

ACT

of 7 November 2008

on a European grouping of territorial cooperation¹⁾

(Dz. U. of 9 December 2008)

Article 1. The Act governs the rules of organising the European grouping of territorial cooperation in order to implement the provisions set out in Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.07.2006, p. 19), hereinafter referred to as "Regulation No 1082/2006."

Article 2. For the purpose of this Act:

- 1) body governed by public law shall mean an entity referred to in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.04.2004, p. 114; OJ Special edition in Polish, Chapter 6, Volume 7, p. 132, as amended);
- 2) grouping shall mean an European grouping of territorial cooperation, referred to in Regulation No 1082/2006.

Article 3. For matters not covered by Regulation No 1082/2006 or by this Act the provisions on associations shall apply accordingly to a grouping.

Article 4. 1. The resolution on accessing the grouping by the Republic of Poland shall be adopted by the Council of Ministers.

2. In the resolution referred to in Paragraph 1 the Council of Ministers, on the basis of Act of 4 September 1997 on State Administration Departments (Dz.U. of 2007 No 65, item 437, as amended²⁾), designates a minister competent for representing the Republic of Poland in the grouping accessed by Poland.

Article 5. 1. Resolution on accessing the grouping by a territorial self-governmental unit shall be adopted by its decision-making authority by an absolute majority of its statutory members.

2. Resolution on accessing the grouping by a territorial self-governmental unit and a decision on accessing the grouping by a body governed by public law shall enter into force after obtaining an approval referred to in Article 6(1).

Article 6. 1. The minister competent for foreign affairs in agreement with the minister competent for interior, minister competent for public finance and minister competent for issues of regional development gives an approval, by way of a decision, for accessing the grouping by a territorial self-governmental unit or a body governed by public law within 3 months following the date of obtaining the resolutions or decisions referred to in Article 5(2).

2. In case documents drawn up in a foreign language are sent together with the resolution or decision, referred to in Article 5(2), a certified translation into Polish shall be annexed to the abovementioned documents.

Article 7. 1. A register of the European groupings of territorial cooperation shall be established, hereinafter referred to as "the register."

2. The register is run by the minister competent for foreign affairs.

Article 8. 1. The grouping having its registered office within the territory of the Republic of Poland

shall be entered into the register.

2. The grouping acquires legal personality upon registration.

Article 9. 1. The grouping can be declared to the register by a person authorised by the members of the grouping to carry out activities related to entering the grouping into the register.

2. The declaration, referred to in Paragraph 1, shall include the following:

- 1) convention and statutes of the grouping;
- 2) resolutions or decisions of the grouping members on adopting the statutes;
- 3) authorisations to carry out activities related to entering the grouping into the register;
- 4) agreements from all its members concerning accession to the grouping issued in line with Article 4(3) of Regulation No 1082/2006.

3. If the declaration, referred to in Paragraph 1, shall not meet the requirements set out in Paragraph 1 or 2, the minister competent for foreign affairs shall request the person authorised to carry out activities related to entering the grouping into the register to remedy the deficiencies within 14 days following the day of receiving the request, which includes a warning that failure to remedy the deficiencies within the set deadline shall result in refusal to enter the grouping into the register.

Article 10. 1. In case the documents submitted to registration are in a foreign language a certified translation into Polish shall be annexed to them.

2. The minister competent for foreign affairs shall establish, by way of a regulation the method of running the register, as well as the method of introducing changes to the registered entries and deleting groupings from the register, taking account of the documents necessary to perform these activities and data, which need to be entered.

Article 11. An entry to the register, refusal to enter a grouping to the register, introducing changes to the registered entries and deleting groupings from the register shall be performed by way of a decision.

Article 12. The statutes of the grouping shall establish the rules of liquidation of the grouping, in case of:

- 1) dissolution of the grouping following from a decision of its members;
- 2) deleting a grouping, which has its registered office within the territory of the Republic of Poland, from the register as a result of carrying out by the grouping activities referred to in Article 13 of Regulation No 1082/2006;
- 3) deleting a grouping from the register for reasons referred to in Article 14(1) of Regulation No 1082/2006.

Article 13. The convention and the statutes of the grouping, as well as their amendments shall be published in the Official Gazette of the Republic of Poland "Monitor Polski B". The publication shall be made by the minister competent for foreign affairs.

Article 14. Director of the grouping shall inform the register when a member withdraws from the grouping or in case of its dissolution following from a decision of its members.

Article 15. Members of a grouping, which has its registered office outside the territory of the Republic of Poland, acting on the ground of the Polish law inform the minister competent for foreign affairs on the convention and registration, as well as publication of the statutes of the grouping.

Article 16. Without a Community financial contribution the grouping having its registered office within the territory of the Republic of Poland may carry out activities only within the scope defined in Article 6 of Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 (OJ L 210, 31.07.2006, p. 1).

Article 17. The control of management of the grouping's public resources is performed on the basis of separate provisions.

Article 18. 1. The grouping keeps accounts in line with the rules determined in the Act of 29 September 1994 on Accounting (Dz. U. of 2002 No 76, item 694, as amended³⁾).

2. Financial report of the grouping shall be analysed and published according to Article 70 of the Act referred to in Paragraph 1.

Article 19. 1. The State Treasury shall not be responsible for obligations of a grouping, in which the Republic of Poland acts as a member.

2. Territorial self-governmental units, state legal persons and self-government legal persons shall not be responsible for obligations of a grouping of which they are members.

Article 20. The minister competent for foreign affairs acts as a supervisory authority for the grouping.

Article 21. 1. If a grouping having its registered office within the territory of the Republic of Poland carries out activities referred to in Article 13 of Regulation No 1082/2006, the supervisory authority deletes the grouping from the register.

2. If a grouping having its registered office outside the territory of the Republic of Poland carries out activities referred to in Article 13 of Regulation No 1082/2006, the supervisory authority repeals the decision, referred to in Article 6(1), which was issued in connection to a member of this grouping.

3. In cases referred to in Article 14(1) of Regulation No 1082/2006 the supervisory authority deletes the grouping from the register.

4. In cases referred to in Paragraphs 1 and 3 the supervisory authority designates a liquidator for this grouping.

Article 22. In cases referred to in Article 12 point 1 and Article 21 (1) and (3) the liquidator of the grouping informs the supervisory authority on initiating a winding-up procedure of the grouping.

Article 23. This Act shall enter into force 30 days following its publication.

¹⁾ The provisions of the Act implement the rules set out in Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.07.2006, p. 19).

²⁾ Amendments to the consolidated text of the above mentioned Act were announced in Dz.U. of 2007 No 107, item 732, No 120, item 818 and No 173, item 1218 and of 2008 No 63, item 394, No 199, item 1227, No 201, item 1237 and No 216, item 1370.

³⁾ Amendments to the consolidated text of the above mentioned Act were announced in Dz.U. of 2003 No 60, item 535, No 124, item 1152, No 139, item 1324 and No 229, item 2276, of 2004 No 96, item 959, No 145, item 1535, No 146, item 1546 and No 213, item 2155, of 2005 No 10, item 66, No 184, item 1539 and No 267, item 2252, of 2006 No 157, item 1119 and No 208, item 1540 and of 2008 No 63, item 393, No 144, item 900, No 171, item 1056 and No 214, item 1343.