

THE INCENTIVE STRUCTURE IN PUBLIC POLICIES – THE EXAMPLE OF THE LAW ON PRODUCER GROUPS IN POLAND

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Agricultural producer groups are akin to marketing co-operatives and appeared in Poland after the transformation. The article investigates the emergence of legislation regulating the functioning of producer groups and offering them financial support. The legislation was an essential stimulus for setting up new producer groups. The number of groups applying for subsidies has been systematically rising. Many groups, however, were disbanded within the first few years after the legislation came into effect. In many cases group members expected different forms of subsidies and less complicated application procedures. The provision of adequate information for farmers and the training of civil servants who would be able to assist them in interpreting the law could have increased the utilisation of support.

Keywords: collective action; Poland; producer groups; public policy

1. THE SITUATION BEFORE THE POLICY INNOVATION

Polish agriculture has been suffering from structural problems for many years, manifested mainly in small farms, a surplus of labour, and a lack of investment. At the end of the 1990s the average size of agricultural holdings was 7 ha. Thirty-one per cent of the farms operated on holdings smaller than 2 ha. Only 59% of the farms produce either all or the majority of their output to be sold on the market. The value of those sales is very small. Thirty per cent of the farms sold products the value of which was lower than 1300 EUR per year, and only 15% of the farms sold products at a value higher than 5200 EUR per year (Halamska 2000: 14, 16).

Establishing farmers' co-operative organisations – which would help farmers increase the amount of goods offered on the market, save on transaction costs, and

overtake a portion of the profits conventionally gained by a middleman – could be expected as an important response to such a problem. Several authors discuss the advantage of a co-operative organisation. Bonus (1986: 335), based on an analysis of historical data for Germany, points out that the main benefit reaped by co-operatives is internalising transaction costs in a firm jointly owned by the holders of transaction-specific resources. Cook (1995: 1155–1156) lists two justifications for forming co-operatives: the need of individual producers for institutional mechanisms to (1) bring economic balance under their control, and (2) counteract opportunism and delays resulting from market failures. Depressed prices or market failures create incentives for producers to initiate collective action. “Survival-defensive” roots in originating producer co-operation are found in all types of US agricultural co-operatives.

The co-operative movement in Poland, however, has a long but difficult history, which has been causing an aversion among farmers towards co-operation. Chloupkova et al. (2003: 246) point out that the accumulation of social capital and local networks, which were present in the Polish co-operative movement before the Second World War, became destroyed by the communist regime that restricted voluntary co-operation and thus destroyed the social capital within the voluntary sector. Moreover, the regime introduced a command and control system in the co-operatives which was destructive to their self-governing functions and eventually led to a lack of member involvement. Co-operative members were not able to make their own decisions; even co-operative leaders were assigned by the state. As the “socialist” firms grew in size, their members adopted a wage-worker mentality in relation to the enterprise and its property, which resulted in severe inefficiency (Chloupkova et al. 2003: 249). One would have expected a renaissance of the co-operative movement in Poland after the transformation, but the lack of social capital and other reasons delayed the revival of the movement (Chloupkova et al. 2003: 250). Brodziński (1999: 168) mentions that Polish farmers who used to be members of socialist co-operatives still retain a deformed image of the co-operative movement. They associate co-operatives with a lack of control and of impact on decision making.

Nonetheless, in the early 1990s the first farmers’ co-operative marketing organisations, called *agricultural producer groups*, appeared on the market. Małysz (1996: 13–14) defines producer groups as bottom-up, voluntary organisations whose main purpose is to jointly sell their members’ output. Selling the output both improves the market position of the members and may lead to higher prices. Additionally, associated farmers may benefit from the information and knowledge sharing in the group. The formation of producer groups does not, however, imply a change in property rights of the means of production. The farmers own jointly only the profits worked out as a group; they do not merge their farms.

2. THE KEY CHAMPIONS LEADING THE POLICY INNOVATION

In 1998 The Parliamentary Commission on Agriculture, Rural Development and Small and Medium Enterprises started to work on a law regulating the functioning of producer groups. At about the same time, the Government initiated the drawing up of another piece of legislation on producer groups and their federations enabling the creation of federations of producer groups (Bulletins of the Prime Councils of Ministers 1998; Chronicles of Parliament 2000). The introduction of the legal definition of producer groups and other laws regulating the sector at this particular time was connected with the launching of the SAPARD Programme for Poland. The programme covered the period 2000–2006 and its Measure 1 – *Improvement in Processing and Marketing of Food and Fishery Products* – also included support schemes for producer groups (Polish Ministry of Agriculture and Rural Development 2004: 4).

3. A DESCRIPTION OF THE POLICY

The first bill regulating the functioning of producer groups was passed on 15th September 2000. The bill defines agricultural producer groups as organisations set up by agricultural producers whose main purposes are introducing agricultural products produced by individual farmers to the market, adapting production to market requirements, improving farms' efficiency and quality of production, as well as protecting the environment. Producer groups can also establish unions of producer groups on the following conditions:

- (a) The group must have a legal form.
- (b) The group can consist of producers from within only one category of products or group of products defined by the regulations (legislation: 3rd February 2005).
- (c) The group must operate an economic activity.
- (d) None of the members has more than 20% of the votes in the General Assembly.
- (e) The main activity of the group should be joint sales of products produced individually by member-farmers.
- (f) The minimum period of membership in a producer group cannot be less than 3 years from the time of registration in the Province Office.
- (g) Members should sell all their products procured within the category of products or group of products in respect to which they are associated in the group.

- (h) The group fulfils conditions with respect to the minimum volume of production (depends on the category of products and group of products) produced by members and the minimum number of members (5, except for groups in hops: 7, and tobacco: 50) (Ejsmont – Milewski 2005: 54–55).

The bill does not, however, designate any particular legal form for the organisations (legislation: act from 15th September 2000). Producer groups can therefore be of an informal character or can take any legal form of economic or social entrepreneurship defined in Polish law. The most frequent legal forms chosen by producer groups are: association, union, limited liability company, and co-operative (Banaszak 2008a: 74; Lemanowicz 2005: 101–102). *Table 1* presents a brief comparison of the legal forms.

Attached to the law, operational regulations furthermore define with which products or groups of products the producer groups can be established. Regarding support for producer groups, the legislation of 15th September 2000 and its later amendments enable all groups registered in the Province Offices to obtain support in any of the following forms:

- (1) obtaining investment credit under privileged conditions;
- (2) securing credit through the Agriculture Restructuring and Modernisation Agency;
- (3) becoming eligible for a tax release from taxes on buildings owned by the group up to 5 years from the time of registration in the Province Office;
- (4) obtaining subsidies up to the value of 5% of the turnover in the first and second year, and then 4%, 3%, and 2% in the following years for groups with turnovers lower than 1,000,000 EUR, and 2.5%, 2%, 1.5%, and 1% of the turnover for groups with turnovers higher than 1,000,000 EUR. The subsidies per group, however, cannot be higher than 100,000 EUR in the first and second year, 80,000 EUR in the third year, 60,000 EUR in the fourth year, and 50,000 EUR in the fifth year. Initially, the subsidies were stipulated for administration purposes only, but this condition was later amended in the legislation. The financial aid is provided and managed by the Agriculture Restructuring and Modernisation Agency (Ejsmont – Milewski 2005: 53–56).

Additionally, the bill of 19th December 2003 changed the conditions for obtaining support for groups in fruits and vegetables which were adjusted to EU legislation. Groups functioning in fruits and vegetables, however, could still choose to be registered for obtaining subsidies according to the act of 15th September 2000 or the act of 19th December 2003.

Table 1. Comparison of different legal forms available to Polish agricultural groups

Characteristic	Association	Union	LLC	Co-operative
Legal foundation	Act from 7th April 1989 Association Law	Act from 8th October 1982 on social and vocational farmers' organisations	Act from 15th September 2000b Commercial Companies Law	Act from 16th September 1982 Co-operative Law
Purpose	Social	Social and vocational, but can also be economic	Any	Economic, but can also be social
Area of operation	No limitations	The territory of Poland	No limitations	No limitations
Members	Physical persons, or legal entities only as supportive members	Physical persons	Physical persons or legal entities	Physical persons or legal entities
Minimum number of members	At least 15 physical persons	At least 10 physical persons, from which at least 8 run a farm	1 and more	At least 10 physical persons or 3 legal entities, for agricultural production co-operatives at least 5 physical persons
Form of members' financial contribution	Membership fees	Membership fees	Share	Share
Minimum financial contribution per member	Not defined	Not defined	At least one share with a minimum value 50 PLN (=13 EUR)	At least one share, its value defined by the General Assembly
Participation in decision making	Equal for all members	Equal for all members	Depends on the number of shares	Equal for all members
Participation in accumulated capital	Equal for all members	Equal for all members	Depends on the number of shares	Depends on the number of shares
Members' liability	No liability	No liability	Up to the value of shares	Up to the value of shares

Source: Adapted from Lemanowicz (2005: 102).

The bill of December 2003 states the following conditions for obtaining support:

- (a) The group must operate in either of the following categories of products: (1) fruits and vegetables, (2) fruits, (3) vegetables, (4) products for processing, (5) citrus fruits, (6) nuts, (7) mushrooms.
- (b) Members can belong only to one organisation within each category.
- (c) Members sell their whole output through the organisation, aside from permitted exceptions.
- (d) Members may control the organisation democratically.
- (e) At least half of the group revenues come from joint sales of the members' products
- (f) The group fulfils conditions with respect to the minimum volume of production (100,000) produced by members and the minimum number of members (5).
- (g) The group provides members with facilities for the storage, packaging, and marketing of their produce and provides for adequate management of same (Ejsmont – Milewski 2005: 56–57).

The two last conditions are the ones which primarily differentiate this bill from the September 2000 bill (*ibid.*: 57).

4. THE SITUATION AFTER THE POLICY INNOVATION

In 2003 there were about 700 producer groups in Poland, of which only around 30 fulfilled the requirements for obtaining subsidies offered by the government according to the act of 15th September 2000 (Banaszak 2008a: 74). The number of groups fulfilling the conditions for obtaining subsidies and who are registered in the Province Offices, however, has been increasing. In 2005 there were 102 such groups, among which 40 functioned as unions, 30 as limited liability companies, 24 as co-operatives, and 5 as associations. *Table 2* presents the types of agricultural production in which the groups were functioning.

Additionally, in 2005 there were in Poland also 30 groups in fruits and vegetables registered according to the act of 19th December 2003. The mean value of sales of the 30 groups equalled 1,464,508 EUR (Lemanowicz 2005: 106–107). However, due to confidentiality procedures, comprehensive data on turnovers and the amount of obtained subsidies for all the groups functioning in Poland are not available.

Table 2. Number of registered producer groups in Poland

Type of production (according to the list of products and groups of products defined by the law)	Number of groups registered in the Province Offices
Beef	1
Hogs	22
Sheep and goats	1
Poultry	7
Rabbits	1
Bird eggs	3
Milk	3
Fresh flowers	1
Fresh potatoes	2
Grains	15
Rape and other oil seeds	1
Grains and oil seeds	6
Sugar roots	1
Hops	2
Tobacco	11
Fruits and vegetables	16
Fruits	4
Vegetables	2
Fruits and vegetables for processing	2
Total	102

Source: Adapted from Lemanowicz (2005: 106).

Regarding the utilisation of support offered to producer groups, Lemanowicz (2005: 111, 116, 120) presents some data on selected forms of support in some selected years:

- (1) In 2004 banks co-operating with the Agriculture Restructuring and Modernisation Agency gave producer groups in Poland 10 loans subsidised by the Agency, with a total amount of 965,678 EUR.
- (2) In 2002 the Agriculture Restructuring and Modernisation Agency subsidised 13 producer groups with a total amount of 218,263 EUR, giving an average of 16,789 EUR per group; in 2003, 31 groups obtained subsidies of a total amount of 625,342 EUR (20,172 per group); in 2004, 61 groups obtained subsidies of 1,616,289 EUR (26,496 per group).
- (3) Regarding groups in fruits and vegetables in 2005, the Agriculture Restructuring and Modernisation Agency provided subsidies of a total amount of 653,552 EUR to producer groups.

Lemanowicz (2005) presents empirical data collected on 279 members of 62 producer groups from 5 regions in Poland. As the most frequent reason for joining the group, the interviewees listed problems in finding markets (83.5% of the interviewees cited this reason), willingness to exclude middlemen from the market (83.5%), high production costs (71.7%), too small volume of individual production (71%), and limited access to information about the market (58.8%) (*ibid.*: 133). At the same time the interviewed member farmers expressed their anxieties and fears related to joining the group. The biggest share of the respondents (82.3%) cited problems in adjusting to the required quality standards as the main anxiety accompanying their entering a producer group. Slightly fewer (81.7%) cited the risk related to working with different people, 74.6% cited the necessity of introducing new production techniques, 65.7% indicated uncertainty related to the success of the group, and 58.1% cited their limited financial resources, which could limit the scope of the necessary improvements (*ibid.*: 134–135).

Regarding the question of how well the legislation addresses the worries and anxieties of farmers about joining producer groups, the current legislation does not designate for which purposes the obtained subsidies should be spent (Ejsmont – Milewski 2005: 56). Hence, it depends on the groups' management as to how well they address their members' worries and concerns through the appropriate location of the obtained funds.

The emergence of producer groups and the introduction of legislation on their functioning was accompanied by supporting activities from non-governmental sources. A few organisations such as the Co-operation Fund Foundation (*Fundacja Fundusz Współpracy*) and the Foundation for Countryside Support (*Fundacja Wspomagania Wsi*) offer training programmes for producer groups (e.g. for their leaders) and publish literature on producer groups' management.

5. AN INDICATIVE ASSESSMENT OF THE COSTS AND BENEFITS OF THE POLICY INNOVATION

As mentioned, there are no comprehensive data on producer groups for Poland as a whole; however, broad survey research has been carried out on producer groups functioning in Wielkopolska Province. The province of Wielkopolska is one of the 16 provinces in Poland and is located in the western part of the country. The province is characterised by one of the highest numbers of producer groups in comparison with other provinces (Lemanowicz 2005: 105).

Banaszak (2008a) identified 55 functioning and 19 disbanded producer groups in Wielkopolska Province at the beginning of 2005. The author carried out structured interviews with leaders of 50 of the functioning groups and 12 of the

disbanded groups (Banaszak 2008a: 75). The data on the start-up year of the producer groups clearly show that the majority of the groups were created in 1998 and 1999, shortly before the legislation on producer groups was passed (*Figure 1*).

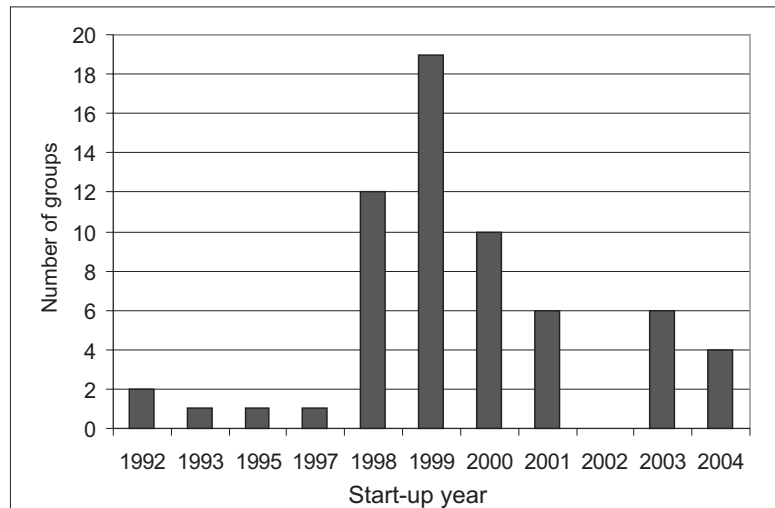


Figure 1. Start-up year of producer groups (N = 62)

Source: Banaszak (2005: 11)

We may suppose therefore that farmers and other agents involved in the establishment process, such as extension service employees and local leaders, expected to benefit from the upcoming law.

The data also show that the availability of subsidies was a major motive for establishment for 22% of the producer groups, and a minor motive for 11%. *Figure 2* compares the importance of this motive with other factors that led to the formation of producer groups.

We may suppose, however, that the legislation passed in 2000 was not as favourable or encouraging as expected. Many groups disbanded soon after the launch of the new law (*Figure 3*).

Regarding the overall benefits of producer group formation (*Table 3*), most members of the functioning groups said to have benefited from obtaining easier and cheaper information about the market (question 12, mean answer = 3.60), using group knowledge and skills of the associated farmers in a more efficient way (question 15, mean answer = 3.52), and gaining more bargaining power in the group vis-à-vis purchasers (question 3, mean answer = 3.38). With regard to

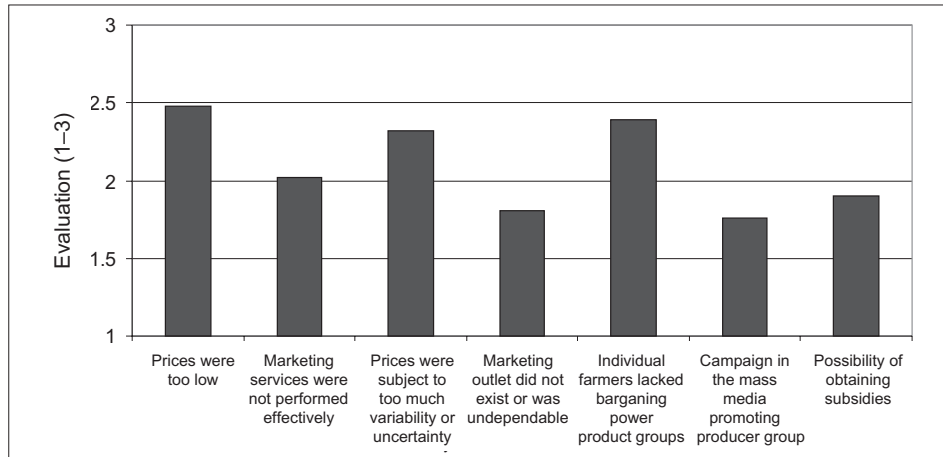


Figure 2. External factors leading to the formation of producer groups (N=62)

Source: Banaszak (2008a: 79).

Notes: 1 to 3 scale, where: 1 – not a factor, 2 – minor factor, and 3 – major factor.

members of the groups who ceased their activities, the results show that although the groups had disbanded, their members were still in touch in many cases and some of them benefited from the previous contacts. Hence, the networks survived, despite the fact that the group had formally disbanded. Half of the leaders of the disbanded groups either agreed or partially agreed with the statement that former

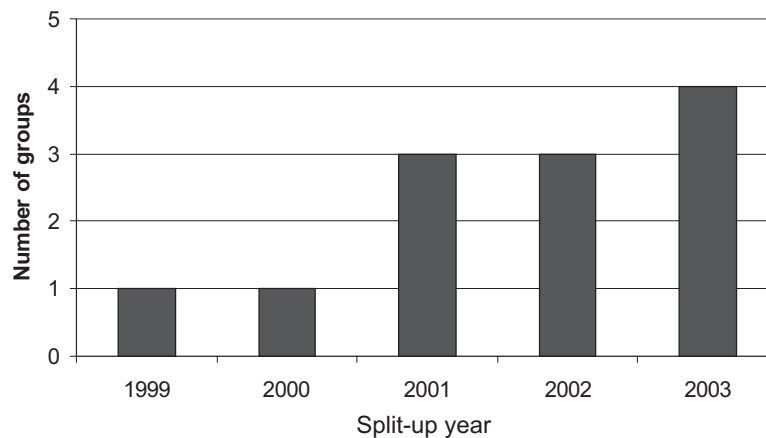


Figure 3. Year of producer group disbandment (N = 12)

Source: Banaszak (2008a: 77).

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Table 3. Benefits of co-operation (N = 62)

Question	Mean of the answers (1 – strongly disagree, 2 – rather disagree, 3 – rather agree, 4 – fully agree)	
	Functioning groups (N = 50)	Split-up groups (N = 12)
1. Our farmers are gaining higher prices for their output	3.12	1.17
2. Our farmers are earning higher profits	3.20	1.42
3. Our farmers gained more bargaining power, are able to set higher prices	3.38	1.25
4. We obtained access to some additional markets	2.88	1.25
5. We excluded middlemen	2.56	1.33
6. Our farmers gained more investment power	2.52	1.25
7. Our farmers are offering one another certain services	2.94	1.75
8. Our farmers are buying means of production cheaper	3.38	1.50
9. Our farmers reduced their costs of output distribution	2.96	1.00
10. Our group built a stable network of purchasers	2.68	1.00
11. Our group negotiated long-term contracts	2.48	1.00
12. Our farmers obtain easier and cheaper information about the market (they inform one another about different possibilities)	3.60	2.17
13. Our farmers are saving time spent on supplies and sales	3.24	1.67
14. Our farmers are reaching higher efficiency of production	3.10	1.75
15. Our farmers use their knowledge and skills in a more efficient way	3.52	1.67
16. Our farmers stopped unnecessary competition among themselves	3.12	1.92
17. Our group managed to provide higher security for the transactions	3.12	1.00
18. Our farmers maintain the profitability of their production by obtaining subsidies for production	1.62	1.17
19. Our group obtained some kind of external support from the EU/central/regional/local authorities	1.48	1.00

Source: Banaszak (2008a: 82).

group members still informed one another about different market opportunities (question 12, mean answer = 2.17) (Banaszak 2008a: 82).

At the time of the interviews only 17 out of the 50 functioning groups (34%) were registered at the province authorities, which is the first step necessary to enabling groups to obtain subsidies. The interviewed producer group leaders were disapproving in their evaluation of the law. The mean evaluation of the law equalled to 2.47 (on a 5 to 1 scale, where: 5 – positive, 4 – rather positive, 3 – difficult to say, 2 – rather negative, 1 – negative). The most frequent reason for complaining about the legal regulations was that the law did not offer any revenue tax preferences to the producer groups, and that the groups had to pay the same taxes

as other business entities. Another reason for farmers' dissatisfaction was that the law required too much bureaucratic and administrative work in order to receive the subsidies, which significantly increases the costs of functioning and is difficult for small groups to fulfil. The interviewees also reported that the law was not clear or precise, resulting in confusion even among civil servants. The leaders were also not happy about how the subsidies had to be spent (at the time of the interviews, they were for administrative purposes only; this was later changed in an amendment to the law), and that there was a time-lag (groups could receive subsidies only after one year from the time of registration at the Province Office). Some leaders thought it would be better if support could be offered at the beginning of a group's functioning, as it would allow groups to expand their activities from the initial start up (Banaszak 2008a: 79).

Despite the critical attitudes towards the law, the number of groups registered in the Wielkopolska Province Office has been increasing over time. In April 2007 there were 43 groups registered in Wielkopolska. Thirty-one groups were registered according to the conditions of the Act of 15th September 2000, and 12 groups according to the Act of 19th December 2003. In 2006 and 2007 the Agriculture Restructuring and Modernisation Agency paid over 3.5 millions EUR for subsidies to groups functioning in the Wielkopolska Province (ARiMR 2007).

6. ENABLING CONDITIONS UNDER WHICH THE INNOVATION MIGHT BE REPLICATED

The policy adopted in Poland towards farmers' co-operative organisations appears to be a good way of stimulating and encouraging farmers to increase their competitiveness in agricultural markets through co-operation. Such encouragement is often necessary particularly in those transition countries where the idea of co-operation and co-operatives has been spoilt by management failures as it occurred in the sector in the pre-transition period. A very good solution seems to be that the legal acts on producer groups do not enforce any particular legal form on the farmers, so they can choose the legal form according to the invested capital and the level of safeguards associated with each form.

It is very important, at the same time, to provide adequate information to farmers about the new regulations, as well as to provide assistance to the civil servants who would be guiding farmers through the procedures. The introduction of the law should therefore be accompanied by training programmes for the civil servants who will be in charge of helping farmers.

Nonetheless, civil servants should not promise too much and should not over-encourage farmers to form producer groups, in particular, if they do not pos-

sess enough information about the behaviour of farmers and the market. Banaszak (2008b: 45) shows that 50% of the groups that failed in the Wielkopolska Province were established on the initiative of the extension service. Furthermore, none of the groups classified as successful were established by the extension service. Banaszak and Beckmann (2007) point out the crucial role of leadership in establishing and maintaining producer groups. The key element for providing assistance for the creation of successful co-operative organisations could therefore be: identifying local leaders and providing management training for them.

And finally, as mentioned by Ejsmont and Milewski (2005: 51), producer groups are economic agents which should be able to survive on their own on the market. The most important purpose of a producer group should be to run successful economic activity and not to obtain subsidies. The subsidies should aim therefore at helping the groups to improve their position on the market, not in financing their entire functioning.

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Legislation

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- Act of 29th November 2000, Ustawa o organizacji rynku owoców i warzyw, rynku chmielu, rynku tytoniu oraz rynku suszu paszowego (Dz.U. 2001, Nr 3, poz. 19).
- Act of 19th December 2003, Ustawa o organizacji rynków owoców i warzyw, rynku chmielu, rynku tytoniu oraz rynku paszowego (Dz.U. z 2003, Nr. 223, poz. 2221 z póź. zm.) with later amendments.
- Act of 3rd February 2005, Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi zmieniające rozporządzenie w sprawie wykazu produktów i grup produktów, dla których mogą być tworzone grupy producentów rolnych, minimalnej rocznej wielkości produkcji towarowej oraz minimalnej liczby członków grup producentów rolnych (Dz. U. z 2005, Nr. 30, poz. 258).