

*Przemysław Niemczuk*

WSPiA University of Rzeszów, Poland

e-mail: [przemyslaw.niemczuk@wspia.eu](mailto:przemyslaw.niemczuk@wspia.eu)

ORCID 0000-0002-2274-0128

## **COORDINATION AS A CONTEMPORARY CHALLENGE IN THE SCIENCE OF ADMINISTRATIVE LAW**

### **Abstract**

Contemporary coordination does not have a uniform normative definition, although the term is often used in legal regulations, especially administrative ones. On the one hand, it retains its lexical meaning and thus is legally undefined. On the other, it has different meanings for the purposes of detailed substantive law regulations. This alone translates into its abundance and diversity, which results in the fact that coordination does not have a uniform meaning in the legal language. The nature of coordination in public administration is to be sought in the construction of the legal form of action, with the proviso that it does not involve any of its classic forms. This encourages the search for other approaches. There have been proposals in the science of law to define coordination, e.g., as a method of administering or as a separate coordination relationship. In order to understand coordination, one should not try to put it in a rigid definition framework. On the contrary, one should perceive it as a multiform of administration. Identifying coordination as a legal institution is currently a major challenge for the science of administrative law.

### **KEYWORDS**

coordination, public administration, administrative law

## SŁOWA KLUCZOWE

koordynacja, administracja publiczna, prawo administracyjne

## INTRODUCTION

Coordination as a legal institution has found application in public administration at various times in Poland. It is an inherent feature of organizing the activity of human communities and is continuously intensified along with the development and strengthening of social ties.<sup>1</sup> It is a dynamic process, the course of which takes into account current changes in the various areas of impact.<sup>2</sup> It was present in the socialist model of the State, it is also present in contemporary public administration. It occurs both in the public and in the private sectors. Moreover, it is an important (or even the most important) instrument for connecting these sectors. It is also widely used at the international level, including the organizational level of the European Union.

The term 'coordination' has many meanings. The etymology of the term emphasizes its complexity and heterogeneity, and even raises doubts about its origin. In dictionary terms, the term is derived from the Latin *coordinatio*, *coordinare*. It is usually translated using such synonyms as: 'agreeing', 'harmonizing' or 'orderly interaction'<sup>3</sup>. There are also interpretations of 'coordination' as a method that complements harmonization.<sup>4</sup> It is also described by such terms as: 'arrangement', 'ordering of various elements', 'activities to ensure their concerted interaction, mutual adjustment'<sup>5</sup> or 'harmonization'<sup>6</sup>. The term was borrowed by physiology and meant the proper interaction of the organs of the body. Hence, through the organic theory of a State, which treated a State as a peculiar organism, with the additional influence of the theory of division of labour, coordination

---

<sup>1</sup> cf Andrzej Burda, 'Problemy koordynacji działania w ramach i pomiędzy centralnymi organami państwowymi', *Annales Universitatis Mariae Curie-Skłodowska* 1978, Sectio G, Vol XXV, No 1, 1.

<sup>2</sup> Teresa Bińczycka-Majewska, *Koordinacja systemów zabezpieczenia społecznego w Unii Europejskiej*, Kraków 1999, 34.

<sup>3</sup> cf, e.g., Mieczysław Szymczak, *Słownik języka polskiego. Tom pierwszy A-K*, Warsaw 1992, 1007; Władysław Kopaliński, *Słownik wyrazów obcych i zwrotów obcojęzycznych z almanachem*, Warsaw 2007.

<sup>4</sup> cf Piotr Wawrzyk, Konstanty A Wojtaszczyk (eds), *Przestrzeń wolności, bezpieczeństwa i sprawiedliwości w Unii Europejskiej. Słownik*, Warsaw 2011, 86.

<sup>5</sup> cf Bogusław Dunaj (ed), *Popularny słownik języka polskiego*, Warsaw 2000, term: 'coordination'.

<sup>6</sup> cf *Mały słownik języka polskiego*, Warsaw 1969, 301.

acquired the meaning it has today in all areas of life, namely, such a distribution of activities that, through their agreement, leads to the realization of the planned goal.

At the same time, its position in the system and legal classification remain unresolved in the literature. Bearing in mind the rule of law, its proper legal identification becomes crucial. The term ‘coordination’ is often used in the language of law to describe the functioning of public administration. The normative acts published in *Dziennik Ustaw* [Journal of Laws] and *Monitor Polski* [Official Gazette of the Republic of Poland] use this term as often as almost 6,000 times in various grammatical variants in relation to public sector entities. By contrast, this number is twice as high in the legal acts published in the Journals of the European Union, and nearly seven times higher in the acts of local law. Due to its frequency and presence in modern public administration, it is necessary to properly identify the essence and meaning of ‘coordination’.

The approaches to coordination vary, depending on the branches of law. It is viewed slightly differently under private law and under public law. It is perceived differently under national, international and EU law. Under private law, coordination is closely related to the guarantee function of law and is vested in entities having subjective rights. Public law, as a rule, is concerned with the organization and functioning of entities performing public functions. Administrative law plays a particularly important role in this respect. R. Stankiewicz aptly states that it is necessary to distinguish the coordination relationship as a specific category of the administrative-legal relationship.<sup>7</sup> Identifying coordination as a legal institution is currently a major challenge for the science of administrative law.

## COORDINATION AS A FORM OF PUBLIC ADMINISTRATION ACTIVITY

In the science of administrative law, there are a number of approaches to coordination.<sup>8</sup> It is difficult to determine its legal meaning and normative formula. It lacks an unequivocal linguistic interpretation or specified conceptual scope. Moreover, it is used interchangeably with legal terms describing other relationships between entities, such as: ‘harmonization’, ‘cooperation’, ‘supervision’, ‘control’ and ‘management’. Coordination is also described as their component or resultant, or as an umbrella term encompassing all of them.<sup>9</sup> Although it often

---

<sup>7</sup> cf Rafał Stankiewicz, *Koordinacja w prawie administracyjnym*, Warsaw 2019, 17.

<sup>8</sup> For an interesting overview of coordination in Polish science of law cf Rafał Stankiewicz, *ibid* 12ff.

<sup>9</sup> cf, e.g., Przemysław Niemczuk, ‘Aksjologia koordynacji w administracji publicznej’, in Jan Zimmermann (ed), *Aksjologia prawa administracyjnego*, Warsaw 2017, 763ff.

remains closely related or similar to them, coordination exists independently of other forms of impact. It is embedded in the nature of coordination which, on the one hand, is convergent with the above-mentioned forms of impact, and on the other, is distinct from them. Its complexity translates into problems with determining its status in the legal system.

As a legal institution, coordination finds application in both subordinated and non-subordinated systems. In teleological terms, it is an activity whose aim is to ensure coherent and effective functioning of the whole through the proper functioning of its individual components. The form of coordination may vary. It may be part of authoritative measures, including those necessary to exercise supervision. At the same time, it may be a non-authoritative form of impact expressed as an opinion, recommendation or arrangement. It can also be a kind of service, e.g., provided in support of a given entity's activity. Viewed through the prism of dependency, coordination constitutes a form of interaction positioned between cooperation and management.

Coordination has found a particular application in shaping the relations within the European Union. Until recently, the normative basis for coordination in the EU law was Article 10 of the Treaty establishing the European Community.<sup>10</sup> Under the provisions of the Lisbon Treaty, the Member States coordinate their economic, employment and social policies within the European Union.<sup>11</sup> An analysis of the organizational and legal solutions which characterize the assumptions of the European Union leads to a conclusion that coordination is one of the basic methods of implementing the community values in almost all their manifestations. The Treaty of Rome, concluded on 27 March 1957, invokes harmonization and coordination in its numerous provisions, though without clearly defining these terms. Despite the impressive number of judicial decisions issued in the course of application of the Community legal acts, the European Court of Justice has never defined the term 'coordination'. It has only concluded that some of them play a coordinating role.<sup>12</sup> Coordination is one of the basic techniques for synchronizing activities within the European Union and the Member States.

The specificity of coordination in public administration is to be sought in the construction of the legal form of action, with the proviso that it is not any of its classic forms. This prompts one to look for other approaches. There have been proposals in the science of law to define coordination, e.g., as a method of

---

<sup>10</sup> The Treaty establishing the European Economic Community, Rome, 25 March 1957, in the wording of the Treaty of Nice (JL of 2004, No 90, item 864/2 as amended).

<sup>11</sup> cf Article 5 paras 1, 2, 3 of the Treaty on the Functioning of the European Union (OJ UE of 2008, C 115/47).

<sup>12</sup> cf Bińczycka-Majewska (n 2) 33.

administration.<sup>13</sup> In order to understand coordination one should not try to put it in a rigid definition framework. On the contrary, one should perceive it as a multiform of administration. Especially that, as M. Stahl notices, we can observe an evolution of the functions of coordination.<sup>14</sup>

The ambiguity of the term 'coordination' has been often emphasized in the literature.<sup>15</sup> It is usually used in two senses, i.e., praxeological and strictly legal.<sup>16</sup> The main criteria used to differentiate between those two are: the goal and the scope.<sup>17</sup> Based on the above, different types of coordination can be distinguished. One of the proposals is to differentiate between three types of coordination: branch, inter-branch and interministerial.<sup>18</sup> There are various classificatory criteria in the literature to describe the complexity of coordination in public administration. Based on the criterion of territory, there are: local coordination, national coordination, coordination within institutionalized international organizations (e.g., the European Union) and international coordination in the broad sense. Based on the organizational criterion, there is internal and external coordination. Coordination can also be divided into vertical and horizontal.<sup>19</sup> Although the proposed typologies do not exhaust the complexity of contemporary coordination, they bring us closer to understanding its nature.

## SYMPTOMS OF COORDINATION IN THE ADMINISTRATIVE LAW

Coordination may manifest itself in a variety of ways in different systems through specific types. Due to the fact that it can be approached in a multidimen-

---

<sup>13</sup> cf, e.g., Michał A Waligórski, 'Koordynacja – sposób administrowania czy prawna forma działania administracji?', in Jan Boć, Andrzej Chajbowicz (eds), *Nowe problemy w teorii prawa administracyjnego*, Wrocław 2009, 477.

<sup>14</sup> cf Małgorzata Stahl, 'Szczególne prawne formy działania administracji', in Roman Hauser, Zygmunt Niewiadomski, Andrzej Wróbel (eds), *System prawa administracyjnego. Prawne formy działania administracji*, Vol 5, Warsaw 2013, 362.

<sup>15</sup> cf, e.g., Adam Chełmoński, 'Instytucje administracyjnoprawne w zarządzaniu gospodarką narodową', in Teresa Rabska (ed), *System prawa administracyjnego*, Vol IV, Wrocław-Warsaw-Kraków 1980, 476.

<sup>16</sup> cf Zygmunt Rudnicki, Tadeusz Skoczny, 'Istota prawna koordynacji', *Państwo i Prawo* 1971, No 11; Elżbieta Kronberger-Sokołowska, *Prawne formy koordynacji gospodarczej w zarządzaniu przedsiębiorstwami przemysłu kluczowego*, Warsaw 1976, 10ff; Andrzej Burda (n 1) 7.

<sup>17</sup> cf, e.g., Adam Chełmoński (n 15) 478; Michał A Waligórski (n13) 318.

<sup>18</sup> cf Adam Chełmoński (n 15) 479. It should be noted that those considerations took place in different socio-economic conditions.

<sup>19</sup> For more on these typologies cf., e.g., Zbigniew Leoński, *Nauka administracji*, Warsaw 2002, 129–130; Michał A Waligórski (n 13) 481–482.

sional way, distinguishing specific types of coordination requires systematization. For this purpose, it is necessary to adopt a specific interpretation serving as a prism through which it is possible to identify coordination within a given system, i.e., a classificatory criterion. The criteria for classifying coordination may vary. The most clear-cut of them seem to be the system criterion, the territorial structure, the relationship between entities, and the coordination instrument. With regard to the above criteria, the following systems can be distinguished: monistic, dualistic and pluralistic; horizontal and vertical; subordinated and non-subordinated; subjective and objective. Each of these systems occurs independently of one another, and often mixes with others. Taking into account all these criteria, one can identify different manifestations of coordination, which as a rule differ from one another.

#### **a. TYPES OF COORDINATION IN THE POLITIC SYSTEM TERMS**

The system criterion finds a particular application in the functioning of public administration. According to the Constitution of the Republic of Poland,<sup>20</sup> the territorial system is to ensure the decentralization of public authority<sup>21</sup> while maintaining the executive role of the Council of Ministers.<sup>22</sup> These principles find reflection in the duality of public administration, i.e., the functioning of centralized and decentralized local systems. The centralized system's tool is mainly the government administration, both central and local, which constitutes the executive apparatus of the Council of Ministers. The executive apparatus of the decentralized administration is the local self-government administration, composed of the bodies of local self-government units. The Constitution of the Republic of Poland also guarantees the freedom of association<sup>23</sup> and the freedom of economic activity.<sup>24</sup> The entities established and functioning in the voluntary exercise of these freedoms are defined as non-public. They are basically divided into two categories: social organizations and entrepreneurs. Coordination may take place between such entities in various configurations. It is not, however, external and internal coordination described in the literature. These typologies are similar to each other, but they have different assumptions. Coordination may be used for organizing the activity of entities having the same position in the system and the same status. Interactions will then take place, for example, within government administration or between entities of local self-government, i.e. within one sys-

---

<sup>20</sup> JL of 1997, No 78, item 483.

<sup>21</sup> cf Article 15 para 1, *ibid.*

<sup>22</sup> cf Article 10 para 2, *ibid.*

<sup>23</sup> cf Article 12 and 58, *ibid.*

<sup>24</sup> cf Article 20 and 22, *ibid.*

tem. The character of such coordination seems to be best described by the term monistic.

An example of monistic coordination in the functioning of government administration may be the role of voivodes in their relations with non-combined government administration,<sup>25</sup> or the application of this term in determining the competences of authorities in charge of particular government administration departments.<sup>26</sup> The term ‘coordination’ appears in many statutory acts providing for the functioning of government administration. It is often used in its lexical sense. There are also statutory acts which, to a greater or lesser extent, specify the scope of coordination as a form of action to be taken in order to perform the tasks stipulated in their provisions. However, each of them does it in a different manner. These acts include the ones that specify the assumptions of the Act on government administration departments,<sup>27</sup> as well as the acts that stipulate the competences of particular administrative structures.<sup>28</sup> Nevertheless, it is difficult to find in these regulations a uniform concept and content of coordination as

---

<sup>25</sup> cf Article 22 subpara 1 and 4, Article 58 and Article 51 subpara 1 of the Act of 23 January 2009 on the voivode and voivodeship government administration (JL of 2023, item 190).

<sup>26</sup> cf Article 7a para 2 subpara 5), Article 8 para 2 subpara 2) and 10a), Article 9 para 5, Article 9a para 1 subpara 12, Article 11 para 1 subpara 4), Article 11a para 1 subpara 7), Article 13 para 2 subpara 2), para 3 subpara 1) and 4), para 4 subpara 1) and 2), Article 20 para 3, Article 23a para 1 subpara 1), Article 26 para 2, Article 28a subpara 5), Article 29 para 1 subpara 2), Article 31 para 1 subpara 8), Article 32 para 1 subpara 3) and 6b), para 4, Article 33 para 1 subpara 5) and 8), Article 33d, Article 34 para 1, Article 38a. of the Act of 4 September 1997 government administration departments (JL of 2022, item 2512).

<sup>27</sup> cf e.g. Article 4 para 2 of the Act of 11 September 2001 on public health (JL of 2022, item 1608); Article 4 para 2 of the Act of 11 July 2014 r. on the principles of implementing cohesion policy programs financed under the 2014–2020 financial perspective (JL of 2020, item 818); Article 3a, Article 3b, Article 6b, Article 14g para 1 subpara 1), para 2 and 3, Article 14e para 1 and 2, Article 35, Article 35a para 2 of the Act of 6 December 2006 on the principles of implementing development policy (JL of 2024, item 324); Article 71, Article 292 of the Act of 27 August 2009 on public finance (JL of 2023, item 1270); Article 19 in conjunction with Article 18 of the Act of 4 March 2010 on infrastructure of spatial information (JL of 2021, item 214); Article 13 para 1 subpara 1), para 2, Article 14 of the Act of 16 September 2011 on development cooperation (JL of 2021, item 1425).

<sup>28</sup> cf e.g. Article 19 para 2 of the Act of 8 September 2006 on state medical rescue services (JL of 2024, item 625); Article 2 para 1 subpara 25) and 26) of the Act of 1 July 2005 on the donation, storage and transplantation of cells, tissues and organs (JL of 2023, item 1185); Article 54 of the Act of 15 April 2005 on supplementary supervision of credit institutions, insurance companies, reinsurance companies and investment companies being part of a financial conglomerate (JL of 2020, item 1413); Article 4 para 1 subpara 1) and 2), Article 5, Article 8 para 1 subpara 1) and 6a), Article 8a of the Act of 20 April 2004 on promotion of employment and job market institutions (JL of 2024, item 475); Article 8 para 2 of the Act of 15 July 2011 on control in government administration (JL of 2020, item 224); Article 21 para 3 of the Act of 25 June 2015 Consular Law (JL of 2023, item 1329); Article 24 of the Act of 30 April 2010 National Science Center (JL of 2023, item 153).

a form of administrative action. Hence, there is no normative pattern of action that could be considered to be characteristic of coordination.

A different picture of monistic coordination emerges from a dogmatic analysis of the functioning of local self-government. In the Act of 8 March 1991 on *gmina* [commune] self-government<sup>29</sup> and in the Act of 5 June 1998 on *powiat* [district] self-government,<sup>30</sup> this term does not appear at all and, therefore, does not define any activity of the administration of these self-government units. The Act of 5 June 1998 on voivodeship self-government<sup>31</sup> uses the term ‘coordination’ only once to define the tasks of a voivodeship government,<sup>32</sup> retaining at the same time its lexical meaning. It is also difficult to find this term in substantive provisions specifying the activity of local self-government bodies. Although the competences of individual self-government bodies display the features of coordination, any assertions in this respect will remain *a priori*. As a result, unlike in the case of government administration, it is currently difficult to grasp coordination in the provisions on the functioning of local self-government administration.

Coordination may also take place between entities from different sectors. In this respect, one should take into account its dualism and pluralism. The former remains closely related to the functioning of public administration. The structure of public administration is dualistic by nature – it includes government administration and self-government administration. The entities of these two administrations may combine their activities, e.g., through coordination, which thus takes a dualistic form. An example is the competence of the voivode in respect to local self-government bodies in the area of planning and imposing the obligation to provide services related to the general defense obligation of the Republic of Poland,<sup>33</sup> or the competence of the minister responsible for regional development in respect to the voivodeship self-government in the area of spatial development plans.<sup>34</sup> Another example may be the role of the Government Center for Security.<sup>35</sup> This government administration body is responsible for coordinating the information policy of public administration bodies (government and local self-government)

---

<sup>29</sup> JL of 2024, item 609.

<sup>30</sup> JL of 2024, item 107.

<sup>31</sup> JL of 2024, item 566.

<sup>32</sup> cf *ibid* Article 41 para 2 subpara 6.

<sup>33</sup> cf Article 30 para 2 subpara 3), Article 32 para 1 subpara 3), Article 34 para 1) of the Act of 11 March 2022 about defending the homeland (JL of 2024, item 248).

<sup>34</sup> cf Article 46a of the Act of 27 March 2003 on spatial planning and development (JL of 2023, item 977).

<sup>35</sup> cf Article 10 para 1 of the Act of 26 April 2007 on crisis management (JL of 2023, item 122).

during emergency situations.<sup>36</sup> It will also be a role of the voivode while coordinating tasks related to crisis management.<sup>37</sup>

If such relationships also involve entities from outside the public sector, then we can say about interactions between entities of different legal nature and position within the system. Considering the diversity of such entities and the multiplicity of such relationships, the word ‘pluralistic’ seems to best describe the nature of coordination in the above respect. An example of pluralistic coordination is the organization of fire protection. As in the previous example, here one can observe pluralism with regard to both coordinating and coordinated bodies. The former include both government and local self-government bodies; the latter, all units included in the national emergency and fire system, i.e., both public and non-public entities.<sup>38</sup> As regards the public sector, these include, on the one hand, the following government entities: organizational units of the National Fire Service and the Military Fire Protection; other services, inspections, guards and institutions. On the other hand, they include local self-government units: the commune professional fire service, the district professional fire service.<sup>39</sup> In the non-public sector, on the one hand, these include entities such as: a company fire service, a company rescue service, and entities that have voluntarily agreed to cooperate in rescue operations under a civil law agreement. On the other hand, these are also entities operating as associations: a voluntary fire brigade and an association of voluntary fire brigades.<sup>40</sup>

## **b. TYPES OF COORDINATION IN TERRITORIAL TERMS**

The horizontal and the vertical systems reflect the State’s territorial structure. Currently, there are three levels of territorial division and a central one. As a result, there are four basic organizational levels of public administration: commune, district, voivodeship, and central. These are supplemented by the units of auxiliary division and special purpose division.<sup>41</sup> The entities functioning at all the levels may interact with one another in the form of coordination.

The relationship between entities functioning at the same level is horizontal. It can involve both entities of the same legal status and position in the system, as well as entities of a different status. It is particularly visible in the organiza-

---

<sup>36</sup> cf Article 11 para 1 and para 2 subpara 5a) and 7) *ibid*.

<sup>37</sup> cf Article 22 para 4 of the Act on the voivode and voivodeship government administration; Article 25 para 6 of the Act on crisis management.

<sup>38</sup> cf Article 14 para 3 and 5 of the Act of 24 August 1991 on fire protection (JL of 2024, item 275).

<sup>39</sup> cf Article 2 para 4 and Article 15 para 1, 1a, 4, 4a *ibid*.

<sup>40</sup> cf Article 2 para 4 and Article 15 para 6 and 7 *ibid*.

<sup>41</sup> cf, e.g., Przemysław Niemczuk, *Administracja powiatowa w systemie terenowej administracji publicznej*, Rzeszów-Przemyśl 2014, 207ff.

tion of public administration. Horizontal coordination may be monistic, e.g., as in the case of the voivode's relationship with the voivodeship combined administration.<sup>42</sup> The horizontal system also includes coordination between entities of a different legal status and position, e.g., crisis management teams, especially the district ones. They have to be composed of the representatives of government administration, local self-government administration and social organizations.<sup>43</sup> The role they play in the crisis management process reflects the essence of coordination. Although the legislator does not use the term 'coordination' in respect to voivodeship, district and commune teams, this role can be inferred from the role of the Government Crisis Management Team. This team has been defined as the competent authority, e.g., in matters pertaining to the coordination of crisis management activities.<sup>44</sup> This view can be seen in how the local law stipulates the roles of individual crisis management teams.<sup>45</sup>

The relationship between entities located at different levels of State's structure is vertical. In the public sector, this type of coordination is characterized by a varying degree of coordination powers. The coordination of government administration activities resembles management, which is why it is similar to the coordination described in the literature as vertical.<sup>46</sup> An example can be the above mentioned competences of the bodies in charge of individual departments of government administration. In government administration, there is also coordination whose impact on the coordinated entities has a different character. An example is the coordination of district combined administration, which is the voivode's competence.<sup>47</sup> Coordination is also manifested in the aforementioned powers of the voivode in respect to government and local self-government bodies in the area of crisis management or in the area of planning and imposing the obligation to provide services related to the general defense obligation of the Republic of Poland. The above-mentioned coordination of voivodeship spatial development exercised by the minister responsible for regional development displays a different character. It is no different in the case of the aforementioned coordination of information policy during emergency situations, which is the competence of the Government Center for Security. Hence, vertical coordination affects entities in the monistic and dualistic, as well as pluralistic system. It also occurs between

---

<sup>42</sup> cf Article 51 para 1 of the Act on the voivode and voivodeship government administration.

<sup>43</sup> cf Article 17 para 6 of the Act on crisis management.

<sup>44</sup> cf Article 8 para 1 *ibid*.

<sup>45</sup> cf, e.g., Ordinance of the Mayor of Wyszaków of 4 November 2013 No 262/2013 on the Regulations of Commune Crisis Management Team; Ordinance of District Head of Kolno of 2 September 2010, No 13/2010 on the Regulations of District Crisis Management Team; Ordinance of Lubelskie Voivode of 29 December 2010 No 493 on the Regulations of Voivodeship Crisis Management Team.

<sup>46</sup> For more on vertical coordination cf., e.g., Zbigniew Leoński (n 19) 129–130; Michał A Waligórski (n 13) 482.

<sup>47</sup> cf Article 51 para 1 of the Act on the voivode and voivodeship government administration.

a different number of levels within the vertical structure, i.e., between two and more levels of the territorial structure.

### **c. TYPES OF COORDINATION RESULTING FROM THE DEPENDENCIES BETWEEN ENTITIES**

Another criterion for classifying coordination is the subordination of coordinated entities. The difference between the system of subordination and non-subordination results primarily from the relationships between entities. These relationships may stem from various conditions. In subordination systems, coordination may result from organizational or competence based relations. Organizational relations result from adopting a specific structure, the elements of which remain interrelated. In terms of competence, coordination is usually manifested in managerial or supervisory relationships. It is particularly important to distinguish between coordination activities undertaken as part of supervision and those undertaken as part of management.<sup>48</sup> One such example can be the competence of ministers in charge of government administration departments, or the competence of the voivode with respect to the combined government administration. Coordination in non-subordinated systems requires synchronization. For non-subordinated entities, coordination is often the only acceptable form of their relationship with the system. Understood in this way, coordination is used, for example, in the organization of crisis management, civil defense or fire protection, where the entities involved are independent of one another.

### **d. TYPES OF COORDINATION RESULTING FROM THE COORDINATION INSTRUMENT**

Coordination can also be either subjective or objective, which depends on its source. If that source is a specific entity entrusted with the role of a coordinator, then what occurs is subjective coordination. If the coordination of activities performed by coordinated entities is only an effect of the implementation of norms that standardize and organize these activities without having to specify the competence of the coordinator, then what occurs is objective coordination.

In the case of the former, it is the subject, i.e., the coordinator, that is put in the center. Such an entity should display a coordinating potential. In other words, it should be able to combine organizational and functional characteristics.<sup>49</sup> In public administration, the rule of law requires that the coordinator has to be legally identified. Basically, there are two ways of identifying such an entity. The coor-

---

<sup>48</sup> cf. e.g., Michał A. Waligórski (n 13) 478.

<sup>49</sup> cf Jan Boć, in Jan Boć (ed), *Prawo administracyjne*, op. cit., 121–122.

dinator's role may be assigned to an existing public administration body.<sup>50</sup> A new entity may also be appointed to act as the coordinator.<sup>51</sup> Then, its coordinating competences, the subordinate entities to be coordinated, and the scope of coordination are stipulated. While these elements of coordination may be subject to modifications, the coordinator itself should remain relatively unchanged.

In a socialist State, it was considered possible to distinguish a coordinating entity and a coordinated entity in all types of coordination.<sup>52</sup> Because of contemporary socio-economic conditions, these views had to be revised. In addition to subjective coordination, another form has emerged that took on an objective character. In this approach, the coordinating entity is of secondary importance, or it does not exist at all. Objective coordination is a manifestation of the organizing role of legal norms, which coordinate the activities of various entities regardless of the nature and degree of dependence between them in order to achieve a common goal. The law may not always provide for the coordinator but only a coordinating function.<sup>53</sup> There are also systems in which the coordinating role is entrusted jointly to several entities. However, they do not constitute a separate coordinating entity, neither in organizational nor functional terms.<sup>54</sup> This role is exercised by coordination procedures, which are crucial in this process.<sup>55</sup> Therefore, coordination stands for legally defined mechanisms of conduct, the role of which is to coordinate the functioning of entities under their influence.<sup>56</sup> Coordinated entities are subjectively bound by such provisions, i.e., they have legally defined tasks and competences. They may be functionally independent of the activities carried out by other entities. They can also perform other tasks and use a different competence or material potential. The reason for combining such activities under one coordination process is the goal. An example of this form of coordination are some aspects of the functioning of the European Union. The question arises as to how the use of such coordination norms is to be supervised. However, this competence should not be associated with subjective coordination. The supervising entity's role is not to shape the specific activities of coordinated entities (as in the case of subjective coordination) but to ensure compliance with objective coordination norms.

---

<sup>50</sup> cf, e.g., Article 89 of the Act of 22 December 2015 on the Integrated Classification System (JL of 2020, item 226); Article 3a of the Act on the principles of implementing development policy.

<sup>51</sup> cf, e.g., Article 51 para 1 of the Act of 22 December 2015 on the principles of recognizing professional qualifications obtained in Member States of the European Union (JL of 2023, item 334); Article 59 para 1 of the Act of 18 August 2011 on marine safety (JL of 2024, item 1068).

<sup>52</sup> cf, e.g., Adam Chełmoński (n 15) 477.

<sup>53</sup> cf, e.g., Article 36a para 2 of the Act of 7 May 2010 on supporting the development of telecommunication services and networks, (JL of 2024, item 604);

<sup>54</sup> cf, e.g., Article 66 para 3 of the Act of 29 November 2000 Nuclear Law (JL of 2021, No 623, item 276).

<sup>55</sup> cf, e.g., Article 66 para 4 *ibid*.

<sup>56</sup> cf, e.g., Article 88v and Article 88w *ibid*.

## CONCLUSIONS

Contemporary coordination does not have a uniform normative definition, although the term is often used in legal regulations, especially administrative ones. However, the scope of coordination in these provisions varies. On the one hand, it retains its lexical meaning and thus is legally undefined. On the other, it has different meanings for the purposes of detailed substantive law regulations. This alone translates into its abundance and diversity, which results in the fact that coordination does not have a uniform meaning in the legal language. Despite numerous attempts, the science of law has not yet developed a universally accepted definition of coordination.<sup>57</sup>

The question arises as to whether it is necessary at all. In the existing normative picture of coordination, it is a multiform of action. It is an instrument of influence that does not resemble other forms of administrative activity. The frequency of its application testifies that it is needed not as a concrete but flexible form of impact, which can be adjusted to the needs resulting from relationships between entities where other forms provided for in the law do not apply. The specificity of coordination in public administration is to be sought in the construction of the legal form of action, with the proviso that it is not any of its classic forms. This prompts one to look for other approaches. Coordination's complexity stems from the lack of its legal classification. In order to understand coordination one should not try to put it in a rigid definition framework. On the contrary, one should perceive it as a multiform of administration.

## REFERENCES

- Bińczycka-Majewska T, *Koordinacja systemów zabezpieczenia społecznego w Unii Europejskiej*, Kraków 1999
- Boć J, in Boć J (ed), *Prawo administracyjne*, Warsaw 2000
- Burda A, 'Problemy koordynacji działania w ramach i pomiędzy centralnymi organami państwowymi', *Annales Universitatis Mariae Curie-Skłodowska* 1978, Sectio G, Vol XXV, 1
- Chełmoński A, 'Instytucje administracyjnoprawne w zarządzaniu gospodarką narodową', in Dunaj B (ed), *Popularny słownik języka polskiego*, Warsaw 2000
- Kopaliński W, *Słownik wyrazów obcych i zwrotów obcojęzycznych z almanachem*, Warsaw 2007
- Kronberger-Sokołowska E, *Prawne formy koordynacji gospodarczej w zarządzaniu przedsiębiorstwami przemysłu kluczowego*, Warsaw 1976

---

<sup>57</sup> An interesting compilation of the achievements of the science of law in this respect has been made by Rafał Stankiewicz. cf Rafał Stankiewicz (n 7) 14ff.

- Leoński Z, *Nauka administracji*, Warsaw 2002
- Mały słownik języka polskiego, Warsaw 1969
- Niemczuk P, *Administracja powiatowa w systemie terenowej administracji publicznej*, Rzeszów–Przemyśl 2014
- –, ‘Aksjologia koordynacji w administracji publicznej’, in J. Zimmermann (ed), *Aksjologia prawa administracyjnego*, Warsaw 2017
- Rabska T (ed), *System prawa administracyjnego*, Vol IV, Wrocław–Warsaw–Kraków 1980
- Rudnicki Z, Skoczny T, ‘Istota prawna koordynacji’, *Państwo i Prawo* 1971
- Stahl M, ‘Szczególne prawne formy działania administracji’, in Hauser R, Niewiadomski Z, Wróbel A (eds), *System prawa administracyjnego. Prawne formy działania administracji*, Vol 5, Warsaw 2013
- Stankiewicz R, *Koordynacja w prawie administracyjnym*, Warsaw 2019
- Szymczak M, *Słownik języka polskiego. Tom pierwszy A-K*, Warsaw 1992
- Waligórski MA, ‘Koordynacja – sposób administrowania czy prawna forma działania administracji?’, in Boć J, Chajbowicz A (eds), *Nowe problemy w teorii prawa administracyjnego*, Wrocław 2009
- Wawrzyk P, Wojtaszczyk KA (eds), *Przestrzeń wolności, bezpieczeństwa i sprawiedliwości w Unii Europejskiej. Słownik*, Warsaw 2011