



# POLISH CSOs TRANSITION AND STATE

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# Introduction

During April 2012, TACSO Regional Office in cooperation with the Polish consortium partner Foundation in Support of Local Democracy (FSLD) organized a study trips to Poland. During this trip, 15 CSOs from Western Balkan Countries were able to meet and exchange experiences with 18 Polish organizations. Objectives of the study trip was to contribute to the capacity development and networking of CSOs in the WB and Turkey and to exchange experiences and lessons learned with Polish CSOs on what is needed to enhance the organisations' role in addressing various policy issues by:

1. Developing a common understanding of the current role of CSOs in Poland and in addressing policy and capacity development issues;
2. Gaining an in-depth understanding of the main challenges faced by Polish CSOs in the process of transition, and of the existing mechanisms for engagement between civil society and government;
3. Identifying how the approaches and experiences of Polish CSOs in selected areas can be used in other countries.

Following this successful study trip, TACSO Albania and TACSO Kosovo organized additional study trips to Poland. Main reason for such interest in CSO environment in Poland by the CSOs from IPA region lies in the fact that CSOs from IPA Countries see that the CSO establishment and activities in Poland have been relatively successful compared to other countries in Easter Europe going through the pre-accession and the accession process to the EU.

We hope that this report will provide additional information and will serve as inspiration for the CSOs in the IPA countries who are on the road towards the EU Accession.

The report was developed by Mr. Mirek Warowicki, Ph.D., Project Manager for FSLD Poland.

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Team Leader

This report synthesizes findings from available documents, and is also based on interviews with representatives of Polish Civil Society Organisations (CSOs) to complement the documentary analysis. It thus draws on insights from the study of a variety of changes, mobilizations and movements, and institutional frameworks, and indicates the constraints and challenges faced by civil society and CSOs in Poland.

The report looks at social movement and civil society research. The aim is to discuss and to explain the various forms of collective action and civic activism that exist in contemporary Poland, including institutionalized forms (CSOs) and non-institutionalized forms, their origins and results, and their impact on the current status of civil society and the condition of Polish CSOs. The report provides information that allows for an overall assessment to be made as well as recommendations that concern similar processes in the Instrument for Pre-Accession Assistance (IPA) countries.

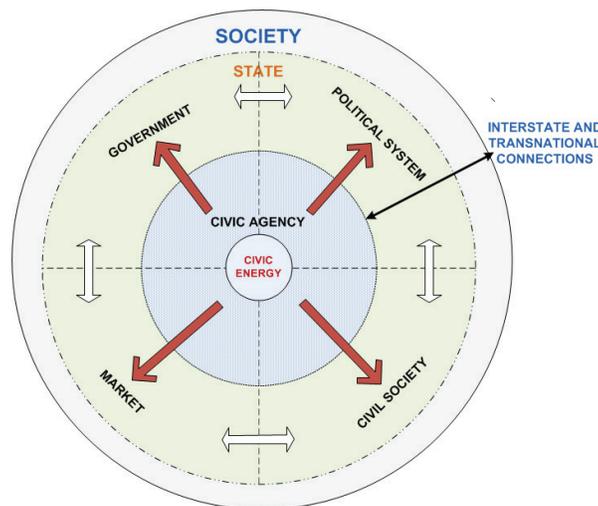
# Background - Broader Context

According to most analyses, in spite of fluctuating but sustainable economic growth in comparison with other European Union (EU) countries, Poland is characterized by a low level of civic participation and low social trust. In contrast, it is widely argued that civic participation and social capital have been essential for the development of democracy and free market economies in Western countries. Early studies of “social capital” conducted in the 1990s found lower levels of social trust, community engagement, and confidence in social and political institutions across Central and Eastern Europe (CEE) (Ekiert 2012). Scholars and experts on the region have argued that civil society is weak in post-communist countries, and there is strong evidence that indicators of social cohesion as well as levels of market development and democratisation are associated with civic participation.

By taking a different perspective for analysing the condition of civil society and the status of civil society organisations, Ekiert and Kubik (2009) have been able to present a picture of post-communist civil society that is more complex and more robust than has been commonly assumed. Thus, “we should abandon any simplistic generalizations regarding the “weakness” of post-communist civil society or its ‘demobilization’ following democratic transition”. In Poland and in many other CEE countries, in their view, the quality of public space, legal protections, and resources available to civil society actors are in many respects similar today to those in established Western democracies. Briefly, civil societies in post-communist countries can be described as surprisingly strong and diverse. One can argue that the apparent weakness of civil society in Eastern Europe is because these societies are measured against Western concepts of civil society. Today in CEE and in Western Europe (WE) participation increasingly takes place in a variety of spontaneous, localised and non-organisational forms or mobilisation; it also takes place through Internet campaigns, which do not necessarily imply conventional membership (Pichler, Wallace, 2009).

Prior to the era of civil society discourse, non-governmental organisations (NGOs)/CSOs had been seen as a central element of democratic and market-driven societies and was further developed in the context of modern democracies. It is usually assumed that developing civil society will strengthen the move to democracy and a market society.

Figure 1. Illustrates the centrality of the civic agency in the civic driven change narrative



Source: Fowler 2011

“Civil society as social capital: through frequent association with each other in a variety of networks, trust between citizens is built up through a virtuous cycle of repeatedly meeting each other’s expectations.

Civil society as citizens active in public affairs: rather than just being producers and consumers, civil society denotes people’s willingness to give time and attention to engagement in public affairs for the common good.

Civil society as fostering public debate: this sees civil society as synonymous with the public sphere. In this sphere, through the media and venues of public debate such as town hall meetings, citizens debate with each other proposals for the public good, and through these deliberations better policy proposals are formulated, which informs formal politics”. Glasius (2010).

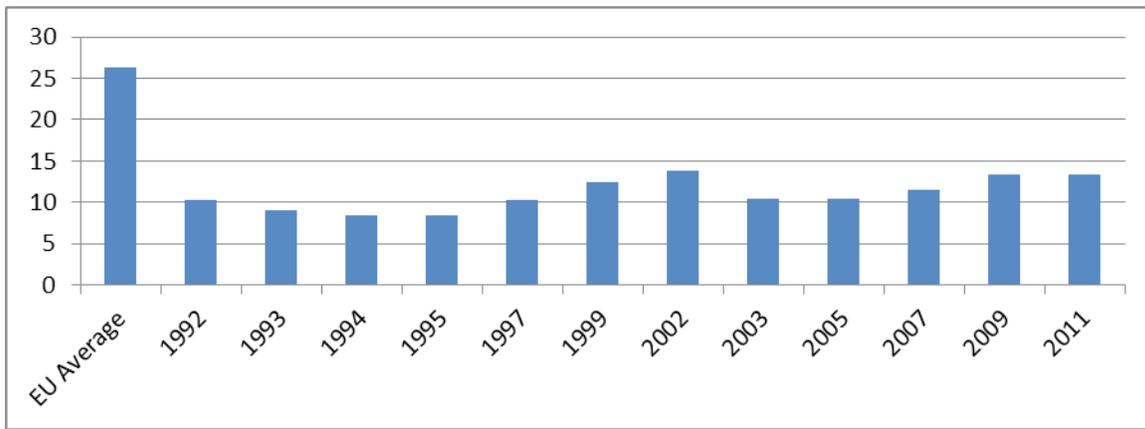
Despite the existing disputes over the precise definition of civil society and related concepts, recent critics have proposed that civil society is declining in the United States and Europe because of the amount of time people are prepared to invest in voluntary associations, which is declining due to secularization, individualization, and consumerism, and have highlighted the potential negative consequences of a lack of civic engagement (Putnam 2000).

For the EU, issues related to the promotion of active participation in public life are becoming more and more important, which is reflected, for instance, in the Lisbon Treaty adopted at the end of 2009, or in the Community-Led Local Development (CLLD) planned for the 2014-2020 programming period.

Despite Poland’s achievements in economic development and towards international integration, the socio-political division in the country remains. The network and spectrum of Polish societal organisations is relatively rich and dense – numerous NGOs, social movements, social initiatives, trade unions, professional organisations and business representations are active in Polish public and political life. However, interest groups are less vigorous and numerous than in Western Europe and most of the groups are small, single-issue oriented organisations lacking resources.

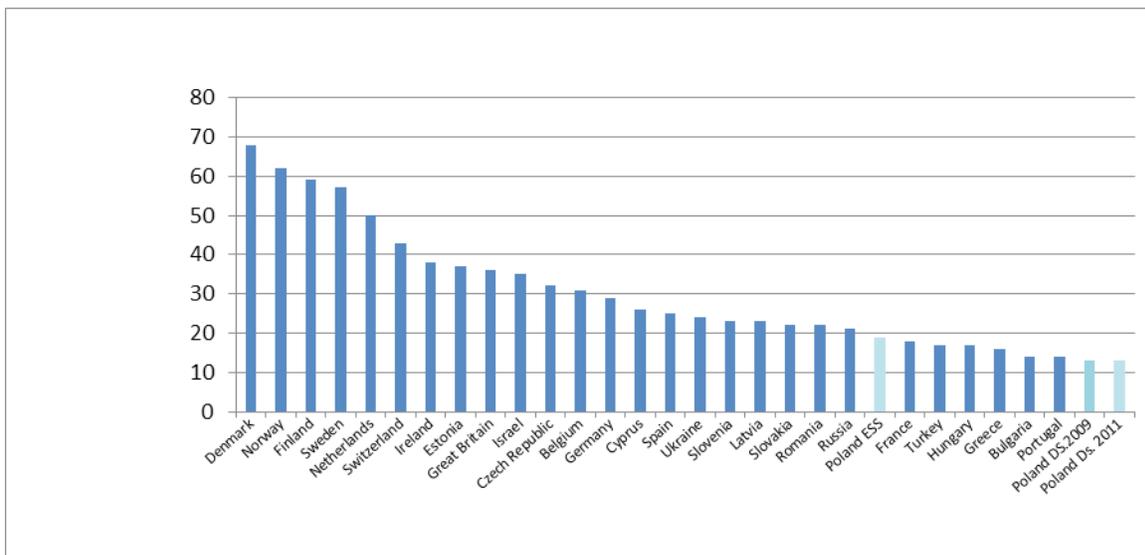
Participation in civil society depends upon a series of conditions. Trust in other people is normally seen as one of the best measures of social cohesion and has been associated with levels of development in society (Knack and Keefer 1997, Misztal 1996).

Figure 2. Percentage of people trusting other people in Poland in the period 1992-2011 and the average level of trust in the EU in 2008



Source of data: : Janusz Czapiński, Tomasz Panek (eds) Social Diagnosis 2011. Objective and subjective quality of life in Poland. Vol 5. Issue 3. Contemporary Economics. Quarterly of University of Finance and Management in Warsaw. The EU average – ESS- European Social Survey 2008, Poland in the period 1992-2002 – Polish General Social Survey, for the period 2003-2011 – Social Diagnosis, own elaboration

Figure 3. Percentage of people aged 16 and above trusting other people

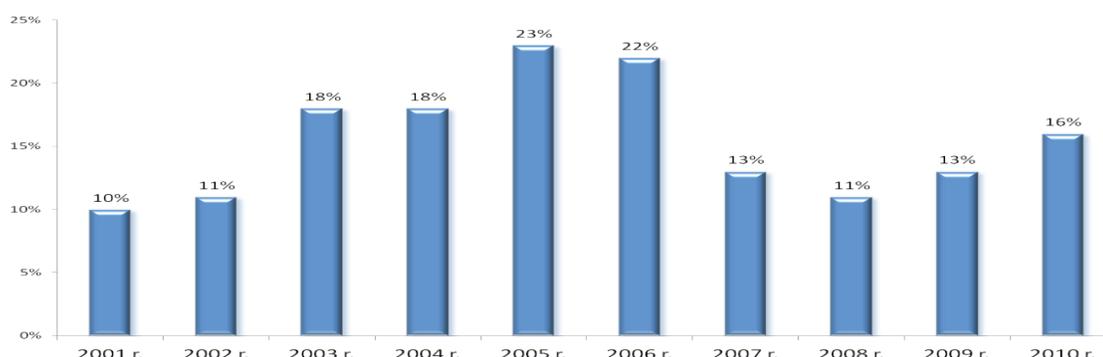


Source of data: Janusz Czapiński, Tomasz Panek (eds) Social Diagnosis 2011. Objective and subjective quality of life in Poland. Vol 5. Issue 3. Contemporary Economics. Quarterly of University of Finance and Management in Warsaw. For all countries, including Poland, ESS- European Social Survey 2008, for Poland Social Diagnosis (DS) from the period 2009-2011

Poles are far more critical when it comes to trusting institutions. More than 80 percent trust in charities and the Red Cross, but political parties end up at the bottom of the ladder with only 14 percent trust. Other political institutions fare only slightly better (Parliament, 21 percent; trade unions, 26 percent; government, 31 percent; courts, 44 percent). However, 60 percent of surveyed Poles expressed trust in the European Union.

**Volunteerism.** Volunteering in Poland is a very complex topic. Although the question of volunteering is regulated by law, the general level of volunteerism is relatively low. The issue of volunteering has been on the political agenda since the early 2000s. Volunteering is one of the main components of the Polish Third Sector and is regulated by the Law on Public Benefit Activity and Volunteerism of 23 April 2003. According to the Act, a volunteer is ‘a person who voluntarily, and with no remuneration provides services based on regulations specified in the law (Art. 2.3). The law further states that the person undertaking the voluntary activity has to be duly qualified and meet the requirements of the benefit that he or she is providing, if other legal provisions would include the need for such qualifications and requirements. People who decide to form or join the association as its members are not volunteers as they provide services for the association’s benefit<sup>1</sup>. Some forms of pro-social activities, based on the principles of self-help and spontaneous initiatives are still not included in the framework of legal regulations and do not take the form of institutionalised voluntary work.

Figure 4. Level of volunteerism in Poland



Source: Kuba Wygnański/ (KLON/JAWOR) (Omnibus survey N=1000-4000)

The results of the 2006 European Social Survey (ESS) showed that just over 13 percent of respondents declared that within the past 12 months they were involved in activities of a charitable or voluntary organisation (in comparison, the same figure for Norway was almost 77 percent). From the same data we learn that only 22 percent of respondents participated in any organised local activity (in Austria that indicator was over 65 percent). The actual data from the ESS study results are confirmed by the results of Diagnoza 2009 [2009 Diagnosis] showing that only 13 percent of Poles admitted that they belong to any civil society organisation (including, for instance, school parents’ committees), and only 15 percent declared that within the last 12 months they had undertaken any action for the benefit of their community.

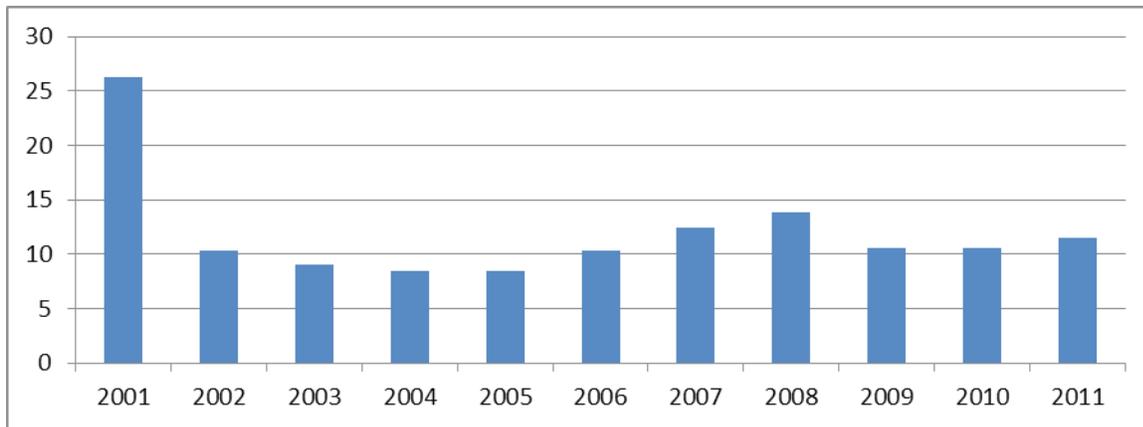
The low level of citizen involvement in actions for the public good is also reflected in unimpressive philanthropic activities. A study carried by KLON/JAWOR shows, however, that in 2009 a little over 50 percent of adult Poles supported a certain community or organisation financially or materially. But if we deduct from that number those who once a year donate money to a public collection organised by Wielka Orkiestra Świątecznej Pomocy [The Great Orchestra of Christmas Charity], the number of donors shrinks to only 19 percent.

<sup>1</sup> Department of Public Benefit. Available from Internet: <http://www.pozYTEK.gov.pl/FAQ,632.html>

However, the Great Orchestra of Christmas Charity is an exception in terms of such an impressive nation-wide mobilization, level of social trust, and the amount of money being gathered each year, and the results from surveys indicate that Polish philanthropy is rather occasional. This is why the income of non-governmental organisations from donations is not a significant source of funding for their activities.

At the moment, it can be said that whilst there is a positive political discourse concerning volunteering at all levels of governance; it does not constitute a priority on the political agenda.

Figure 5. Percentage of volunteers among Polish adults in the period 2000-2011



Source of data 2001-2010 Wolontariat, filantropia i 1 proc. (Volunteering, Philanthropy and 1 per cent) Stowarzyszenie Klon/Jawor; 2011- Social Diagnosis

Trust in government institutions is also an important element of social progress and arguably, without trust, it is difficult for civil society institutions to work (Rose 1994). Equally important, civic participation presumes a certain importance of politics in general, since most civic associations pursue politically relevant goals.

## CSOs before 2004 in Poland

There are two important dates for understanding the profile of civic society and the CSO environment in Poland in the last two decades. The first date is 1989 – the collapse of the communist system and the beginning of the Polish transition. Among the many challenges of transition, the task of rebuilding a civil society able to provide underpinnings for a working democracy was considered especially difficult (Leś, Nałęcz, Wygnański, 2001, Pelczynski, 1988). The second date is 2004- EU accession. Poland entered the EU in May 2004, after a referendum held in June 2003 in which 77 percent of the adult population voted in favour of joining the EU (with a turnout of approximately 59 percent), (Klon/Jawor, 2006). Most currently operating organisations in Poland were established after 1989. The year 1989 marked for Poland, as for other East Central European Countries, not only the beginning of a transition to a democratic political system and a market oriented economy, but also the emergence, under difficult conditions, of new institutional forms, from private enterprises to political parties, and to non-governmental organisations. After the fall of Communism in 1989, more possibilities for the development of civil society appeared. There was a dynamic increase in the number of civil society organisations

as instruments of rebuilding civil activity (Kowal 2012). Despite its political significance, the transformation engaged large sectors of civil society and a broad spectrum of grassroots social movements and groups' clarification/example(s). The number of registered NGOs grew by 400 percent from 1989 to 1994. By the end of 1994, officially registered Polish NGOs reached 48.000 (Ekiert, Kubic 1998). While growth slowed after that point, it has remained stable in subsequent years, with an average addition of some four thousand new NGOs and five hundred foundations every year, across all types of organisations, in all regions of the country.

Setting out an accurate portrait of Polish transition and achievements in this area, it is necessary to take into account the role of Polish CSOs and the organisational basis of civil society. There is no doubt that community-based organisations (CBOs) played an important role in decentralization, privatization, civic society structuring, and social, economic, educational, cultural and environmental regeneration. Polish NGOs and professional organisations played a very important role as social partners during the implementation of the main reforms from the beginning of the transition. Professional associations were a vital way for members to stay up-to-date on research and current practices regarding new reform implementation, and were also a means to help members obtain and retain credibility and provide services. Working together, however, these groups found that the whole could be greater than the sum of its parts when people used each other's' strengths and took advantage of the opportunity to learn from one another. Traditional educational institutions were not able to respond as quickly and change their curricula or provide the updated analyses required by surrounding changes.

CSOs received a significant push in 1989 with the hopefulness surrounding the Polish transformation, and have been bolstered in more recent years after 2004 by the variety of international fora that have involved them in many issues currently being discussed in the EU. In fact, the potential that networks have to contribute to lasting social change is perhaps most potent in those that operate in the development arena.

Among the main reforms, economic reforms and the re-establishment of local governments (LGs) were probably the most successful. No local self-government can be effectively created without social support and the wide participation of CBOs in this process with an appropriate social climate that contributed to the reform initiation and implementation of main reforms. Based on Polish experience one can argue that reforms require social partners who are willing to undertake changes and enjoy the confidence of society (Regulski 2010, Regulaska 1999). There is evidence from the Polish transition that lack of support from social partners leads to negative results in terms of reform implementation and social consequences. Reform of the healthcare system in Poland is an example where social partners were not involved.

Polish society has long been characterized by a high level of trust within circles of extended family and friends, and by bottom-up organisations for informal activities, which dates back to communist and opposition times. Unfortunately, this is not accompanied by a similarly strong relationship within formal networks, although numerous autonomous groups, associations and organisation have been established.

The weakest aspect of civil society in Poland is the engagement of citizens in public affairs; the level of involvement of Poles in non-partisan political actions is very low. The European Social Survey of 2002 shows that Poland is definitely below the European average in all the selected categories and, in some, it is last. Also, memberships in organisations are small. The percentage of Poles who belong to at least one CSO varies between 12.3 percent and 20.3 percent depending on the study. Poland and Hungary are at or near the bottom of the European ranking of membership in non-political organisations and associations (Ekiert, Kubic 2009). In Poland, according to the Social Diagnosis 2007 survey (Czapiński, Panek 2008), 15 percent of the adult population belongs to organisations, associations, parties, trade unions or religious movements (in 2005 and 2003, 12 percent). Surveys conducted by the Klon/Jawor association, SMG/KRC and Stowarzyszenie Centrum Wolontariatu indicate that 14 percent of Polish people have declared a membership in an NGO, social or religious movement, trade union or charity. Klon/Jawor assesses that between 14-20 percent of adults volunteer in NGOs.

The process to make residents more active is by itself a complex one and it triggers at least two kinds of problems. First of all, how to change the initially ever widespread attitudes of passiveness and apathy among the residents? The trend observed by sociologists at the beginning of the nineties and continuing till this very moment involves a withdrawal of citizens from public life and their escape into their privacy, which is not conducive to such a change. Another significant barrier to developing public participation at the local level is the relatively low status, or even negative, image of non-governmental organisations, as perceived by local authorities, and limited knowledge on methods and forms of participation.

Second, the interest in common issues is narrowed down to those which are important to narrow groups – often neighbourhood communities, which results in a problem concerning groups that struggle to have their particular interests satisfied. Much depends on what kind of interests focus the residents' attention, and which methods are used to express the interests and opinions that are important to the majority instead of neighbourhood groups only. Consulting the public broadly, in order to take various positions and interests into account, can facilitate the process of balancing or confronting various stakeholder groups and enlisting broader representation from a given community in projects that are being undertaken.

In the non-governmental community, a debate began around 2003-2004 on how to appropriately represent the sector as a whole. This led to the creation of the National Federation of Non-Governmental Organisations. One of the examples of this kind of organisation is OFOP- the Federation of Polish CBOs. Selected leading Polish CBOs are shown in Annex 1.

## Polish CBOs after 2004

It was only after Poland joined the EU in 2004 that civil society was placed on the political agenda. The European Commission required that Poland open up its decision-making processes, make governing more participatory, inform citizens about changes in, and the direction of, the accession processes, and consult decisions with a broad range of social actors including NGOs, informal groups and individual citizens – not only the Catholic Church, labour unions and employer organisations as was traditionally being done. Currently, many projects which are aimed at strengthening civil society and mobilizing citizens are financed solely by EU funds (Makowski, 2012).

The basic form of participation in public life is to take part in elections. Citizen participation in elections to the Sejm (Polish Parliament) which has been at a very low level for years, in 2007 was 53 percent. The highest turnout was recorded in cities (Warsaw 73 percent, Poznan 69 percent, Gdansk 67 percent) and municipalities located in the functional explanation area of the largest cities, which could indicate a higher level of social capital in the strongest urban areas.

Over the last few years, Poles have started to notice the role of social capital as an important factor in social and economic development, as well as a salient element for the quality of citizens' life. This can be seen in several areas such as attitudes and social relations, structure of non-governmental organisations, level of civic involvement. In terms of different aspects of activity and involvement of citizens in social and public life, Poland is in one of the last ranks in the European Union.

As for the public trust of citizens, in 2006 Poland was in the penultimate place among the countries covered by the European Social Survey. The situation is better in relation to trust in local authorities, which in 2002 was 43 percent and in 2008, 68 percent. Another factor determining the level of social capital indicates that in 2011, after 20 years of building a democratic state, almost half of Polish citizens are still indifferent to six forms of how the common good is abused (Czapiński, Panek, 2012).

A characteristic feature of Polish citizens is, however, high confidence in their own family, friends, and closest neighbours. This is confirmed by CBOs' (2010) research, according to which 96 percent of respondents trust their closest family, 90 percent trust friends, while only 26 percent of respondents have confidence in trade unions, 21 percent trust the Polish Parliament, and 14 percent trust political parties. For trust in Parliament and political parties, Poland ranks amongst the lowest in Europe.

There is relatively little research on local spontaneous mobilizations, informal groups and networks, or activism by people who are marginalized due to their socio-economic status, gender, religious or ethnic identity or ideological outlook. Moreover, there are new initiatives and types of engagement that have not been sufficiently studied; these include mass mobilization against ACTA (Anti-Counterfeiting Trade Agreement), activism within the Congress of Women and the Polish Congress of Urban Movements, and religious or right-wing movements, all of which deserve more attention. In addition, other important aspects that are of interest are local activism in rural settings, such as local mobilizations against the closure of schools. Such social mobilizations should be interpreted as a sign of the strength of civil society.

Figure 6. Percentage of people participating in public meetings in 2003, 2005, 2007, 2009 and 2011



Source: Janusz Czapieński, Tomasz Panek (eds) Social Diagnosis 2011. Objective and subjective quality of life in Poland. Vol 5. Issue 3. Contemporary Economics. Quarterly of University of Finance and Management in Warsaw.

Notably, most of these researchers associate civil society with associations and foundations, and the act of joining organisations as members or volunteers is often interpreted as a litmus test for the civic engagement of Polish people. Other types of civic participation which are often studied include voting and philanthropy.

The most recent and telling example of this alienation might be the massive demonstrations against ACTA, which includes controversial provisions violating, for example, rights to privacy. Although there are many NGOs in Poland specializing in issues of e-democracy, freedom on the Internet, and human rights protection, they were unable to organise a dialogue with the government in order to address the interests and opinions of Internet users dissatisfied with ACTA. Only when protests exploded onto the streets was the government forced to start consultations and reconsider its position on the matter (Makowski 2012).

### Representation vs. participation

Civil society is about participation, while parliamentary democracy is about representation. After 2004, when Polish transition was officially complete, new challenges appeared related to the confrontation between representation and participation. The new government declaratively presented openness and cooperativeness with the CSO sector, but nonetheless real civic involvement and civic participation was not as possible as had been expected. As long as an NGO is really making a difference, achieving real change in the community, it will be considered legitimate. NGOs' capacity to effect social change enables them to be the main vehicles of participatory, not representative, democracy.

The new civic politics of citizen participation and parliamentary ‘party politics’ of representation had a healthy dynamic of both complimentary and tension. It is important to understand that civil society is complementary, not rival, to representative democracy, and participatory democracy goes hand in hand with representative democracy” (Bullain, Toftisova, 2004). Unfortunately for many parties, especially for the government, at that time it was not seen in this way. Despite the many strengths of the ‘representative’ type, there was an on-going alienation of elected representatives and entire councils. Thanks to well-developed mechanisms of public participation in those local governments where such public control works, they use their resources and powers in a more rational manner, and, as a result, they are gradually more trusted by their respective local communities (Warowicki 2001, 1999). Polish political leadership assigns an important role to civil society actors in deliberating and determining policies. Almost all reform proposals thus far introduced by the Platforma Obywatelska (PO) (Citizens’ Platform) government, be they in the health sector, science, local policies or economic matters, have undergone advance consultation with major interest groups. However, the day-to-day involvement of interest organisations in the process of bill drafting or policy conceptualization before the parliamentary stage is often merely formalistic, due to the limited meritocratic competences of many of the social organisations. Moreover, some parliamentary committee negotiations are often dominated by a few special interests.

### **Representation of the interests of the people**

CSOs sometimes claim that due to their wide membership base (or even due to the fact that they know the problems of disadvantaged people), they are “representing the people”, and therefore their voice should be heard. However, in reality, CBOs always represent a particular interest in society (even if that interest is otherwise very important), and these interests often compete. For example, the interest of young people may mean for one CBO that drug use should be prohibited, and for another, that it should be legalized.

The emergence and growth of the Polish civil society, its professionalization and specialization constitute a crucial aspect of the democratization of Poland (Nowosielski, 2008).

Generally the network and spectrum of Polish societal organisations is relatively rich and dense – numerous NGOs, social movements, social initiatives, trade unions, professional organisations and business representations are active in Polish public and political life. However, interest groups are less vigorous and numerous than in Western Europe and most of the groups are small, single-issue oriented organisations lacking resources.

There are arguments about the interrelationship between the condition of CSOs and the general condition of civil society (Makowski 2010). The weakness or strength of CSOs is both a result of, and one of the symptoms of, the level of civic participation. Poles are not very willing to form associations and to act in a formal organised way. On the other hand, there is evidence that, especially at the local level, many people are keen to co-operate. Unfortunately, this is not accompanied by a similarly strong relationship within formal networks, although numerous autonomous groups, associations and organisations exist.

## State of Polish CSOs against the NGO Sustainability Index

The specific characteristic of Polish CBOs can be shown by using the NGO Sustainability Index which uses a seven-point scale, to facilitate comparisons with the Freedom House indices (USAID, 2009)<sup>2</sup>, with seven indicating a low or poor level of development and one indicating a very advanced level. Thus the stages of development are divided into three: Consolidation (1-3), Mid-Transition (3-5), and Early Transition (5-7). The various CSO characteristics are indicated below with a description of their developmental stages.

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<sup>2</sup> 2009 NGO Sustainability Index for Central and Eastern Europe and Eurasia 13th Edition – June 2010. U.S. Agency for International Development Bureau for Europe and Eurasia [www.usaid.gov/locations/europe\\_eurasia/dem\\_gov/ngoindex](http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex)

## **Legal Environment**

Consolidation (1-3): The legislative and regulatory framework makes special provisions for the needs of NGOs or gives not-for-profit organisations special advantages such as one percent tax for CSOs or individual contributions, and open competition among NGOs to provide government-funded services. Legal reform efforts at this point are primarily a local NGO advocacy effort to reform or fine tune taxation laws, procurement processes, etc. Local and comparative do not understand expertise, as well as availability of legal services and materials, on the NGO legal framework exists.

Mid-Transition (3-5): NGOs have little trouble registering and do not suffer from state harassment. They are permitted to engage in a broad range of activities, although taxation provisions, procurement procedures, etc. may inhibit NGO operation and development. Programmes seek to reform or clarify existing NGO legislation, to allow NGOs to engage in revenue raising and commercial activities, to allow national or local governments to privatize the provision of selected government services, and to address basic tax and fiscal issues for CSOs, etc. The local NGO community understands the need to coalesce and advocate for legal reforms benefiting the NGO sector as a whole. A core of local lawyers begins to specialize in NGO law by providing legal services to local NGOs, advising the NGO community on legal reforms needed, crafting draft legislation, etc.

## **Organisational Capacity**

Mid-Transition (3-5): Individual CBOs demonstrate enhanced capacity to govern themselves and organise their work. Some individual NGOs maintain full-time staff members and boast an orderly division of labour between board members and staff. CBOs have access to basic office equipment, including computers and fax machines. While these efforts may not yet have reached fruition, leading CBOs understand the need and are making an effort to develop local constituencies.

## **Financial Viability**

Consolidation (1-3): A critical mass of CSOs has sound financial management systems in place, including independent audits and the publication of annual reports with financial statements, to win potential donors' confidence. CSOs raise a significant percentage of their funding from local sources, including government, corporate and individual philanthropy, and earned income. Most CSOs have multiple sources of funding, which allow them to remain viable in the short-term. A growing economy makes growth in domestic giving possible.

## **Advocacy**

Consolidation (1-3): The CBO/NGO sector demonstrates the ability and capacity to respond to changing needs, issues and interests of the community and country. As CBOs secure their institutional and political base, they begin to 1) form coalitions to pursue issues of common interest, including NGO legislation; 2) monitor and lobby political parties; and, 3) monitor and lobby legislatures and executive bodies. CBOs demonstrate the ability to mobilize citizens and other organisations to respond to changing needs, issues, and interests. CBOs at this stage of development will review their strategies, and possess an ability to adapt and respond to challenges by sector. A prime motivator for co-operation is self-interest: CBOs may form alliances around shared issues confronting them as non-profit, non-governmental organisations.

## **Service Provision**

Consolidation (1-3): Many Polish CBOs provide a wide range of goods and services, which reflect community and/or local donor priorities. Many CBOs deliver products beyond basic social services in such sectors as economic development, environmental protection or democratic governance. CBOs in several sectors have developed a sufficiently strong knowledge of the market demand for their services, the ability of the government to contract

for the delivery of such services or other sources of funding including private donations, grants and fees, are allowed by law. A number of CBOs find it possible to cross-subsidize those goods and services for which full cost recovery is not viable with income earned from more lucrative goods and services, or with funds raised from other sources. Government bodies, primarily at the local level, recognize the abilities of CBOs and provide grants or contracts to enable them to provide various services (Rymsza 2009, 2007, 2004).

## **Infrastructure**

Consolidation (1-3): CBO Intermediary Support Organisations (ISOs) and/or CBO resource centres are active in all areas of the country and provide advanced training, information services, legal support and advice, and philanthropic development activities. Efforts are underway to establish and endow community foundations, indigenous grant-making institutions, and/or organisations to coordinate local fundraising. A professional cadre of local experts, consultants and trainers in non-profit management exists. CBOs recognize the value of training, although the lack of financial resources may remain a constraint to accessing locally provided training. Available topics of training cover: legal and tax issues for CBOs; accounting and bookkeeping; communication skills; volunteer management; media and public relations skills; and sponsorship and fundraising. NGOs work together and share information through networks and coalitions. CBOs are beginning to develop intersectoral partnerships with businesses, the government, and the media to achieve common objectives.

## **Public Image**

Mid-Transition (3-5): The media do not tend to cover CBOs because it considers them weak and ineffective, or irrelevant. Individual CBOs realize the need to educate the public, to become more transparent, and to seek out opportunities for media coverage, but do not have the skills to do so. As a result, the general population has little understanding of the role of CBOs in society. Some individual local governments demonstrate strong working relationships with their local NGOs, as evidenced by their participation in advisory committees, consultations, public-private initiatives, and the funding of an occasional grant, but this is not yet widespread.

# Institutional framework

In general, the elements of an institutional framework in Poland address the following aspects of co-operation: (a) ensuring CBOs' participation in decision making, (b) financing CBOs, (c) coordination and information between the two sectors.

The enabling environment, within the legislative and regulative framework and socio-political climate:

1. establishes relationships between the government and CBOs, and stakeholders,
2. influences the behaviour of organisations and individuals,
3. has significant influence on the capacity development of any kind of organisation.

The category known as the enabling environment relates to regulation, policies, networking and more relational capacities such as empowering relationships, stakeholder engagement, adaptation, and institutional learning. The institutional framework can be seen as based on the location of the actual institution within the public administration system: Parliament, government, councils, joint committees, agencies, specific bodies, and local government.

The general basis of institutional framework is provided by the Constitution of the Republic of Poland proclaimed on 2 April 1997 pertaining to political freedom and rights; they are constituted by Article 12 stipulating that "The

Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organisations of farmers, societies, civil movements, other voluntary associations and foundations.” Article 58 is also of particular importance:

“The freedom of association shall be guaranteed to everyone. Associations whose purposes or activities are contrary to the Constitution or statutes shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities. Statutes shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.”

In Polish Parliament, Sejm of the Republic of Poland, the Parliamentary Unit for Co-operation with CSOs and in Senate Commission responsible for co-operation with CSOs was established.

Recently, a Social Policy Office was established in the Chancellery of the President of the Republic of Poland; this Office takes up social problems, and among them, in particular, problems related to the formation of civil society, including supporting CBOs. The scope of the Office’s work includes the following: preparing thematic analysis; monitoring social policy – related legislation; preparing and putting together meetings under the aegis of the Public Debate Forum; and focusing on “Solidarity-driven Society, Secure Family and Civil Society – Social Capital.”

The most common form of institutional co-operation with CBOs at the central level is co-operation with ministers. In Poland, the Ministry of Labour and Social Policy (MLSP) and the Ministry of Regional Development (MRR) play a leading role in this kind co-operation.

For example, the MLSP is presently responsible for implementing the Law on Public Benefit Organisations and Volunteerism (adopted in 2003), affecting the whole NGO sector and reflecting the multiple functions of financing CBOs, ensuring their participation in policy development, and providing other types of support or service to CBOs or receiving help in the consultative process, and in developing new policies.

Certain differences observed in government-CBOs’ co-operation practices depending on the administration level of the local self-government- region (województwo), county (powiat) or municipality (gmina)- are worth noting:

At the regional level, both regional authorities and CBOs are the most aware of the benefits of co-operation and also have the best resources and competence to make this co-operation effective. There are, however, big differences among regions in government approaches to CBOs’ involvement – from active partnership to superficial consultations. The leading places are Cieszyn, Gdynia, Gdańsk and Warsaw.

### **Annual programmes of co-operation with CBOs**

Annual programmes of co-operation as policy documents on co-operation reflect a certain stage of development in the relationship between the government and civil society organisations. In Poland these are especially frequent at the local level, and are required by law. The existence of an (obligatory) annual LG-NGO co-operation programme was declared by 91.4 percent local governments<sup>3</sup>. Annual programmes of co-operation express the public authority’s (central, regional and local) position on the role of civil society and set up the grounds for future constructive interaction with third sector organisations. They have two primary objectives reflected by their content. First, they aim at encouraging public participation in political life and second, they attempt to establish mechanisms for co-operation which will ease the burden of public service delivery on the government’s shoulders.

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<sup>3</sup> According to the survey conducted by the Institute of Public Affairs under the project A Model of Co-operation between Public Administration and Non-governmental Organisations. Development and Dissemination of Co-operation Standards (2012).

The programmes of co-operation are developed in a participatory manner, with the involvement of both the officials and the CSOs' representatives; it is the major legal instrument governing co-operation at the local level. The Programmes of Co-operation between the City/Municipality are being developed under Article 5a of the Public Benefit and Volunteering Work Act of 24 April 2003 ("the Act"). The first Programme came in 2004. Since then, it has been adopted by many local and regional authorities as a resolution governing the rules of co-operation between regional and mostly local authorities and the CSO sector. CBOs are an important partner especially for the local government, as implementers of specific tasks and as participants in public policy development. An example of this partnership is the annual co-operation between the City of Warsaw and CBOs, which is reported on in Annex 2. Research focused on the implementation of the Public Benefit and Volunteer Act shows that (in 2006) the most frequent form of non-financial co-operation between the local authorities and NGOs has consisted in the creation of co-operation programmes and exchange of information on future activities (Nowosielski 2008).

### **Councils, joint committees**

An interesting example is the Polish Council on Public Benefit Activities (PBA), established by the Public Benefit Law (PBL) adopted in 2003. This Council, established in 2004, provides opinion and advice to the Ministry of Labour and Social Policy, responsible for the implementation of the PBA law. The Council consists of twenty members. Half of these represent the government and local government, while the other half represent CBOs. In general, the task of the Council is to monitor the implementation of the law on public benefit activity and voluntarism by, for example, commenting on issues that emerge on its application, commenting on legislative projects that are relevant to public benefit activity and volunteerism, as well as collecting and analysing information from the inspections of public benefit organisations. Moreover, the Council mediates between organisations and public administration bodies in case of conflict related to the implementation of public benefit activities.

### **Governmental agency**

There are at least two between several other important governmental agencies which have significant supportive influence on CSOs. One of these agencies is the Polish Agency for Enterprise Development (PARP) a government agency which has been mainly providing support to entrepreneurs in the implementation of competitive and innovative projects for over 10 years. The primary objective of PARP's activity is to develop the sector of small and medium-sized enterprises in Poland. To support entrepreneurs and CBOs, PARP uses funds from the state budget and EU funds. In the 2007-2013 financial perspective, the Agency is responsible for the implementation of measures under three Operational Programmes: Innovative Economy, Human Capital, and the Development of Eastern Poland.

Regional Development Agencies (RDAs) are the second example. According to the Polish (National) Association of Regional Development Agencies currently there are 57 RDAs in the country. The roles and responsibilities of RDAs have repeatedly changed and evolved during 20 years of political and socio-economic transformation. RDAs, initially set up to deal with local economic development programmes and restructuring of major local state-owned enterprises, at present have significantly different business and policy intervention profiles than initially sought. RDAs also play an important role in supporting various initiatives, including community initiatives which broaden their experience and expertise and they thus have a real influence on CSOs' capacity development. Twenty years of development of the RDA system in Poland has resulted in building specific, sometimes individual, expertise and business profiles in these agencies. Their profiles are similar to some other businesses or CBOs' support organisations.

### **Citizen Advice Bureau, Citizen Information Centre**

Another example of institutional co-operation is the Citizen Advice Bureau. This is an interesting model of creative and mutually beneficial co-operation between local governments and CBOs in informing and helping citizens in

their everyday lives in communities; a further important type of activity is consultancy. A network of Citizens Advice Bureaus (29 centres in the whole of Poland) was created to provide citizens with help concerning their rights (in 2003, 32,000 pieces of advice were given). In many cases, Citizens Advice Bureaus are located in redesigned Culture Centres located in municipal administration buildings. The process of transformation of the Cultural Centres into Citizens' Information/Citizen Advice Bureaus started at the beginning of 2000 in Ciszyn, Gdynia, Gdansk and Szczecin, and in smaller towns such as Wasilkow, Kolno, Bisztynek and Dobre Miasto, and continues to the present day.

## Legal Context

Poland has a relatively long legacy of a formally established associational sector dating back to the 18th century. Beginning with the 1970s, significant dissident movements and groups emerged in Poland. Moreover, the constant erosion of the welfare state made the government tolerate the existence of some voluntary, independently articulated organisations (Gliński 2007, 2004).

The CBO sector is rich in diversity, internally quite well organised and has a fairly good infrastructure at its disposal. Thirty-six percent of organisations belong to branch, regional or national federations, agreements and unions. At the end of 2003, the National Federation of Non-Governmental Organisations was created. It unites 130 organisations from all over Poland.

The results of the CIVICUS Civil Society Index Report for Poland reveals a relatively strong position of the NGOs as defenders of the values essential for civil society, such as democracy, transparency, tolerance, non-violence, gender equity and poverty eradication. Nevertheless, one must remember that the fact that the organisations protect these values does not necessarily mean they apply them and there is certainly need to improve the quality of the management of the organisations.

The dynamic development of the CSO sector in Poland resulted in the necessity of providing a system of regulations for the functioning of NGOs. The regulations for NGOs appeared in a range of legal acts passed after 1989; the most important of these are given below.

**1997** The Constitution of the Republic of Poland in its preamble emphasizes a principal rule which is of major significance for NGOs and the principle of subsidiarity: "We ... hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, co-operation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening of the powers of citizens and their communities."

**2003** Adoption of the Act on Public Benefit and Voluntary Activity (referred to as the Act on Public Benefit). This legal act, described by source as "the constitution of non-governmental organisations", and strongly criticised by others, regardless of its final assessment, is an indicator of a further stage of civil society development. On the one hand, the act, whose aim has been to make the above-mentioned subsidiarity principle operational, definitely strengthened the position of non-governmental organisations- that is, the institutionalised part of civil society.

**2005** The National Development Plan for socio-economic development in Poland for the years 2007-2013 was subject to public consultation, to which the government also invited NGOs. The NGOs participated in discussions about the parameters of this document and presented their opinions. After the conclusion of the consultation process, a recurring theme of commentaries concerning public consultation was that it should be considered a beginning of both 1) the work on the policy programme for 2007-2013 and 2) a new stage in the mutual relations between public administration and NGOs, in which public consultation is an obvious trait (CIVICUS: Civil Society Index Report for Poland, Gumkowska, Herbst, Szofajska, Wygnański, 2006 p. 50).

**2008** The Council of Ministers on 4 November 2008 adopted the Strategy for the Support of the Development of Civil Society for the years 2009–2015 and the Strategy for the Support of the Development of Civil Society for the years 2009–2015.

**2009** Poland 2030. Developmental Challenges, Prime Minister’s Chancellery. A large chapter is devoted to the problem of civil society development. This valuable study comprises knowledge gathered from numerous other analyses, combining in one compact form a number of conclusions concerning, amongst others, the development of civil society. It identifies the most important problems such as, lack of involvement and activity of the public; the lack of social trust; as well as the institutional weakness of non-governmental organisations. It defines the most important challenges to be tackled and indicates certain directions for action.

**2010** Modification of the 2003 Law on Public Benefit Activity and Volunteering. In the process of revision the following were introduced:

- Extension of the types of organisations that may provide public benefit activities
- Extension of the activities falling under the definition of “public duties”
- Introduction of new forms of co-operation between public administration and the third sector, i.e. determination of the principles of consultation, the establishment and operation of support activities for NGOs by local authorities, the issuing of guarantees, or non-governmental guarantees, to those organisations and entities authorised to conduct charitable activities, as well as provision of loans by local governments.
- Changes in the programmes of co-operation
- Clarification of the principles of outsourcing of public tasks
- Definition of a public benefit organisation
- Possibility of setting up Provincial Councils for Public Benefit
- Activity with an advisory/consultative character
- Amendment to the definition of volunteering: “Each volunteer is a person who voluntarily and without compensation carries out the task based on the principles specified by the Act (Bal, 2011)

**2011** It was only in 2011 when, for the first time in the history of the Third Republic of Poland, the government prepared a long-term strategy for the development of social capital – a strategy that both recognized many of the problems concerning the development of civil society and outlined some solutions. So, there are prospects for the development and strengthening of civil society in Poland.

## Polish non-governmental sector in numbers

In 2012, 80,000 (2008 – 63,000) associations and 11,000 (2008 – 9,500) foundations were registered in Poland. This is not a great number for a country with a population of almost 40 million. In addition, that number should be reduced by one third, to remove those organisations which, even though present in the registry, do not carry out any activity or their activity is of a sporadic nature. In addition, membership of these organisations is relatively small. According to Social Diagnosis (2011) in 2011 in Poland, 14.8 percent of respondents belonged to organisations, associations, parties, committees, councils, religious groups or clubs. Out of the respondents, 11.6 percent of these were members of only one association, 2.2 percent of two associations, and one percent of two or more, while 85.2 percent did not belong to any organisation. In eight years of research, there has been no systematic increase or decrease in interest in civil organisations.

Participation in organisations is only one of the possible measures of a civil society’s development. In Poland, people who want to do something for their communities are unwilling to establish formal organisations to this

end (Sułek 2012). Research conducted by CSOs shows that the level of involvement of Poles in the activity of NGOs is relatively stable and has been estimated at approximately 20 percent of the population. The majority of people involved in activities of the third sector only take up limited engagement – exclusively within a single area (Nowosielski 2008).

**Table 1 Percentage of individuals engaging in community work in Poland in 1998-2008**

| <b>Community work in civil organisations</b> | <b>1998</b> | <b>1999</b> | <b>2002</b> | <b>2004</b> | <b>2006</b> | <b>2008</b> |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Individuals engaged in total                 | 23          | 24          | 21          | 24          | 23          | 20          |
| Individuals engaged in one field             | 15          | 13          | 15          | 14          | 14          | 12          |
| Individuals engaged in two fields            | 4           | 5           | 4           | 5           | 4           | 4           |
| Individuals engaged in three or more fields  | 4           | 6           | 2           | 5           | 5           | 4           |

Source: B. Wciórka, Polacy o swojej aktywności społecznej (Poles and their involvement in community life) research report CBOS BS/20/2008, Warsaw 2008.

Social Diagnosis 2011: International studies demonstrate that human capital is more important than social capital in terms of the conditions for development in the poorer countries, to which Poland still belongs.

Social capital can be defined as “a set of informal values or norms shared among members of a group that permits co-operation among them” Francis Fukuyama (1997).

Polish civil society holds a strong position in defending its essential values, such as democracy, transparency, tolerance, non-violence, gender equity and poverty eradication. On the other hand, among the most prominent weaknesses of civil society are the low engagements of citizens in public affairs, such as in the involvement in non-partisan political actions and membership of organisations (Gumkowska, Herbst, Szofajska, Wygnański, 2006).

## **2001**

There are over 36,500 associations and over 5,000 foundations (NGOs) registered in Poland.

The largest number of associations and foundations indicate sport (59.3 percent), education (48.2 percent), health protection, rehabilitation and assistance to the disabled (32.6 percent), as well as culture and the arts (27.4 percent) as their most important fields of activity.

At least 58 percent of the total number of registered NGOs are active. In the case of 10 percent of the registered NGOs, it was found that they are not engaged in any activities.

Over half (55 percent) of the NGOs do not employ full-time, paid personnel.

The financial resources in 2001 principally came from: public sector funds (local and regional government)- 19.6 percent of the NGOs' income; public sector funds (central government)- 13.5 percent; donations from individuals and firms- 16.5 percent; income from economic activity- 10.4 percent; funds from foreign donors, such as the European Union, amounted to 5.7 percent of the sector's income.

## **2004**

There are 45,000 associations and more than 7,000 foundations registered in Poland.

Most non-governmental organisations in Poland work within the field of sports, tourism, recreation and hobby (38.6 percent of the organisations mark this alternative as the most important area of activity). The other most frequently marked fields of activity are: culture and art (11.6 percent of the organisations), education and upbringing (10.3 percent) as well as social services and social aid (10 percent) and health protection (8.2 percent).

Sixty-seven percent of the organisations do not employ permanent, paid staff. The total number of employees in the organisations can be estimated at almost 64,000 full-time jobs.

Public sources (local and national) constituted the largest part of the revenues for the whole sector in 2003 – 30 percent of the total receipts of all organisations.

Most of the Polish non-governmental organisations did not have experience in applying for pre-accession funds- in the last four years, only four percent of organisations applied for such funds.

Polish non-governmental organisations have great expectations of European funds – more than 70 percent of the organisations declare that they plan to apply for subsidies from European funds.

## 2012

There are 80,000 associations and 11,000 foundations registered in Poland. Almost half of the registered organisations have their seat in a large city (former or present voivodship capital).

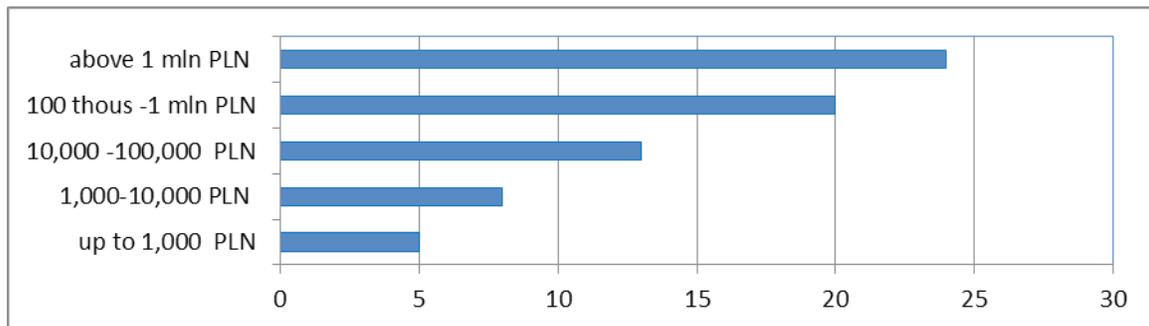
Most non-governmental organisations in Poland work within the field of sports, tourism, recreation and hobby (38 percent of the organisations mark this alternative as the most important area of activity). The other most frequently marked fields of activity are: culture and art (17 percent of the organisations), education and upbringing (14 percent) as well as social services and social aid (six percent) and health protection (six percent).

Forty-five percent of the organisations do not employ permanent, paid staff. The total number of employees in the organisations can be estimated at almost 100,000 full-time jobs.

Public sources (local and national) constituted the largest part of the revenues for the whole sector in 2012 – 37 percent; 12 percent of the total receipts of all organisations.

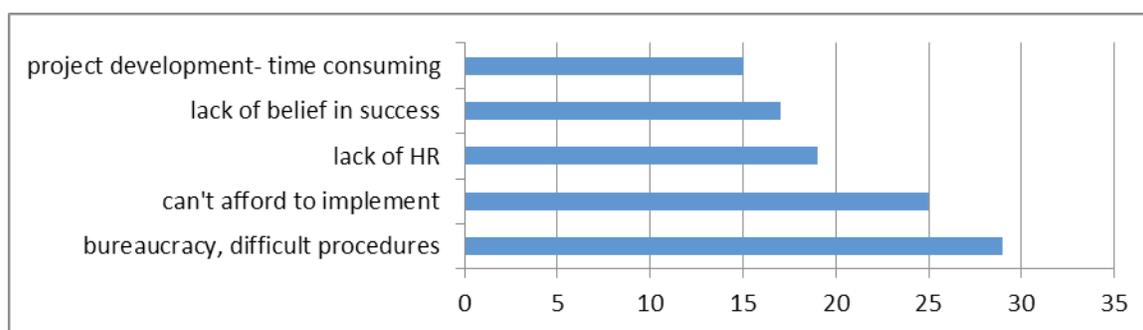
Financial sources used by the largest percentage of organisations are: member fees (60 percent of organisations), local authority sources (19 percent), central authority sources (18 percent), EU funds (12 percent), donations from private individuals (40 percent), and donations from institutions and firms (39 percent).

Figure 7. Percentage of CBOs in relation to budget



Source: Stowarzyszenie (Association) KLON/JAWOR 2011; [www.ngo.pl](http://www.ngo.pl)

Figure 8. Percentage of reasons for not applying for EU funds



Source: Stowarzyszenie (Association) KLON/JAWOR 2011; [www.ngo.pl](http://www.ngo.pl)

## Mechanisms for financing CBOs' services

The Polish government at the central, regional and local level has a range of principles and mechanisms available to determine how CBOs can be financed for providing services. CBOs have access to tenders for the delivery of social and/or other services assigned to governments; however, as in many other countries in the EU, they do not enjoy exclusivity of such access. They are eligible for funding on equal terms and conditions as the rest of the bidders. CBOs and local government institutions (as well as private companies in the case of the United Kingdom (UK)) compete to win the tender by offering the best value service. The government's position in these cases does not express a preference for the third sector in the service-providing area. The situation in Hungary and in the UK is similar in this regard.

In Poland, the local government is envisioned as the main body responsible for the tendering and contracting out of local services. NGOs are mostly eligible for grants for social (human) service provision (health, social care, education, culture, etc.) or development aid.

### Procurement

In Poland, NGOs have been given a chance to compete with public providers in the newly adopted Law on Public Benefit Activities.

### One percent tax designation mechanism

The central idea of this mechanism is that taxpayers may decide to designate a certain percentage of their income tax to a specific non-profit NGO, and in some cases, other organisations, mainly churches. The "percentage mechanism" was introduced in Central Europe, primarily with the purpose of supporting civil society, i.e., non-profit organisations. The first law that established such a mechanism was adopted in Hungary in 1996 and allowed taxpayers to designate one percent of their tax to a civil society organisation of their choice- Slovakia (2001), Lithuania (2002) and most recently, Poland and Romania (2003) who followed the Hungarian example and adopted similar legislation. The possibility of donating one percent tax was introduced in Poland on the basis of the Public Benefit and Volunteer Work Act. This mechanism of NGO support was first available in 2004. Compared to similar mechanisms operating in Hungary and Slovakia, at least two important differences appeared in Poland. First, a taxpayer may donate one percent of his tax only to a public benefit organisation and second, the mechanism initially involved some effort on the part of taxpayers.

# Government funding policies

Government policies and attitudes towards financial relationships with NGOs are mainly determined by the role in the development of the society and the implementation of government objectives that are attributed to the third sector.

Local government in Poland is envisioned as the main body responsible for the tendering and contracting out of local services. NGOs are mostly eligible for grants for social (human) service provision (health, social care, education, culture, etc.) or development aid. Grants are usually distributed on a competitive basis and after a selection process.

The legislative mechanism for procurement is established for all potential participants including business entities and NGOs for the delivery of social services. In Poland, NGOs have been given a chance to compete with the public providers according to the adopted Law on Public Benefit Activities.

The main problems that NGOs encounter in accessing this form of government funding is that the majority of the projects open to procurement are high-value projects and it is often very difficult for NGOs to comply with the requirements placed on the bidders. In addition, procurement is often considered inconsistent with the not-for-profit nature of NGOs.

## **Operational Programme Civic Initiatives Fund**

Civic Initiatives Fund (Fundusz Inicjatyw Obywatelskich, FIO) is a governmental long-term programme, passed by the Ministers' Council and administered to the minister responsible for social care issues (currently by the Minister of Social Policy). FIO is aimed at non-for-profit organisations formed with the purpose of initiating and strengthening civic initiatives and co-operation with NGOs. It is complementary to the current solutions and existing practice in this area. The main goal of the FIO is to provide financial support to civic initiatives aimed at:

- supporting co-operation between NGOs and public sectors;
- providing financial support to NGO activities to enable the use of the EU funds;
- supporting comprehensive endeavours in the area of civic initiatives, demanding integrated forms of NGO activity; and
- promoting good practice, model solutions in the areas of subsidiarity, standards of co-operation and shaping democratic social order.

# Co-operation between CSOs and local governments

Data from a survey conducted by the Institute of Public Affairs (IPA) in 2012 provide a general picture of LG-CBOs. The main findings are as follows:

1. Irrespective of the geographical level of their operations, NGOs most often establish co-operation with LGs at the parish level. LGs and their agencies are CSOs' main partner.

2. Other frequent fields of co-operation (above 20 percent) are: social assistance, recreation for children and young people, work to support the disabled, science and education. These largely match the areas of intersectoral co-operation declared by NGOs: sport, tourism, recreation and different amateur activities (69 percent), education and training (44.1 percent), social assistance (33.7 percent) and health protection (20.7 percent)<sup>4</sup>.
3. There are a few clearly dominating forms of co-operation (65 percent – 55 percent of indications in the IPA survey – joint consultation/implementation of projects, reciprocal feedback on planned activities, LG patronage over NGO actions). A relatively high proportion of NGOs declared involvement in the local initiative, a form (introduced only a few months before the survey) allowing LG-NGO implementation of small, narrowly targeted projects without financial transfers. As many as 40 percent of NGOs put forward their own proposal for a local normative act or improvement measures in their field of interest, which seems to show a relatively high level of NGO activity. All in all, even though, from the NGO perspective, the frequency of certain forms of co-operation may be unsatisfactory, where they do exist, they are assessed as rather good, or at least fair.
4. The co-operation quality is affected mostly by ‘soft’ aspects, such as access to information, non-financial co-operation (i.e. consultations, involvement in decision- and policy-making), and the financial situation of LGs. However the last aspect is largely dependent on the overall financial condition of the public finances, and, consequently, LGs’ ability to support NGOs.

## Main challenges and lessons learned

### **Civic education**

Civic education in Poland should be an element of the socializing process taking place in the family, through peer groups, and from the education system to the professional environment. The state can actively support this process by creating the appropriate institutional and legal environment. Solving the problems of citizen education also requires certain institutional and legal frameworks. Both the core curricula for students and for teacher training in this area need adjustment and input/expansion. For now this role plays the Centrum Edukacji Obywatelskiej (Centre for Citizenship Education (CCE) as a leading organisation in this area<sup>5</sup>.

Particular support is needed, therefore, for all initiatives in the area of civic education, the development of the non-governmental sector and the implementation of the idea of civic dialogue.

### **Support for the non-governmental sector**

The institutional and legal environment of the third sector is rather well-developed and conducive to citizens’ initiatives. However, the third sector, on the one hand has had to struggle with financial difficulties, while on the other hand depends on public funding and deals with the weakness of partner co-operation with public administrations. As a result, non-governmental organisations more and more often play the role of contractors providing services for the public sector, forgetting about the other functions they should be performing in civil society – such as building local communities, representing social interests or mobilizing and activating citizen participation.

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<sup>4</sup> According to a survey conducted by the Institute of Public Affairs under the project A Model of Co-operation between Public Administration and Non-governmental Organizations. Development and Dissemination of Co-operation Standards (Koziarek: 2012)

<sup>5</sup> More information about selected Polish CBOs in Annex 1

## **Civic dialogue**

The concept of civic dialogue refers to the forms of direct contacts between citizens and the authorities oriented towards joint development of public policies. The Polish government, despite the establishment of some institutional framework for co-operation between LGs and CSOs still faces the fundamental problem of a lack of a coherent policy on civil society. The lack of well thought out action in this area, particularly on the part of the state, weakens the social capital of Poland, which is reflected, for instance, in low participation of citizens in the public sphere, a lack of confidence in public institutions and a weakening in CSO growth.

From the point of view of the development of civic dialogue in Poland, the key elements include: the stronger institutionalisation of public consultation and, associated with that, a procedure for assessing the impact of new regulations (Regulatory Impact Assessment-- RIA). As analyses show (Shipyard, 2011), the operation of these mechanisms leaves a lot to be desired. The operation of the institutions of social dialogue at the local level is only slightly better, such as consultative bodies grouping representatives of local government and non-governmental organisations, regulations concerning access to public information or programmes of co-operation between public administration and organisations.

## **Funding**

One of the most important problems for the Polish third sector is lack of funding. This may be partially solved by the adjustment of legal regulations, for instance by a complete exemption from value-added tax (VAT) on donations in kind, or services provided pro publico bono, such as 'charitable texting'. Taking into account the European context and wishing to support the third sector, one should also emphasise the importance of applying the partnership principle in implementing projects funded from EU funds, connected with activities of non-governmental organisations. Organisations should be involved in the implementation of such activities not only as contractors or beneficiaries but the partnership principle should also be visible in their planning.

The most frequently mentioned problem for the work of CSOs remains the lack of financial resources. It is necessary to create an appropriate financial infrastructure for the non-governmental sector. Access to public funds, particularly from the EU, is of utmost importance. The procedures for programming, accessing and accounting for these financial resources should be adjusted to the specific character of the non-governmental sector.

## **Public consultation**

The current practice of applying the procedure of public consultation is normally limited to work on legal solutions and dialogue with traditional social partners, such as trade unions, employers, and possibly the Catholic Church. Other social partners are not taken into account or are selected in a purely arbitrary way. Modern standards of developing public policies require the voice of a wide spectrum of social groups to be taken into account.

What is needed is a more coherent system of public consultations with government support from the central to the local level. There are some problems which relate to:

- permanent institutional forms of co-operation dedicated to CBOs and the need to create a formal programme and arrangements for co-operation with them;
- lack of standards for the consultation process;
- consultations are conducted mostly in cases in which their implementation is required by the law; and
- passive methods of opinion seeking prevail in the process.<sup>6</sup>

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<sup>6</sup> Shipyard(Stocznia). The unit for Innovation and Research ( 2011) Final Report on the Study of the Effectiveness of Mechanisms for Public Consultation (summary) Warsaw, March, 2011, Warsaw.

## Co-operation between CBOs and local governments

The state of LG-NGO co-operation is not fully satisfactory. Research shows (Koziarek, 2012) that there is significant room for policy measures which should be taken to improve the current state of affairs.

The relatively good assessment of co-operation between LGs and CBOs implies that the major problems are not legally conditioned. The “hard” dimensions of intersectoral co-operation, such as infrastructure, procedures and availability of funding, are assessed worse in small LGs (particularly in rural communes).

The main challenges which need to be addressed in seeking improvement in co-operation are: inequality of parties, deficient culture of co-operation, and the local character of co-operation.

## Towards strengthening CBOs

Measures need to be taken, first of all, to strengthen the legitimacy of the third sector, and as a result to increase the recognition of NGOs as capable of representing the interests of the public and the common good. Only then, will NGOs be more willingly admitted by LGs to public decision-making and to the joint solving of local problems. Otherwise, their role is likely to remain limited to that of public task contractor.

The co-operation of CSOs with the public administration is characterized by three weak spots:

1. At present, since the basic legal framework for co-operation already exists, the most important task is to create a better mechanism for the promotion of good practices.
2. More effective pressure should be exerted in cases where the public administration disregards its statutory obligations.
3. There is insufficient activity of watchdog organisations, whose role should be strengthened.

## Self-regulation

It is necessary to continue to work on issues of self-regulation within the non-governmental sector. This issue is obviously related to the public image of CSOs, an image that, although having improved in the last years, still seems to reflect the Poles’ general dislike of institutions.

## Recommendation for IPA countries

Since 1989, civil society organisations in Poland have taken significant steps forward, especially following EU accession in 2004 and all other related processes. These efforts have resulted in new legislation, institutionalisation of co-operation with government on all three levels, and encouraging various institutions, organisations and CSOs themselves to develop progressive frameworks. Despite the increasing intergovernmental response and despite significant progress after 2004, civil society and CBOs in Poland still need further developmental support. To further development, below are recommended actions that are based on lessons learned:

1. Urge governments and umbrella CBOs to raise the level of their engagement through mechanisms that already exist, yet have not been employed to their maximum potential, such as forums, advisory committees, and the implementation and institutionalisation of consultation processes.
2. Organise discussions and hearings in Parliament, to raise lawmakers’ awareness of the issues and principles related to further CBOs’ development.

3. Collaborate more closely with stakeholders, such as national umbrella CSOs and governments to develop a common understanding that the new civic politics of citizen participation, CSOs' engagement and Parliamentary 'party politics' of representation have a healthy dynamic of both complimentary and tension. It is important to understand that civil society is complementary, not a rival to representative democracy, and participatory democracy goes hand in hand with representative democracy.
4. Monitor the degree to which current legislation defends and supports CSOs and is being applied in bilateral and multilateral relations.
5. Encourage decision makers, in particular government committees, or in appropriate ministries, to incorporate the decentralization principle and to consider the re-granting principle in order to increase small local CBOs' access to EU funds of.
6. Facilitate the process of engaging social partners including CBOs to support reform implementation. There is evidence from the Polish transition that lack of support from social partners leads to negative results in terms of reform implementation and social consequences.
7. Facilitate national, regional, and local discussions with partners and governments to develop ideas for reforming legal frameworks to ensure that the space for civil society and for CSOs' work in the country is protected.
8. Facilitate national and regional discussions to generate interest in, and mobilize support for civil education. Wide co-operation with the media in the area of civic education is needed.
9. Explore a clear description and promotion of public consultation and civic participation. A clear definition of CBOs as a separate entity participating in public consultation will probably be needed as in Poland.
10. Facilitate the establishment, within public administration, at the central level, a "host" of all efforts to promote participatory models of governance with a significant role of CBOs.
11. Explore the ways of improving the coordination of activities in this area with programmes financed by the European Union including the possible simplification of the application procedures.
12. Encourage the integration of the CSOs' development principles in broader national strategies, including efforts at the local and national levels to enhance civic participation in political, social, and economic affairs.
13. Recognize and promote, service delivery by CSOs in such sectors as environmental protection or social services, economic development, co-operation between CSOs and the government. CSOs in several sectors can develop a sufficiently strong capacity for their services, the ability of the government to contract for the delivery of such services or other sources of funding including private donations, grants and fees, where allowed by law, can be seen as crucial for CSOs' development.
14. Explore ways to establish a body such as the Parliamentary Unit for Co-operation with CSOs, the Council on Public Benefit Activities which provides opinions and advice to the Ministry of Labour and Social Policy, The Programmes of Co-operation between the City/Municipality and CSOs, grant system such as FIO in Poland ensuring their participation in policy development, and providing other types of support or service to CBOs or receiving help in the consultative process, and in developing new policies.
15. Explore more effective ways to use modern IT technologies and "virtual" space to set up more advanced communication between CSOs and the government, and with other institutions and organisations.
16. Collaborate more closely with the international community and other stakeholders, such as international CBOs, and legislators to develop a strategic response.

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Tomasz Schimanek- Academy for the Development of Philanthropy  
Jakub Wygnański - The Unit for Social Innovation and Research – Shipyard

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## Annex 1

# INFORMATION ABOUT SELECCTED LEADING POLISH CBOs

# Association of leaders of local civic groups (SLLGO)

The SLLGO is a Watchdog and Think-Do-Tank organization. The association was established as an independent, non-profit organization, financed mostly through private funds in 2003. SLLGO has the statute of a Public Benefit Organization in Poland. SLLGO has its own Code of Ethics which remains a subject of a live debate within the organization. In monitoring activities SLLGO follows the principles of openness, reliability and impartiality. Honesty and avoidance of the conflict of interests is crucial for the members of SLLGO.

The members of SLLGO monitor the lawfulness and openness of the government and obtain information on its activity. In order to make this possible resource centers needed to be put into place. SLLGO runs three such Centers:

- on the right to information
- on watchdogs
- on local civic budgets

SLLGO works with the best experts in the field and comment on the local and central policy.

The members are local specialists who have been active in the field of their interest for years. They live in towns of 5 thousand inhabitants as well as cities of two million habitants. We also cooperate with thirty experts: lawyers, sociologists, economists and IT specialists through the resource and knowledge centers.

## Programs

**Non-governmental Centre for Access to Public Information**, [www.informacjapubliczna.org.pl](http://www.informacjapubliczna.org.pl).

The objective of the program is the protection of right to information. We collect knowledge and experience. We promote the right to information and show how important it is in our daily life, by putting pressure on the public administration to act overtly, clearly and responsibly. In September we organize the Week of Public Information. We organize a competition which promotes best practice and shows failures in presenting public information. We consult law projects, conduct trainings, give advice and maintain a website.

**Civic Budget**, [www.funduszesoleckie.pl](http://www.funduszesoleckie.pl), [www.samiswoje.pl](http://www.samiswoje.pl), [www.lgo.pl/lmb](http://www.lgo.pl/lmb)

The goal of the program is to introduce such a way of planning the budget and public spending that will include the citizens and which will be efficient as well as social policy oriented. We check how the authorities react to grassroots initiatives. We monitor the spending of the local councils on drug use and alcoholism prevention. We check the process of implementation of the law on local grants on participation in rural areas and how these funds affect participation in the community.

**Powerful Watchdogs**, [www.watchdog.org.pl](http://www.watchdog.org.pl)

The goal of the program is to support the development of the watchdog community in Poland. We organize residential and online courses, meetings presenting tools used by watchdogs and educational seminars which present the best practices and achievements from Poland and abroad. We continually innovate with technology in watchdog activities, for example through the TransparencyCamp Poland [www.transparencycamp.pl](http://www.transparencycamp.pl). We integrate the watchdog organizations and develop a website on watchdog activity.

### **International activity**

SLLGO has been cooperating with the Citizens' Network OPORA from Ukraine since 2008. Together they have trained a team of trainers specializing in civic control and organized the Ukrainian School of Watchdog Activity. The graduates of the training have run a monitoring of the local authorities.

In the framework of the East East program SLLGO cooperates with organizations working on the right to information. SLLGO exchanges best practice on raising the citizens' awareness on the right to information.

SLLGO runs international workshops in the scope of the Grundtvig program called "Information is the first step to participation" for activists and citizens from all over Europe who want to develop their civic competence.

SLLGO is a member of the international Advisory Group in the project strengthening the stability of organizations which specialize in monitoring and human rights in Central and Eastern Europe.

### **The Association of Leaders of Local Civic Groups**

(Stowarzyszenie Liderów Lokalnych Grup Obywatelskich )

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[www.sllgo.pl](http://www.sllgo.pl), [biuro@lgo.pl](mailto:biuro@lgo.pl),

## Center for citizenship education

Established in 1994, the Centrum Edukacji Obywatelskiej (Center for Citizenship Education, CCE) is a non-governmental educational foundation. CCE works to promote values of civic knowledge, practical skills and attitudes that are necessary for democratic state founded on the rules of law and civil society. CCE also operates as a non-profit teacher-training institute and is registered with the Ministry of Education and Sports.

CCE believes that a quality education in schools will:

- Provide knowledge about social, political and economic life;
- Develop creativity and build critical thinking skills;
- Help students develop higher self-esteem;
- Allow students undertake teamwork and other important social activities;
- Teach responsibility and regard for a common good.

In addition, Center for Citizenship Education develops and introduces into Polish schools the most innovative school curricula in the fields of civic engagement, history, law and economic education, and it is responsible for many activities targeting teachers, students and local authorities. Currently, CCE is running over 25 nationwide educational programs in elementary and higher secondary schools. Some of the programs are enlisted in the section 'CCE's programs- component A'.

### **CENTER FOR CITIZENSHIP EDUCATION**

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<http://www.ceo.org.pl>

# Environmental partnership foundation

The Foundation's mission is to support sustainable development by; building partnerships, building civil society, proposing new solutions, disseminate best practice and promote environmentally friendly practices.

The Foundation pursues its mission to support civic initiatives and entrepreneurship aimed at sustainable development through co-creation initiatives, projects and programs with companies, NGOs, schools, municipalities, public agencies and other organizations **working locally**.

What makes EPF different

1. Building partnerships for local development
2. Respect for the environment as the foundation of human life
3. Promoting sustainable development to improve the quality of life socially and economically
4. Supporting the local community as a community of people with similar goals
5. Association of businesses that have a significant impact on environmental performance and quality of local life

Currently, the Foundation provides the following thematic programs:

- **Partner Groups** - support environmentally friendly initiatives at the local level by creating and supporting local coalitions of companies, social organizations and public institutions – A National Network of 22 Partnership Groups , bringing together over 600 entities.
- **Ecomuseums** - engage people to explore and present their region.
- **Greenways** - promote eco-lifestyles, creating natural and cultural heritage routes- 7 Green Trails with a total length of 3500 km and 500 local partners.
- **Schools for Sustainable Development** - Helping schools to become living examples of sustainable development – currently in 600 schools throughout the Poland.
- **Clean Business** - support environmentally friendly business activities which aim to increase their competitiveness- working with a network of 600 small and medium-sized businesses.

**2011** – The Foundation celebrated the 20th anniversary of operations in Poland.

## Polish Environmental Partnership Foundation

Św. Krzyża 5/6

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e-mail: [biuro@fpds.pl](mailto:biuro@fpds.pl); [www.fpds.pl](http://www.fpds.pl)

# Gap Polska foundation

GAP Polska Foundation (Global Action Plan for the Earth) runs since 2000 a national educational campaign for young people focused on sustainable lifestyle – a behaviour change programme based on empowerment methodology.

A few thousands school students in over 100 schools are engaged each year in practical actions at home, school and community in caring for natural resources they use in daily life.

GAP manages also a monitoring on-line system of individual sustainable lifestyle – eco footprint, under license of Global Footprint Network. GAP is affiliated with GAP International (Sweden), a member of INFORSE-Europe, a network for sustainable energy, and Polish Climate Coalition.

GAP cooperates closely with regional government educational institutions and other NGOs.

### **GAP Polska Foundation**

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e:mail: [biuro@gappolska.org](mailto:biuro@gappolska.org); [www.gappolska.org](http://www.gappolska.org), [www.globalactionplan.com](http://www.globalactionplan.com)

## Foundation in support of local democracy

The Foundation in Support of Local Democracy was established in 1989 with an aim to support the implementation of Poland's administrative reform and develop local communities' self-government.

Currently it is the largest NGO assisting local governments in Poland, and apart from focusing on the representatives of local authorities and the employees of municipal, poviast and voivodship offices, it pursues activities addressed to the employees of NGOs, teachers, the youth, SME employees and managerial staff, and people who are unemployed or threatened by unemployment.

Training, consulting, conferences and other forms of education are provided throughout the country with the help of a network of 14 Regional Centres (RC) with branches, headquarter office in Warsaw and 3 Colleges of Public Administration (Białystok, Kielce, Szczecin) offering undergraduate and postgraduate courses of study, of which the FSLD is the co-founder. Two of the RC are members of the National Services Network (these are the centres in Katowice and Cracow), which run also Consulting and Advice Points for people starting their own business activity).

During 23 years of its operations, the Foundation provided training to more than one million people. There are 70 trade clubs and forums of local government employees and local authorities' representatives operating at the FSLD. The FSLD employs more than 250 full time staff in headquarter in Warsaw and 14 Regional Centres and their branches in Poland.

The Foundation in Support of Local Democracy has sound experience in the following areas:

1. Managing large regional or national training projects, including those financed by the European Union and focusing on the development of human resources, general and specialised training for high and medium level public administration employees.
2. Pursuing training and consulting activities for local government representatives (the managerial staff, council members, officials, employees of budget-funded enterprises subordinate to local governments), which have been the Foundation's primary activities since 1989.
3. Pursuing training and consulting activities for Small and Medium Enterprises employees and managerial staff and people starting their own business activity. The Foundation's two regional centres (in Cracow and Katowice) are members of the National Services Network of the Polish Agency for Enterprise Development for Small and Medium-Sized Enterprises.

4. Pursuing training and consulting activities for the representatives of NGOs (e.g. in the field of institutional development, obtaining funds, managing projects, partnership with the local government and with the business sector). The Foundation is one of the co-originators of the coalition of Polish NGOs, which monitors the availability of structural funds to those organisations.
5. Pursuing activities aimed at developing entrepreneurship, counteracting unemployment and supporting local development.
6. Supporting the youth and pupils (e.g. development of entrepreneurship, stimulation of civic activity, promotion of volunteerism)

The areas of the Foundation's specialisation in assistance given outside of Poland include: reform (decentralisation and deconcentration) of public administration, building co-operation between citizens and local governments (LGS), supporting institutions that provide education to public administration employees, as well as preparing NGOs and LGS for accession with the EU and for co-operation with its structures.

So far, the FSLD has implemented its programmes for Ukraine, Belarus, Russia (mainly the Kaliningrad District and Siberia), Kazakhstan, Georgia, Albania, Croatia, Macedonia, Serbia, Montenegro, Bosnia and Herzegovina, Azerbaijan, Kyrgyzstan and Turkey. In 2011 FSLD experts were invited to the post-revolutionary Tunisia to present a Polish model of democratic transformation, administrative reform and local government.

#### **Foundation in Support of Local Democracy (Fundacja Rozwoju Demokracji Lokalnej)**

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## Green neighbourhood

**Green Neighbourhood**, Lokalna Grupa Działania "Zielone Sąsiedztwo" has been operating in the area of Podkowa Leśna and Brwinów communities since 23 December 2008. Both towns are located within 30 km from Warsaw (southwestern part of Mazovia region). Our LAG covers with its activities the area of town and community of Brwinów and town of Podkowa Leśna.

#### **Mission and aims**

Promotion of cooperation between three sectors: governmental, non-governmental, and private. The protection of the environment and supporting culture and tourism development are one of the main tasks which the Association, local leaders, and NGOs put in practice cooperating with the local self-government. The aim of Association 'Green Neighbourhood' is stimulation and integration of the local community. We focus on activity leading to sustainable development, protection and better use of our environmental and cultural heritage. The activity concerns rural (Brwinów community) and small town areas (Podkowa Leśna). We organize trainings teaching how to win European grants and financing provided from the Program of Rural Areas Development for period 2007-2010 (PROW 2007-2013 Oś 4 LEADER) that enables recipients running local projects, including educational, art projects, and projects for seniors.

The mission is activation and integration of local communities and building of common, well recognized in the country, brand of garden-cities in the suburbia of Warsaw and rural areas surrounding them as the group of local communities that worked out a good cooperation between each other in order to improve the quality of life of inhabitants.

The goals focus on sustainable development of area we cover with our activity, implementation of guidelines of the Local Strategy of Development, more efficient exploitation of development potential of rural and small town areas, improvement of their competitiveness as places for living and conducting business activity, and also on activation and supporting the cooperation of local communities.

GN also arranged cooperation between three neighbouring garden cities: Brwinów, Podkowa Leśna and Milanówek. Unique character of these towns in natural way makes them co-operators in different fields of activity and especially in scope of tourism and local development.

**Green Neighbourhood**, (Lokalna Grupa Działania Zielone Sąsiedztwo)

ul. Świerkowa 1

05-807 Podkowa Leśna

Tel./fax 0-22-724-58-90

e-mail. [biuro@zielonesasiedztwo.org.pl](mailto:biuro@zielonesasiedztwo.org.pl); [www.zielone.sasiedztwo.org.pl](http://www.zielone.sasiedztwo.org.pl)

## Helsinki foundation for human rights

The Helsinki Foundation for Human Rights was founded in 1989 by the members of the Helsinki Committee in Poland. Our mission is to promote the development of a culture based on the respect of freedom and human rights in Poland and abroad. Since 2007, we hold consultancy status with the United Nations Economic and Social Council (ECOSOC). The Helsinki Foundation for Human Rights is also a member of the [Human Rights Network](#), an international coalition consisting of non-governmental organizations from Norway, the United Kingdom, Belarus, Azerbaijan, Kenya and Uganda, among other countries. Experts from the Helsinki Foundation for Human Rights publish bi-weekly news updates on human rights in Poland. The Helsinki Foundation for Human Rights also belongs to the Zagranica Group, an association of Polish non-governmental organizations cooperating to provide international development assistance and humanitarian aid, and to promote democratic institutions. The HFHR is also a member of the [European Council on Refugees and Exiles], as well as of the [Democracy and Human Rights Education in Europe Network].

Currently, the Helsinki Foundation for Human Rights is one of the most experienced and professionally active non-governmental organizations engaged in the field of human rights in Europe. Since 2007, the Foundation has held consultancy status at the United Nations Economic and Social Council (ECOSOC)

### Cooperation with Other Organizations and Institutions

Since its inception, the Helsinki Foundation for Human Rights undertakes joint programs and activities with numerous international and foreign organizations and institutions. These organizations include:

- Organizations operating on an international level: The Council of Europe (Directorate General for Human Rights), the United Nations Human Rights Centre, the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-Operation in Europe, Minority Rights Group International, Amnesty International, Penal Reform International, ELSA, the International Commission of Jurists, the International Institute for Human Rights– Strasbourg, the DARE Network, and the Human Rights House Network.
- Organizations operating abroad: Numerous national Helsinki Committees (including the Netherlands, Swedish, Czech, Slovak, Russian, Albanian, etc. Committees), Memorial, Public Interest Law Initiative (Columbia University, New York), the Center for National Security Studies (Washington, DC), INTERIGHTS– London, the Friedrich Naumann Foundation, People in Need (Prague), numerous national associations of judges and lawyers, etc.

- Organizations operating domestically: We undertake joint programs with, among other organizations, the Stefan Batory Foundation, the Polish Office of the Friedrich Neumann Foundation, the POLIS Association of Young Journalists, the Centre for Constitutionalism and Legal Culture of the Institute of Public Affairs, and the Robert Schumann Foundation.

In addition, the Helsinki Foundation for Human Rights offers professional consultancy on issues concerning violations of personal and political rights, as well as on the implementation of educational programs, for many non-governmental organizations, as well as for State institutions (the Police, the Judiciary, the Prison Service, the Border Guard, etc.) We constantly collaborate with the Sejm Office of Studies and Analysis, as well as with Parliamentary commissions.

Members of several dozen domestic non-governmental organizations and over a hundred foreign organizations have been the beneficiaries of various training courses organized by the Foundation.

### **Helsinki Foundation for Human Rights**

Zgoda 11 Street, 00-018 Warsaw Poland

phone.: (48) 22 828 10 08; (48) 22 828 69 96; (48) 22 556 44 40; fax: (48 22) 556 44 50

e-mail: [hfhr@hfhrpol.waw.pl](mailto:hfhr@hfhrpol.waw.pl); [www.hfhr.pl](http://www.hfhr.pl)

# Information society development foundation

**The Information Society Development Foundation (FRSI)** was established by the Polish-American Freedom Foundation (PAFF) on March 13, 2008. The statutory goal of the FRSI is to support and promote the development of information society in Poland and abroad, in particular:

- to improve citizens, institutions and organizations access to the Internet, as well as to Internet-based information and communication technologies;
- to popularize knowledge of the benefits information and communication technologies bring to citizens life – to their personal and professional development, and to their business activities, as well as to the functioning of institutions, organizations and other entities;
- to initiate, stimulate and support cooperation between entities from different sectors in order to create conditions conducive to information society development and popularizing the knowledge of the benefits brought about by the use of modern information and communication tools and technologies.

The key activity implemented by FRSI Foundation is the **Library Development Program** to help Poland's public libraries provide access to computers, the Internet, and training. The Library Development Program in Poland is a result of the partnership between the Bill & Melinda Gates Foundation and the Polish-American Freedom Foundation. The Program's goal is to *equalize opportunities of the underserved living in rural areas enabling them to participate fully in the economy, education, culture, social relationships and community life by revitalizing local libraries; this will improve peoples' lives, increase quality of human/social capital, local development and modernization of Poland.* Since 2009 the Program has been providing support for more than 3,300 local public libraries from more than 1,100 small towns and villages, transforming the libraries to modern, multi-functional information, cultural and education centers stimulating civic involvement.

### **Information Society Development Foundation**

02-019 Warsaw, 1/3 Grójecka St., tel. +48 22 579 15 09, fax: +48 22 579 15 41

[frsi@frsi.org.pl](mailto:frsi@frsi.org.pl), [www.frsi.org.pl](http://www.frsi.org.pl)

# Local activity support centre – CAL association

CAL was established in February 2000, as the result of Centers of Local Activity programme, which was initiated and implemented in 1997- 1999 by The service Bureau for Self-help Initiatives Movement BORIS. CAL works for local communities and their development. CAL believes that the social change always begins at the local level.

## Goals and ways of activity

- Supporting social, educational, charitable activity of local communities
- Animating and stimulating local development on the basis of citizen activity
- Propagation of active and creative life style of community dwellers in harmony with nature, tradition and the present day
- Supporting activities of organizations, local institutions and citizens active in the field of self-government, culture, education, entrepreneurship, public welfare and environmental protection
- Inspiring and supporting innovative forms of functioning of local public institutions and NGOs
- Supporting activities in the scope of social communication in a community
- Creating a platform for international, nationwide and regional co-operation of local leaders and public institutions and NGOs
- Developing participation of residents in public life with special emphasis on marginalized groups

Active community, according to CAL approach, consists of cooperation, voice, place, animator, cooperating institutions, enabling environment

CAL educates social animators – public institution workers who act in different areas: from social work, culture animation to ecology. CAL runs the **School of Social Animation**.

Operational division of programs of Local Activity Centre –CAL Network and School of Social Animation – all education is now under the auspices of the School, while reflection for experiences and collecting good practices – under CAL's.

The development of the CAL programme enabled developing the Polish model and method of organizing a community. So far practical results that they managed to achieve in a few dozen of communities participating in the programme met with substantial interest among numerous national and foreign organizations.

Starting from 2002, CAL has begun transferring its experiences across the Eastern border of Poland, while realizing several common projects with partners from Ukraine and Belorussia.

## **Local Activity Support Centre - CAL Association**

Paca 40, 04-386 Warsaw, Poland, +48 22 121 59 10

E-mail: [cal@cal.org.pl](mailto:cal@cal.org.pl)

[www.cal.org.pl](http://www.cal.org.pl), E-mail: [cal@cal.org.pl](mailto:cal@cal.org.pl);

# Naughty children association

## **The Hans Asperger Aid for Children with Hidden Defects Association**

The aim of the Association is to provide aid for children with hidden defects that obstruct their correct social and emotional functions as well as disturb their learning processes.

The defects are rarely diagnosed at an early stage of child's life because they are difficult to discover. That in effect hampers proper cure and therapy and in result prevents them from running a normal life in family, school, their age group and in the society. Usually the children who are considered naughty, strange, aggressive or pathologically shy are discriminated in education institutions, in their neighbourhood and families and their parents are being burdened with guilt for bad upbringing of their children.

The children relegated from schools have no chance to acquire education and profession and what is even more important they lose their opportunity to learn how to function in the society properly. Isolated and left on their own the children and their parents give up their rights to get education and medical treatment. On the other hand, just as it is in the case of such hidden defects as the Asperger syndrome, many of the children are characterised by higher than average intelligence level, wide spectrum of interests, perfect memory, encyclopaedic knowledge and above the average skills.

Appropriate diagnostics and therapy covering various spheres of functioning including the medical care, education in social skills, sensory integration therapy, education and rehabilitation programs, speech therapy programs, hand therapy etc. may be the only chance for them. Establishment of a complex diagnostic and therapy program, support for integration institutions and running of promotion and information activity is the aim of the Association.

'Everything's clear' project is one of the exemplary projects in this field.

### **THE NAUGHTY CHILDREN ASSOCIATION**

02-769 Warszawa, ul. Dembego 20 lok.2

tel. 0 887 059 343; e-mail: [asperger@wp.pl](mailto:asperger@wp.pl); <http://www.niegrzecznedzieci.prv.pl>

### **'Everything's clear', Wszystko jasne"**

Al. Jana Pawła II 11/1324, 00-828 Warszawa

e-mail: [biuro@wszystkojasne.waw.pl](mailto:biuro@wszystkojasne.waw.pl) <http://www.wszystkojasne.waw.pl>

# OFOP- Federation of Polish NGOs

OFOP advocates for favorable environment of civil society and participates regulation influencing civil society operations. OFOP supports cross-sectoral partnerships and assist NGO representatives in institutional dialogue. We cooperate with voluntary organizations, watchdogs, and think-tanks to ensure ongoing discussion on the condition of the civil sector and areas of future change. OFOP is committed to share best practice and work towards effective involvement of citizens on European level through international cooperation and trans-border initiatives.

## Objectives:

- Developing cooperation and performance standards, and building a sense of identity of the third sector.
- Advocacy in matters common to all NGOs. Shaping social attitudes conducive to the third sector and building its positive image.

## Activities and Tasks:

- Establish mechanisms to assess compliance by member organizations of the existing standards under the Charter of Principles of NGOs.
- Taking a stand against questionable practices related to the activities of NGOs. Promotion of standards activities, particularly concerning their quality and effectiveness of environmental NGOs.
- Creating conditions for the exchange of both experience and resources, and disseminating best practices.
- Working towards legislative changes relevant to environmental NGOs.
- Collecting information about the relationship of the third sector with the public authorities, especially those that are relevant to the practical implementation of the principle of subsidiarity.
- Collecting information on the principles and practices related to the availability of funds for NGOs. Initiate work to build a reliable image of the third sector.
- Preparation of information strategies for the NGO sector. Conducting work to animate civic activity. Conflict resolution and mediation.

## Federation of Polish NGOs- OFOP

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+48 22 115 60 21; +48 22 416 40 30  
e-mail: [foreign.office@ofop.eu](mailto:foreign.office@ofop.eu), [www.ofop.eu](http://www.ofop.eu),

# Polish rural forum - FAOW

**The Polish Rural Forum (Forum for the Animation of Rural Areas - FAOW)** is the first national platform of cooperation of rural organizations in Poland. The organizations cooperating within the Forum work together towards a more effective functioning of Polish rural communities within the European Union, through animation and increased participation in decision making.

The Forum has **more than 80 members**, including nearly all the national-level organisations involved with rural development (such as e.g. the Rural Development Foundation, Foundation for the Development of Polish Agriculture and the Institute for Sustainable Development), “umbrella” organisations (e.g. the National Union of Village Leaders which represents over 40 000 of village leaders, or Forum for Educational Initiatives representing several hundreds of small community schools) as well as many local and regional NGOs and over 30 Local Action Groups implementing the Leader programme. The PRF charter ensures that the small local organisations are not dominated by the big national-level players.

The PRF activities include:

- **education and training for local communities and rural NGOs**, for instance through the organisation of seminars and conferences, publications, as well as the creation and management of centres that provide support and advice to rural NGOs;
- **stimulating cooperation** between various actors, e.g. working towards improved cooperation between NGOs and public administration, promoting local multi-sector partnerships of the Leader type, as well as support to the creation of regional and national networks of Leader LAGs;
- **participating in policy dialogue and strengthening the voice of rural actors**, for instance through PRF's representatives in the Monitoring Committee of the Rural Development Programme, organising policy debates and providing information to rural communities about the current challenges related to rural policy at national and EU level;
- **facilitating** exchange between rural actors in Poland and rural NGOs in other countries through participation in transnational projects and activities, in particular within the framework of PREPARE (Partnership for Rural Europe).

The Polish Rural Forum is an active member of PREPARE and supports its activities. Thanks to contacts within PREPARE, the experience of the PRF in rural development and Leader was shared with rural actors in many Western Balkan countries, Ukraine and Turkey; specific expert support was provided to rural networks in Serbia and Croatia.

**FAOW**, ul. Smolna 13 pok. 307, 00-375 Warszawa, tel. 22 826 28 84;  
e-mail: [sekretariat@faow.org.pl](mailto:sekretariat@faow.org.pl); [www.faow.org.pl](http://www.faow.org.pl)

## Perfect community foundation (Fundacja Idealna Gmina)

The Perfect Community Foundation (Fundacja Idealna Gmina) is a non-governmental, non-partisan, independent and non-profit organization. It has conducted a wide range of training and consultation activities – addressed to local governments, NGOs, entrepreneurs, and local communities in the area of sustainable development, rural development, environment, building civic society, socio-economic development, and local partnership creation.

More specific activities and projects are the following:

- a wide range of consultations for local governments on developments strategies, public and technological projects, financial management;
- co-operation with rural civic organizations, working out concepts, locating resources, programme co-operation;
- supporting municipalities in working out comprehensive and partial development programmes, and local land development studies;
- organisation and conducting of local conferences and seminars on social and economic development;
- support in financial construction of municipal investment projects;
- support in promotion of municipalities, regions, and start-up companies;
- support in solving social conflicts before they take place (prior to the activation of an investment process);
- consultations on development strategies, social and technical projects, financial management for local governments,

- advise in fundraising for industrial investments
- organization and running of study trips

**Perfect Community Foundation** (Fundacja Idealna Gmina)

ul.Gdańska 2 lok.128a 01-633 Warszawa; tel.022 407 27 57; fax.022 833 11 45

e-mail: [figa@idealnagmina.org](mailto:figa@idealnagmina.org) <http://www.idealnagima.org.pl>

## Rural development foundation

For over 20 years, the Rural Development Foundation has been carrying out diversified activities in rural areas. The experience gathered by the team of our employees shows that in order to be effective, one must operate on various levels and in a diversified manner. One must learn about human needs and dreams and then adapt the scope and methods of work to such needs. Sometimes one must promote educational activity, give ideas, note various processes that occur around us and act so that they are comprehensible and do not result in the exclusion of anyone from the main stream of business or social life. In our activity, we must be particularly careful not to make people dependent on the organisation, to do things not “for them”, but “with them”.

### Activities

**Grant –Awarding.** The grant-awarding activity (grants for projects, project monitoring and evaluation) allows to gather information about what skills rural inhabitants need in order to make their activities effective. As an example: grant competition “Close Culture” (heritage preservation).

**Training, Experience Exchange.** The knowledge allows to prepare appropriate training to develop such skills. Annual gatherings of rural organisations organised by the Foundation in Maróz allow, on the one hand, to exchange information among organisations and, on the other, to turn the attention of active rural inhabitants to the processes in the world around us. Local NGOs capacity building: workshops. youth exchange program, Local NGOs capacity building –workshops and follow up

**Legal Support.** It sometimes turns out that complex legal environment or proposed legislation amendments unnecessarily increase the risk of commencing social activity and lead to a waste of time. In such cases, the Foundation organises debates aimed at identifying legal solutions to support initiatives and reduce the waste of enthusiasm.

**Educating vehicle.** Provision of rural inhabitants with access to university knowledge and of secondary school graduates from small towns with access to preparatory courses organised in Warsaw promotes education. Thus, the Foundation serves as a grant provider, operator, educating vehicle by promoting among others: Internet in rural development: “e-VITA – Active Village-Information society building” program; financial education

**Think Tank organization.** Provision a wide range of consultations, advisory services for local governments, local communities including support for village development, setting up agro-tourist business, development of rural community centers.

**Rural Development Foundation** (Fundacja Wspomagania Wsi)

ul. Bellottiego 1, 01-022 Warszawa

tel. 22 636-25-70 do 75, fax 22 636-62-70

[fww@fww.org.pl](mailto:fww@fww.org.pl); [www.fundacjawspomaganiawsi.pl](http://www.fundacjawspomaganiawsi.pl)

# Unit for social innovation and research - Shipyard

The Unit for Social Innovation and Research – Shipyard is a new organization but it was created as a result of attempts of persons connected with the Polish non-governmental sector for many years.

It was created with the aim of critical and reliable description of challenges of social life in Poland and searching and promoting effective, innovative methods of reacting to them based on civic participation. It also sets itself a target of formation and intellectual development of persons from different environments, ready to engage in public affairs in a way going beyond individual interests.

What is especially important in actions run by the Shipyard is reinforcement of co-operation between two environments: researchers-scientists and civil activists working also in non-governmental organizations.

Actions taken by the Shipyard will concentrate on three key issues: development of local communities, social innovations and civic participation. The Shipyard wants to be helpful in building and supplementing knowledge on social dimensions of local activity and local development. It also wants to be a place of discussion on the importance, nature and conditions favourable for development of social innovations. Its ambition is also to become one of the initiators of wider reflection on the essence and methods of civic participation.

The Laboratory of Civic Participation is a project realized by the Unit for Social Innovation and Research – Shipyard with the support of the Stefan Batory Foundation. The Laboratory of Civic Participation, launched in February 2010, was established to facilitate the exchange of knowledge and experiences between various circles and people involved in participatory activities, and to promote the idea and practical tools of civic participation. The goal of running the portal and organizing seminars and meetings within the project is for us to contribute to better communication and mutual learning of actors engaged in the area of civic participation. Reaching this aim requires of course a lot of humility, as well as cooperation and building relations with numerous institutions and organizations, including especially NGOs, academic institutions, and government bodies.

An important part of the project is providing help and support for the grant recipients of the Stefan Batory Foundation's program Democracy in Action that are active actors of civic participation, and for other organizations that might be interested in entering this area and exchanging experiences.

One of main goals is sharing the collected knowledge in an accessible way with people who have not yet dealt with participation. This is the idea behind the portal ([www.partycypacjaobywatelska.pl](http://www.partycypacjaobywatelska.pl)) where materials about civic participation are available.

## **Unit for Social Innovation and Research - Shipyard**

ul. Bracka 20a, 00-028 Warszawa

tel. +48 22 827 01 05

e-mail: [stocznia@stocznia.org.pl](mailto:stocznia@stocznia.org.pl); [www.stocznia.org.pl](http://www.stocznia.org.pl)

# The Stefan Batory foundation

The Stefan Batory Foundation is an independent private Polish foundation established in 1988 by George Soros, an American financier and philanthropist, and a group of Polish democratic opposition leaders of 1980s. The mission of the Batory Foundation is to build an open, democratic society- a society of people aware of their rights and responsibilities, who are actively involved in the life of their local community, country and international society.

Foundation undertakes also activities aimed at **equalizing opportunities** of young people from poor communities and children with disabilities.

The basic method of the Foundation's operation involves making grants to non-governmental organizations engaged in public benefit activity in Poland and in Central and Eastern Europe. The Foundation also serves as a forum for activity, hosts public debates and conferences, organizes seminars and workshops, issues publications, runs social campaigns, engages in monitoring of public institutions and advocacy efforts. It encourages solidarity and generosity by offering administration of named funds and corporate funds to support initiatives that serve the public interest.

The Foundation partners with many institutions from Poland and abroad. It is a part of the [Open Society Foundations](#) network and a member of [Polish Donors Forum](#), [Polish NGOs Abroad](#) and the [European Foundation Centre in Brussels](#). It participates in the work of [Eastern Partnership Civil Society Forum](#) at the European Commission.

In its activity, the Foundation is guided by principles of transparency and accountability. Up-to-date information on its activities and grant-seeking opportunities is posted on the website Its finances are audited by external experts and the financial statements are published in the Annual Report, together with the list of grants awarded and projects implemented during the year.

Foundations' priorities include:

- improving the quality of Polish democracy
- strengthening the role of civic institutions in public life
- developing international cooperation and solidarity

Foundation is committed to closer ties between European Union states and the EU's eastern neighbors, especially Ukraine and Belarus. We support activities that encourage exchange of experiences connected with the processes of political transition, building civil society, and solving social problems among the countries of Central and Eastern Europe. We seek to enhance the role of Polish NGOs in the international arena.

The Stefan Batory Foundation manages fourteen programs. Ten of them: [Equal Opportunities](#), [For Tolerance](#), [Your Vote](#), [Your Choice](#), [Watchdog Initiatives](#), [Legal Education](#), [Civic Institutions](#), [Community Initiatives Partnership](#), [Memoria](#), [East-East](#), and [Citizens in Action](#) provide grants to other organizations. The grants are made in support of specific projects that fit in the Foundation's program areas. The Foundation makes also general support and seed capital grants. Both types of grants are offered in open competitions that are announced on Foundation's website and disseminated through mail and electronic media to the potential grantees. Grants applications are considered on a competitive basis by specialized committees of experts in relevant fields who recommend the projects for funding to the Foundation's Board. Final decisions of grant awards are made by the Foundation's Board at its monthly meetings.

In addition to grantmaking, the Foundation also manages four programs internally: the [Debates and Conferences Program](#), the [International Cooperation Program](#), the [Anti-Corruption Program](#), and the [Regional Alcohol and Drug Program](#) organizes public debates, conferences, meetings, study visits, seminars and training sessions, monitors public authorities, commissions public opinion polls, publishes policy papers, analyses and reports, and initiates awareness campaigns. It participates in the network programs of the Open Society Institute designed to stimulate the exchange of information and experience within the Central and Eastern European region (see: [East-East Program](#) and [Regional Alcohol and Drug Education Program](#)).

The Foundation announces up-to-date information about its activities and grant-seeking opportunities in the Foundation's Newsletter, leaflets and on its website. It publishes Annual Reports presenting the list of grants awarded during the year and providing details concerning all the Foundation's projects together with the financial reports. Every year, the financial aspects of Foundation's work are professionally audited by KPMG for compliance with Polish as well as international accounting standards. The reports are distributed among national and local media and several hundreds of non-governmental organizations, institutions and individuals. Copies are also available free-of-charge in the Foundation's Warsaw office and- upon request- can be sent by mail

### **The Stefan Batory Foundation**

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## Annex 2

The 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations and entities referred to in Article 3 par. 3 of the Public Benefit and Volunteering Work Act of 24 April 2003

## **Warsaw, 12 October 2012**

This document – the 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations – was prepared by the City’s officials and representatives of Warsaw-based NGOs. It is for the tenth consecutive year that we have published the Programme. Developed in a participatory manner, with the involvement of both the officials and the NGOs’ representatives, it is the major legal instrument that governs cooperation in this field.

We had already started our work on the 2013 Cooperation Programme at the end of 2011. The plan was to prepare the document from scratch rather than build on its existing version, as had been the case thus far. However, the first review stage in 2013 saw no proposals to make major changes. So, the Programme’s current structure remained largely unchanged, with only minor modifications in some areas.

When mapping out the Programme, those involved made their suggestions, part of which were later incorporated into the final version.

This year’s Programme has been expanded by adding two new rules of cooperation, i.e. sustainable development and equal opportunities. Also, all the rules set out in the Programme were provided with definitions. Indeed, it is very important that both parties involved have the same understanding of the rules governing their cooperation.

The priority public tasks, so far discussed near the end of the document, were moved to § 6. They were not, however, listed directly. Instead, we mentioned the strategic documents of City of Warsaw, in which these tasks were set out.

Also, we made it possible for the City of Warsaw to use social clauses and relevant social criteria when procuring services and granting guarantees to organisations which apply for loans to implement public tasks for the residents of Warsaw.

Feel free to cooperate with the City of Warsaw. You can do it by participating in the Social Dialogue Committee and the District Social Dialogue Committees, as well as by consulting the documents prepared by the City of Warsaw on the activities of NGOs. We will also be happy to cooperate with NGOs carrying out public tasks which are funded or co-funded from the budget of the City of Warsaw.

I am convinced that this brochure, expanded with extra information and charts illustrating the system of non-financial cooperation and identifying key dates, will help you better understand the idea behind the dialogue between the City of Warsaw and Non-Governmental Organisations.

Yours sincerely,  
Marcin Wojdat  
Representative of the Mayor of Warsaw  
for cooperation with Non-Governmental Organisations

The Programme of Cooperation between the City of Warsaw and NGOs is being developed under Article 5a of the Public Benefit and Volunteering Work Act of 24 April 2003 (“**the Act**”). The first Programme came into being in 2004. Since then, it has been adopted by the Warsaw City Council as a Resolution governing the rules of cooperation between the City of Warsaw (“**the City**”) and the NGO sector.

The City is cooperating with organisations involved in supporting Warsaw’s population and the City itself. This way it receives support in performing its functions at the central and district levels.

The Programme discusses

- The forms of financial cooperation between the City and NGOs;
- The forms of non-financial cooperation between the City and NGOs;
- The entities involved in the cooperation between the City and NGOs;
- Priority public tasks;
- Funds earmarked for the implementation of the Programme;
- The way the Programme is being developed ;
- The course of consultations;
- The Programme implementation assessment.

### **The entities involved in the cooperation**

The Social Dialogue Committees (SCDs)

The Social Dialogue Forum (SDF)

District Social Dialogue Committees (DSDCs)

The City of Warsaw Departments (CWDs)

The Districts of the City of Warsaw (DCWs)

The Council on the Public Benefit Activities (CPBA)

The Representative of the Mayor of Warsaw for cooperation with Non-Governmental Organisations (RCNGO)

**Wspomaganie technicznie...** - providing organisations with technical (including the hiring of rooms), training and informational support

**Umowa z organizacją...** – agreement with an organisation to implement a public task as part of a local initiative (Article 19b of the Act)

**Porozumienia o pozafinansowej...** – agreements on non-financial cooperation with NGOs

**Wyróżnienia...** – distinctions for organisations, including honorary patronage over their undertakings

**Współpraca pozafinansowa** – non-financial cooperation

**Zaproszenie...** – inviting NGOs representatives to take part in conferences, meetings, visits, etc.

**Opiniowanie...** – the assessment of documents by CPBA, SDCs and DSDCs

**Informowanie przez organizacje...** – information provided by NGOs on the funding or co-funding of their task(s) from the City’s budget.

**Strona internetowa...** – the website

## **Małe granty**

Minor grants (Article 19a of the Act)

- Up to PLN 10,000 project subsidy;
- Implementation period up to 90 days;
- Within this framework, the organisation may receive up to PLN 20,000 within a calendar year;

## **Otwarte konkursy ofert**

Open-bid competition

- By 23 November 2012
  - for tasks to be completed within 2013 and in the first half of 2013; by 28 February
  - for tasks involving children's and young people's activities during summer holiday;
- By 31 March
  - for tasks to be completed in the latter half of 2013.

## **Wspieranie (dofinansowywanie)**

**Support (co-funding) of a task by the City** – financial contribution required;  
Full financial commitment (the City provides all the funds for the task)

**Zakup usług** – the procurement of services

**Zlecenie realizacji** – assigning public tasks

**Współpraca finansowa** – financial cooperation

**Dzierżawa..** – preferential leasing of City-owned real property

**Udzielanie poręczeń...** – the granting of guarantees to organisations which apply for loans to implement public tasks

**Najem na...** – preferential leasing of City-owned business premises

**Dotacje na działania wspierające** – grants for activities to support NGOs

**Dotacje na tzw. wkład własny** – Grants for the so-called own contribution

**Dotacje na działania wspierające za pośrednictwem** – Grants for activities to support NGOs through other organisations

**Informacja** – website [ww.ngo.um.warszawa.pl](http://ww.ngo.um.warszawa.pl), technical (the lending of rooms), training and informational support for NGOs, inviting NGOs representatives to take part in conferences, meetings, etc., distinctions for NGOs, including honorary patronage over their undertakings

**System wsparcia** – support system

**Najem na preferencyjnych** – preferential leasing of the City-owned business premises

**Dzierżawa na preferencyjnych** – preferential leasing of the City-owned real property

**Udzielanie poręczeń** – granting guarantees to organisations which apply for loans to carry out public tasks

**Stosowanie klauzul** – using social clauses or other relevant social criteria when procuring services from NGOs

## The Scope of the Cooperation

The city is involved in financial and non-financial cooperation with Non-Governmental Organisations. The area of cooperation includes public tasks specified in **Article 4 par. 1 points 1-20, points 22-33 of the Public Benefit and Volunteer Work Act of 24 April 2003 (Journal of Laws of 2010, No. 234, item 1536, as amended)**.

Art. 4. 1. The public tasks referred to in Article 3 par. 1 involve

1. social assistance, including assistance for disadvantaged families and individuals, and also efforts to equalise their opportunities;
  - 1a supporting family and the foster-care system;
2. the facilitating of the integration and re-integration into employment and society of individuals who are vulnerable to social exclusion;
3. charity;
4. the maintaining and promoting of national traditions, fostering Polish identity and developing national, civic and cultural awareness;
5. activities to support minority groups and ethnic minorities, and also regional languages;
6. illness prevention and health promotion;
7. activities to support people with disabilities
8. the promotion of employment and employment activation among the unemployed and those at risk of losing their jobs;
9. activities to support equal rights for women and men;
10. activities to support pensioners;
11. activities to promote economic growth, including the development of entrepreneurship;
12. activities to facilitate technological progress, inventions, innovations, and also disseminating and implementing new technologies in business;
13. activities to support the development of local communities;
14. science, academic education, and upbringing;
15. the organising of vacations for children and young people;
16. culture, art, and the protection of cultural and natural heritage;
17. the supporting and disseminating of physical culture
18. ecology and animal protection, as well as the protection of natural heritage;
19. tourism and local history;
20. public order and safety;
21. /not applicable to the City of Warsaw/
22. the dissemination and protection of human and civic freedom and rights, and also the promotion of democracy;
23. emergency and civil-protection services;
24. assistance to victims of accidents, natural disasters, armed conflicts and wars at home and abroad;
25. the promotion and protection of consumer rights;
26. activities to support European integration and further the cooperation between societies
27. the promotion and organisation of volunteer work;
28. assistance to the Polish Diaspora and Poles who find themselves abroad
29. activities to support veterans and the persecuted;
30. promotion of the Republic of Poland abroad;
31. activities to support family, motherhood, parenthood, and also to promote and protect children's rights;
32. the prevention of substance abuse and social pathology;
33. activities to support Non-Governmental Organisations and the entities listed in Article 3 par. 3, points 1-32.

## RESOLUTION NO. XLIII/1179/2012 OF THE WARSAW CITY COUNCIL of 4 October 2012 on the adoption of the 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations and the entities referred to in Article 3 par. 3 of the Public Benefit and Volunteer Work Act of 24 April 2003

In accordance with Article 18 par.2 item 15 of the Act of 8 March 1990 on Commune Local Government (Journal of Laws of 2001, No 142, item 1591, as amended<sup>1</sup>) and Article 5a par.1 of Public Benefit and Volunteer Work Act of 24 April 2003 (Journal of Laws of 2010 No. 234, item 1536, as amended<sup>2</sup>), it is resolved as follows:

§ 1. The 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations and entities referred to in Article 3 par. 3 of the Public Benefit and Volunteer Work Act of 24 April 2003 is hereby adopted in the wording specified in the annex to this Resolution.

§ 2. The Resolution shall be implemented by the Mayor of Warsaw.

§ 3.1. The Resolution shall be made public on the announcement board of the City of Warsaw and on the Public Information Bulletin website of the City of Warsaw.

2. The Resolution shall enter into force on the day of its adoption.

**President of the  
Warsaw City Council  
(-)  
Ewa Malinowska-Grupińska**

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<sup>1</sup> Amendments to the consolidated text of the above mentioned Act are published in the Journal of Laws of 2002 No. 23, item 220, No. 62, item 558, No. 113, item 984, No. 153, item 1271 and No. 214, item 1806, of 2003 No. 80, item 717 and No. 162, item 1568, of 2004 No. 102, item 1055, No. 116, item 1203 of 2005 No. 172, item 1441 and No. 175, item 1457, of 2006 No. 17, item 128 and No. 181, item 1337, of 2007 No. 48, item 327, No. 138, item 974 and No. 173, item 1218, of 2008 No. 180, item 1111 and No. 223, item 1458, of 2009 No. 52, item 420 and No. 157, item 1241, of 2010 No. 28, items 142 and 146, No. 40, item 230, No. 106 item 675, of 2011 No. 21, item 113, No. 117 item 679, No. 134, item 777, No. 149, item 887 and No. 217, item 128, and of 2012, item 567.

<sup>2</sup> Amendments to the consolidated text of the above-mentioned Act are published in Journal of Laws of 2011, No. 112, item 654, No. 149, item 887, No. 205, item 1211, No. 209, item 1244 and No. 232, item 1378.

Annex to Resolution No. XLIII/1179/2012 of the Warsaw City Council of 4 October 2012 The 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations and the entities referred to in Article 3 par. 3 of the Public Benefit and Volunteer Work Act of 24 April 2003

**Chapter 1**  
**General Provisions**

§ 1. The Programme shall specify

1. the Programme implementation period
2. the core and specific objectives of the Programme;
3. the terms of cooperation;
4. the scope of its subject matter;
5. the priority public tasks;
6. the forms of cooperation;
7. the procedure of the appointment of the bid competition committees assessing the bids submitted for open-bid competitions, and the principles of their operation.
8. the method of programme implementation;
9. the amount of funds earmarked for the implementation of the Programme;
10. the information on the method of developing the Programme and on the consultations;
11. the method of evaluating its implementation;

§ 2. Any references hereinafter to

1. **“the office”** – shall be understood as the basic organisational unit of the Warsaw City Office, whose place of jurisdiction is the City of Warsaw;
2. **“DSDCs”** – shall be understood as District Social Dialogue Committees operating within the District Boards of the City of Warsaw;
3. **“a grant”** – shall be understood as a grant within the meaning of Article 127 par.1 point 1(e) of the Act of 27 August 2009 on Public Finance (Journal of Laws of 2009, No. 157, item 1240, as amended);
4. **“the Office Director”** – shall be understood as the Director of the basic organisational unit of the City of Warsaw Office, whose place of jurisdiction is in Warsaw;
5. **“a district”** – shall be understood as a subsidiary unit of the City of Warsaw, as specified in Article 5 of the Act of 15 March 2002 on the Form of Government of the City of Warsaw (Journal of Laws of 2002, No. 41, item 361, as amended);
6. **“the Forum”** – shall be understood as the Social Dialogue Forum;
7. **“a local initiative”** – shall be understood as the submission by the residents of Warsaw, either directly, or through an organisation or entity referred to in Article 3 par. 3 of the Public Service and Volunteer Work Act of 24 April 2003, of an application to carry out a public task pursuant to Articles 19b-19h of the Public Service and Volunteer Work Act of 24 April 2003;
8. **“the organisational units of the City of Warsaw”** – shall be understood as non-corporate budget entities and Local-Governmental budget institutions of the City of Warsaw that operate outside the structure of the Warsaw City Office;
9. **“the SDCs”** – shall be understood as Social Dialogue Committees operating within the structure of the Warsaw City Office;
10. **“social clauses”** – shall be understood as exceptions, in line with Article 22 par. 2 and Article 29 par. 4 of the Public Procurement Law of 29 January 2004 (Journal of Laws, No 113, item 759, as amended); to the general rules governing public procurement. These enable the Awarding Entity to additionally consider socially-beneficial factors when awarding a contract;

11. **“the organisational units of the Warsaw City Office”** – shall be understood as the offices and district departments of the City of Warsaw operating under the Warsaw City Office;
12. **“the bid competition committees”** – shall be understood as bid competition committees assessing bids submitted for the implementation of public tasks;
13. **“bid competition”** – shall be understood as an open bid competition for the implementation of public tasks, as specified in Art. 11, par. 2 of the Public Service and Volunteer Work Act of 24 April 2003;
14. **“minor grants”** – shall be understood as the commissioning, as requested by an organisation, of the implementation of public local works without the open-bid competition in accordance with Article 19a of the Public Service and Volunteer Work Act of 24 April 2003;
15. **“residents”** – shall be understood as the residents of the City of Warsaw;
16. **“the City”** – shall be understood as the City of Warsaw;
17. **“the head of the District Department”** – shall be understood as the Director of the basic organisational unit within the Warsaw City Office whose jurisdiction applies to a single district only;
18. **“organisations”** – shall be understood as Non-Governmental Organisations and entities specified in Art. 3 par. 3 of the Public Service and Volunteer Work Act of 24 April 2003;
19. **“the Representative”** – shall be understood as the Representative of the Mayor of Warsaw for cooperation with non-Governmental organisations;
20. **“the Mayor”** – shall be understood as the Mayor of Warsaw;
21. **“the Programme”** – shall be understood as the 2013 Programme of Cooperation between the City of Warsaw and Non-Governmental Organisations and the entities referred to in Article 3 par. 3 of the Public Benefit and Volunteer Work Act of 24 April 2003;
22. **“the City website”** – shall be understood as the website [www.um.warszawa.pl/ngo](http://www.um.warszawa.pl/ngo);
23. **“non-budgetary funds”** – shall be understood as
  - a) structural and other European-Union funds,
  - b) funds from other countries and international organisations,
  - c) funds from Polish and international Non-Governmental Organisations,
  - d) commercial entities,
  - e) central administration.
 Non-budgetary funds do not include the funds from the budget of the City of Warsaw;
24. **“the Act”** – shall be understood as the Public-Benefit and Volunteer Work Act of 24 April 2003;
25. **“the Warsaw City Council on Public-Benefit Activities”** – shall be understood as the Warsaw City Council on Public-Benefit Activities established under Art. 41e of the Act;
26. **“the Office for the district”** – shall be understood as the basic organisational unit of the Warsaw City Office whose jurisdiction applies to a single district only;
27. **“a District Board”** – shall be understood as the executive body of a District of the City of Warsaw

### § 3.

1. The main objective of the Programme is to set out rules governing cooperation between the City and the organisations in 2013.

2. The specific objectives include

1. to implement public tasks more efficiently and effectively;
2. to implement public tasks specified in the Act, as referred to in §5;
3. to improve the position of organisations and ensure that they enjoy the same opportunities involving public tasks as other entities;
4. to support the development of organisations
5. to pursue innovative and effective activities for the City residents and to create systemic solutions to important social problems; item 361, as amended);
6. to complement the City’s activities in the fields that are not covered by the Local Government;
7. to provide organisations with more power to influence the design and implementation of public policies;
8. to improve the effectiveness of organisations in their leveraging of non-budgetary funds for the residents of the City of Warsaw;

9. to prepare partnership projects pursuant to Article 28a of the Act of 6 December 2006 on The Principles of Development Policy (Journal of Laws of 2009, No. 84, item 712, as amended).
10. to increase awareness of the benefits of cooperation between Local-Government units and organisations.
11. to engage organisations in building the “Warsaw” brand

3. The implementation of the Programme supports the development of the civic society and local communities, and also contributes to the metropolitan quality of Warsaw.

§ 4 The City’s cooperation with organisations with either a financial or non-financial nature is based on the principles of subsidiarity, the sovereignty of the parties, partnership, effectiveness, fair competition, transparency, as well as sustainable development and equal opportunities. These principles are understood as follows

1. the principle of subsidiarity – the City shall delegate its tasks to organisations, provided they are ready to implement them, and is no longer directly involved in their implementation; both the City and organisations should refrain from involvement in solving social problems which can be solved by the population independently;
2. the principle of sovereignty – both the organisations and the City shall remain independent in their relationship, which should be based on mutual respect;
3. the principle of partnership – both parties shall act jointly for the benefit of the City and its residents, identifying goals and assuming responsibility for their implementation;
4. the principle of effectiveness – both parties shall make efforts to achieve the best results, using the available funds;
5. the principle of fair competition – all entities should have equal opportunities to engage in the performance of public tasks;
6. the principle of transparency – the organisations and the City shall provide each other with full and true information on the fields they operate in which are relevant to the joint implementation of public tasks for the City and its residents;
7. the principle of equal opportunities – both parties shall make best efforts to ensure that minority and discriminated-against groups have equal rights to be actively involved in implementing public tasks;
8. the principle of sustainable development – both parties shall undertake activities to support economic growth and, in doing so, to ensure equal distribution of benefits, to protect natural and environmental resources and to promote social development;

§ 5. The City shall cooperate with organisations, financially and non-financially, in the area of public tasks referred to in Article 4 par. 1 points 1-20, points 22-33 of the Act.

§ 6. The priority public tasks performed in 2013 as part of the cooperation between the City and the organisations are set out in the strategic documents of the City of Warsaw, including but not limited to

1. The 2020 Development Strategy for the City of Warsaw;
2. The Social Strategy for Warsaw – the 2009-2020 Strategy for Solving Social Problems;
3. The 2005-2013 Local Redevelopment Programme for the City of Warsaw;
4. The city of culture and residents. The 2020 Cultural Development Programme for Warsaw. Planned objectives;
5. The 2010-2014 Preservation Programme for the Monuments of the City of Warsaw;
6. The 2013 Programme for Preventing and Solving Alcohol-Related Problems in the City of Warsaw;
7. The 2012-2015 Substance Dependence Prevention Programme;
8. The 2012-2016 Programme for Counteracting Domestic Violence and Protecting Victims of Domestic Violence;
9. The 2012-2015 Programme for the Prevention of HIV and the Support for People with HIV/AIDS;
10. The 2020 Warsaw Sport Development Strategy;

11. The Strategy for the Sustainable Development of the Warsaw Transport System by 2015 and thereafter, including the Plan for the Sustainable Development of Public Transport;
12. The 2010-2020 „Family” Programme;
13. The 2012-2016 Illness Prevention and Health Promotion Programme for Warsaw;
14. The 2010-2020 Warsaw Support Programme for People with Disabilities;
15. The Cultural Education Programme for Warsaw, and the priorities for the development of the City districts.

## **Chapter 2**

### **Forms of financial cooperation between the City and organisations**

§ 7.

1. Cooperation of a financial nature may be conducted through
  1. assigning a public task, providing a grant for its implementation;
  2. supporting a public task, along with providing a grant to implement it;
  3. the preferential leasing of City-owned business premises to organisations for the purposes of their public benefit activities;
  4. the preferential leasing of City-owned real property for carrying out tasks for the residents of Warsaw;
  5. granting guarantees to the organisations applying for a loan to carry out public tasks for the residents.
2. The contracting of public tasks is conducted by way of a bid competition, unless separate regulations provide for a different procedure for contracting.
3. Agreements between the City and the organisations involving the support or delegation of public tasks shall be made for the period required to carry out the tasks or for a specified term- no longer than 5 years.
4. Tasks may be assigned by means of a procedure other than that specified in section 2. This should be the case when the relevant tasks can be implemented more effectively through other solutions, as set out in separate provisions, including in particular through the procurement of services from organisations engaged in business activities or paid activities within their objects according to procedures specified in the Public Procurement Law of 29 January 2004 (Journal of Laws of 2010, No 133, item 759, as amended), if the methods of calculating costs and taxation are similar.
5. Social clauses and other relevant social criteria shall be considered for the procurement of services, as mentioned in par. 4. Specific regulations in this area are established by the Mayor.
6. If requested by an organisation, the City may assign to it a public task and extend for this purpose minor grants. Specific rules governing the provision of minor grants are laid down by the Mayor.
7. The City may enter into partnership agreements with organisations to jointly implement non-budgetary projects, applying the procedure of partner selection referred to in Art.28a, par. 4 of the Act of 6 December 2006 on the Principles of Development Policy (Journal of Laws of 2009, No. 84, item 712, as amended).
8. Where an organisation approaches the City with an initiative to establish a partnership, the procedure for partner selection referred to in section 7 shall not apply.
9. The delegation and support of tasks referred to in par.1 may be done according to the procedures set out in the Act of 19 December 2008 on Public-Private Partnership (Journal of Laws 2009, No 19, item 100, as amended).
10. In the event of a natural disaster or technical failure, within the meaning of Art. 3 par. 1 of the Act of 18 April 2002 on States of Emergency (Journal of Laws No. 62, item 558, as amended), the City may assign organisations to carry out public tasks without a bid competition.
11. The organisation with which the City enters into an agreement to carry out a public task, may subcontract the task to another organisation which is not a party to the Agreement. In choosing the subcontractor, the organisation shall be fair and transparent.
12. The leasing of business premises to organisations for the purpose of public-benefit work, as referred to in par. 1 point 3, is governed by Resolution No. LVI/1668/2009 of the Warsaw City Council of 28 May 2009 on the rules for leasing business premises in multi-use buildings for a period longer than 3 years and no longer than 10 years, and on issuing permission to enter into, after an agreement is concluded for a definite period,

another leasing agreement with the same lessee (Official Journal of the Masovian Voivodeship No. 104, item 2968, as amended) and Directive No. 3323/2009 of the Mayor of Warsaw of 14 July 2009 on the rules of leasing business premises in multi-use buildings for periods of up to three years, and the detailed procedures for leasing business premises in multi-use buildings for periods of more than 3 years and not longer than 10 years (as amended).

§ 8.

1. Bid competitions for the assignment of public tasks in 2013 will be announced on the following dates
  1. by 23 November 2012 for tasks to be completed over the entire year and in its first half;
  2. by 28 February 2013 for tasks involving children's and young people's activities during summer holiday;
  3. by 31 March 2013 for tasks to be completed in the second half of the year.
2. Where needed, and financially viable, additional bid competitions may be organised to assign public tasks in 2013.
3. Where justified, competitions may be organised for the assignment of tasks, the implementation period of which extends beyond the budget year.

§ 9.

1. Before the bid competition is announced, the district offices and departments shall consult the SDCs and DSCDs on the themes of the competition and the detailed terms of completing the bid competition tasks. The consultations will not take place if no SCD or DSCD operates within a given district office or board.
2. As a rule, the consultations referred to in par. 1 last for at least 21 days.

§ 10.

1. The formal and quality evaluation of bids shall be based on an evaluation sheet, which is laid down by the Mayor.
2. The formal evaluation of bids shall be performed by employees of district departments or offices appointed by the Office Director or the District Board, subject to agreement with Article 24 § 1 of the Code of Administrative Proceedings (Journal of Laws of 2000 No 98, item 1071, as amended). Those bids that fail to comply with the formal requirements shall not be examined.
3. The list of bids which have met the formal criteria is published on the City's website before the meeting of the bid competition committee takes place.
4. The substantive evaluation of the bids shall be performed by bid competition committees, who will in particular evaluate
  1. whether the bid is consistent with the task specified in detail in the bid competition;
  2. whether the organisation has the capacity to carry out the task;
  3. the quality of the performance of the task declared by the organisation, including the qualifications of people who will be involved in completing the task;
  4. the calculation of the costs of completing the task, including reference to the material scope of the task;
  5. the planned share of own contribution or funds from other sources (in the case of supporting the implementation of the task);
  6. the declared contribution-in-kind and the provided staff, including the services of volunteers and social work of the members of the organisation;
  7. the implementation of the tasks assigned to the organisation in the previous period, taking into account reliability and punctuality, as well as the method of presenting an account of the funds obtained for this objective (if the organisation has already completed tasks using the funds of the City);
  8. the amount of grant suggested by the organisation in relation to the own financial and in-kind contribution,;
  9. where justified, the possibility of continuing the Programme.
5. Experts with expertise in the area which is the subject of the bid competition can be additionally appointed for the substantive evaluation. The procedure for their appointment and the regulations governing their activities shall be established by the Mayor.
6. The bid competition committees, appointed by the Mayor's order based on the principle of equal participation, shall comprise at least two representatives of the Mayor, subject to Article 24 § 1 of the Code of

Administrative Proceedings (Journal of Laws of 2000 No 98, item 1071, as amended) and at least two representatives of the organisations designated by the SDCs involved. If the SDC fails to designate its representatives within 14 days, the bid competition committee shall proceed without such representatives.

7. For bid competitions organised in districts, the bid competition committee, appointed by virtue of a Resolution of the District Board based on the principle of equal participation, shall comprise the representatives of the Mayor and the representatives of the organisations, appointed by the SDCs involved. Where the DSDC fails to designate its representatives within 14 days or where no DSDC operates within a district, the district department shall contact the relevant unit of the SDC. If the SDC fails to designate its representative within 7 days, the bid competition committee shall proceed without such representatives.
8. The bid competition committee may not include
  1. representatives of the organisations whose bid is subject to evaluation;
  2. individuals whose participation can lead to a conflict of interest;
9. At least a half of all the members of the bid competition committee shall be present as it conducts its activities. Also, at least one representative of the Mayor and of the organisations shall be present, except when the SDC does not designate its representatives for the committee. Attendance is counted for all the meetings of the bid competition committee.
10. The members of the bid competition committee shall be notified about the meeting of the committee with at least 7 days' notice.
11. Before the first meeting, having read the list of the submitted bids, the members of the bid competition committee shall submit a declaration of impartiality, as laid out by the Mayor, or notify the SDC or DSDC (in the case of the representatives of the organisations) or the Mayor who has delegated his/her representatives (in the case of the representatives of the organisations) about their withdrawal from the committee and the need to appoint new members. The outgoing member of the committee should be replaced before the first meeting has taken place.
12. The members of the bid committee shall receive the bids before the meeting, allowing time for a reasonable review of the bids.
13. The meetings of the bid competition committee shall be minuted.
14. The Chairperson appointed by the Office Director or the District Board, shall preside over the meetings of the committee. Where the Chairperson is absent, the meetings shall be presided over by a person authorised in writing by the Office Director or the District Board.
15. The tasks of the chairperson of the tender committee include in particular
  1. determining the subject and dates of the bid competition committee meetings;
  2. initiating and organising the proceedings of the tender committee;
  3. requesting members of the office or district department who are members of the bid competition committee to prepare additional descriptions of the bids.
16. Members of the bid competition committee shall not receive any additional remuneration for their work on the committee.
17. bid competition committee shall give an opinion in one open vote using majority rule. In the case of an equal number of votes "for approval," and "against approval" of the grant, the decisive vote shall belong to the chairperson or the person authorised to preside over the work of the bid competition committee.
18. The bid competition committee shall receive organisational and technical support from employees of the office or the district department.
19. The meetings of the tender committee may be attended by a secretary appointed by the Office Director or head of the district department. The secretary is responsible for supporting the organisational and technical aspects of the work of the bid competition committee. The secretary is directly subordinate to the chairperson and has no right to vote. If it is necessary, more than one secretary may be appointed.

§11.

1. The bid competition shall be decided within up to 60 days from the bid submission deadline, no earlier than on 2 January 2013.
2. The ongoing monitoring and quality supervision of the tasks being implemented is conducted by Office Directors and heads of district departments by presenting applications to the Mayor through a Representative.

§12.1

1. Grants may be provided only for the funding or co-funding of the implementation of the tasks classified as priority public tasks specified in § 5.
2. Grant funds cannot be used to purchase land, or conduct business, political, or religious activities.
3. A given task may be funded or co-funded only from the funds earmarked for the single-bid competition organised by the department or district.
4. In justified cases priority public tasks specified in § 5 may be implemented outside the City or the territory of the Republic of Poland.

§ 13.

1. The City may conduct an open-bid competition for the support of public tasks for Warsaw's residents, completed by organisations under Programmes funded from non-budgetary funds.
2. A bid competition may be announced for tasks which require over-running the fiscal year to be implemented, and bidders have the right to submit applications in a continuous way until the 15th day of each month.
3. Decisions on tenders shall be made on a continuous basis, each time a bid is submitted within the deadlines specified in Section 2, until the funds earmarked for this tender have been spent.
4. Support for the tasks implemented by the organisations under Programmes financed from the funds specified in Section 1, and providing a subsidy for this objective, may be given only if the tasks implemented are priority public tasks specified in § 5.

§ 14. In order to make public spending more transparent and effective, the City

1. shall keep the Internet Book of Grants, which includes a list of all bids submitted and subsidies granted. The method of keeping the Internet Book of Subsidies is specified by the Mayor;
2. shall publish a list of organisations involved in public tasks according to the procedure specified in § 7 par. 4. The Mayor shall decide on the way the list is published.

### **Chapter 3**

#### **Forms of non-financial cooperation between the City and the organisations**

§ 15. In order to help organisations establish contacts and strengthen cooperation, the City can invite their representatives to participate in meetings, visits, conferences, and seminars related to the cooperation between the Local Government and the organisations.

§ 16. The City may provide technical support for the organisations performing their statutory tasks on its territory, which includes lending premises at its disposal, as well as training and informational support, as long as those tasks are in line with the City's tasks.

§ 17. Non-financial cooperation between the City and the organisations is conducted both centrally and in the respective districts.

§ 18. The City may, as part of a local initiative, enter into an agreement with an organisation for the implementation of a public task, and, for the duration of the contract, provide it with the materials necessary to implement the local initiative.

§ 19. The Organisations may, through a relevant organisational unit of the Warsaw City Office, establish contacts with representatives of the organisations and institutions from the cities with which the City has entered into cooperation agreements.

§ 20. In completing its own tasks, the City may engage in non-financial agreements with the organisations.

§ 21.

1. The Mayor may award the organisations with distinctions for outstanding achievements for the City and its residents.
2. The distinctions referred to in par. 1 can be provided as a financial reward or a material prize.
3. The Mayor of Warsaw, or, in the case of district projects, the District Mayor, may assume Honorary Patronage over the activities and Programmes conducted by the organisations.

§ 22

1. The City, at the stage of preparing legal Acts concerning the organisations and other matters important to the residents, shall obtain the opinion of, depending on the extent and importance of the document, the Warsaw City Council on Public Benefit Activities, SDCs, or DSDCs.
2. When developing a strategy, social Programmes or other acts regulating the cooperation between organisations and the City, the City may invite the Warsaw City Council on Public Benefit Activities, SDCs, or DSDCs, depending on the extent and importance of the document, to participate in the process. Where necessary, joint working groups may be formed.

§ 23. The City shall operate a separate website on the website of the Warsaw City Office, which is dedicated to the subject of the organisations and contains information on the cooperation.

§ 24.

1. If possible, the City shall include information concerning the organisations in the promotional materials it publishes.
2. The City may provide the organisations with promotional and informational materials concerning regional, national, and international conferences, and the implementation of projects outside the territory of the City and the country.
3. The organisations delivering public tasks under the agreements shall be obliged to inform about the fact that

## **Chapter 4**

### **Bodies managing cooperation between the City and the organisations**

§ 25. The organisations shall jointly participate in the shaping of the City's policy, particularly through the participation of its representatives in the Warsaw City Council on Public Benefit Activities, SDCs, DSDCs, and the Forum.

§ 26.

1. The interested organisations, in cooperation with the City, may establish an SDC, operating in various fields of the City's public tasks.
2. The establishment of an SDC may be performed by a minimum of 10 organisations that express their wish to cooperate in a given field. The interested organisations report their willingness to establish an SDC to the Office Director. If the office Director approves the application, he/she shall establish an SDC, and convene its first meeting within 30 days of the date of receiving the application; this does not apply to the case mentioned in § 28.
3. Where the establishing of an SDC raises doubts, the Office Director will consult the Representative on this matter.
4. Where the office Director refuses to approve the appointment of an SDC, the organisations may ask the Representative to mediate in the matter.

5. Representatives of at least 10 organisations shall participate in the first meeting of the newly-established SDC.
6. An SDC comprises one representative from each of the interested organisations, conducting their activities in their respective fields, and at least one representative of the City designated by the person managing the relevant organisational unit of the Warsaw City Office. An interested organisation may join the existing SDC at any time.
7. SDCs are opinion-giving, initiating and consulting bodies. Their objectives are particularly
  1. to consult and take part in developing documents and drafts of legal Acts issued by the City authorities in the field of the activities of a given SDC;
  2. to give opinions on drafts of legal Acts related to the priority public tasks specified in § 5 and to give opinions on the themes of the bid-competition tasks, as referred to in § 9;
  3. to appoint representatives to be the members of the bid-competition committees which review grant applications, and also of the teams which evaluate the implementation of a given task under a minor grant;
  4. to cooperate with the relevant organisational department of the City to improve and streamline activities to support the City's population;
  5. to identify social needs and the methods of satisfying them;
  6. to submit applications pertaining to their activities to the City's authorities;
  7. to actively cooperate with the Warsaw Council on the Public Benefit Activities, DSDCs, and the Forum;
8. SDCs shall determine the rules and regulations of work, which govern the course and organisation of work, including the procedure for convening SDC meetings, and the procedure for appointing a chairperson.
9. The work of the SDCs is managed by the chairperson. If during the chairperson's term of office there is a vacancy in the post of the chairperson of the SDCs, the members shall choose a new chairperson, whose term of office expires on the day the chairperson for the next year is chosen. Information about the chairperson of the SDC, including contact details (e-mail address and telephone number) and the name of the organisation he/she represents, is published on the City's website.
10. SDCs may appoint a meeting board. The term of office of the authorities of SDCs is one calendar year.
11. In votes for the chairperson, the SDC meeting board, and representatives of the bid-competition committees specified in § 10 Sections 6-7, the City has one voice, irrespective of the number of the City's representatives who are members of the SDC.

#### § 27.

12. The chairperson of the SDC in 2013 has the obligation, on 31 January 2014 at the latest, to present a report on the work of the SDC in 2013 and to send it to the Representative and to the Director of the office within which the SDC operates.
13. The meetings of the SDC are open. On the City's website, the SDC publishes
  - 1) announcements on the venues and dates of meetings (at least seven days before each meeting);
  - 2) reports on the meetings, containing the major conclusions and vote results (less than a month after the meeting);
  - 3) the annual report on the work of the SDC.
14. Experts, officers and representatives of various institutions, including the organisational units of the City may be designated or invited by the SDC to participate in the meetings of the SDC as consulting bodies.
15. If necessary, the SDCs may convene a joint meeting. In such case they agree on the scope, term, and form of cooperation.
16. The SDC may appoint working groups to increase the effectiveness of its work.
17. The technical services, including the lending of a venue and equipment free of charge for the purposes of the meetings, shall be provided by the relevant organisational unit of the Warsaw City Office.
18. The SDC is dissolved, if
  - a) it has not convened a meeting in two months, excluding the holiday season from 1 July to 31 August 2013, or
  - b) it has not, over a period of two months, published information concerning its activities on the City's website, as specified in Section 13; or
  - c) it resolves to self-dissolve.

19. The dissolution of the SDC is decided upon by the Representative who immediately gives official notice of it to the department at which the SDC operated.

§ 27.

1. Jointly with the City, the interested organisations may establish DSDCs, operating in the respective districts.
2. The establishment of a DSDC may be initiated by a minimum of 5 organisations that express their wish to cooperate in a given district. The interested organisations report their willingness to establish a DSDC to the District Mayor. If the District Board approves the application, he/she shall establish a DSDC, and convenes its first meeting within 30 days from the date of receiving the application; this does not apply to the case mentioned in § 28.
3. Only one DSDC can operate in a given district.
4. Where the establishing of the DSDC raised doubts, the District Mayor will consult the President on this matter.
5. Where the District Mayor refuses to approve the establishment of the DSDC, the organisations may ask the Representative to mediate in this matter.
6. The first meeting of a newly-established DSDC takes place with the participation of representatives from at least 5 organisations.
7. A DSDC comprises one representative from each of the interested organisations, conducting their activities in their respective fields, and at least one representative of the City, designated by the person managing the relevant organisational unit of the Warsaw City Office. An interested organisation may join the existing DSDC at any time.
8. DSDCs are opinion-giving, initiating and consulting bodies. Their objectives are particularly
  1. to consult and take part in developing documents and drafts of legal acts issued by the City authorities in the field of the activities of a given DSDC;
  2. to give opinions on drafts of legal Acts related to the priority public tasks specified in § 5 and to give opinions on the themes of the bid competition tasks, as referred to in § 9;
  3. to appoint representatives to be the members of the bid competition committees which review grant applications, and also of the teams which evaluate the implementation of a given task under a minor grant;
  4. to cooperate with the relevant organisational department of the City to improve and streamline activities to support the city population;
  5. to identify the social needs and the methods of satisfying them;
  6. to submit applications pertaining to their activities to the City's authorities;
  7. to actively cooperate with the Warsaw Council on the Public Benefit Activities, SDCs, and the Forum;
9. DSDCs shall determine the rules and regulations of work, which govern the course and organisation of work, including the procedure of convening the SDC meetings, and the procedure of appointing a chairperson.
10. The work of the DSDCs is managed by the chairperson. If during the chairperson's term of office there is a vacancy at the post of the chairperson of the DSDCs, the members choose a new chairperson, whose term of office expires on the day the chairperson for the next year is chosen. Information about the chairperson of the DSDC, including contact details (e-mail address and telephone number) and the name of the organisation he/she represents is published on the City's website.
11. The DSDCs may appoint a meeting board. The term of office of the authorities of DSDCs is one calendar year.
12. In votes for the chairperson, the DSDC meeting board, and representatives in bid competition committees specified in § 10 Section 7, the City has one voice, irrespective of the number of the City's representatives being the members of the DSDC.
13. The chairperson of the DSDC in 2013 has the obligation, on 31 January 2014 at the latest, to present a report on the work of the DSDC in 2013 and to send it to the Representative and to the Director of the office within which the DSDC operates.
14. The meetings of the DSDC are open. On the City's website, the DSDC publishes
  1. announcements on the venues and dates of meetings (at least seven days before each meeting);
  2. reports on the meetings, containing the major conclusions and vote results (less than a month after the meeting);
  3. the annual report on the work of the DSDC.

15. Experts, officers and representatives of various institutions, including the organisational units of the City may be designated or invited by the DSDC to participate in the meetings of the DSDC as consulting bodies.
16. If necessary, the DSDCs may convene a joint meeting. In such case they agree on the scope, term, and form of cooperation.
17. The DSDC may appoint working groups to increase the effectiveness of its work.
18. The technical services, including the lending of a venue and equipment free of charge for the purposes of the meetings, shall be provided by the district office.
19. The DSDC is dissolved, if
  - a. it has not convened a meeting in three months, excluding the holiday season from 1 July to 31 August 2012, or
  - b. it has not, over a period of three months, published information concerning its activities on the City's website, as specified in Section 14;
  - c. it resolves to self-dissolve.
20. The dissolution of the DSDC is decided upon by the Representative who immediately gives official notice of it to the department at which the DSDC operated

#### § 28.

1. The SDC and the DSDC established on the basis of earlier Resolutions of the Warsaw City Council shall continue to conduct their activities in 2013 according to the rules specified in this Programme.
2. The first meeting in this calendar year is summoned by the SDC or DSDC chairperson by 31 January 2013.

#### § 29.

1. In order to improve and strengthen the cooperation of the City of Warsaw with organisations, a Forum has been established, whose main task is to share information between the SDC and the DSDC.
2. The City supports the Forum in organisational matters
3. The Forum shall determine its internal mode of operation
4. The forum shall be managed by a chairperson.

§ 30. The contacts of the City with organisations are managed by the Representative to the extent that he/she has been authorised by the Mayor.

#### § 31.

1. Organisational units of the Warsaw City Office shall be directly involved in cooperation with the organisations.
2. The cooperation referred to in par. 1 involves in particular
  1. conducting consultations with organisations and with the relevant SDCs or DSDCs respectively, in particular in cases of relevance to the City's residents, and regarding drafts of legal Acts which fall within the scope of activities of a given SDC, DSDC, or organisation; however, these consultations cannot be replaced by consultations with other, e.g. statutory bodies or residents;
  2. initiating and managing ongoing cooperation with organisations whose statutes oblige them to conduct public benefit activities;
  3. preparing and organising bid competitions for organisations for the implementation of tasks funded or co-funded from the City's budget;
  4. preparing reports on the financial and non-financial cooperation with the organisations;
  5. appointing its representatives to for the SDCs and DSDCs, and also providing organisational services to the SDCs, DSDCs, and the Forum in the field of the works they conduct;
  6. working in joint interdisciplinary teams;
  7. joint project implementation
  8. submitting for assessment the drafts of legal Acts to the City Council on the Public Benefit Activities.
3. The heads of the organisational units of the City inform the Representative of the cooperation, independently, or at the Representative's request.

## **Chapter 5**

### **The amount of funds allocated for the implementation of the Programme**

§ 32. The amount earmarked for the implementation of the Programme shall not exceed PLN 300,000,000 specified in the 2012-2033 Multiannual Financial Framework of the City of Warsaw. The amount allocated for the implementation of the tasks assigned via bid competitions and funded through minor grants shall not exceed PLN 140,000,000.

## **Chapter 6**

### **The method of preparing the Programme and the course of consultations**

§ 33.

1. The draft of the 2013 Cooperation Programme for 2013 is based on the 2012 Cooperation Programme.
2. It was developed by the working group, composed of the members of the Warsaw City Council on Public Benefit Activities and the Representative.
3. The Programme draft was consulted with the organisations, the SDCs, and the DSDCs, according to a procedure that is specified in Resolution No. LXXXIX/2653/2010 of the Warsaw City Council of 9 September 2010 on the detailed procedure of consulting with the Non-Governmental Organisations specified in Art. 3 par.3 of the Public Benefit and Volunteer Work Act of 24 April 2003, drafts of local legal acts in the fields of statutory activities of those organisations (as amended).
4. The report on the consultations, mentioned in par. 3, is published on the City's website.

## **Chapter 7**

### **The evaluation of the Programme implementation**

§ 34.

1. The ongoing monitoring of the implementation of the programme shall be performed by the Representative in cooperation with the Warsaw Council on the Public Benefit Activities and the heads of the relevant organisational units of the City.
2. Monitoring shall be based on the evaluation of the rules and procedures of the cooperation described.
3. The information, comments, conclusions, and suggestions on the projects under implementation will be used to improve the ongoing cooperation between the City and the organisations.
4. In the annual report on the implementation of the Programme, the Representative, along with the Warsaw Council on the Public Benefit Activities will perform an evaluation of the state of cooperation of organisations with the City as regards the implementation of projects, and an evaluation of comments, applications, and suggestions arising from this cooperation.
5. By 31 March 2014, the Representative shall submit an initial report on the implementation of the Programme to the Warsaw Council on the Public Benefit Activities.
6. By 15 April 2014, the Representative, along with the Warsaw Council on the Public Benefit Activities, shall prepare and submit to the Mayor a report on the implementation of the Programme.
7. By 30 April 2014, the Mayor of Warsaw shall submit a report on the implementation of the Programme to the Warsaw City Council.
8. report on the implementation of the Programme will be published on the City's website by 30 April 2014 and will form the basis for the work on the next cooperation Programme.

**Harmonogram** - The 2013 schedule of cooperation between the City of Warsaw and the organisations

**do 30 kwietnia** – by 30 April, the Mayor submits the report on the implementation of the 2012 Programme to the Warsaw City Council. Also, the report is published in the Public Information Bulletin.

**do 31 stycznia** – by 31 January, the SDC and DSDC submit their operational reports for 2012 to the Representative and the Office Director (or the District Board).

**do 31 marca** – by 31 March, bid competitions are announced for public tasks to be completed in the second half of the year

**do 23 listopada** – by 23 November, bid competitions are announced for public tasks to be completed over 2013 or in the first half of 2013

**do 28 lutego** – by 28 February, bid competitions are announced for tasks involving children’s and young people’s activities during the summer holiday

**maj-czerwiec** – May-June, the start of the consultations on the 2014 draft programme

**od 2 stycznia** – from 2 January – the selection of successful bidders for tasks to be carried out in 2013

**do 31 marca** – by 31 March, the Representative provides the Warsaw Council on Public-Benefit Activities with the preliminary report on the 2012 Programme implementation

**do 31 stycznia** – by 31 January, the first meeting of the SDC and DSDC in 2013

**do 15 kwietnia** – by 15 April, the Representative, together with the Warsaw Council on Public-Benefit Activities, submits the preliminary report on the 2012 Programme implementation to the Mayor

**do 30 kwietnia** – by 30 April, the Mayor submits the report on the implementation of the 2013 Programme to the Warsaw City Council. Also, the report is published in the Public Information Bulletin

**do 31 marca** – by 31 March, the Representative provides the Warsaw Council on Public-Benefit Activities with the preliminary report on the 2013 Programme implementation

**do 30 listopada** – the Resolution on the 2014 Programme is passed

**do 31 stycznia** – by 31 January, the SDC and DSDC submit their operational reports for 2013 to the Representative and the Office Director (or the District Board).

**do 15 kwietnia** – by 15 April, the Representative, together with the Warsaw Council on Public-Benefit Activities, submits the preliminary report on the 2013 Programme implementation to the Mayor

## Website

In 2006, the City of Warsaw launched [www.ngo.um.warszawa.pl](http://www.ngo.um.warszawa.pl), on which it has since provided essential information on the cooperation between the City of Warsaw and the organisations. As well as for the organisations, the website is a valuable resource for the Warsaw officials who are involved in this cooperation. The website features detailed information on the operations of the individual SDCs and DSDCs, the lease of business premises, consultations with NGOs, cooperation programmes, various procedures for assigning public tasks to the organisations (open-bid competitions, minor grants, procurement of services) and much more. Make sure to visit the website regularly to find out about interesting training sessions, workshops, conferences, etc. On [www.wiadomości.ngo.pl/newsletter](http://www.wiadomości.ngo.pl/newsletter) you can subscribe to the Warsaw-related news of the NGO website [www.ngo.pl](http://www.ngo.pl) to receive notification by e-mail about new information published on this website or on [www.ngo.um.warszawa.pl](http://www.ngo.um.warszawa.pl).

## Useful websites

[www.ngo.um.warszawa.pl](http://www.ngo.um.warszawa.pl)

The City of Warsaw website dedicated to its cooperation with the organisations

<http://www.facebook.com/Warszawa.pozarzadowa>

The Facebook profile of the City of Warsaw dedicated to its cooperation with Non-Governmental Organisations

<http://www.warszawa.ngo.pl>

The website of the NGOs from Warsaw, managed by the Klon/Jawor Association (the project is co-funded from the City of Warsaw’s budget)

<http://www.pozytek.gov.pl>

The website of the Public Benefit Department of the Ministry of Labour and Social Policy

<http://www.centrumwspolpracy.org.pl>

The website of the Warsaw Centre for Civic Cooperation (the project is co-funded from the budget of Warsaw)

- comprehensive assistance, organisational, technical, informational and training support for Warsaw organisations and other social initiatives

<http://www.bip.warszawa.pl>

The website of the Public Information Bulletin of the City of Warsaw where you can find the Mayor's decrees and Resolutions of the Warsaw City Council, contact details for offices and districts, strategic documents of the City of Warsaw, and more.

**The Representative of the Mayor of Warsaw for Cooperation with Non-Governmental Organisations**

<mailto:ngo@um.warszawa.pl>

<http://www.ngo.um.warszawa.pl>

<http://www.facebook.com/Warszawa.pozarzadowa>

Ministry of Economy, Labour and Social  
Policy ACT OF LAW of April 24th 2003 on  
Public Benefit and Volunteer Work

**Section I**  
**General Provisions**  
**Article 1**

1. This Act of Law sets the rules of:
  1. engaging in public benefit work by non-governmental organisations, and the use of such work by public administration authorities when performing public benefit tasks;
  2. securing public benefit organisation status by non-governmental organisations, and operating public benefit organisations;
  3. supervision to be exercised over public benefit work.
2. Furthermore, this Act of Law determines the terms and conditions of benefits provided by volunteers, and the rules of using such benefits.

**Article 2**

Whenever the following terms appear in this Act of Law:

1. “subsidy” – the term shall mean a subsidy as described in Article 69 clause 4 item 1 d) of the Public Finances Act of November 26th 1998 (Journal of Law No. 15 of 2003 item 148, No. 45 item 391, and No. 65 item 594), hereinafter referred to as “the Public Finances Act”;
2. “public funds” – the term shall mean public funds as described in the Public Finances Act, and allocated to public expenditure as understood in the same;
3. “volunteer” – the term shall mean a person providing benefits voluntarily and at no remuneration under terms and conditions as described herein.

**Article 3**

1. The term “Public benefit work” shall mean work performed to the benefit of the public and society by non-governmental organisations within the publicly assigned tasks as described herein.
2. The term “non-governmental organisations” shall mean corporate and non-corporate entities not forming part of the public finance sector as described in the Public Finances Act, not operating for profit, and formed against relevant legislative provisions, including foundations and associations, in recognition of clause 4 stipulations.
3. Furthermore, the following entities may engage in public benefit work:
  1. corporate entities and organisations operating against provisions on relations between the State and the Catholic Church in the Republic of Poland, on the State position on other churches and religious unions, and on the guaranteed freedom of conscience and religion, should their statutory objectives encompass public benefit work;
  2. local authority organisation unions.
4. Section II provisions shall not apply to the following:
  1. political parties;
  2. trade unions or employer organisations;
  3. professional self-governing authorities;
  4. foundations, for whom the State Treasury or a local authority organisation are the sole founder, unless:
    - a. separate provisions stipulate otherwise,
    - b. a foundation’s property in its entirety is not recognised as property of the state, municipal property, or publicly financed property as understood in the Public Finance Act, or

- c. a foundation engages in academic research work under its statutory operations, and in scientific work in particular;
  - 5. foundations formed by political parties;
  - 6. companies operating under legislation on physical culture and sports.
5. Section II Subsection 2 provisions shall not apply to any work relating to care extended to the Polish community and Poles abroad, financed with the aid of budget funds in their part assigned to the Head of the Senate Chancellery.
  6. For commissioning tasks defined in the Article 4, clause 1 item 1, regulations of the Act of law on social care shall be applied.

#### **Article 4**

1. The public tasks sector as described herein shall extend to work in the fields of:
  1. social welfare, including aid offered to families and individuals with social problems, and work to offer equal opportunities to such families and individuals;
    - 1a securing regular care to former professional military servicemen who had obtained rights to military retirement or pension, war invalids and veterans;
  2. charity work;
  3. preserving national traditions and Polish values; developing national, civic, and cultural awareness;
  4. working to support national minorities;
  5. health care and promotion;
  6. work to support the disabled;
  7. promoting employment, and professional activation of the unemployed and of individuals threatened with job loss;
  8. promoting and protecting women's rights, and work to support equality of rights regardless of gender;
  9. work to support economic development, entrepreneurship development included;
  10. work to support the development of local communities;
  11. science, education, coaching, and upbringing;
  12. knowledge touring and recreation (children and young people);
  13. culture, art, protection of heritage in culture and tradition;
  14. promoting physical culture and sports;
  15. ecology, animal protection, protection of natural heritage;
  16. public order and safety, social pathologies prevention;
  17. promoting skills and knowledge in the field of state defence;
  18. promoting and protection of human and civic rights and freedoms; work to support the development of democracy;
  19. rescue systems and protection of residents;
  20. aid to victims of calamities, natural disasters, armed conflicts and warfare – in Poland and abroad;
  21. promoting and protecting consumer rights;
  22. work to support European integration, and the development of contacts and co-operation between societies;
  23. promoting and organising volunteer work;
  24. work to provide technical, training, information, and/or financial aid to non-governmental organisations and entities specified in Article 3 clause. 3, to a scope defined in items 1 through 23.
2. The Council of Ministers may, in an ordinance, define tasks within a scope other than that specified in clause 1 to form part of the public tasks area, in recognition of their particular public benefit and the option of their being performed by entities specified in Article 5 clause 1 in a manner ensuring sufficient social needs satisfaction.

## **Article 5**

1. Public administration authorities shall engage in work in the field of public tasks as defined in Article 4, in co-operation with non-governmental organisations and other entities specified in Article 3 clause 3, such entities engaging – respectively in recognition of the territorial competence of public administration authorities – in public benefit works within a scope reflecting tasks entrusted to such authorities. Such co-operation may take on the following forms, in particular:
  1. entrusting non-governmental organisations and other entities identified in Article 3 clause 3 with the performance of public tasks on terms specified herein;
  2. reciprocal feedback concerning all activities planned, and co-operation to the purpose of harmonising all related works;
  3. consulting non-governmental organisations and other entities identified in Article 3 clause 3 on draft normative acts in areas relating to their statutory business;
  4. setting up joint advisory and initiative teams with a membership of representatives of non-governmental organisations, of other entities identified in Article 3 clause 3, and of relevant public administration authorities.
2. Co-operation as described in clause 1 shall follow rules listed below: subsidiarity, sovereignty of parties, partnership, effectiveness, fair competition, and transparency.
3. The executive body of a local authority shall resolve annual programmes of co-operating with non-governmental organisations and other entities identified in Article 3 clause 3.
4. The process of commissioning public tasks as specified in clause 1 item 1 as tasks commissioned under Article 69 clause 4 item 1 d), and Article 71 clause 1 of the Public Finances Act may take on the following forms:
  1. entrusting public tasks to specific entities, with grants provided to fund their implementation, or
  2. support for such tasks, with grants provided to fund their implementation.

## **Section II Public Benefit Work**

### **Chapter 1 Paid and Unpaid Public Benefit work Article 6**

Statutory business of non-governmental organisations and other entities identified in Article 3 clause 3, in its part extending to public benefit work shall not – with provisions of Article 9 pending – be recognised as business operations as described in commercial legislation, and as such may take on the form of paid or unpaid work.

## **Article 7**

Unpaid public benefit work consists in the provision of services against a legal agreement, with non-governmental organisations and other entities identified in Article 3 clause 3 providing such services with no remuneration due to them.

## **Article 8**

1. Paid public benefit work consists in operations within the framework of tasks considered public, as part of objectives pursued by non-governmental organisations and other entities identified in Article 3 clause 3 in their statutory business, for which remuneration shall be charged. Furthermore, paid public benefit work consists in the sales of commodities or services generated or provided by individuals using the results of public benefit work directly, in particular in such areas as rehabilitation and/or occupational coaching for the disabled, or sales of donation proceeds to support the aim of engaging in public benefit work.

2. Any income generated in paid public benefit work shall be used only to perform tasks recognised as public or relating to statutory objectives as described in clause 1 hereto.

#### **Article 9**

1. Paid public benefit work engaged in by non-governmental organisations and other entities identified in Article 3 clause 3 shall be recognised as forming part of business operations, provided that:
  1. remuneration described in Article 8 clause 1 shall, for an activity of a certain type, exceed that resulting from simple calculations of the costs of such business, or
  2. remuneration of private individuals due to them for employment for purposes of performing unpaid or paid statutory work shall exceed the 1.5 multiple of the average monthly remuneration in the corporate sector, as announced by the Chairman of the Central Statistics Office for the previous year.
2. Remuneration described in clause 1 item 2 shall be recognised as payment for the performance of specific work or service, the manner of entering into employment relations, and the form and content of an agreement under Civil Law with a private individual notwithstanding.
3. Paid public benefit work and business operations shall not relate to the same type of work or service engaged in.

#### **Article 10**

1. Engaging in paid and unpaid public benefit work shall require such forms of activity to be managed separately in terms of accounting, in a manner and to an extent enabling a calculation of revenue, cost, and overall result, relevant accounting regulations pending.
2. Provisions of clause 1 shall apply as appropriate, should public benefit work be considered a separate organisational facility.

### **Chapter 2**

#### **Engaging in Public Benefit Work upon Public Task Commissioning**

#### **Article 11**

1. Public administration authorities shall:
  1. provide support – in the field described in Article 4 – whenever public tasks are performed by non-governmental organisations and/or by other entities identified in Article 3 clause 3 engaging in statutory work in a specific area;
  2. entrust – in the field described in Article 4 – the performance of public tasks to non-governmental organisations and other entities identified in Article 3 clause 3.
2. The support and commissioning procedures as described in clause 1 hereto shall be subject to an open bid competition, unless separate regulations provide for another course of commissioning.
3. Non-governmental organisations, other entities identified in Article 3 clause 3, and organisational units reporting to public administration authorities or supervised by the same shall be eligible to participate in the open bid competition as mentioned in clause 2 hereto.
4. The commissioning procedure as stipulated in clause 1 item 2 hereto may take on a course different to that

### **Chapter 2**

#### **Engaging in Public Benefit Work upon Public Task Commissioning**

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2. entrust – in the field described in Article 4 – the performance of public tasks to non-governmental organisations and other entities identified in Article 3 clause 3.
2. The support and commissioning procedures as described in clause 1 hereto shall be subject to an open bid competition, unless separate regulations provide for another course of commissioning.
3. Non-governmental organisations, other entities identified in Article 3 clause 3, and organisational units reporting to public administration authorities or supervised by the same shall be eligible to participate in the open bid competition as mentioned in clause 2 hereto.
4. The commissioning procedure as stipulated in clause 1 item 2 hereto may take on a course different to that described in clause 2 should it transpire that certain tasks can be implemented more effectively in a different form as duly specified in separate legal provisions, and in particular by the purchase of services under terms and conditions described in public procurement regulations, with an assumed comparability of cost calculation methods and tax consequences.

## **Article 12**

1. Non-governmental organisations and other entities identified in Article 3 clause 3 may –upon their own initiative – submit an offer of engaging in public tasks, including those formerly handled by other entities, public administration authorities included.
2. In the case described in clause 1, and within a term no longer than 2 months, the public administration authority shall:
  1. evaluate the justifiability of having a specific task implemented by non-governmental organisations and/ or other entities identified in Article 3 clause 3 in consideration of the following: the extent, to which the offer reflects public task priorities and guarantees performance according to standards relevant for a specific task, funds available for the implementation of specific tasks, types of specific tasks, and benefits stemming from the public task being handled and completed by a non-governmental organisation or other entity identified in Article 3 clause 3; and
  2. notify relevant parties of the decision; should it transpire that the performance of a specific public task by an aforementioned entity is justified, the authority shall duly notify the bidder of the commissioning procedure pending for public tasks as described in Article 11 clause 2.

## **Article 13**

1. The public administration authority shall announce an open bid competition no later than at thirty days' notice.
2. An open bid competition announcement shall contain the following information:
  1. the type of task concerned;
  2. the amount of public funds allocated for the performance of a specific task;
  3. rules of grant approval;
  4. terms and conditions of implementing the public task;
  5. date of bid filing;
  6. term, course, and criteria applied at the offer selection stage;
  7. public tasks similar in nature (including all relevant costs) handled and completed by public administration entities throughout the year when the open bid competition was announced and during the immediately preceding year, with particular attention paid to the amount of grants provided to non-governmental organisations, to other entities identified in Article 3 clause 3, and to organisational units reporting to public administration authorities or supervised by the same.
3. Depending on the type of task concerned, the announcement specified in clause 1 hereto shall be placed in a national or regional daily newspaper and in the Public Information Bulletin (Biuletyn Informacji Publicznej), as well as at the premises of a public administration authority, at a location dedicated to such announcements. The announcement may also be made public in another form ensuring access of all parties concerned to information contained therein, in particular via the IT telecommunications network.

#### **Article 14**

The offer specified in Article 11 clause 2 and Article 12 clause 1 hereto shall specify the following, in particular:

1. a detailed scope of the public task proposed for implementation;
2. term and location of public task completion;
3. a calculation of all expected costs of public task implementation;
4. description of former activities engaged in by the bidder in the field the task relates to;
5. information on all and any financial and staff resources available to the bidder to ensure proper task performance, including information on funds received from other sources for purposes of implementing the task;
6. declaration as to the intended form of charging for performing the task (paid or unpaid).

#### **Article 15**

1. When considering the offers, the public administration authority shall:
  1. evaluate the capacity of the non-governmental organisation, other entity identified in Article 3 clause 3, or organisational unit reporting to public administration authorities or supervised by the same to perform the public task concerned;
  2. evaluate the task-related cost calculation as submitted, including all and any references to the material scope of the task;
  3. estimate the amount of public funds allocated to the purpose of task performance.
2. Provisions of clause 1 shall also apply in case of one bid being filed following the announcement of the open bid competition.
3. When justifying their final bid selection, the public administration authority shall be obliged to refer to the criterion of the bidder conforming to requirements specified herein and in the announcement described in Article 13. In the case as stipulated in clause 2, this provision shall apply as appropriate.

#### **Article 16**

1. By accepting the commission to perform a public task according to rules described in Article 11 clause 2, non-governmental organisations, other entities identified in Article 3 clause 3, and organisational units reporting to public administration authorities or supervised by the same become obliged to perform the relevant task within a scope and under terms and conditions specified in the task commissioning or task performance support agreement drafted in recognition of Article 71 clause 2 of the Public Finances Act and all provisions hereto; the public administration authority shall concurrently be obliged to provide public grant funds as appropriate for purposes of such task.
2. The agreement specified in clause 1 shall be made in writing, or else declared null and void.
3. A public task commissioning agreement shall be signed for a term covering the entire duration of task performance, or for a specific term, no longer than 3 years.
4. The public task shall not be performed by any entity not being a party to the agreement, unless the agreement explicitly allows for a specific part of the task to be performed by such other entity.
5. Non-governmental organisations, other entities identified in Article 3 clause 3, and organisational units reporting to public administration authorities or supervised by the same shall be obliged to set up separate accounts in their bookkeeping ledgers to evidence funds received to the purpose of executing the agreement specified in clause 1 hereto. Provisions of Article 10 clause 1 shall apply as appropriate.

### **Article 17**

The public administration authority commissioning the public task shall be responsible for monitoring and evaluating the task performance, with the following elements considered in particular:

1. task performance progress;
2. effectiveness, reliability, and quality of task performance;
3. due and proper manner of using public funds received for task performance;
4. all and any documentation kept as specified in statutory and contractual provisions.

### **Article 18**

1. The performance report concerning the public task as specified in the relevant agreement shall be drafted and submitted within a term of 30 days following the term for which the agreement had been signed, in recognition of provisions contained in clause 2 hereto.
2. The budgeting year shall be recognised as the reporting period.

### **Article 19**

The minister responsible for social security issues shall, in an ordinance, define:

1. a sample agreement referred to in Article 11 clause 2 and Article 12 clause 1;
2. a sample framework agreement referred to in Article 16 clause 1;
3. a sample report referred to in Article 18 clause 1

in recognition of the need for a precise definition of all rights and responsibilities of non-governmental organisations, other entities identified in Article 3 clause 3, and organisational units reporting to public administration authorities or supervised by the same, as well as the corresponding rights and responsibilities of public administration authorities, as well as of the necessity to ensure the completeness and accuracy of all and any information concerning task performance.

## **Chapter 3 Public Benefit Organisations**

### **Article 20**

Public benefit organisations shall include non-governmental organisations and entities described in Article 3 clause 3, provided that they conform to all of the requirements listed below, provisions of Article 21 hereto pending:

1. their statutory activities include work to the benefit of the entire society or of a specific group of entities provided that such group can be distinguished from the society for reasons of difficult living conditions or financial situation;
2. activities described in item 1 hereto, provisions of item 3 pending, are recognised as exclusive statutory operations of the non-governmental organisation, and consist in the performance of public tasks to aid the general society or a group of entities specified in item 1 hereto, within a field defined under Article 4;
3. in case of associations and physical culture associations, the requirement specified in item 2 hereto shall be considered conformed to, should activities described under items 1 and 2 hereto be engaged in, also to aid the members of such association or physical culture association;
4. they do not engage in for-profit business operations, or engage in such operations to an extent sufficient to cover the due performance of statutory tasks;
5. their entire income is allocated to activities defined under items 1 and 2 hereto;
6. they have a statutory collegiate audit or supervision body, separate from the management body and not

reporting thereto within the scope of internal audit or supervision; concurrently, the members of such audit and supervision body:

- a. shall not be members of the management body; furthermore, they shall not be relations, next of kin, or employment subordinates of members of the management body,
  - b. shall not have been convicted by virtue of a final court judgement for any crime involving intentional fault,
  - c. may, for the performance of duties in such a body, be reimbursed for any reasonably incurred costs, or be remunerated at a rate not exceeding that specified in Article 8 clause 8 of the Act of Law of March 3<sup>rd</sup> 2000 on the remuneration of individuals managing certain corporate entities;
7. the statutes, articles of association, or other internal documents of non-governmental organisations or entities specified in Article 3 clause 3, prohibit the following:
- a. issuing loans or pledging the organisation's property to cover any financial liabilities of such organisation's members, authority members, employees, or the spouses, relations, or relations in lineal or collateral affinity thereto, or of individuals remaining in adoption, guardianship, or *ad hoc* guardianship therewith, all of whom jointly referred to as "next of kin",
  - b. the transfer of their property to such organisation's members, authority members, employees, or their next of kin under terms and conditions other than those applying to unrelated third parties, in particular should such transfer be free of charge or under preferential terms,
  - c. the use of the organisation's property to aid such organisation's members, authority members, employees, or their next of kin under terms and conditions other than those applying to unrelated third parties, unless such use stems directly from the statutory objectives of such organisation or entity defined in Article 3 clause 3,
  - d. the purchase under special terms of commodities or services from entities whose operations are engaged in by such organisation's members, authority members, employees, or their next of kin.

## Article 21

In case of entities specified under Article 3 clause 3 item 1 hereto:

1. public benefit work defined under Article 20 item 1 shall be separated in a manner ensuring proper identification in organisational and accounting terms;
2. the exclusivity requirement specified under Article 20 item 2 shall not apply;
3. provisions of Article 20 item 5 shall apply to income generated as a result of engaging in public benefit works;
4. provisions of Article 20 item 6 shall apply as appropriate in recognition of detailed organisational and operational rules pending for such institutions, regulated in relevant provisions, including statutes or other internal documents.

## Article 22

1. Non-governmental organisations and other entities defined under Article 3 clause 3 item 2 hereto and entered into the National Court Register (*Krajowy Rejestr Sądowy*) shall gain public benefit organisation status as of the entry of data proving conformity to requirements specified under Article 20 into the Register, under terms and conditions specified in the National Court Register Act of August 20th 1997 (*Journal of Law* of 2001: No. 17, item 209, and No. 110, item 1189, of 2002: No. 1, item 2, and No. 113, item 984, and of 2003: No. 49, item 408, and No. 60, item 535).
2. Non-governmental organisations other than that specified under clause 1 hereto, and entities defined under Article 3 clause 3 item 1, shall gain public benefit organisation status as of the date of entry into the National Court Register, on terms and conditions laid down in the Act of Law referred to in clause 1 hereto.
3. Non-governmental organisations and entities referred to under clause 1 hereto shall lose their public benefit organisation status as of the date of removal of data proving conformity to requirements specified under Article 20 hereto from National Court Register, *ex officio* or upon application.

### **Article 23**

1. A public benefit organisation shall draft and submit annual performance reports describing its activities, other legal provisions pending, and shall then make such report public in a form and manner enabling any entities concerned to gain access thereto.
2. Furthermore, a public benefit organisation shall draft and publish annual financial statements, even should the duty of drafting and publishing such statements not stem from general accounting regulations. Accounting regulations shall apply as appropriate.
3. Regulations concerning the scope of reports submitted by foundations shall apply to the scope of reports referred to in clause 1 hereto.
4. Regardless of any obligations arising from separate legal provisions, a public benefit organisation shall submit the report and statement referred to in clauses 1 and 2, respectively, to the minister responsible for social security issues.
5. With regard to public benefit organisations, whose financial statements do not require auditing in accordance with separate accounting regulations, the minister responsible for public finance, acting jointly with the minister responsible for social security issues may introduce such obligation by virtue of an ordinance, in recognition of the following:
  1. the overall value of grants received;
  2. the overall amount of income generated;
  3. the need to ensure monitoring of bookkeeping evidence integrity.

### **Article 24**

1. A public benefit organisation is eligible for a waiver of the following, on terms and conditions quoted in separate legal provisions:
  1. the corporate income tax;
  2. the property tax;
  3. Civil Code procedural fees;
  4. the stamp duty;
  5. court fees- in relation to public benefit activities engaged in by such organisation.
2. A public benefit organisation may, on terms and conditions quoted in separate legal provisions, gain the right to use property owned by the State Treasury or by local government authorities, with preferential terms applying.
3. Having gained public benefit organisation status, a non-governmental organisation shall be required to fulfil all requirements stemming from tax waivers such organisation enjoyed prior to having gained public benefit organisation status, in conformity to rules laid out in separate legal provisions.
4. Should a non-governmental organisation lose its public benefit organisation status, it shall automatically lose the right to enjoy waivers stemming from such status.
5. The right of property usufruct referred to in clause 2 hereto shall expire as per the letter of law, should an organisation lose its public benefit organisation status.

### **Article 25**

Conscripts dispatched for substitute military service shall have the right to work for a public benefit organisation, on terms and conditions specified in separate regulations.

### **Article 26**

Public radio and television facilities shall provide public benefit organisations with free of charge broadcasting time to inform the general public of their activities, on terms and conditions laid out in separate legal provisions.

## **Article 27**

A personal income taxpayer may, on terms and conditions laid out in separate legal provisions, donate 1% of the tax calculated against separate provisions to support individually selected public benefit organisations.

## **Chapter 4 Supervision**

### **Article 28**

1. Operations of a public benefit organisation, as to the due and proper form of such organisation using benefits described herein, shall be supervised by the minister responsible for social security issues, provisions of clause 2 pending.
2. The minister responsible for home affairs shall supervise operations of public benefit organisations active in rescue services and civil defence in terms of their performance of public tasks commissioned, and the due and proper form of their use of benefits described herein. Provisions of Articles 29-34 shall apply as appropriate.

### **Article 29**

1. A public benefit organisation shall be subject to supervision by the minister responsible for social security issues within a scope as defined under Article 28 clause 1.
2. An audit procedure shall be announced *ex officio* by the minister responsible for social security issues, or upon application by a public administration authority.
3. The audit shall be performed by individuals duly authorised in writing by the minister responsible for social security issues.
4. Audit work may be attended by a Public Benefit Works Council (*Rada Działalności Pożytku Publicznego*) representative, should the Council receive a proper motion submitted by the minister responsible for social security issues, by a public administration authority referred to in clause 2, or by a non-governmental organisation or other entity described under Article 3 clause 3.
5. The minister responsible for social security issues shall have the right to entrust the voivode with all and any duties relating to an audit.
6. The minister responsible for social security issues may apply for an audit to be performed by a body specialising in auditing such forms and types of activity.

### **Article 30**

1. Individuals authorised to perform audits shall be authorised to enter the site of a property in its part housing operations of a public benefit organisation, and to demand oral or written clarification, documents or other information carriers for inspection, and any other data relating to the subject of the audit.
2. Any audit work specified under clause 1 shall be performed in the presence of a member or representative of the management body, or of an employee of the public benefit organisation audited. Should such individuals be absent, audit work shall be held in the presence of a duly summoned witness.

### **Article 31**

1. Following an audit, a relevant post-audit report shall be drafted, to be signed by individuals holding the audit and by the manager of the public benefit organisation audited, or by an individual duly authorised thereby. The manager of the public benefit organisation or the individual duly authorised shall not refuse to sign the post-audit report without justification. In case of refusal, the report shall be considered signed as of the date of such refusal.
2. The manager of the public benefit organisation audited may, within a term of 14 days as of the date of signing

### **Article 32**

The final audit results shall contain a description of the *status quo* found in the course of the audit, inclusive of any misdemeanours disclosed, in recognition of reasons for their arising, the scope and results of such misdemeanours and the deadline for their removal, such term to be no shorter than 30 days.

### **Article 33**

1. The minister responsible for social security issues or a duly authorised voivode shall appeal to the public benefit organisation to remove any misdemeanours disclosed in the course of the audit, by a specified date.
2. Should a public benefit organisation fail to remove misdemeanours found, the minister responsible for social security issues shall have the right to apply to the court of registration to remove the information entry referred to in Article 22 clause 1, or to delete such organisation from the National Court Register.
3. Should a public benefit organisation fail to remove misdemeanours concerning conformity to requirements specified in Article 20 and Article 21, respectively, the minister responsible for social security issues shall apply to the court of registration to delete such organisation from the National Court Register.
4. Should a public benefit organisation or information referred to under Article 22 clause 1 be removed from the National Court Register, such organisation shall be obliged to use funds raised in public canvassing during the term of holding public benefit organisation to the purpose of its own activities within the scope described in Article 4 hereto, within a term no longer than 6 months.
5. Any funds remaining unused in the manner and by the term specified in clause 4 hereto shall be immediately transferred by the organisation to an organisation with identical or similar statutory objectives, or to a public benefit organisation named by the minister responsible for social security issues. Such transfer shall not be recognised as a donation as laid out in separate legal provisions.

### **Article 34**

1. Public Finances Act provisions shall apply as appropriate to the process of supervising and controlling public funds expenditure in any matter remaining unregulated by provisions hereto.
2. Provisions of Articles 30-34 do not preclude the application of separate legal provisions concerning audits and audit procedures, or supervision rights of other authorities.

## **Chapter 5 Public Benefit Works Council**

### **Article 35**

1. A Public Benefit Works Council, hereinafter referred to as “the Council”, shall hereby be formed as counselling, analyst, and assistant body to the minister responsible for social security issues.
2. Council tasks shall include the following, in particular:
  1. issuing opinions on matters concerning the application of this Act of Law;
  2. issuing opinions concerning governmental draft laws in the field of public benefit and volunteer work;
  3. offering assistance and issuing opinions in case of any dispute between public administration authorities and public benefit organisations;
  4. collecting and analysing information on audits performed and their results;
  5. participating in audit procedures;
  6. issuing opinions on issues concerning public tasks, on the process of commissioning such tasks to be performed by non-governmental organisations or other entities defined in Article 3 clause 3 hereto, and on recommended public task performance standards;
  7. establishing – in co-operation with non-governmental organisations and other entities defined in Article 3 clause 3 hereto – mechanisms to distribute information on public benefit work standards, and on disclosed cases of such standards being violated.
3. The Council shall have a three-year term of office.

### **Article 36**

1. The Council shall have the following membership:
  1. five representatives of governmental administration bodies, and of units supervised by or reporting to such bodies;
  2. five representatives of local government authorities;
  3. ten representatives of non-governmental organisations, non-governmental organisations' unions and/or associations, and entities defined in Article 3 clause 3.
2. The minister responsible for social security issues shall appoint and dismiss Council member; notwithstanding the above, Council members representing:
  1. non-governmental organisations, non-governmental organisations' unions and/or associations, and entities defined in Article 3 clause 3 hereto shall be selected from among candidates nominated by those organisations;
  2. governmental administration bodies, and units supervised by or reporting to such bodies shall be selected from among candidates nominated by those bodies and by managers of relevant units;
  3. local government authorities shall be selected from among candidates nominated by local government authorities party to the Joint Central and Local Government Committee (*Komisja Wspólna Rządu i Samorządu Terytorialnego*).
3. The minister responsible for social security issues shall dismiss a Council member prior to the expiry of the assigned term of office:
  1. upon his or her motion;
  2. upon the motion of an entity referred to in clause 2 and represented by that member;
  3. should such Council member be convicted by virtue of a final court judgement for a crime involving intentional fault.

### **Article 37**

Council sessions shall be convoked by the minister responsible for social security issues, or upon the motion of at least one-quarter of all Council members.

### **Article 38**

The Council shall have the right to:

1. appoint experts;
2. invite representatives of the public administration, the local government, and of non-governmental organisations and other entities defined in Article 3 clause 3 not represented on the Council to attend their sessions;
3. commission research and expert opinions relating to the implementation of the Council's tasks.

### **Article 39**

1. Costs of Council activities relating to the overall service, research, and expert opinions, as well as to expert, Council members', and non-members' participation in its sessions shall be covered from the part of the budget handled by the minister responsible for social security issues.
2. Council session attendants shall be eligible to receive *per diems* and travel expense reimbursement under terms and conditions of regulations enacted by virtue of Article 775 § 2 of the Labour Code.
3. An employer shall be obliged to grant leave to an employee being a Council member in order to enable that employee to attend Council sessions. For time taken off, the employee shall retain the right to remuneration calculated according to rules applying to the monetary equivalent due for holiday leave, to be covered from the part of the budget handled by the minister responsible for social security issues.

#### **Article 40**

The minister responsible for social security issues shall, in an ordinance, define the following:

1. the course and manner of Council member appointment in recognition of the need to ensure proper representation of non-governmental organisations and other entities specified in Article 3 clause 3, and of the diversity of public benefit works, and to reflect the dates of nominating Council member candidates;
2. the organisation and course of Council works, and the rules of Council work participation set out for representatives of public administration authorities, of non-governmental organisations, and of other entities defined in Article 3 clause 3 not represented on the Council.

#### **Article 41**

The facility responsible for providing administrative and office services to the minister responsible for social security issues shall also provide administrative and office services to the Council.

### **Section III Volunteer Work**

#### **Chapter 1 General Provisions**

#### **Article 42**

1. Volunteers shall, on terms and conditions set out in this Chapter, provide benefits recognised as work benefits, to support the following:
  1. non-governmental organisations and other entities defined in Article 3 clause 3 within the scope of their statutory works, and in the field of public benefit in particular;
  2. public administration facilities, with the exception of business operations they may engage in;
  3. organisational units reporting to public administration authorities or supervised by the same, with the exception of business operations they may engage in, - jointly hereinafter referred to as "the beneficiaries".
2. Provisions laid out in this chapter shall apply as appropriate to volunteers providing services to aid international organisations within the territory of the Republic of Poland, unless provisions of international agreements provide otherwise.

#### **Article 43**

A volunteer shall be duly qualified and conform to all requirements appropriate in light of the type and scope of benefits provided, should the duty of holding such qualifications and fulfilling relevant requirements stem from separate legal provisions.

#### **Article 44**

1. Benefits shall be provided by volunteers within a scope, in a manner and within a time-frame defined in an agreement signed with the beneficiary. Such agreement shall contain a clause allowing for the termination thereof.
2. Upon demand by the volunteer, the beneficiary shall be obliged to confirm the content of the agreement described in clause 1 hereto in writing, and to issue a written conformation of benefits provided by the volunteer, scope of benefits provided included.
3. Upon request by the volunteer, the beneficiary may issue a written opinion of the benefits provided by the volunteer.
4. Should a volunteer provide benefits for a period exceeding 30 days, the respective agreement shall be made in writing.

## **Chapter 2 Detailed Provisions**

### **Article 45**

1. The beneficiary shall be obliged to
  1. notify the volunteer of any risk to health and safety stemming from the process of providing benefits, and on the rules of protection against occupational threats and hazards;
  2. provide the volunteer – on terms and conditions applying to employees as laid out in separate legal provisions – with safe and hygienic conditions of benefits provision by the volunteer, including appropriate personal safety measures determined by the type of benefits provided and the related hazard;
  3. cover the cost of business travel and *per diems* in conformity to terms and conditions applying to employees

## **Chapter 2 Detailed Provisions**

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  1. notify the volunteer of any risk to health and safety stemming from the process of providing benefits, and on the rules of protection against occupational threats and hazards;
  2. provide the volunteer – on terms and conditions applying to employees as laid out in separate legal provisions – with safe and hygienic conditions of benefits provision by the volunteer, including appropriate personal safety measures determined by the type of benefits provided and the related hazard;
  3. cover the cost of business travel and *per diems* in conformity to terms and conditions applying to employees as laid out in separate legal provisions.
2. Furthermore, the beneficiary may – in conformity to terms and conditions applying to employees as laid out in separate legal provisions – cover other indispensable expenses covered by the volunteer when providing benefits to the beneficiary.
3. The beneficiary may cover the costs of volunteer training in the field of benefits they provide as laid out in the agreement described in Article 44 clause 1 hereto.
4. The volunteer may relieve the beneficiary in whole or in part from duties described in clause 1 item 3 hereto. Such waiver shall be made in writing, or else declared null and void.

### **Article 46**

1. A volunteer may be eligible for health care benefits on terms and conditions laid out in legal regulations on general health insurance.
2. By virtue of separate legal regulations, a volunteer shall be eligible for compensation in case of an accident when providing benefits described in Article 42, provisions of clause 3 pending.
3. The beneficiary shall take out casualty insurance for any volunteer providing benefits for a period not longer than 30 days.

### **Article 47**

The beneficiary shall notify the volunteer of his or her rights and responsibilities, and ensure constant access to such information.

#### **Article 48**

Should the agreement by and between the beneficiary as defined in Article 42 clause 1 item 2 hereto and the volunteer provide for the volunteer to be delegated to provide benefits on the territory of another state as per an international agreement binding to the Republic of Poland, such volunteer shall be eligible for reimbursement for benefits and costs related according to generally accepted standards in the field, unless international agreements stipulate otherwise.

#### **Article 49**

Expenses for purposes referred to in Article 45 clauses 1 and 3 and Article 46 clause 3 shall include the following:

1. costs incurred in the statutory operations of non-governmental organisations and of entities defined in Article 3 clause 3 as beneficiaries;
2. costs incurred by beneficiaries defined in Article 42 clause 1 items 2 and 3.

#### **Article 50**

The value of a benefit provided by the volunteer does not constitute a donation to the beneficiary as laid out in the Civil Code and tax regulations.

#### **Article 51**

The first term of office of the Council described in Article 35 clause 1 hereto shall span two years.

#### **Article 52**

No later than by June 30<sup>th</sup> 2005, the Council of Ministers shall present the *Sejm* (Lower House of the Polish Parliament) and Senate of the Republic of Poland with a report on the implementation and enforcement hereof

#### **Article 53**

This Act of Law shall come into force on terms and conditions specified in separate legal provisions.

PRESIDENT OF THE REPUBLIC OF POLAND  
/-/ Aleksander Kwaśniewski

# Charter of Principles for NGOs

## **The common good**

The mission of the organization should be the primary determinant of its activities. NGOs in its activities are guided by the principle of respect for the dignity, rights and freedoms, the principles of subsidiarity and dialogue, and the idea of the common good.

## **Legalism**

Non-governmental organizations working in the framework of the existing law in a democratic state, affecting the democratic process for its improvement. Organizations participating in the legislative process must clearly state in what capacity there- as public interest advocates on behalf of specific groups at risk of exclusion, or in the name of other interests.

## **Independence**

Non-governmental organizations are self-governing and independent. Their business rules define internal mechanisms of self-regulation as the level of individual organizations and industries. Independence- both of funding and political centers of power- is a fundamental challenge to the organization.

## **Openness/Transparency**

Substantive and financial activities of non-governmental organizations must be open to public, due to the special care of the possession by public funds or entrusted to them by individuals. Transparency of the organizations finances must allow for the external evaluation of the appropriateness and reasonableness of expenses.

## **Responsibility**

Non-governmental organizations in all aspects of its activities take into account the social consequences of their actions and their impact on society and the environment. Organizations are accountable to the public for the efficient use of resources entrusted to them.

## **Reliability**

Non-governmental organizations plan their activities based on the analysis of the needs of its beneficiaries and regularly evolve its effectiveness in responding to it. Non-governmental organizations do not take the actions that are not able to reliably perform.

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## **Reliability**

Non-governmental organizations plan their activities based on the analysis of the needs of its beneficiaries and regularly evolve its effectiveness in responding to it. Non-governmental organizations do not take the actions that are not able to reliably perform.

## **Accountability**

NGOs spend all the revenue generated for the implementation of statutory and- within reasonable limits- to the development of the organization. Caring for the property of the organization, including public ownership created, and its proper use should be the primary responsibility of the management.

## **Partnership**

NGOs interact with other entities in partnership putting up cooperation, reciprocity and solidarity before competition, isolation and individual success. In a situation where there is a conflict of values, organizations are taking action consistent with the principles of tolerance and recognition of the rights of others to have a different opinion.

## **Separation of powers**

Any NGO creating their own organizational structures should at least distinguish in its articles of association, supervisory and management functions. Depending on the needs of the supervisory authority should perform the functions of the program and control. From members of a collegial supervisory body integrity and commitment to the organization is required.

## **Avoiding conflicts of interest**

The non-governmental organizations pay special attention to the clear relationship in the activities of those involved in the work of the organization- both professional and voluntary basis.

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.