms that the PPP formula should be applied broadly in the implementation of tasks from the public sector on the Polish market. The need for further investments on the Polish market is still very high, and the use of a PPP institution can significantly contribute to the dynamism of investment plans, making our country more competitive not only with regard to EU socio-economic realities, but also on a global scale.

The doctoral dissertation consists of an introduction, five chapters and a conclusion. In Chapter I, I present the concept of Public-Private Partnership as well as the potential of using this formula in waste management and water and sewage management. The subject of Chapter II is the characteristics of the new waste management system and the characteristics of the water and sewage sector, as well as the prospects for the development of PPP in these areas. In Chapter III, I have presented the formal and legal conditions required for the investment process in the waste management and water and sewage sector. In Chapter IV, I discuss selected PPP projects in the abovementioned sectors in Poland and abroad, and I present the results of the conducted research. In Chapter V, based on the conducted research, I present the recommendations for action and the model of conduct for the success of investment in the PPP formula. I also formulate the benefits of using the PPP formula in environmental protection. In the conclusion, I have attempted to formulate the conclusions of the presented considerations. With reference to the subject of my work, I have analyzed the legal regulations and literature at both international and national level.

The doctoral dissertation includes the current legal status as of 1 January 2019.



Szczecin, on 08.04.2019