



**KAMILA ĆWIK**

WSEI University in Lublin, Poland

ORCID iD: [orcid.org/0009-0004-4903-9878](https://orcid.org/0009-0004-4903-9878)

**ARTUR GRZESIAK**

WSEI University in Lublin, Poland

ORCID iD: [orcid.org/0009-0001-3691-1194](https://orcid.org/0009-0001-3691-1194)

**ZBIGNIEW ORZEL**

WSEI University in Lublin, Poland

ORCID iD: [orcid.org/0009-0009-0226-9955](https://orcid.org/0009-0009-0226-9955)

**TOMASZ WOŁOWIEC**

WSEI University in Lublin, Poland

ORCID iD: [orcid.org/0000-0002-7688-4231](https://orcid.org/0000-0002-7688-4231)

**ADAM HERNAS**

Graduate School of Business - National-Louis University, Poland

ORCID iD: [orcid.org/0000-0002-0519-6546](https://orcid.org/0000-0002-0519-6546)

## LEGAL ANALYSIS OF THE FUNCTIONING, ORGANISATION AND MANAGEMENT OF MODERN HEALTH RESORTS AND MEDICAL SPA CARE

## ANALIZA PRAWNA FUNKCJONOWANIA, ORGANIZACJI I ZARZĄDZANIA WSPÓŁCZESNYMI UZDROWISKAMI I LECZNICTWEM UZDROWISKOWYM

**ABSTRACT**

On the surface, it would seem that the operation of a health resort commune does not differ from the majority of local authorities in Poland that do not have health resorts in their area and its activities can be subordinated to the market law of supply and demand. It would seem that it is the health resort gminas that are particularly privileged entities, endowed by nature with unique therapeutic raw materials, unique landscape, clean air and high forest cover, and being the proverbial apple of the sovereign's (the State's) eye, they have versatile development opportunities. A health resort municipality is a municipality whose area or part thereof has been granted the status of a health resort in accordance with the procedure set out in the Act on Health Resort Treatment, Health Resorts and Areas of Health Resort Protection and on Health Resort Municipalities of 28 July 2005. A health resort is an area where spa treatment is carried out, separated for the purpose of utilising and protecting the natural medicinal resources located in its area, which has been granted the status of a health resort. It follows from these definitions that a health resort is a limited area of the territory of a municipality, carrying out a specific activity such as spa treatment.

**STRESZCZENIE**

Na pozór wydawać by się mogło, że funkcjonowanie gminy uzdrowiskowej nie różni się od większości samorządów w Polsce, które nie mają na swoim terenie uzdrowisk, a jej działalność można podporządkować rynkowemu prawu popytu i podaży. Wydawać by się mogło, że to właśnie gminy uzdrowiskowe są podmiotami szczególnie uprzywilejowanymi, obdarzonymi przez naturę unikatowymi surowcami leczniczymi, niepowtarzalnym krajobrazem, czystym powietrzem i wysoką lesistością terenów, a będąc przysłowiowym oczkiem w głowie suwerena (Państwa) mają wszechstronne możliwości rozwoju. Gmina uzdrowiskowa to gmina, której obszarowi lub jego części został nadany status uzdrowiska w trybie określonym w ustawie o lecznictwie uzdrowiskowym, uzdrowiskach i obszarach ochrony uzdrowiskowej oraz o gminach uzdrowiskowych z dnia 28 lipca 2005 roku. Uzdrowisko to obszar, na terenie którego prowadzone jest lecznictwo uzdrowiskowe, wydzielony w celu wykorzystania i ochrony znajdujących się na jego obszarze naturalnych surowców leczniczych, któremu został nadany status uzdrowiska. Z powyższych definicji wynika, że uzdrowisko jest ograniczonym obszarem terytorium gminy, prowadzącym specyficzną działalność, jaką jest lecznictwo uzdrowiskowe.

**KEYWORDS:** *spa treatment, sanatorium, administrative law, spa treatment law, public finance law, public finance law, economic efficiency of organisations, planning and management of the spa community*

**SŁOWA KLUCZOWE:** *lecznictwo uzdrowiskowe, sanatorium, prawo admistracyjne, ustawa o lecznictwie uzdrowiskowym, ustawa o finansach publicznych, prawo finansów publicznych, efektywność ekonomiczna organizacji, planowanie i zarządzanie gminą uzdrowiskową*

## INTRODUCTION

Globalisation in the health tourism market is taking place through the migration of health care systems, as well as the international exchange of health services (Klich, 2009). The basis of globalisation in health tourism is now becoming the release of a market with an international or even global dimension. This is linked to the removal of barriers to resource allocation. In the area under analysis, this means the flow of goods and services, the flow of visitors, i.e. patients and tourists, employees and the various capital used in health tourism. Allocative openness refers to the possibility of free acquisition of natural spa assets, the emergence of health tourism enterprises as well as new areas of health tourism. Globalisation, combined with price competitiveness, diversification and not deviating from the quality of health services, now makes it possible to welcome foreign guests travelling to Poland for health purposes. However, globalisation cannot focus solely on attractive prices. Globalisation also poses a threat to those who fail to take proper advantage of the process and thus become uncompetitive. Today, the key to the development of the spa, spa and wellness tourism industry is the tourists. According to a recent international study, they account for 44% of customers (IWSTM 2022). As the popularity of health tourism grows, compounded by demographic, health-promoting or economic factors, so does the value of the market. Between 2006 and 2022, the total value of the health tourism market in Poland increased from PLN 2.3 billion to over PLN 10.5 billion. The largest share was set for wellness tourism (over 50% of the market). In turn, the largest increase in value was characterised by medical tourism (more than 3-fold growth). It is noted that the second most important customer group is single women and groups of friends. Families with children, single men and mothers and daughters are only in the third most important customer group segment. The quoted Report revealed large differences between the expectations of local and continental tourists and tourists travelling internationally.

Facilities with well-developed family-friendly services are the most popular among the local and domestic tourist group. These are used by respectively: 20.9% and 23.3% of respondents. Global travellers, on the other hand, primarily choose spa destination facilities. As many as 19% chose such facilities as their

destination. This group (48% share) is also more oriented towards spa & wellness services, treating them as part of their lifestyle. The cited report also revealed other key trends in spa market development – result-oriented treatments and natural treatments and methods. These are now the most frequently chosen treatments by customers across all groups (local tourists 27.4%, domestic and international tourists 33.1%). It should be remembered that comparatively cheaper health care services in Poland than in the countries where the tourists come from were the primary reason for the arrival of this type of foreign visitors. Currently, non-price factors influencing competitiveness include ease and speed of access to medical services, as well as their quality and innovation based on the latest technologies. Innovation is identified with the creation, development and implementation of new products, processes or services that aim to improve the productivity, efficiency and competitiveness of entities.

According to M. Januszevska (Januszevska, 2008), innovation as a basis for assessing competitive capability is the ability to effectively allocate a company's resources to shape an optimal configuration of competitive advantages. She considers innovation to be crucial in achieving a competitive position. Among the most important are product innovations. Among product innovations in health tourism, of particular importance are the various wellness and spa services, which in many Polish areas have been used recently and are becoming new health tourism product benefits compared to the classic medical tourism offer in spas that has been used for years (Łęcka, 2003). In order to attract tourists to a given country or region, it is necessary to present in a professional manner the tourism potential it possesses, as well as a properly organised, promoted and introduced tourism product. Poland, by declaring its will to implement the principles of sustainable development, has committed itself to their implementation (Artyukhova, Tiutiunyk, Bogacki, Wołowiec, Dluhopolskyi, Kovalenko, 2022). The principle of eco-development is a constitutional principle in Poland, which is referred to in Article 5 of the Basic Law, taking as a fundamental assumption that the Republic of Poland ensures the protection of the environment, guided by the principle of sustainable development (Ciechanowicz-McLean, Bukowski, Rakoczy, 2008).

## RESEARCH METHODOLOGY

The research methods used in the legal sciences are related to their problematics and the functions performed. In the literature of legal theory, it is indicated that within the legal sciences we distinguish dogmatic, socio-technical and theoretical problematics. Dogmatic problematic concerns the identification of legal norms belonging to a given system of law. Sociotechnical problematics in the legal sciences is related to the impact of law making and the corresponding application of the law on certain social effects. The theoretical problematics of legal science concerns the formulation of claims about the applicable law. From this scope arises the methodological problematics of legal science, dealing with the description of methods, ways of solving particular problems or formulating directives on how to solve these problems. In special areas of law – which management control undoubtedly is – it is necessary to recognize the need to undertake multidisciplinary and interdisciplinary research. Thus, in the work – analysing the issues of the functioning of management control in legal and management aspects – traditional research methods used in the scientific study of law (generally in the social sciences) were applied:

1. linguistic analysis (formal-dogmatic and linguistic-logical analysis of the regulation of public finance law on the organization and functioning of management control in the public sector, taking into account the judgments of administrative courts and guidelines of tax authorities);
2. economic analysis of the law of public finance (including the analysis of the economic effects of implementing management control procedures from the perspective of efficiency and rationality of management processes in the public sector),
3. comparative method (showing the issues of legal and organizational regulations in the field of general public finance law in Poland and the EU, taking into account court decisions) (Wołowiec, Myroshnychenko, Vakulenko, Bogacki, Wiśniewska, Kolosok, 2022).

Induction was used as the main research method. It consists in drawing general conclusions or establishing regularities on the basis of analysis of empirically established phenomena and processes. It is a type of inference based on

details about the general properties of a phenomenon or object. The use of this method requires the assumption that only facts can form the basis of scientific inference. These facts are real-life situations (social, legal, or organizational). Inductive methods include various types of analysis, expert opinion, statistical data and scientific documents used in social research. In addition, the paper uses two general research methods, i.e. analytical and synthetic methods, which are characterized by a particular approach to the study of reality.

## **KONKURENCYJNOŚĆ GMIN UZDROWISKOWYCH. ANALIZA PRAWNO – ADMINISTRACYJNA**

Spas are found in all landscape zones of Poland, most in the mountains and at the seaside. In their immediate surroundings they have areas of high natural-geographical value. Many of them are adjacent to national and landscape parks. Thanks to such a location, they not only have medicinal values, but also leisure and tourist qualities (Gotowt-Jeziorska, Wyrzykowski, 2005). They are willingly visited for therapeutic, leisure, recreational and sightseeing purposes by inhabitants of our country and foreigners (Wołowiec, 2004).

There is an increased demand of foreign tourists for therapeutic and tourist services in spas that meet international standards. Basically two groups of clients can be distinguished, i.e. a group of elderly people, which is related to the demographic processes taking place throughout Europe, and a steadily growing group of young, professionally active people (Wołowiec, 2005). Concern for health, maintaining physical fitness, appearance and youth is also a motive for tourist trips to spas. This trend should be seen as a development prospect for Polish spas, as well as for spa communities. For these reasons, i.e. current needs and fashion, health resorts should expand and improve the offer of their activities and offer an increasingly wide range of attractive products in the field of medicine, culture and recreation (Wołowiec, 2003). They should use a variety of unconventional solutions, combining simultaneous (innovative) methods of treatment and health prevention with active tourist recreation.

Spa towns and municipalities, in order to function properly and be competitive in the contemporary market, should offer a wide range of complementary

services from the sphere of health prevention, tourism and recreation. However, this is linked to having a rich tourism and recreational infrastructure, such as hiking trails and health paths, playing fields and exercise rooms, as well as bathing and swimming pools. It is also required to provide attractive cultural and entertainment facilities, well-maintained green areas for the recreation of visitors and tourists, services of a high standard for typical spa tourism (Wołowiec, 2007).

Unfortunately, at present, it is found that the quality of tourism and treatment services provided in individual spas varies significantly. A factor that could improve the existing situation is the comprehensiveness and complementarity of activities aimed at the development of spas and spa communities. In addition, the harmony and interaction of the various functions and services, e.g. within a well-functioning spa cluster and the sustainable development of the resort and spa municipality, can ensure the preservation and development of an appropriate treatment and spa profile (Wołowiec, 2002). Tourism and the spa are inextricably linked. When tourists arrive at a spa resort, they are aware that they are going to a place richly endowed by nature, a place that is well-kept, ecologically clean and a refuge from civilisation (Bieńkowski, 2005).

Health resorts are of particular importance for the Polish tourism economy, as they can successfully offer, in addition to treatment processes, at the same time numerous and varied tourism products, attractive to many market segments at home and abroad. Spa resorts are popular and highly visited tourist and leisure centres in Europe. However, an opportunity for Polish spas is a modern tourist offer based on branded products. Having strong tourism brands is considered the most effective way to promote the country and attract foreign tourists. This is because achieving the status of a branded product means its high quality, attractive image and strong market position (Boruszczak 2005). Despite the seriousness of the issue of tourism in spas, too little interest is noted on the part of institutions responsible for this issue in Poland (Wołowiec, Duszyński, 2003). The tourism economy in the European Union and other countries of the world is assessed as the most future-oriented and most dynamically developing branch of the national economy and of very high importance for the economic activation of weak and economically backward regions (Wołowiec, Kolosok, Vasylieva, Artyukhov, Skowron, Dluhopolskyi, Sergiienko, 2022). Eastern Poland's areas belong to

such regions. The health tourism market is nowadays not only the market of spa tourism for therapeutic purposes. Representative studies have shown that among visitors to domestic spas, the largest share was for preventive purposes (33.7% share). Only in second place in terms of share was the therapeutic purpose (28.6%). In addition, the significant share of the leisure purpose (19.6%) proved to be important from the point of view of the spa tourism product. Based on the main objectives of visitor arrivals at spas, three categories of consumers can be discerned today (Dryglas, 2005):

- bather-tourists, for whom the therapeutic purpose is the most important,
- *bather-tourists* with a primary prophylactic aim,
- tourists for whom the main purpose is leisure.

Nowadays, in addition to the typically curative stays (health-care-vacation), health tourism includes:

- anti-aging-vacation stays,
- wellness-vacation, as well as aesthetics-oriented stays,
- beautification-vacation.

The above-mentioned types of stays within the framework of health tourism are confirmed by demand studies allowing the creation of the most important segments, i.e. groups of guests pursuing:

- *relaxation holidays* (wellness holidays), where the aim of the trip is psycho-physical relaxation, restoring strength and vitality to the human body,
- *beauty holidays* with programmes of therapies and services to improve the appearance of the spa guests,
- *health care holidays* encompassing treatments and therapies to prevent or alleviate illnesses and treat various psycho-physical dysfunctions,
- *anti-ageing holidays* to maintain or improve psycho-physical condition and effectively combat negative health habits.

In summary, taking into account the supply-side approach, a distinction is made within resort health tourism between:

1. traditional forms, including spa stays for therapeutic purposes,



## 2. new forms:

- services supporting body care and relaxation (*pampering*),
- wellness and well-being services.

The above-mentioned forms of stay, therefore, not only result from the need for treatment, but also encompass the broad phenomenon of wellness. An analysis of the literature makes it possible to distinguish characteristic features and trends of health tourism, which mainly include:

- the motivation of the trip not always related to receiving a typical treatment, but also to relaxation,
- the use of certain therapeutic facilities and therapies solely as an additional attraction for an active holiday chosen on a voluntary basis,
- a medical opinion on the place, duration and general principles of the stay, as well as on the form of the active holiday, which, however, does not constitute any kind of compulsion connected with medical supervision, but depends on the self-control, awareness and prudence of the tourist,
- a wide range of healing and care treatments and recreational services, the globalisation of medical services, which means that it is possible to buy services on the so-called global free market in medical services,
- a reduction in the time needed for the psycho-physical regeneration of guests thanks to the diversification and intensification of treatments,
- diversification of the offer in terms of quality and quantity,
- increasing the share of so-called third world countries in the market for health tourism and recreation services.

It is becoming important today to analyse trends and conditions for the development of tourism with health and spa purposes. Among the main factors for the development of these forms of tourism, are:

- the high cost of healthcare in rich countries,
- legal facilities in the EU, e.g. Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare,

- advances in technology and standards of medical care in many countries of the world, freedom to travel, including improved travel comfort, which is particularly important for people with organ dysfunctions,
- the illegality of certain medical treatments, e.g. abortion,
- the need to provide medical services not available in the country from which visitors arrive,
- too long waiting times for medical services for tourists at home,
- the possibility of using cheap or free medical services, e.g. when health insurers (sickness funds) refer medical services to a given country.

As highlighted earlier, the second form of health tourism, i.e. wellness and spa tourism, also has development prospects, which is mainly due to (Wołowiec, 2003b):

- the systematic reduction of social insurance cover in favour of the commercialisation of spa services,
- increasing phenomena *promoting* health-oriented activities (European Commission, World Tourism Organisation),
- demographic changes manifested by the demographic decline and the increase in the number of elderly people,
- advances in medicine and increased health awareness and education,
- the use of various information technologies, including the internet for the promotion and sale of health-oriented services,
- the development of new diseases mainly due to the negative effects of civilisation, especially obesity,
- the selection, when organising trips, of tourist reception destinations that are *healthier*, i.e. primarily spa areas,
- the need for safety, linked, inter alia, to the quality of natural resources,
- time and pace of work enforcing the need for relaxation,
- lifestyle changes.

## **SUSTAINABLE TOURISM IN HEALTH RESORTS AND POLISH SPA LAW**

The essence of sustainable tourism is to integrate tourism activities with nature conservation goals, as well as to shape new behaviours of tourists and, above all, of tourism organisers. These attitudes are to be ethically and socially beneficial to the local population, with respect for cultural identity (Gołembski, 2009). Nowadays, when tourism is one of the largest sectors of the global economy, it is increasingly clear that its growth has been at the expense of local economies, cultures and the environment. On the other hand, however, tourism, when managed properly, supports the future development of areas, brings specific benefits by providing funds for the conservation and maintenance of cultural resources, and is an important place of employment for the population and a source of income for many countries (Wołowiec, Podolchak, 2022).

The positive and negative impacts of tourism development were important considerations for the emergence of the concept of sustainable tourism. It is part of the general idea of sustainable development, defined by the World Commission on Environment and Development in 1987 as 'development that meets the needs of today's people and ensures that the needs of future generations are met'. These principles were adopted by representatives of almost all countries of the world during the United Nations Conference in Rio de Janeiro in 1992. This declaration, also called the Earth Charter, formulating 27 priorities for sustainable development, became a historic document that set the direction of modern economic policy worldwide (Zaręba, 2000). The basic principles of sustainable tourism development were developed in 1995 by the World Travel and Tourism Council and the World Tourism Organisation under the name Agenda 21 for Travel and Tourism Economy, i.e. (Wilczek, 2005):

1. tourism should promote a healthy and productive lifestyle in harmony with nature, bring people of different nationalities together, create openness and tolerance.
2. development of tourism should contribute to the preservation of natural resources and protection of indigenous culture of local communities.

3. The development of tourism in the regions should involve the local population from the planning stage onwards and should create new sources of income for the local population.
4. Service and production activities in the tourism industry should aim to reduce waste and save energy and water, eliminate environmentally hazardous substances from use, stimulate staff, customers and local communities to behave in an environmentally-friendly manner.
5. Individual countries should follow an open market system policy in tourism.

Unsustainable and spontaneous development of mass tourism, contributes to significant pollution of the atmosphere and hydrosphere, degradation of soils, destruction of flora and fauna, causes a decline in biodiversity, impoverishment of the natural landscape and loss of cultural values of local people.

Sustainable tourism in relation to areas of outstanding natural beauty is referred to as softtourism or environmentally friendly tourism, i.e. in accordance with the principles of eco-development. Sustainable tourism encompasses all forms of tourism development, management and activity that maintain the ecological, social and economic integrity of areas and preserve the natural and cultural resources of these areas unchanged for future generations. It follows that tourism activities should be integrated with nature conservation objectives and should shape new attitudes and behaviours (among tourists and tourism organisers) that will have a positive impact on local communities. This means that (Gołembski, 2002):

- tourism development should be adapted to the type and quality of the natural environment and must not contribute to its degradation,
- the local population should participate in all tourism-related undertakings that are undertaken in their areas,
- the tourist offer should be based on local natural, human and material resources, small-scale facilities adapted to their surroundings,
- tourism development should be integrated with local economic development and be ethically, socially and economically beneficial for the local population.

Sustainability has been a leading trend in European Union policy for quite some time now. As the quality of the environment is an important element of the tourism product, its natural assets will determine further development of the tourism sector. Comprehensive and effective fulfilment of the principles of sustainable tourism development requires, above all, mature awareness on the part of entities providing tourist services, as well as recipients of these services. Local communities, including local authorities, play an important role in the effective fulfilment of the principles of sustainable tourism. An important element of sustainable development is the feature of sustainability. In order for development to be sustainable, the consumption of goods and services must be limited to a level that is ecologically acceptable, especially the proper quality of the environment for future generations, and accessible to all people. This very characteristic of sustainability implies intergenerational equity. The adopted definition of sustainable development allows this concept to be treated as a synonym for 'sustainable development' (Nieżgoda, 2006).

Tourism must be based on the various benefits guaranteed by the local economy, while on the other hand it should itself make a positive contribution to local development. This is linked to the concept of sustainable tourism. The local government should support the achievement of sustainable tourism objectives in the tourist reception area. These objectives include the following aspects (Nieżgoda, 2004):

1. Ecological (natural) aspect: preservation of natural resources for tourism purposes, reduction of pollution emissions caused by tourism.
2. Economic aspect: ensuring the economic well-being of the population hosting tourists, maintenance and optimal use of tourism infrastructure.
3. Social aspect: achieving satisfactory employment opportunities in tourism, providing recreation for residents and visitors, protecting the cultural identity of the local population, increasing public participation in tourism policy.
4. Spatial aspect – consisting in the proper planning of a territorial unit, such as a town, village or plant) taking into account the conditions in the area.

Sustainable development is a concept that requires implementation at several levels of organisation, from global to local. This development requires change, innovation, the use of new technologies and in this sense meets the challenges of scientific progress. It requires that the quality of life does not diminish over time and at the same time does not disturb the balance of the earth's ecosystems (Rak, Pietrucha, 2009). Within the framework of sustainable tourism, the following environmentally friendly forms of tourism are being developed: rural tourism, agrotourism, ecotourism or eco-agrotourism.

The Act of 28 July 2005 on spa treatment, spas and areas of spa protection and on spa communes regulated: the status of the chief physician of a spa, the principles of granting the status of a spa and the principles of supervision of spa treatment and spas. Thanks to this Act, health resorts and health resort communes also obtained (Wołowiec, 2003c):

- a. constitutional protection, as spa treatment became an integral part of the health care system,
- b. a potential increase in real outlays for spa treatment, since it has been impossible to continue treatment services in facilities outside the spas since the provisions of the Act came into force,
- c. the opportunity to protect its spa assets (penal provisions for violation of the Act),
- d. freedom to acquire (or not) the status of a health resort,
- e. the possibility of locating tourist and other tourism and spa-related investments in zone A,
- f. the possibility of collecting a spa fee for the implementation of spa tasks,
- g. funds in the form of grants for the realisation of specific spa tasks not found in other municipalities,
- h. possibility of establishing a spa protection area by non-spas,
- i. right to acquire a name denoting the type of spa resort,
- j. administrative autonomy of municipalities.

However, the Act lacks provisions relating to, inter alia: the determination of the amount of outlays for spa treatment, the introduction of a 'zero' VAT rate, the elimination of fees for premature deforestation, the expansion of

accessibility to therapeutic raw materials and the regulation of the status of climatic localities (climate stations) and many more.

Comparing Polish health resort law with the laws of other European countries, it should be stated that in virtually all countries there are laws whose task is to regulate the issue of the creation and operation of health resorts in economic and legal terms. These are either general provisions relating to the entire health care system or specific provisions regulating only the issues of creating health resorts and their operation, classification of health resorts, therapeutic norms and standards, as well as supporting their development. It is worth noting that in many Western European countries and in the USA, health resorts in the classic Polish sense do not exist. In American literature there is a much *softer* view of the components that make them up. According to the International Spa and Fitness Association (International Association of Spas and Fitness in the USA), deposits of natural medicinal raw materials in the form of mineral waters or mud are not necessary to recognize a place as a health resort (Wołowiec, 2008). ISPA promotes and proposes a broader definition of a spa, seeing it as a place where you can relax, unwind and regenerate both physically and mentally. In turn, the Swiss, French, Slovaks, Czechs, Germans and Austrians have the most stringent legal regulations regarding the fulfillment of specific requirements by towns with health resort status (Wołowiec, 2003d).

There are 44 statutory health resorts in Poland. Additionally, over 70 towns were selected as those where the climatic values and medicinal raw materials make it possible to organize spa activities. Poland ranks seventh in Europe in terms of the number of health resorts. Statutory health resorts exist in 12 voivodeships: Lower Silesia, Kuyavian-Pomeranian Voivodeship, Lublin Voivodeship, Lesser Poland Voivodeship, Masovian Voivodeship, Podkarpackie Voivodeship, Podlaskie Voivodeship, Pomeranian Voivodeship, Silesian Voivodeship, Świętokrzyskie Voivodeship, Warmian-Masurian Voivodeship and West Pomeranian Voivodeship. Only 4 voivodeships: Lublin, Łódź, Opole and Greater Poland do not have any health resorts in their area. The Lower Silesian (11) and Lesser Poland (9) voivodeships boast the largest number of health resorts. The main group of health resorts discussed (32) consists of health resorts located within the administrative boundaries of cities, most often small ones. The rest are rural health resorts. The exceptions are: Konstancin Jeziorna,

Sopot and Swoszowice, which are located within large urban agglomerations (Warsaw, Tricity, Krakow). Polish health resorts often have the most beautiful landscapes in the geographical regions of the country. However, their distribution throughout our country is quite uneven. It can be noted that the vast majority of health resorts are located in the southern part of Poland. This is related to the presence of natural resources such as mineral waters, paleoids, and medicinal gases, which, due to the geological structure, make this part of the country more privileged (Wołowiec, 2003e).

Historically, the basic function of health resorts was treatment based on natural resources, the healing properties of which have been confirmed by science over time and are now confirmed by spa medicine. In Poland, spa treatment is understood as an organized activity consisting in the provision of health care services, carried out in a spa by spa treatment facilities using natural conditions, such as: properties of natural medicinal raw materials and the healing properties of the climate and the healing properties of the microclimate – as well as the accompanying physical treatments. . The above definition highlights two main features of spa treatment. Firstly, it is carried out in spa treatment facilities, which include: spa hospitals, spa sanatoriums, spa preventive centers for children, and spa clinics. These plants must be located in the health resort area (Golba, 2003). Tourism trends and directions are shaped by fashion. The current fashion, especially in the environment with high ecological awareness, is ecotourism, tourism in rural environments and nature, tourism that meets trends. This fashion promotes pro-ecological types of behavior, investments, facilities, types of events, etc., which guarantee rest, recreation and tourism in a naturally valuable environment (Gaworecki, 2003).



## CONCLUSIONS

Tourism has a special place in the development strategies of many spa towns and communes, but its development at the local level requires increased involvement of local government authorities. The authorities see this as an opportunity for the economic revival of the region, an increase in budget revenues, solving unemployment problems and stimulating local entrepreneurship. Currently, the operating conditions of tourist entities are changing dynamically as the needs of customers change. There is fierce competition between service providers, and globalization processes are deepening on the world market. The problems of competitive advantage and competitive resources are becoming increasingly important. With fierce competition, running a business has become a real art and often very complicated. The greater the possibilities of internal change in operating systems, the greater the chances of adapting to the constantly changing environment. Flexibility of activities and modern solutions in the tourism and spa industry, and mainly innovation, are necessary to maintain and improve the competitive position. In the tourism and spa industry, this is particularly important because it applies to a wide range of offers, including: accommodation and catering, spa treatment and spa tourism, rural tourism and agritourism, as well as many local, regional and branded tourist and spa products.

An important element that improves the effectiveness of entrepreneurship is joint action, which should include planning, marketing (e.g. presentation of the regional offer at exhibitions and tourism fairs), creation of brands and quality certificates, and training of service providers in order to prepare and improve the individual and integrated tourist offer. The perspective on cooperation and competition is important. Joining forces at the local level, instead of competing in the *neighborhood*, is a necessary condition for success, as the real competitors are alternative tourism markets that offer substitutes to buyers. In times of globalization and increased competitive pressure, cooperation in the field of tourism, especially at the regional level (regional promotion), but also between regions, is a necessity and may even become an important source of competitive advantage (Jagusiewicz, 2001).

An opportunity for Polish health resorts is a modern tourist offer based on branded products. For health resorts, the most suitable national brand is active, recreational and specialized tourism as well as health resort tourism. As part of spa tourism, specific categories of tourist products should be developed, such as: therapeutic tourism, health tourism, leisure tourism, specialist tourism, cultural tourism and congress tourism. An important issue is the need for sustainable and harmonized development of various segments, taking into account multifunctionality and mitigating contradictions and threats. Conflict-generating factors that threaten the quality of the environment include, among others: mass manifestations of weekend recreation, recreation and skiing sports in a situation of their uncontrolled and spontaneous growth. On the other hand, they often bring significant financial benefits for the spa town and commune. Modern health resorts cannot function properly and compete on the market without a wide range of complementary services, including a rich program of attractive sports and recreation facilities, as well as cultural and entertainment facilities (Wołowiec, 2003f). An important factor determining the development of tourism and accompanying services, especially in the areas of spa communes, is the appropriate attitude of local governments towards this form of entrepreneurship (Makarski, 2006).

The actual activity of local governments is determined, on the one hand, by the existing conditions and the scale of unmet needs of residents and tourists, and, on the other hand, by the views of specific people constituting the commune council, the degree of their activity, the system of values and criteria that guide them when making decisions. Local government authorities are generally interested in the development of tourism. They perceive this type of activity primarily as a source of additional income for residents and a way to reduce unemployment, as well as a way to promote the commune. However, they assess the possibilities of tourism development mainly through the prism of the presence of natural and cultural values in a given area; they attach less importance to the individual predispositions of residents to conduct such activities. According to councilors, the basic barrier to the development of tourism is insufficient financial resources.

In a situation when the tourist market is increasingly saturated with various recreation offers, in order to increase the competitiveness of the offer and,

consequently, its profitability, it is necessary to develop comprehensive concepts for the tourism development of municipalities. It is necessary to create regional and even supra-regional products with the involvement of not only accommodation providers, but also local governments. With joint action understood in this way, it is possible to reduce promotion costs, diversify tourists' stay, and provide them with safety and basic infrastructure elements necessary for proper recreation. Research shows that local government authorities and councilors do not fully understand this problem (Karczewska, 2004).

The spa product, unlike the tourist product, is concentrated in the spa commune and can only be produced as a result of harmonious cooperation between the owners of business entities in the spa resort and the commune authorities. Creating a legal framework for this cooperation in spa law in Poland encounters enormous difficulties. In Western European countries it is different, simpler. For example, in Germany, the community of interests of business entities and local governments is considered the basic factor in producing an attractive spa product. Economic reasons, especially the reform in the field of compulsory insurance, mean that health resort communes will be interested in the development of various forms of tourism. Health resorts are very attractive for properly stimulated recreational tourism.

Polish communes have rich tourist, recreational and health resort values. The idea is to ensure that their development follows the principles of eco-development. Agro and eco-tourist development of communes should balance the tourist economy with the ecology of their area. According to A. S. Kornak, Polish tourism and health resorts, local and district tourism, are not known on the European market. Poland is not known as a tourist country, is not competitive and is not properly promoted, even though Poland is a very interesting country. Having an economic development strategy or a tourist and health resort program in place by a voivodeship, powiat, commune (group of communes) allows it to obtain Polish or foreign aid funds (Kornak, 2004).

Towns, enterprises and health resorts often have little knowledge of the structure and types of demand. Due to this situation, there is little economic (profit-making) cooperation between plants, enterprises and guesthouses, and regional and local government administration. The staff of business and social units of health resorts should acquire knowledge in the area of competition,

capital, capital and price games, because new market conditions require it from them. Based on these resources, health resort tourism will become a field of profitable trade in health services, using instrumental marketing solutions. The state of demand in tourism and spas may change as the prices of other goods change. If the prices of other goods fall, demand will increase and vice versa. Changes in tastes can influence changes in demand, especially in tourism. The fashion for tourist trips and recreation abroad is currently significantly reducing the demand for domestic tourism services. Only an increase in prices for trips abroad, including an increase in prices for airline tickets, can improve the situation on the domestic tourist market.

Spas in Poland, wanting to compete on the market of spa tourism services in the conditions of globalization, or at least integration with the single market of the European Union, should prepare an attractive, innovative and competitive spa tourism product at the local and national level. Significant problems observed in the functioning of Polish health resorts include:

- lack of attractive and competitive products (despite having abundant resources),
- relatively low quality of the material base and its undercapitalization,
- poor cooperation of health resorts with other entities providing services, especially in the field of free time,
- low activity of local and regional authorities in the sphere of pro-spa and pro-tourism activities,
- lack of a clearly defined vision of the spa and spa communes in creating a spa and tourist product,
- slow pace of obtaining international certificates, ISO and HACCP systems by Polish health resorts,
- poor accessibility of spa and tourist facilities for disabled people,
- lack of modern sanitary and paratourist infrastructure,
- slow pace of introducing appropriate categorization in the field of spa services,
- little activity in obtaining financial resources from various funds for improving communication and environmental protection infrastructure,
- insignificant pace of the privatization process,

- decrease in demand for spa services due to changes in the scope of health services,
- poor development of service enterprises in the tourist traffic sector,
- relatively low level of innovation of Polish spa products,
- lack of a strong brand of Polish spa tourism.

In order to be able to successfully join the international health tourism market, Polish health resorts must meet certain conditions resulting from high requirements. The most important tasks supporting the development of health resorts and their basic tourist functions include:

- creating a strong spa tourism brand;
- acceleration of the process of organizational and ownership transformations;
- intensification of property modernization projects;
- introduction of comprehensive standardization;
- developing and supporting promotional activities of health resorts;
- creation of tourist information centers in health resorts;
- quality improvement of staff and increase in the culture of tourist service.

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