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## Five key differences between chambers of commerce in United Kingdom, Belgium and Poland

### Introduction

Chambers of commerce are business corporations associating natural and legal persons involved in a variety of economic activities. They can focus on trade, industry, services, crafts, agriculture, etc., or be organized regionally and addressed to all local enterprises. They are non-profit organizations of a dual nature: they represent businesses before public administrations and provide services for companies. In some countries, they can also perform legal and administrative functions. They can be established under private or public law.

Depending on how a chamber was established, it is assigned to the continental or Anglo-Saxon model. However, the diversity in how nations implement these models leads to either large or small differences between chambers in terms of a range of legal regulations, the scope and type of tasks performed by the chambers, whether membership is required, the principles of their financing, or relations with public institutions. As a result, most authors distinguish a mixed model, which includes all cases where there are elements that go beyond the “pure” continental or Anglo-Saxon model.<sup>1</sup> The list of mixed “countries” varies between studies.<sup>2</sup>

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<sup>1</sup> Typical example: public law established a chamber of commerce without obligatory membership.

<sup>2</sup> M. Pilgrim, R. Meier, *National Chambers of Commerce: A Primer on the Organization and Role of Chamber System*, Washington 1995, p. 6; D. Sack, *European Chambers of Commerce*

Objective (research question). It should be checked whether the differences between chambers of commerce observed in selected countries are significant enough to justify the thesis that the current taxonomy does not sufficiently address them and therefore probably requires extension or change? Of course, such a project requires additional studies dedicated to the continental model, as well as to the various chambers in non-European countries, which are usually listed within the mixed model. Local and national researchers should be included in this analysis to avoid errors.<sup>3</sup> This way of work Five key differences between chambers of commerce in United Kingdom, Belgium and Poland be the foundation of a new taxonomy that better describes the exciting and extremely diverse world of chambers of commerce. It is also important to consider the views of different sized enterprises and industries that engage with governments and legislators and implement important and diverse socio-economic tasks.

The research is based on comparative legal and dogmatic analysis grounded in historical and teleological references.

## 1. Legal framework for the establishment of chambers

M. Pilgrim and R. Meier state that under the Anglo-Saxon model “there is no specific legislation regulating chambers” and these organizations “must adhere to local laws of incorporation where they are registered”. But when we compare chambers established within this model in various countries, we find that this is not completely true. The legal basis for establishing chambers of commerce is different in each of the countries discussed. There seem to be three main options: (1) detailed act, (2) general regulation concerning the rules of using the name and (3) lack of any regulation.

The first option can be found in Poland, where the legal framework of private law business organizations is broad and, as a result, complicated. The most important for this study is the Chambers Commerce Act.<sup>4</sup> It contains 16 articles that specify the rules for the creation of the chambers

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*in Comparison. Introduction*, in: *Chambers of Commerce in Europe: Self-Governance and Institutional Change*, ed. idem, Cham 2021, p. 6 and V.I. Fedotov, *Organizational and Legal Models of Chambers*, Washington 2007, pp. 5–6, 50, 55.

<sup>3</sup> This extremely constructive approach was applied by D. Sack, *op. cit.*

<sup>4</sup> Ustawa z dnia 30 V 1989 r. o izbach gospodarczych (Dz.U. 1989 Nr 35, poz. 195 ze zm.).

and how they function. It also establishes the National Chamber of Commerce, which is, however, not an umbrella organization for the chambers.<sup>5</sup> Chambers of crafts, in turn, are established on the basis of the Crafts Act.<sup>6</sup> Due to their nature, however, they have a special privilege – the authority to conduct and confirm the results of qualification examinations in the field of craft professions.<sup>7</sup> Consequently, they also provide information on entering the above-mentioned qualifications into the CEIDG (Central Register and Information on Economic Activity).<sup>8</sup> There are also other business environment organizations which are not chambers of commerce. The most important of these are organizations established under the Employers' Organizations Act<sup>9</sup> and associations based on the Professional Association of Certain Business Entities Act.<sup>10</sup> Their principles and status are in general similar to the framework within which chambers of commerce operate.<sup>11</sup> Therefore, further considerations refer only to chambers of commerce.

The second option is typical for the UK. The British Company and Business Names Act<sup>12</sup> contains 5 articles that define only the conditions for a company or business's use of the expression "chamber of commerce", its Welsh equivalent "siambr fasnach" and possible alternatives of these names.

The third option can be found in Belgium, where chambers of commerce are not regulated by dedicated act. Chambers in Belgium function as voluntary associations of entrepreneurs, which is outlined in their statutes.<sup>13</sup>

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<sup>5</sup> Its art. 11 states that membership is voluntary both for chambers and any other economic and social organizations focused on economic development. A classical umbrella organization associates all chambers of commerce in a country and only these.

<sup>6</sup> Ustawa z dnia 22 III 1989 r. o rzemiośle (Dz.U. 2020, poz. 2159), hereinafter "Crafts Act".

<sup>7</sup> Article 11(2), 3 and 3a of the Crafts Act.

<sup>8</sup> Article 44(3c). Ustawa z dnia 6 III 2018 r. o Centralnej Ewidencji i Informacji o Działalności Gospodarczej i Punkcie Informacji dla Przedsiębiorcy (Dz.U. 2018, poz. 647 ze zm.).

<sup>9</sup> Ustawa z dnia 23 V 1991 r. o organizacjach pracodawców (Dz.U. 1991 Nr 55, poz. 235 ze zm.).

<sup>10</sup> Ustawa z dnia 30 V 1989 r. o samorządzie zawodowym niektórych podmiotów gospodarczych (Dz.U. 1989 Nr 35, poz. 194 ze zm.).

<sup>11</sup> More: P. Marciniak, *Sektorowy model samorządu gospodarczego. Założenia i perspektywa wprowadzenia w Polsce*, Warszawa 2023, pp. 255–284.

<sup>12</sup> Company and Business Names (Chamber of Commerce, Etc.) Act 1999 Chapter 19.

<sup>13</sup> E.g. *Chambre de Commerce et industrie du Brabant Wallon* statute explains in the headline that this chamber is a non-profit association (Fr. *Association Sans But Lucratif*): <https://www.>

It is worth noting that both in Poland and Belgium there are entities that use the term “chamber of commerce” in their name, but do not meet the above requirements. In Poland, they can be registered, because this term is not legally reserved for entities established based on the Polish Chambers of Commerce Act.<sup>14</sup> In Belgium there are several small industry chambers that exist outside of the main network.

The question arises as to whether countries with an act dedicated to chambers of commerce should be considered as having a mixed model? D. Sack suggests putting all cases in which there are elements that go beyond the “pure” continental or primarily Anglo-Saxon model as part of a mixed model. In his opinion, most chambers are now hybrid. He includes Poland in this group because of the existence of the above-mentioned regulation, which also established the National Chamber of Commerce (KIG).<sup>15</sup> However, this argument is debatable. The creation of Polish chambers and the building of mutual relations between them is completely voluntary. The regulations in force should be regarded as an extension of the law on associations, which defines a special category of associations addressed to entrepreneurs. Finally, Polish chambers do not perform any administrative law tasks of an authoritative nature and their catalog of non-authoritative public law tasks is very limited.<sup>16</sup> The above-mentioned features are in line with the purely private law model of chambers. There are notable exceptions with two active public law chambers in Poland: agricultural chambers<sup>17</sup> and the Polish Chamber of Insurance.<sup>18</sup> Membership in

[ejustice.just.fgov.be/cgi\\_tsv/tsv\\_rech.pl?language=fr&btw=0407766026&liste=Liste](http://ejustice.just.fgov.be/cgi_tsv/tsv_rech.pl?language=fr&btw=0407766026&liste=Liste) (accessed: 1 I 2023).

<sup>14</sup> E.g. the Polish Chamber of Digital Broadcasting is legally an employers’ union, not a chamber, and thus works on the basis of the Employers’ Organizations Act – Ustawa z dnia 23 V 1991 r. o organizacjach pracodawców (Dz.U. 2022, poz. 97): <http://pirc.org.pl/> (accessed: 1 I 2023).

<sup>15</sup> D. Sack, op. cit., pp. 6–10; P. Bernhagen, *Chambers of Commerce as Political Actors: Theoretical Perspectives on Their Organisation and Influence*, in: *Chambers of Commerce in Europe...*, p. 31.

<sup>16</sup> Such administrative tasks can be transferred to chambers of commerce in Poland on the basis of Article 5 (3) of the Chambers of Commerce Act, but this has never been used. A few public services (e.g. issuing certificates of origin and ATA carnets) are provided for by the KIG under Article 12 of the above act. More: P. Marciniak, op. cit., pp. 169–170, 259, 493–506.

<sup>17</sup> Established by the Agricultural Chambers Act – Ustawa z dnia 14 XII 1995 r. o izbach rolniczych (Dz.U. 2022, poz. 183).

<sup>18</sup> Established by the Insurance Activity Act – Ustawa z dnia 22 V 2003 r. o działalności ubezpieczeniowej (Dz.U. 2015, poz. 1206 ze zm.), which was later replaced by

them is mandatory for certain entities but their position and tasks are very limited. The Polish legislator did not establish other chambers in the public law model. This situation means that they should be treated as an exception to the general principle of the private law nature of chambers of commerce in Poland. They are therefore excluded from further discussions.

As shown above, the scope of statutory regulation in countries where private law chambers operate may differ. In extreme cases, the creation of chambers does not require the existence of dedicated laws. However, as can be seen in Belgium, the absence of such laws does not necessarily ensure real freedom to create new chambers. One may be tempted to say that it is the existence of a law guaranteeing the freedom to create new chambers that may constitute an interesting and important safeguard for the freedom of association of entrepreneurs in chambers of commerce. This is the freedom that lies at the heart of the Anglo-Saxon model. Therefore, it should be recognized that the mere existence of a law dedicated to chambers is not a sufficient criterion to place a country in the mixed model category. More important criteria are the rules for establishing chambers, their membership rules and the catalog of public tasks.

## 2. Form and legal personality of chambers of commerce

Chambers in the Anglo-Saxon model are private law organizations, but their legal form may vary. The simplest situation is in Poland. The Chambers of Commerce Act defines a specific form of association for organizations of entrepreneurs. As noted above, Belgian chambers also function as associations. In both countries, the chambers are corporations with legal personality, founded and controlled by interested entrepreneurs. They have typical association bodies: a management board, a supervisory body and a general assembly. Depending on needs, they may create additional corporate bodies, task forces or local branches. They can also associate in other organizations.<sup>19</sup> Chambers are

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the Insurance and Reinsurance Activity Act – Ustawa z dnia 11 IX 2015 r. o działalności ubezpieczeniowej i reasekuracyjnej (Dz.U. 2015, poz. 1844 ze zm.). More: P. Marciniak, *op. cit.*, pp. 264–272.

<sup>19</sup> Chambers may join various national or international organizations, not only an umbrella organization (if such exists).

registered in Poland in The National Court Register<sup>20</sup> and in Belgium in The Central Business Register.<sup>21</sup>

In the UK, the situation is different. As already mentioned, the UK Business and Company Names Act regulates only the use of the name “chambers of commerce” and similar names. Under the Act, the registration of such a name must be approved by the Secretary of State (Article 1), who must consult the British Chambers of Commerce or the Scottish Chambers of Commerce, respectively (Article 2 in conjunction with 4). British regulations do not define the legal form in which chambers may operate. However, the two above-mentioned national organizations and the best-known and most frequently cited British chambers usually exist as limited liability companies (Ltd.).<sup>22</sup> But this is probably not the complete picture. For example, the Brentford Chamber of Commerce in West London looks like an association.<sup>23</sup>

### 3. Does national network exist?

Apart from the legal form, it is worth taking a closer look at the relations between the chambers. The concept of building a network of chambers of commerce is native to public law systems. The most common structure in the continental model is formed by several regional (or local) chambers and their one national representation, usually called an umbrella organization.<sup>24</sup> Since this system is established by public

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<sup>20</sup> Krajowy Rejestr Sądowy: <https://www.gov.pl/web/sprawiedliwosc/krajowy-rejestr-sadowy> (accessed: 22 IX 2023).

<sup>21</sup> In Flemish – *Kruispuntbank van Ondernemingen*: <https://economie.fgov.be/nl/themes/ondernemingen/kruispuntbank-van> or in French – *Banque-Carrefour des Entreprises*: <https://economie.fgov.be/fr/themes/entreprises/banque-carrefour-des> (accessed: 22 IX 2023).

<sup>22</sup> E.g. Lord Heseltine, *No stone unturned: Chamber of Commerce – International Comparisons*, London 2012, p. 15. See also: British Companies House webpage lists 246 active companies with “chamber of commerce” in its name: <https://assets.publishing.service.gov.uk/media/5a78f9d9ed915d0422066d34/12-1214-no-stone-unturned-chambers-of-commerce-international-comparisons.pdf> (accessed: 10 XI 2023).

<sup>23</sup> E.g. Brentford Chamber of Commerce: [http://brentfordchamber.org/about-brentford-chamber-of-commerce/constitution/?option=com\\_docman&view=document&alias=59-constitution17&category\\_slug=governance-and-general&Itemid=281](http://brentfordchamber.org/about-brentford-chamber-of-commerce/constitution/?option=com_docman&view=document&alias=59-constitution17&category_slug=governance-and-general&Itemid=281) (accessed: 18 XII 2022).

<sup>24</sup> This typical structure of chambers can be found e.g. in Germany. On the regional level, there are 79 *Industrie- und Handelskammer (IHK)*, which on the national level are represented by their association *Deutsche Industrie- und Handelskammertag e. V. (DIHK)*.

law, the relationship between regional chambers and their obligatory association in a national structure is clear and indisputable.

In contrast, in private law systems, in which membership is voluntary for entrepreneurs and chambers are fully controlled by them, the decision to associate at national level is generally (and rather should be) voluntary. However, there are a variety of practices in the countries under review.

Belgium has the best example of a network of chambers in private law systems. Accredited chambers of commerce are members of the Federation of Belgian Chambers of Commerce<sup>25</sup> (FBCC), which is an umbrella organization both for local and foreign chambers. They represent more than 23,000 companies, which together account for 60% of the private employment sector and 90% of exports.<sup>26</sup> The accreditation is a keyword for this unique system. It is based on 12 principles which ensure the professional and quality execution of tasks. These principles are:

- Membership,
- Political neutrality,
- Economic partner,
- Core missions of a chamber,
- Financial stability,
- Independence,
- Corporate governance,
- The name “Chamber of Commerce”,
- Territoriality and collaboration with other chambers,
- Corporate social responsibility,
- Communication,
- Internal quality control.

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Collectively, the DIHK represents the interests of companies from all sectors and sectors of the economy that are transferred to it by IHK. “The spectrum of opinions on the various economic policy issues is as diverse as the business landscape in Germany”: <https://www.dihk.de/en/about-us/who-we-are> (accessed: 10 XI 2023).

<sup>25</sup> In Belgium, these are called both *Federatie van Belgische Kamers van Koophandel* (Dutch) or *Fédération des Chambres de Commerce belges* (French), so for this study they will be named FBCC (English translation). <https://belgianchambers.be/en/about-the-federation/> (accessed: 18 XII 2022).

<sup>26</sup> *Federatie van Belgische Kamers van Koophandel, Onze internationale handel versterken. Prioriteiten voor de verkiezingen 2019*, p. 3, <https://belgianchambers.be/wp-content/uploads/2020/05/Memorandum-2019-Federatie-van-Belgische-Kamers-van-Koophandel.pdf> (accessed: 8 I 2023).

At the beginning of 2023, the group of associated, accredited chambers include 13 local and 37 foreign chambers (focused on bilateral trade promotion between Belgium, Luxemburg and the countries where such bilateral chambers are established). They all form a two-level network: derived from the continental model, but in Belgium formed voluntarily.<sup>27</sup> The situation in Belgium prompts two questions. (1) How was such a complete system built? (2) Are there any local chambers operating outside the system?<sup>28</sup>

The answer to the first question can be found in part in the history of chambers. In the 19<sup>th</sup> century, they were public organizations. In 1875 the government abolished this system. Traders and businessmen reacted in the same year by setting up commercial associations (also called chambers of commerce), as well as their national federation. The current accreditation program was launched in 1998 for local chambers and in 2004 for foreign chambers.<sup>29</sup> FBCC cooperates with FPS Economy<sup>30</sup> and is entitled to issue certificates of origin.<sup>31</sup> Moreover, the name "chamber of commerce" is subject to private law protection registered by the FBCC as a trademark. These developments contribute to close and non-competitive cooperation.<sup>32</sup>

But the second question is more interesting. The official position of the Federation assumes that the existing 13 local chambers cover the entire country and no new chambers can be established in Belgium. Because of the rules adopted (including the registration of the name "chamber of commerce" as a trademark), and despite the private law nature of the system, the Belgian network considers that chambers that have not received accreditation cannot (or at least should not) operate

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<sup>27</sup> See: <https://belgianchambers.be/en/the-chambers-of-commerce/> (accessed: 18 XII 2022).

<sup>28</sup> It seems that there are no contraindications to the creation of further foreign chambers.

<sup>29</sup> See: <https://belgianchambers.be/en/about-the-federation/history-of-the-chambers/> (accessed: 18 XII 2022).

<sup>30</sup> Federal Public Service of Belgium (know also as FPS Economy) was created in 2002 as a plan to modernize federal economic administration. More: <https://economie.fgov.be/en> and <https://economie.fgov.be/en/file/6231/download?token=yfr9cGSy> (accessed: 8 I 2023).

<sup>31</sup> Both certificates and support of foreign trade affect the high membership rate of companies in chambers, especially those oriented towards exports. See also: <https://belgianchambers.be/en/the-chambers-of-commerce/> (accessed: 18 XII 2022).

<sup>32</sup> The areas of activity of local chambers do not overlap.



in the country.<sup>33</sup> But in a private law system, where there are no legal norms describing the process of establishing a chamber of commerce, everyone seems capable of setting up a new one. The FBCC is aware of this possibility and the existence of small, mostly industrial chambers. The Federation does not take legal action against them, because it does not perceive them as competing associations.<sup>34</sup>

Cooperation between British chambers is not so structured; the network is much smaller and selective. As of January 2023, there are two network hubs in UK: the British Chambers of Commerce (BCC) with 53 members<sup>35</sup> and the Scottish Chambers of Commerce (SCC) with 26 members<sup>36</sup> (Northern Ireland Chamber of Commerce and Industry acts as a regional chamber and does not have network members<sup>37</sup>). Both hubs bring together only about 10% of all chambers of commerce in the UK. According to Lord Heseltine, in 2012 there were 51 local chambers affiliated with British Chambers of Commerce (BCC), acting as an umbrella body. At the same time, 500–600 local and 63 overseas chambers were not affiliated.<sup>38</sup>

The British accreditation system is also more modest than its Belgian counterpart. For example, the BCC requires member chambers to be:

- an independent SME,
- a non-profit organization,
- a private limited company,
- owned by its members,
- committed to supporting UK business.<sup>39</sup>

The chambers are independent of each other and the BCC. They are also quite different because of the fields of operation, the scope of their services and their budgets. But there are also similarities – as in Belgium – because affiliated chambers deliver export services on

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<sup>33</sup> This statement can be found on Belgian Chambers webpage: “No new Chambers of Commerce can be set up in Belgium. The 13 existing Chambers operate throughout the whole of Belgium and have a mandate from the FPS Economy for the issuing of certificates of origin.” <https://belgianchambers.be/en/the-chambers-of-commerce/> (accessed: 1 I 2023).

<sup>34</sup> This type of explanation was based on discussions with representatives of Belgian chambers.

<sup>35</sup> See: <https://www.britishchambers.org.uk/page/join-a-chamber> (accessed: 18 XII 2022).

<sup>36</sup> See: <https://www.scottishchambers.org.uk/our-network/> (accessed: 18 XII 2022).

<sup>37</sup> See: <https://www.northernirelandchamber.com/about/> (accessed: 18 XII 2022).

<sup>38</sup> Lord Heseltine, *op. cit.*, pp. 14, 16.

<sup>39</sup> *Ibidem.*

behalf of the UK Department for International Trade.<sup>40</sup> In fact, some British chambers work extensively with the government. B. Bennett noted that since the 1990s many chambers have become contractors or even “surrogates” of government, and in some cases received public funds. This fact weakened the ties of some organizations with their members and their willingness of companies to pay fees.<sup>41</sup> The effect seems to be quite apparent – the number of enterprises belonging to the BCC network fell from 104,000 companies in 2012<sup>42</sup> to 73,000 in 2023.<sup>43</sup>

In Poland, the situation is unusual. The Chambers of Commerce Act, in addition to the provisions on the operational rules of the chambers of commerce, also established the National Chamber of Commerce (KIG). However, it is not a typical nationwide umbrella organization. It was established in 1989 in place of the Polish Chamber of Foreign Trade and took over its tasks and headquarters.<sup>44</sup> Its article 11.1 states that the membership of chambers of commerce in KIG is voluntary. But it also says that any other economic and social organizations whose subject of activity is to support economic development may also become KIG members. This significantly blurs the essence of the KIG and questions its possible umbrella character. In January 2023, among the 158 members of the KIG, there were 129 regional, industrial or bilateral chambers (which is approximately 29% of the 447 chambers currently registered in Poland<sup>45</sup>). But they do not form a formal

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<sup>40</sup> Lord Heseltine, *op. cit.*, p. 18 referred to “UK Trade and Investment” which was later (in July 2016) replaced by the Department for International Trade (<https://www.gov.uk/government/organisations/uk-trade-investment>, accessed: 10 II 2023). Just recently (on 7 II 2023) DIT was included to a new Department for Business and Trade ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1134989/Making\\_Government\\_Deliver\\_for\\_the\\_British\\_People.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1134989/Making_Government_Deliver_for_the_British_People.pdf), p. 11, accessed: 10 II 2023).

<sup>41</sup> B. Bennett, *Testing times for business partners in regional and local development: The past and future of chambers of commerce*, “Regions Magazine” 2011, no. 284, pp. 23–25.

<sup>42</sup> 57% micro, 27% small, 12% medium and 4% big companies. Lord Heseltine, *op. cit.*, pp. 16–17.

<sup>43</sup> See: <https://www.britishchambers.org.uk/page/whats-a-chamber-of-commerce> (accessed: 27 I 2023).

<sup>44</sup> See: [https://pl.wikipedia.org/wiki/Polska\\_Izba\\_Handlu\\_Zagranicznego](https://pl.wikipedia.org/wiki/Polska_Izba_Handlu_Zagranicznego); <https://kig.pl/o-kig/o-nas/historia/> (accessed: 27 I 2023).

<sup>45</sup> KIG’s members: <https://kig.pl/o-kig/czlonkostwo-w-kig/czlonkowie-kig/> (accessed: 8 I 2023). National Court Register (KRS): <http://www.krs-online.com.pl/izba-gospodarcza-fp-9.html> (accessed: 8 I 2023).

network nor fulfill any accreditation rules. As explained above, any business association can become a member of KIG.<sup>46</sup> At the same time, the KIG does not perform any public law tasks and objectively does not have a strong position in government and parliament relations. It is not even included in the group of six so-called “representative organizations” appointed to work in the Social Dialogue Council on the side of representatives of entrepreneurs.<sup>47</sup> It should be also noted that only 3–5% of Polish companies are members of any chamber.<sup>48</sup> One can conclude from these facts that there is no two-tier network of chambers in Poland.

An interesting effect of the existence of the KIG as an organization established by the Chambers of Commerce Act is the fact that in some international publications the Polish system is positioned within the mixed model, not the Anglo-Saxon one. This issue is raised by D. Sack, who, placing Poland in the mixed model, considered the existence of (1) the act regulating the procedure for appointing chambers and (2) the establishment of the KIG to be decisive.<sup>49</sup> It is an interesting point. But according to KIG’s unclear position, the short list of private-only tasks, and voluntary membership of various organizations, KIG does not play the role of an umbrella organization. It is in fact much weaker than Belgian and British federations described above. It should be clear that moving a country with private law chambers to the mixed model group should be based on the presence of elements characteristic of the continental model, like obligatory membership, a catalog of public law tasks or an important and obligatory position in the public consultation processes. The mere possibility of obtaining membership of the KIG should be regarded as far from sufficient.

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<sup>46</sup> See: <https://kig.pl/o-kig/czlonkostwo-w-kig/jak-zostac-czlonkiem/> (accessed: 8 I 2023).

<sup>47</sup> The Social Dialogue Council (RDS) was established by the President of the Republic of Poland on October 22, 2015, pursuant to the Ustawa z dnia 24 VII 2015 r. o Radzie Dialogu Społecznego i innych instytucjach dialogu społecznego (Dz.U. 2015, poz. 1240 ze zm.). Social Dialogue Council web page: <https://www.gov.pl/web/dialog/rada-dialogu-spolecznego3> (accessed: 18 XII 2022).

<sup>48</sup> 3% in R. Kmieciak, *Samorząd gospodarczy w państwach Unii Europejskiej*, “Rocznik Integracji Europejskiej” 2013, no. 7, p. 72. 3–5% by Polish Press Agency (PAP) in 2016: <https://www.tvp.info/30794156/wszystkie-firmy-w-polsce-beda-musial-nalezec-do-powszechnego-samorządu-gospodarczego> (accessed: 7 VI 2020).

<sup>49</sup> D. Sack, op. cit., pp. 6–10; P. Bernhagen, op. cit., p. 31.

## 4. Membership

Voluntary membership of enterprises is a general rule for private law chambers of commerce. This thesis is clear in the case of chambers of an associative nature. However, it may not be fully appropriate (or at least the same) for those that operate as limited liability companies (such as those in the UK). Intuitively, membership relates to associations, whereas in the case of Ltd, we first think about ownership or customer relations.

According to the previously cited data, there are a total of several hundred chambers of commerce in the UK. Based on a random review of their data, it can be assumed that they use at least two different legal forms. Some of them operate in the form of Ltd, while others seem to function as associations.<sup>50</sup> Since at least two legal forms appear to be used, two questions should arise: What is the difference between them? Why or when did chambers choose one of them? The British Company and Business Names Act cannot be relied on to respond, and since there is no need to comment on the company's membership rules in the association, the second option should be considered.

When analyzing an ordinary limited liability company, membership is not considered, but possible owner or client relationships should be. Indeed, the customer-focused narrative is visible on the websites of some chambers. They usually offer various paid subscription plans, packages and services.<sup>51</sup> This corresponds with the essence of Ltd.<sup>52</sup>

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<sup>50</sup> The literature search conducted so far has not allowed studies to be identified that explain the various legal forms of British chambers and their internal organizational structure. In fact, most of the studies refer only to chambers that are members of umbrella organizations – i.e. Lord Heseltine, *op. cit.*

<sup>51</sup> In fact, the term “subscription” is widely used on the webpages of these chambers, although it is sometimes masked as a “membership”. E.g.:

1. London Chamber of Commerce and Industry offers subscription at a cost related to the number of employees: <https://www.londonchamber.co.uk/what-we-offer/ways-to-join-us/premier-plus-membership/> (accessed: 15 I 2023).

2. Greater Birmingham Chambers of Commerce offers a set of different “membership fees and packages to purchase”, which differ in the catalog of benefits: <https://www.greaterbirminghamchambers.com/membership/membership-types-and-prices/> (accessed: 15 I 2023).

3. Liverpool Chamber of Commerce offers “connecting to (a) local business community and national business network” with a wide range of “membership types”, which are in fact also annual subscriptions. It also explains benefits for such “members”: <https://www.liverpoolchamber.org.uk/join-us/> (accessed: 15 I 2023).

<sup>52</sup> Of course, chambers operating in the form of associations also provide services to businesses and apply different membership fees, based, for example, on the number of

But according to BCC accreditation rules, a chamber must be “owned by its members.”<sup>53</sup> In the case of a typical Ltd, ownership is based on shares, but this is not the case here. The Company House website referenced above describes them as a “Private Limited Company by guarantee without share capital, use of ‘Limited’ exemption” and lists in any case only 1 owner.<sup>54</sup> Perhaps for chambers of commerce the concept of ownership is implemented in a different way? Undoubtedly, members are represented in chamber committees and teams. Thus, having an impact on the way the chambers operate. It would be extremely interesting if British researchers described this “ownership” mechanism, considering the relatively frequent changes in the list of “members” of the chambers.

In comparison, the situation in Poland is quite clear. Apart from the typical association chambers of commerce, there are also several limited liability companies that provide services and sell products mainly to small enterprises. These Ltd sometimes offer shares to their customers to generate purchases primarily from “their” aggregator. Building lasting trade relations sometimes also includes the participation of such an Ltd in selected social consultations alongside chambers of commerce – thus suggesting their substitutability. However, in the light of the Polish regulations described above, such companies are not chambers.<sup>55</sup> In Poland, the line between chambers and a limited liability company is clear and indisputable. As already mentioned in part 2, the chambers in Belgium are associations as well.

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employees or annual turnover. They also can and usually do provide preferential (lower) rates for access to training or conferences for their members compared to non-associated entities. However, the relationship between a company and an association or Ltd is generally of a different legal nature. Furthermore, since UK chambers use one of these options, there should be an important difference between them.

<sup>53</sup> See: <https://www.britishchambers.org.uk/page/whats-a-chamber-of-commerce> (accessed: 27 I 2023).

<sup>54</sup> Examples: <https://find-and-update.company-information.service.gov.uk/company/02969659/persons-with-significant-control> and <https://find-and-update.company-information.service.gov.uk/company/08763097/persons-with-significant-control> (accessed: 29 I 2023).

<sup>55</sup> E.g. The Inet Group offers a wide range of various services for around 200 members – local internet service providers. According to the national registry, it is a limited liability company controlled by a few (five) shareholders, but with the representation of “members” in its board. Source: <https://home.inet-group.eu/o-nas/>, <https://inet-group.eu/>, registry: <https://ekrs.ms.gov.pl/web/wyszukiwarka-kr/strona-glowna/index.html> (accessed: 15 I 2023)

It is worth noting that there is a wide discrepancy in the chambers' membership levels in the countries under review. As indicated in the section above, the highest membership level is in Belgium (60% of businesses), while in UK and Poland it is much, much lower.<sup>56</sup> One could conclude that the level of membership depends on both a country's historical traditions and the chambers' current situation. In addition, the scope and manner of fulfilling public law tasks by chambers can have a serious effect on the attractiveness or necessity of membership.<sup>57</sup>

## 5. Sources of public law tasks

The main purpose of chambers of commerce in the Anglo-Saxon model is to protect and promote business. They have a dual role: (a) they support their members and (b) they represent business interests in relation to public administration, for which they can also provide consulting services. However, these chambers may also (c) carry out tasks assigned to them by the public administration.<sup>58</sup> Since public law tasks are optional for private law chambers, their possible existence, legal basis and scope may significantly distinguish chambers in the countries under review.<sup>59</sup>

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<sup>56</sup> There is usually a limited information about the number of active private law chambers and their members due to the lack of a collective register of entities associated in them. Calculations are also hampered by the fact that some companies, especially larger ones, are members of several chambers at the same time. A closer analysis of most published British and Polish data shows that the calculations are based only on data collected from some of the active chambers. The most complex and reliable information is provided only by the Belgian network.

<sup>57</sup> This relation is easy to observe in some countries in Asia, which V.I. Fedotov locates in a mixed model. In Pakistan, Bangladesh and Bhutan, entities planning import-export activities must have a Chamber of Commerce and Industry registration certificate, which is issued only to members. See: V.I. Fedotov, *op. cit.*, pp. 44–45.

<sup>58</sup> M. Pilgrim, R. Meier, *op. cit.*, p. 3. See also: D. Sack, *op. cit.*, p. 5; P. Bernhagen, *op. cit.*, pp. 25–26.

<sup>59</sup> The diversity of public law tasks (which include administrative ones) goes far beyond the scope of this study. Following the Pilgrim and Meier approach the discussion below, we focus only on tasks which may be assigned to the Anglo-Saxon chambers by public authorities or law. It should be noted that these tasks can take the form of: (a) soft, non-authoritative – including education, keeping registers, aid programs for entrepreneurs, etc. or (b) authoritative – connected with issuing administrative decisions. More: P. Marciniak, *op. cit.*, pp. 359–361, 493–506. An interesting description of the public and private tasks of chambers of commerce can also be found in: P.K. Zachar, *The Danube Chambers of Commerce Association's Activity for Recovering from the Economic Crisis and Increasing the Competitiveness of Enterprises in the Danube Region*, in: *New Approaches in*

The clearest situation is in Poland. Under Article 5(3) of the Chambers of Commerce Act, the Council of Ministers may entrust selected chambers with the performance of certain tasks reserved by law for the state administration. However, this explicit delegation has never been used. As already mentioned above, Article 12 is the basis for the KIG to provide a few public services (e.g. issuing certificates of origin and ATA carnets<sup>60</sup>). In turn, chambers of crafts pursuant to Article 3(3) and 11(3) of the Crafts Act issue master's diplomas and apprentice certificates to persons who have passed examinations before the examination boards of these chambers.

There are no similar regulations in the other two countries. In Belgium, since 1998 the basis for outsourcing public tasks to chambers has been the accreditation system.<sup>61</sup> The Federal Public Service of Belgium (also known as FPS Economy<sup>62</sup>) is the most important partner for accredited chambers. They provide certificates of origin<sup>63</sup> and ATA carnets.<sup>64</sup> Chambers in Belgium focus mostly on international trade support.

Lord Heseltine, in describing private law chambers in UK, points out that they do not have their status enshrined in law, which is quite common in other countries. As a result, he states that chambers do not have delegated public functions, which results in no government supervision nor interference. But he notes that some chambers deliver export services on behalf of UK Trade and Investment.<sup>65</sup> A different picture is presented by R.J. Bennett, who describes 3 phases of chambers development in UK. In his opinion, the third phase, which has been ongoing since 1980, is characterized by an increasing level of cooperation (and partnership) between chambers and public administration. As a result, many chambers became key partners and contractors for government or even "surrogates" of government in some fields. On the financial level

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*a Complex World: International Relations, History and Social Sciences*, eds. B. Biltsik, A. Marenko, N. Posta, P.K. Zachar, Budapest, 2014, pp. 111–113.

<sup>60</sup> See: <https://kig.pl/uslugi/karnety-ata-legalizacja-swiadectwa-pochodzenia-certyfikacja-dla-eksporterow/karnety-ata/#> (accessed: 24 IX 2023).

<sup>61</sup> See: <https://belgianchambers.be/en/about-the-federation/history-of-the-chambers/> (accessed: 24 IX 2023).

<sup>62</sup> See: <https://economie.fgov.be/en> (accessed: 24 IX 2023).

<sup>63</sup> See: <https://belgianchambers.be/en/doing-business-abroad/origin-certificates/> (accessed: 24 IX 2023).

<sup>64</sup> See: <https://belgianchambers.be/en/doing-business-abroad/ata-carnet/> (accessed: 29 I 2023).

<sup>65</sup> Lord Heseltine, *op. cit.*, pp. 10–11, 18–20.

(peaking in 2001), the budgets of some chambers were based even 75% on various public contracts. This resulted in a reduction in the number of members who gained access to all services without having to pay fees and also resulted in a decline in entrepreneurs' trust in chambers as independent representatives of economic interests. Bennett adds that an idea to adopt a form of statutory framework for chambers (like those in Canada, Sweden or Finland) appears in some debates.<sup>66</sup> N.M. Noel, and M. Lockett describe the business model of the British chambers as providing satisfactory assistance and services for members "at a price they are willing to pay."<sup>67</sup> This assessment is commercial in nature, but on the other hand, the number of chambers' members in UK is as low as in Poland. Companies in every situation evaluate the profitability of voluntary but paid membership based on the benefits it brings. Private law services do not seem to be a sufficiently effective incentive to pay fees. Public law services can change the situation. Delegated public tasks can be designed in such a way that the availability of specific services or permits (e.g. export, transport, financial) is associated with mandatory membership or quasi-membership (e.g. registration) – also in a private law chamber.<sup>68</sup> In this case, possible public law tasks usually fall into the first of the above categories (soft ones). Among the tasks delegated to the chambers, consultation processes related to the implementation of investment or aid programs addressed to enterprises occupy an extremely important position. Depending on their subject and legal framework, they may be public or private law. However, the value and attractiveness of these tasks depends on the actual impact of these processes on the activities and (more broadly) economic policy of the government, available resources (human and financial) and the durability of the arrangements made.<sup>69</sup> Public law framework is usually more effective in putting some obligations on public authorities.

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<sup>66</sup> R.J. Bennett, *Institutional Change in British Chambers of Commerce*, in: *Chambers of Commerce in Europe...*, pp. 56, 59–60, 62–67, 71–74. See also: B. Bennett, *Testing times...*, pp. 23–25.

<sup>67</sup> N.M. Noel, M. Lockett, *The benefits, satisfaction, and perceived value of small business membership in a chamber of commerce*, "International Journal of Nonprofit and Voluntary Sector Marketing" 2014, vol. 19(1), p. 27.

<sup>68</sup> See the example of Pakistan, Bangladesh and Bhutan noted above. But obligation is not the only option. The quality or cost-effectiveness of some public services may convince companies to enroll.

<sup>69</sup> For an example of Local Enterprise Partnerships (LEPs) in UK, see: B. Bennett, *Chambers of Commerce: from protesters to government partners*, "British Academy Review"



Authoritative public law tasks leading to administrative decisions even have a much stronger impact on both the importance and the level of membership in chambers, including private law ones, than soft public tasks outlined above. A typical example may be a company active in exports that applies to the chamber for a certificate of origin. A similar situation may occur when applying for transport permits, radio frequency allocations or a mining concession. The chamber may be obliged to keep a register of entrepreneurs to whom certificates, or administrative decisions are issued. Such a database can be linked to membership in various ways. From the obligation to register, through access to the stock exchange, to the requirement to report using the chamber's IT platform, etc. Thus, the freedom to run a business does not, in principle, require membership of a chamber (as in the continental model), but specific spheres of activity that an enterprise may wish to undertake may oblige or promote such membership. These rules are like those commonly used in the case of activities covered by a permit, license or registration with the office. In the case of tasks entrusted to the chambers by the public administration, they can therefore affect the level of membership. The more chambers conduct such tasks, the closer they come to addressing business' needs and the stronger they become. However, they may also become more bureaucratic and focused on administrative tasks, and ignore a key task for chambers, which is advocating the interests of entrepreneurs.<sup>70</sup>

The implementation of public tasks is usually based on subsidies from public funds but the implementation of some tasks (e.g. issuing of transport or export permits) can also be financed from fees paid by enterprises. Public funding – though necessary – can nevertheless bring some risks to chambers. B. Bennett points to the UK, which can lower the number of members by increasing the “free riders” effect.<sup>71</sup> Public subsidies can also significantly increase the chamber's operating costs, known as the flypaper effect.<sup>72</sup>

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2012, no. 20, p. 40, <https://www.thebritishacademy.ac.uk/documents/637/BAR20-09-Bennett.pdf> (accessed: 27 I 2023).

<sup>70</sup> B. Bennett, *Testing times...*, pp. 23–25.

<sup>71</sup> C.H. Mead, *Voices from the Past*, “Chamber Executive” 2012, p. 19. See also: R.J. Bennett, *Local Business Voice: The History of Chambers of Commerce in Britain, Ireland, and Revolutionary America 1760–2011*, New York 2011.

<sup>72</sup> R.P. Inman, *The Flypaper Effect*, “NBER Working Paper” 2008, no. 14579, [https://www.nber.org/system/files/working\\_papers/w14579/w14579.pdf](https://www.nber.org/system/files/working_papers/w14579/w14579.pdf) (accessed: 10 II 2023).

## Conclusions

The analysis in this study indicates the existence of numerous and sometimes serious differences between the private law chambers of commerce, both on the legal and practical level. The most important are presented in the following table:

**Table 1. The key differences between chambers**

	UK	BELGIUM	POLAND
<b>Legislation (act)</b>	Basic (name only)	No	Yes
<b>Legal form</b>	Ltd or association	Association	Dedicated form of association
<b>Network</b>	Partial	Yes	No
<b>Membership level</b>	Low	Very high	Low
<b>Public tasks provider</b>	Some	Some	No

Source: own summary.

As can be seen from the above comparison, each of the reviewed chambers has a different role, although in principle all of them are included in the literature of the Anglo-Saxon model. It can be assumed that an in-depth analysis including additional countries will reveal several additional differences. It should be noted that the term “Anglo-Saxon model” (or “private law model”) is currently applied to extremely diverse chambers. It seems advisable to undertake studies aimed at distinguishing several taxonomic subcategories within it, or, following Fedotov’s considerations, to design a new, extended taxonomy covering all private and public law chambers.

This type of research would increase in quality if it had the support of researchers from different countries. Such an approach ensures proper coverage of national nuances that are not always clear from the perspective of an external observer,<sup>73</sup> which was proved, among other things, in an extremely valuable study from 2021 edited by D. Sack. Of course, quite similar work should also be done when comparing countries assigned to the continental model, e.g. for France, Germany, Austria, Spain and Hungary.<sup>74</sup> However, it already seems at this stage that the differences are so significant that they prompt the question of whether

<sup>73</sup> Visible in this article e.g. in discussions of the legal form of UK chambers.

<sup>74</sup> The focus on key differences between these countries analyzed in D. Sack, *op. cit.*, the study would require another article.

we should consider and develop a new taxonomy of models, but one that is much more complex than the one already drafted by V.I. Fedotov, who suggests five models.<sup>75</sup>

Why is it worth undertaking such an effort? It is a very important challenge that we face when planning changes to a national system. This is especially clear when there is a model change in the country. But it is also important for smaller changes. The question then arises: can we refer to “the model” when looking for frameworks and assumptions or do we need to focus more on the system of a specific country? On the other hand, to what extent can we follow a foreign system developed in different socio-economic and historical conditions?

Change is a part of reality. Hence, the chambers are still evolving in response to the needs of business and public authorities. Understanding the differences and specificity of individual national solutions can help prepare optimal proposals for the development of chambers and thereby benefit all stakeholders.

## **FIVE KEY DIFFERENCES BETWEEN CHAMBERS OF COMMERCE IN UNITED KINGDOM, BELGIUM AND POLAND**

### **Summary**

Chambers of commerce play an important role for entrepreneurs and the economy. However, their position, organization, effectiveness and tasks vary from country to country. The challenges of the 21st-century economy require the strengthening of chambers so that they can effectively support business. We should look for possible improvements.

Chambers are usually categorized into three main models: Anglo-Saxon, continental and mixed. An additional public (or administrative) model is sometimes added. The analysis of the literature shows, however, that the assignment of chambers to models is sometimes arbitrary or customary. This results in different classification of some countries into specific models – e.g. Poland is assigned to the Anglo-Saxon or mixed model, while Spain is placed in the continental model, although some features of their chambers indicate the properties of the mixed model. The systematic confusion stems from the fact that the current taxonomy is too general to address effectively some of the most important differences between chambers operating in more than 200 countries. But more important is that its design does not provide tools and information that (in the increasing complexity of today’s economy) could support the development of chambers based on the results of comparative research.

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<sup>75</sup> V.I. Fedotov, *op. cit.*, pp. 11–58.

This article outlines a set of the key differences between British, Polish and Belgian chambers of commerce with several references to Canadian and US chambers. They are all private law and generally listed as Anglo-Saxon model members. But there are major differences between them. It's important to examine foreign systems when changes to the domestic chambers are considered. It should be clear that there is no single and common framework that can be just replicated. Each country's history, economy and social norms must be considered before changes are made. This is why comparative studies are the key to finding the best improvements for local needs.

**Keywords:** Chambers of commerce – business organizations – taxonomy of chambers

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