

DEVELOPMENT COOPERATION ACT
of 16th September 2011

Chapter 1.

General provisions

Article 1.

1. The present Act lays down the organization, rules and forms of development cooperation undertaken with countries included on the list of official development assistance recipients adopted by the OECD Development Assistance Committee, comprising countries included in the Eastern Partnership programme, hereinafter referred to as "developing countries".
2. In realising development cooperation the Republic of Poland shall take under consideration the goals of development cooperation set out in binding international agreements.

Article 2.

1. Development cooperation shall be understood as the totality of actions undertaken by government agencies in line with the international solidarity rule, with a view to providing developing countries with:
 - 1) development aid, consisting in particular in:
 - a. promoting and supporting the development of democracy and civil society, including development of parliamentarism, principles of good governance, and respect for human rights,
 - b. supporting their long-term social and economic development, undertaking actions contributing to a reduction in poverty and an improvement in the level of health of the population, raising the level of education and professional qualification of the population.
 - 2) humanitarian aid, consisting in particular in providing aid, care and protection of a population affected by armed conflict, natural disaster or other humanitarian crises caused by nature or man.
2. In the framework of development cooperation, educational activities shall also be undertaken in order to increase awareness and understanding for global problems and interdependence between countries, hereinafter called "global education".

Article 3.

The following entities may participate in development cooperation, in particular:

- 1) entities constituting finance sector units in the understanding of the Public Finances Act of 27 August 2009 (Dz. U. No 157, item 1240, as amended¹);
- 2) entities which may conduct public benefit activities in the understanding of the Public Benefit and Volunteer Work Act of 24 April 2003 (Dz. U 2010 No 234, item 1536, and 2011 No 112, item 654);
- 3) entrepreneurs in the understanding of the Freedom of Economic Activity Act of 2 July 2004 (Dz. U. of 2010 No 220, item 1447, as amended²)
- 4) research institutes in the understanding of the Research Institutes Act of 30 April 2010 (Dz. U. No 96, item 618).

Chapter 2.

Forms of development cooperation

Article 4.

Development cooperation may be implemented in particular by:

- 1) financing of tasks entrusted to entities participating in the implementation of development cooperation;
- 2) transferring funds to the state budget of a developing country;
- 3) granting credits and loans;
- 4) reducing and restructuring developing countries' debt;
- 5) co-financing or technical support for actions financed primarily from the budgets of foreign countries, the European Union or other international organizations towards development aid;
- 6) payments made via international organizations, institutions, programmes and funds;
- 7) organization of trainings and consultations for entities participating in the implementation of development cooperation;
- 8) drafting, publishing and dissemination of publications,
- 9) organization of information activities.

¹ Amendments to the consolidated text of the said act have been published in Dz. U. 2010 No 28, item 146, No 96, item 620, No 123, item 835, No 152, item 1020, No 238, item 1578 and No 257, item 1726.

² Amendments to the consolidated text of the said act have been published in Dz. U. of 2010 No 239, item 1593 and of 2011 No 85, item 459, No 106, item 622, No 112, item 654, No 120, item 690, No 131, item 764, No 132, item 766, No 153, item 902, No 163, item 981 and No 171, item 1016;

Chapter 3.

Rules governing the implementation of development cooperation

Article 5.

1. Development cooperation shall be conducted on the basis of a Multiannual Development Cooperation Programme, hereinafter referred to as the "Programme", covering a period no shorter than 4 years.
2. The Programme specifies the geographical and thematic goals and priorities of development assistance, humanitarian aid and global education.
3. In realising the Programme the Republic of Poland shall take under consideration relevant provision set out by international organizations and regulations of the European Union.

Article 6.

1. The Programme is drafted by the minister responsible for foreign affairs.
2. The draft Programme shall be subject to public consultation by way of its presentation on the Public Information Bulletin website of the office serving the minister responsible for foreign affairs. The minister shall provide the deadline for submitting comments to the draft Programme.
3. The minister responsible for foreign affairs presents the draft Programme to the Council of Ministers.
4. The Council of Ministers shall adopt the Programme and may update the Programme by way of resolution.

Article 7.

1. On the basis of the Programme, the minister responsible for foreign affairs shall draft a Development Cooperation Plan, hereinafter referred to as the "Plan".
2. In particular, the Plan shall specify:
 - 1) tasks in the field of development cooperation which are planned for implementation in a given budget year;
 - 2) forms of development cooperation;
 - 3) the amount of funds allocated towards a given developing country or a given measure in the field of development cooperation.
3. The minister responsible for foreign affairs shall publish the Plan on the ministry's website and on the Public Information Bulletin website of the office serving the minister.

Article 8.

When expending funds at its disposal, a government agency implementing tasks in the field of development cooperation shall consult the guidelines for the expenditure of these funds with the minister responsible for foreign affairs.

Article 9.

The minister responsible for public finances shall conduct activities in the field of development cooperation in the form specified in Articles 4.3 and 4.4 after consulting with the minister responsible for foreign affairs as to the advisability of undertaking these actions from the point of view of the implementation of the aims of the Programme.

Article 10.

1. Entities listed in Articles 3.2 and 3.3, implementing activities in field of development cooperation, shall, depending on the circumstances and specific nature of the activities, be selected by way of open competition in the understanding of the Public Benefit and Volunteer Work Act of 24 April 2003, or by way of public procurement procedure in the understanding of the Act of 29 January 2004 - Public Procurement Law (Dz. U of 2010, no. 113, item 759, as amended³).
2. In the event of granting humanitarian aid for the purpose of protecting the lives and health of human beings, the minister responsible for foreign affairs may commission the implementation of activities in the field of development aid without recourse to an open competition of offers. The provisions of Articles 43, 47 and 151 of the Public Finances Act of 27 August 2009 shall apply accordingly.
3. Measures in the field of development cooperation, owing to the specific political circumstances present in the country where the activity is implemented, may be commissioned by the minister responsible for foreign affairs to the Polish Foundation for International Development Cooperation "Know-How". For the performance of these tasks, the Foundation shall receive a target allocation from the budget section administered by the minister responsible for foreign affairs. The Foundation may not carry out tasks in the field of development cooperation based on sections 1 and 2.
4. The Board of the Foundation, described in section 3, is composed of deputies of the Sejm and Senate appointed by the minister responsible for foreign affairs in consultation with the Marshal of the Sejm or the Marshal of the Senate accordingly and other persons possessing relevant experience in the field of development cooperation.

³ Amendments to the consolidated text of the said act have been published in Dz. U. No 161, item 1078 and No 182, item 1228 and of 2011 No 5, item 13, No 28, item 143 and No 87, item 484).

5. The minister responsible for foreign affairs may, by way of contract, commission the Foundation described in section 3 to manage the competition of offers described in section 1.

Article 11.

1. Government agencies implementing measures in the field of development cooperation shall compile and present annual reports to the minister responsible for foreign affairs, covering the implementation of these measures, including the presentation of activities financed solely from public funds.
2. The foundation described in Article 10.3 shall compile and present annual reports on the implementation of tasks in the field of development cooperation set out in the Plan to the minister responsible for foreign affairs, the minister responsible for the State Treasury and the foreign affairs commission of the Sejm.
3. The reports described in sections 1 and 2 shall be filed at latest on 15 April of the calendar year following the year relevant to the reports.

Article 12.

The implementation of measures in the field of development cooperation which are financed or co-financed from the state budget and which are implemented over a period which exceeds the budget year, shall take place on the basis on an agreement concluded for a period exceeding the budget year and including a proviso limiting the possibility of the creation of liabilities arising from the implementation of this agreement, amounting to the sum covered in the financial plans for the given budget year of the entity commissioning the development cooperation measures.

Chapter 4.

Tasks of the minister responsible for foreign affairs in the area of development cooperation

Article 13.

1. The minister responsible for foreign affairs shall, in the area of development cooperation:
 - 1) coordinate such cooperation;
 - 2) implement tasks specified in the Plan, in particular by financing tasks commissioned to entities participating in the implementation of development cooperation;
 - 3) implement tasks in the field of development cooperation by way of European Union programmes and financial instruments;
 - 4) consult planned activities with the relevant institutions in developing countries;
 - 5) cooperate with other countries, the European Union and other international organizations.
 - 6) make payments to international organisations, institutions, programmes and funds.

- 7) provide humanitarian aid by proxy of or in cooperation with other entities active in the implementation of development cooperation;
 - 8) undertake and/or support activities in the field of global education;
 - 9) conduct information activities;
 - 10) evaluate the effectiveness of implemented development cooperation goals set out in the Programme;
 - 11) gather and analyse statistical data obtained from government agencies, covering public funds allocated towards public expenditures and disbursements qualified as development cooperation.
2. The minister responsible for foreign affairs shall coordinate development cooperation by:
 - 1) agreeing on the guidelines for the expenditure of funds allocated towards the implementation of measures in the field of development cooperation administered by other government agencies;
 - 2) providing opinions on government programmes and strategies with regard to their cohesion vis-a-vis development cooperation as defined in the Programme;
 - 3) cooperation with public administration agencies in the field of the participation of the Republic of Poland in international organizations, institutions, programmes and funds;
 - 4) monitoring the implementation of measures in the field of development cooperation by government agencies.

Article 14.

1. The minister for foreign affairs coordinates development cooperation by proxy of the National Coordinator for International Development Cooperation.
2. The National Coordinator, specified in section 1 above, is appointed by the minister for foreign affairs from among the group of Secretaries or Under-Secretaries of State in the ministry serving this minister.

Chapter 5.

Development Cooperation Programme Board

Article 15.

1. A Development Cooperation Programme Board, hereinafter referred to as the "Board", shall be established and attached to the minister for foreign affairs as an consultative and advisory body.
2. The Board shall function on a four year term basis.

3. The Board shall function pursuant to a statute of regulations established by the Board and approved by the minister for foreign affairs.

Article 16.

The Board shall pursue the following tasks, in particular:

- 1) providing suggestions for geographical and thematic priorities of development cooperation;
- 2) reviewing the draft Programme and Plan;
- 3) reviewing annual reports on the implementation of measures implemented in the field of development cooperation by government agencies.
- 4) reviewing draft government documents relating to development cooperation.

Article 17.

1. The Board consists of 21 members.
2. The Board shall be made up of the following members:
 - 1) chair - National Coordinator for International Development Cooperation;
 - 2) representative of the minister responsible for public finances,
 - 3) representative of the minister responsible for the economy,
 - 4) representative of the minister responsible for internal affairs,
 - 5) representative of the minister responsible for the environment,
 - 6) representative of the minister responsible for higher education,
 - 7) representative of the minister responsible for health,
 - 8) representative of the minister responsible for education,
 - 9) representative of the minister responsible for regional development,
 - 10) representative of the minister responsible for social security,
 - 11) representative of the minister responsible for agriculture,
 - 12) 3 deputies of the Sejm,
 - 13) Senator,
 - 14) 4 representatives of non- governmental organisations,
 - 15) representative of employer organizations in the understanding of the Tripartite Socio-Economic Commission and regional social dialogue commissions Act (Dz. U. No 100, item 1080, as amended⁴),
 - 16) a representative of the academia.
3. Members of the Board mentioned in item 2 above:

⁴ Amendments to the said act have been published in: Dz. U. of 2001 No 154, items 1793 and 1800; of 2002, No 10, item 89 and No 240, item 2056; of 2004, No 240, item 2407 and of 2009, No 219, item 1707

- 1) items 2 to 11 and 15 – are appointed and recalled by the minister for foreign affairs based on a motion by the relevant entity,
 - 2) item 12 - appointed and recalled by the Marshal of the Sejm,
 - 3) item 13 - appointed and recalled by the Marshal of the Senate,
 - 4) items 14 and 16 - appointed and recalled by the minister for foreign affairs.
4. A person sentenced for any intentionally committed offence or any intentionally committed tax offence shall not be a member of the Board.

Article 18.

Board meetings shall be called by the Chair of the Board or at the motion of at least four Board members.

Article 19.

The Board's administrative and office support shall be provided by the ministry serving the minister for foreign affairs. The operating costs of the Board linked to its functioning and to the participation of Board members in Board meetings shall be covered from the budget section administered by the minister for foreign affairs.

Chapter 6.

Amending and final provisions

Article 20.

The Act on Branches of Government Administration of 4 September 1997 (Dz. U. 2007, No 65, item 437, as amended⁵) receives the following wording in Article 32.1.5:

"5) development cooperation, including humanitarian aid;"

Article 21.

The Act of 4 September 1997 - Public Procurement Law (Dz. U. 2010, No 113, item 759, as amended⁶) receives the following wording in Article 4.5a:

⁵ Amendments to the consolidated text of the said act have been published in: Dz. U. of 2007, No 107, item, 732; No 120, item 818 and No 173, item 1218; of 2008, No 63. Item 395, No 199, item 1227, No 201, item 1237, No 216, item 1370 and No 227, item 1505; of 2009, No 42, item 337, No 68, item 574, No 77, item 649, No 157, item 1241, No 161, item 1277, No 168, item 1323 and No 201, item 1540; and of 2010, No 28, item 143 and 146, No 107, item 679, No 127, item 857, No 155, item 1035 and No 239, item 1592.

⁶ Amendments to the consolidated text of the said act have been published in Dz. U. of 2010 No 161, item 1078 i No 182, item 1228 and of 2011 No 5, item 13, No 28, item 143 i No 87, item 484.

"5a) orders in the framework of the implementation of development cooperation granted by military units in the understanding of the provisions on the rules governing the use or presence of Polish Armed Forces abroad, if the order value is smaller than the sums specified in the provisions issued on the basis of Article 11.8."

Article 22.

The Public Finances Act of 27 August 2009 (Dz. U. No 157, item 1240, as amended⁷) receives the following wording in Article 161:

1) subparagraph 1 receives the following wording:

"1. Obligations for a period exceeding the budget year in the framework of the implementation of development cooperation in a territory considered to be a zone of armed conflict may be taken on if the expenses necessary to service the obligation are included in the budget act.";

2) in subparagraph 3, the list introduction shall be worded as follows:

"The Council of Ministers may, by way of Ordinance, issue guidelines on taking on financial obligations for a period exceeding the budget year in the framework of the implementation of development cooperation in a territory considered to be a zone of armed conflict, defining:"

Article 23.

The first make-up of the Board shall be appointed within one month of the entry into force of the Act. The term of the first Board shall begin on the date of appointment of the final member.

Article 24.

The Act shall enter into force on 1 January 2012.

⁷ Amendments to the said act were Published in: Dz. U. of 2010 No 28, item 146, No 96, item 620, No 123, item 835, No 152, item 1020, No 238, item 1578 i No 257, item 1726 and of 2011 No 185, item 1092.