

Annex to the Notice of the Marshal of the Sejm of the Republic of Poland of 11 September 2024 (Journal of Laws [Dziennik Ustaw], item 1384)

Development Cooperation Act of 16 September 2011

Chapter 1

General provisions

Article 1. 1. This Act lays down the organisation, rules, and forms of development cooperation undertaken particularly with countries entered in the list of official development assistance recipients adopted by the OECD Development Assistance Committee, including countries covered by the Eastern Partnership programme, hereinafter referred to as “developing countries”, as well as with the societies of these countries.

2. In pursuing 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 or their societies with:

- 1) development assistance, consisting in particular in:
 - a) promoting and supporting the development of democracy and civil society, including the 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—extended to developing countries or, in exceptional cases, to other countries—consisting in particular in providing aid, care, and protection for a population affected by armed conflict, natural disaster or other humanitarian crises caused by nature or man.

2. Development cooperation is also understood as educational activities to increase awareness and understanding of global problems and the interdependencies between countries, hereinafter called “global education”.

Article 3. The following entities may participate in development cooperation, in particular:

- 1) entities constituting public finance sector units within the meaning of the Public Finances Act of 27 August 2009 (Journal of Laws of 2023, item 1270, as amended¹⁾);
- 2) entities which may conduct public benefit activities within the meaning of the Public Benefit and Volunteer Work Act of 24 April 2003 (Journal of Laws of 2023, item 571 and of 2024, item 834);
- 3) entrepreneurs within the meaning of the Freedom of Economic Activity Act of 6 March 2018—Entrepreneurs Law (Journal of Laws of 2024, item 236 and 1222);
- 4) research institutes within the meaning of the Research Institutes Act of 30 April 2010 (Journal of Laws of 2024, item 534).

Chapter 2

Forms of development cooperation

Article 4. Development cooperation may be implemented in particular by:

- 1) financing tasks entrusted to entities that participate in development cooperation;
- 2) transferring funds to the state budget of a developing country;
- 3) granting credits and loans;
- 4) reducing and restructuring debt of a developing country;
- 5) co-financing or providing technical support while implementing financial measures, in particular from the budgets of other countries, the European Union, or other international organisations;

¹⁾ Amendments to the consolidated text of this Act have been published in the Journal of Laws of 2023, item 1273, 1407, 1429, 1641, 1693, and 1872 and of 2024, item 858 and 1089.

- 6) payments to international organisations, institutions, programmes, and funds;
- 7) organisation of training and consultations for entities participating in development cooperation;
- 8) drafting, publishing, and dissemination of publications,
- 9) organisation of outreach and publicity activities.

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 four years.

2. The Programme specifies the geographical and thematic goals and priorities of development assistance, humanitarian aid, and global education.

3. In implementing the Programme, the Republic of Poland shall take under consideration relevant provisions set out by international organisations and regulations of the European Union.

Article 6. 1. The Programme shall be drafted by the minister responsible for foreign affairs.

2. The draft Programme shall be subject to public consultation by being presented in 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 shall present 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 specifies:

- 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 measures 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 implement measures in the field of development assistance in the form specified in Article 4 subparagraphs 3 and 4 in consultation with the minister responsible for foreign affairs as to the advisability of undertaking these measures from the point of view of the implementation of the goals of the Programme.

Article 10. 1. Entities listed in Article 3 subparagraphs 2 and 3 that implement measures in the field of development cooperation shall, depending on the circumstances and specific nature of a measure, be selected by way of open competition within the meaning of the Public Benefit and Volunteer Work Act of 24 April 2003 or by way of public procurement procedure within the meaning of the Act of 11 January 2019—Public Procurement Law (Journal of Laws of 2024, item 1320).

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 measures in the field of development cooperation without recourse to an open competition. The provisions of Articles 43, 47 and 151 of the Public Finances Act of 27 August 2009 shall apply accordingly.

3. Owing to special political circumstances in the country for the benefit of which a development cooperation measure is to be implemented, such a measure may be commissioned by the minister responsible for foreign affairs to Solidarity Fund PL. For the performance of these measures, Solidarity Fund PL shall receive a target allocation from the budget section administered by the minister responsible for foreign affairs.

4. The Board of the Fund referred to in paragraph 3 is composed of deputies of the Sejm and the Senate appointed for a four-year term by the minister responsible for foreign affairs in consultation with the Speaker of the Sejm or Speaker of the Senate accordingly and of other persons possessing relevant experience in the field of development cooperation.

4a. The minister responsible for foreign affairs shall appoint and recall President of the Fund referred to in paragraph 3 in consultation with its Board.

5. The minister responsible for foreign affairs may, by way of contract, commission the Fund referred to in paragraph 3 to manage the competition procedure referred to in paragraph 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 projects financed solely from public funds.

2. The Fund referred to in Article 10(3) shall compile and present annual reports on the implementation of measures in the field of development cooperation set out in the Plan to the minister responsible for foreign affairs, the minister responsible for state assets, and the foreign affairs commission of the Sejm.

3. The reports referred to in paragraphs 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 of 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 measures specified in the Plan, in particular by financing measures commissioned to entities participating in the implementation of development cooperation;
- 3) implement measures 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 through or in cooperation with other entities active in the implementation of development cooperation;
- 8) undertake and support activities in the field of global education;
- 9) conduct outreach and publicity 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 on 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 Republic of Poland's participation 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 responsible for foreign affairs coordinates development cooperation through the National Coordinator for International Development Cooperation.

2. The National Coordinator referred to in paragraph 1 is appointed by the minister responsible for foreign affairs from among the group of secretaries or undersecretaries 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 responsible 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 responsible 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 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 25 members.

2. The Board is made up of the following members:

- 1) the National Coordinator for International Development Cooperation as its Chair;
- 2) a representative of the minister responsible for public finances; 2a) a representative of the minister responsible for energy;
- 2b)²⁾ a representative of the minister responsible for the management of energy resources;
- 3) a representative of the minister responsible for the economy; 3a) a representative of the minister responsible for climate;
- 3b) a representative of the minister responsible for state assets;
- 4) a representative of the minister responsible for internal affairs;
- 5) a representative of the minister responsible for the environment;
- 6) a representative of the minister responsible for higher education and science;
- 7) a representative of the minister responsible for health;
- 8) a representative of the minister responsible for education;
- 9) a representative of the minister competent for regional development;
- 10) a representative of the minister responsible for social security;
- 11) a representative of the minister responsible for agriculture;
- 12) three deputies of the Sejm;
- 13) a senator;
- 14) four representatives of non-governmental organisations;
- 15) a representative of employer organizations within the meaning of the Act of 24 July 2015 on the Social Dialogue Council and other institutions of public dialogue (Journal of Laws of 2018, item 2232, as amended³⁾);
- 16) a representative of the research community.

²⁾ Including the amendment introduced by Article 36 of the Act of 15 May 2024 on amending certain acts related to the functioning of government administration (Journal of Laws, item 834), which entered into force on 1 July 2024.

³⁾ Amendments to the consolidated text of this Act have been published in the Journal of Laws of 2020, item 568 and 2157, of 2021, item 2445, of 2022, item 2666 and of 2023, item 1586 and 1723.

3. Members of the Board referred to in paragraph 2:

- 1) subparagraphs 2–11 and 15: are appointed and recalled by the minister responsible for foreign affairs at the request of the relevant entity;
- 2) subparagraph 12: are appointed and recalled by the Marshal of the Sejm;
- 3) subparagraph 13: are appointed and recalled by the Marshal of the Senate;
- 4) subparagraphs 14 and 16: are appointed and recalled by the minister responsible 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 responsible 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 responsible for foreign affairs.

Chapter 6

Amending, transitional, and final provisions Articles 20–22. (omitted)

Article 23. The first make-up of the Board shall be appointed within one month of the Act's entry into force. The first term of the Board shall begin on the date of its last member's appointment.

Article 24. The Act shall enter into force on 1 January 2012.