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Parliamentary Act of April 7, 1989

Law on Associations[©]

(Journal of Law of the Republic of Poland, No. 20, item 104, Journal of Law of the Republic of Poland, 1990, No. 14, item 86.)

In order to create conditions favorable for the full enjoyment of the rights of freedom of association granted by the Constitution of the Republic of Poland; in accordance with Universal Declaration of Human Rights as well as International Pact of Civil and Political Rights; in order to give all the citizens, notwithstanding their individual convictions, equal rights to actively participate in public life, to pursue individual interests and express diversified opinions; considering historical traditions and commonly accepted achievements of association movement, the following has been proclaimed:

Chapter 1

General Provisions

Art. 1.

1. Polish citizens realize their right to associate according to the Constitution of the Republic of Poland and the legal order as defined by statute.

2. The right to associate may be restricted by other laws only when it is necessary to protect national security or public order, or to protect public health, morality or the rights and freedoms of other persons.

3. Associations have the right to voice their opinions on public issues.

Art. 2.

1. An association is a voluntary, self-governed and lasting non-profit union.

2. An association independently sets its goals, creates its programs and structures as well as passes regulations concerning its activities.

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Art. 3.

1. The right to found associations is vested in Polish citizens who have full capacity to conduct legal transactions and who have not been deprived of public rights.

2. Minors from 16 to 18 years of age, who have limited capacity to conduct legal transactions, may become members of associations and have both active and passive election rights in these associations. However, majority of board members of an association must be persons with full capacity to conduct legal transactions.

3. Minors below the age of 16 may become members of an association if the statute of this association allows it, provided that they obtain consent from their legal guardians. However, they may not be given a vote at general assembly of an association, nor will they have election rights or eligibility election rights. If a branch of an association consists only of minors, they may elect and be elected to authorities of such a branch.

Art. 4.

1. Foreigners who are residents of the Republic of Poland may become members of associations in accordance with the regulations binding for Polish citizens.

2. Foreigners who are not residents of the Republic of Poland may become members of associations whose statutes provide for such a possibility.

Art. 5.

1. International associations may be founded within the territory of the Republic of Poland according to the principles given in the present law.

2. Associations may become members of international organizations according to the provisions of their statutes. However, this may not violate commitments arising from international agreements of which the Republic of Poland is a party.

Art. 6.

1. It is forbidden to found associations that accept the principle of their members' unconditional obedience to the authorities of the association.

2. No-one may be forced to become member of an association, nor may anyone's right to withdraw from an association be limited. No one may bear negative consequences for belonging to an association or not belonging to it.

Art. 7.

1. The provisions of the present law do not apply to:
 - 1) social organizations that operate under separate laws or international agreements of which the Republic of Poland is a party;
 - 2) churches and other religious unions;
 - 3) religious organizations whose legal situation is defined by laws on relations between the state and churches and other religious unions, if the religious organizations operate within these churches or unions;
 - 4) committees created to organize parliamentary elections as well as local council and other self-government elections, if the elections are run under laws or regulations by the state government, starting with the day of proclaiming the elections until the day of completing election procedures;
 - 5) political parties.
2. The provisions of the present law apply to organizations mentioned in section 1.1, section 1.2, and section 1.3 above in all matters not regulated separately.

Art. 8.

1. An association is subject to registration if the present law does not provide otherwise.
2. Registration is carried out by the regional registry court that is appropriate for the association's seat, hereinafter "registry court".
3. Application of the measures provided by the present law belongs to the regional court that is appropriate for the association's seat, hereinafter "the court".
4. When hearing a case, the registry court applies the provisions of the civil code for non-trial proceedings, with modifications that follow from the present law.
5. An association's activities are supervised by the local branch of the national agency that is appropriate for the association's seat at the voivodship level and that has particular competence for social and administrative matters, hereinafter "supervising agency".
6. Provisions of the present law do not restrict the rights of the public prosecutor granted by other laws.

Chapter 2

Founding Associations

Art. 9.

At least 15 people who want to found an association adopt the association's statute and select the founding committee.

Art. 10.

1. An association's statute particularly provides for:

- 1) a name of the association that distinguishes it from other associations, organizations, and institutions;
- 2) the seat and the territory of activities;
- 3) the goals of the association and the means for their achievement;
- 4) the ways of acquiring and losing membership, the rights and responsibilities of the members;
- 5) authorities of the association, the method of their election, the method of electing supplementary authority members, and the competence of the authorities;
- 6) the methods of representing the association and property obligations, as well as conditions under which resolutions of the association are binding;
- 7) the ways of obtaining financial means and deciding upon members' dues;
- 8) principles of changing the statute;
- 9) the method of dissolution.

2. An association which intends to create local branches is obliged to specify in the statute the ways of creating these branches and their structure.

3. A legal person may be a supporting member of an association only.

Art. 11.

1. The highest authority of an association is a general assembly of its members. A general assembly of members decides upon all the matters on which the statute does not specify the competence of association's authorities.

2. The statute may provide for a delegates assembly instead of a general assembly of members, or the substitution of a general assembly of members with a delegates assembly if

membership of the association reaches a certain number specified in the statute. In such cases, the statute specifies the principles governing the election of delegates and their terms of office.

3. An association must have a board and an internal auditing organ.

Art. 12.

The founding committee submits to the registry court a motion for registration with the following enclosures: the statute, a list of founders containing each founder's first name, last name, date and place of birth, present address and signature, a protocol of founding committee selection and the address of the association's temporary seat.

Art. 13.

1. The registry court examines the registration motion immediately, and it should reach a decision not later than 3 months after the motion has been submitted.
2. The registry court submits the registration motion, accompanied by all the enclosures listed in Art. 12, to the supervising agency, which has the right to present its opinion on the motion within 14 days of the submission. Should the registry court allow, the supervising agency may join the judicial process as an interested party.

Art. 14.

The registry court refuses to register an association if its statute does not meet the requirements of the present law.

Art. 15.

1. If the registry court finds it necessary, it may call an explanatory session in order to discover additional facts.
2. The registry court summons brings participants in the process to explanatory hearing.

Art. 16.

The registry court issues a decision on registering an association after concluding that its statute complies with the law and that the founding members meet the requirements specified in the present law.

Art. 17.

1. An association gains the status of a legal person after the decision of its registration has become final and valid.

1a. The local branch of an association may gain the status of a legal person if the association's statute so provides.

2. An association becomes listed in the registry of associations after a final, valid decision concerning its registration.

3. The registry court notifies the supervising agency and the founders of the listing an association in the registry of associations and sends the statute of the registered association to the supervising agency.

Art. 18.

1. The following are listed in the registry mentioned in Art. 17 section 2:

- 1) the name, seat and the territory of activities of the association;
- 2) the date of listing in the registry;
- 3) the goals of the association and the means of their achievement;
- 4) the first and last names of founding committee members;
- 5) the names and addresses of board members;
- 6) the ways of representing the association and of property obligations.

2. Decisions by the court to apply against an association the measures provided by the law on appointing a caretaker and by the law on appointing a liquidator are also listed in the registry of associations.

3. Registries of associations are open, and everyone has the right to obtain certified copies and excerpts from these registries.

4. The Minister of Justice defines a model registry and the methods of keeping registries of associations by decree.

[cf. Decree of the Minister of Justice of 17 April, 1989 on model registry and the ways of keeping registers of associations (Journal of Law of the Republic of Poland, No 23, item 126, with later changes) - printed on p. 49 of this book]

Art. 19.

1. Within a month of its appointment at the latest, the board of an association listed in registry of associations is obliged to notify the registry court and supervising agency of its composition, of the addresses of board members and of the address of the seat of the association.

2. The provision of Art. 19, section 1, applies as appropriate to any changes in composition of the board and address of the seat.

Art. 20.

1. Within 14 days of its creation, the board of a local branch of an association is obliged to notify the supervising agency that is appropriate for its seat of its creation. The notification must include the composition of the board, the address of the seat of the branch, and the statute of the association.

2. The provision of Art. 20, section 1, applies as appropriate to any changes in the composition of the board and in the address of the seat of the local branch of an association, as well as to any changes introduced into the statute of the association.

Art. 21.

The board of an association is obliged to notify the registry court immediately of any changes to the statute. Procedures concerning the registration of associations apply as appropriate for listing the changes introduced into the statute in the registry of associations.

Art. 22.

1. At least 3 associations may create a union of associations. Other legal persons may also be founders or members of such a union. Legal persons, however, whose activities are income-oriented, may only become supporting members of such a union.

2. The provisions of the present law apply as appropriate for unions mentioned in Art. 22, section 1.

Art. 23-24. [crossed out]

Chapter 3

Supervising Associations

Art. 25.

The supervising agency has the right:

- 1) to demand that the board of an association supply copies of acts passed by general assembly (assembly of delegates) within a specified period of time;
- 2) to review documents concerning activities of the association and to make notes, excerpts and copies of them at the seat of an association and in the presence of association authorities' representative;
- 3) to demand appropriate explanations from the authorities of an association.

Art. 26.

If an association does not comply with the requirements specified in Art. 25, the supervising agency imposes upon it a one-time fine not exceeding 50,000 zlotys. The fine may be waived if the association complies with the requirements of the supervising agency immediately after the fine has been imposed. The association may, within 7 days, move for the court to waive the fine.

Art. 27.

The agency supervising a local branch of an association is the agency as specified in Art. 8, section 5, that is appropriate for the seat of the branch.

Art. 28.

If the supervising agency concludes that activities of an association break the law or violate the provisions of its statute, as specified in Art. 10, sections 1 and 2, depending on the kind and degree of the offense it may: demand a correction within a specified period of time; give a warning to authorities of the association, or file a suit against the association demanding that one of the measures specified in Art. 29 below be applied.

Art. 29.

1. Following a motion from the supervising agency or the public prosecutor, the court may:

- 1) give a warning to authorities of the foundation;
- 2) abrogate resolution of the association that violates the law or the statute;
- 3) dissolve the association if its activities shockingly and permanently violate the law or provisions of the statute and there are no conditions to assure that future activities of the association will comply with the law or the statute.

2. While examining the motion mentioned in section 1, part 3, above, on its own motion, the court may issue a temporary order suspending the board of the association and appointing a representative to run the current affairs of the association.

3. While examining a dissolution motion, the court may suspend the proceeding and oblige the board to correct the activities of the association within a specified period of time. If the activities of the association are not corrected within this period of time, the court resumes the suspended proceeding on its own motion or on the motion of the supervising agency.

Art. 30.

1. If an association does not have a board capable of conducting legal transactions, the court, on its own motion or on the motion of the supervising agency, appoints a caretaker for the association.

2. The caretaker is obliged to convene a general assembly (assembly of delegates) of the association within 6 months so that a board may be elected. Before the election of the board, the caretaker represents the association in all the matters of property that require current attention.

3. The caretaker's remuneration is paid from the property of the association.

Art. 31.

On a motion by the supervising agency, the court decides to dissolve an association if

1) the number of members has fallen below the number of persons necessary to found an association;

2) an association does not have the authorities provided by its statute, and there are no conditions to elect them over a period of time not longer than one year.

Art. 32.

The decision to apply the measures provided by Art. 20, section 1, and Art. 31 is taken by a court composed of one presiding judge and two lay judges.

Chapter 4

Property of an Association

Art. 33.

1. Property of an association is formed from member contributions, donations, legacies, inheritances, the proceeds of its activities, income from its property, and public support.

2. An association may, so long as it observes binding regulations, accept donations, legacies and inheritances, as well as use public support.

Art. 34.

An association may conduct economic activities according to general principles provided by other regulations. Proceeds from economic activities of an association serve to realize its statutory goals and may not be shared among the association's members.

Art. 35.

An association may accept donations according to the principles provided by separate regulations.

Chapter 5

The Liquidation of an Association

Art. 36.

1. If an association dissolves as a result of its own resolution to do so, members of the board become liquidators unless the statute or, if the statute has no relevant provisions, the resolution of the last general assembly (assembly of delegates) of the association provides otherwise.
2. If an association is dissolved by the court, the court issues an order of liquidation and appoints a liquidator.

Art. 37.

1. The liquidator is obliged to carry out liquidation in the shortest possible time and in such a way that association's property is not unnecessarily decreased.
2. In particular, the liquidator should:
 - 1) inform the court that liquidation has commenced and that a liquidator has been appointed, give his first name, last name, and address, unless conditions described in Art. 36, section 2, hold;
 - 2) carry out the legal proceedings necessary to complete the liquidation and publicly announce the commencement of liquidation;
 - 3) after completing liquidation, file a motion to strike the association from the registry of associations.
3. If liquidation is not completed within one year since of its commencement, the liquidator informs the court of the reasons for the delay. The court may consider the reasons valid and extend the time limit for liquidation, or it rules to change liquidator.

Art. 38.

Property of liquidated association is appropriated for the purpose given in its statute or in the resolution to dissolve taken by the general assembly (assembly of delegates) of the association. If there is no decision by statute or by resolution in this matter, the court rules to appropriate the property for a given social purpose.

Art. 39.

The cost of liquidation is covered by the property of the association being liquidated. If the association being liquidated has no property, the cost of liquidation is covered by the State Treasury.

Chapter 6

Simple Associations

Art. 40.

1. A simple association is a simplified form of association, and it does not have the status of a legal person.
2. At least 3 persons who wish to found a simple association adopt regulations for the association. The regulations must particularly specify the name of the simple association, its goals, territory, its kinds of activities, its seat, and representative.
3. In writing, the founders notify the supervising agency that is appropriate for the seat about the founding a simple association. The notice must include the data mentioned in section 2 above.

Art. 41.

1. The registry court, on a motion from the supervising agency or the public prosecutor, may forbid the founding of a simple association if the association does not fulfil the conditions specified in Art. 16, section 2, of the present law.
2. If the activities of a simple association are not forbidden within 30 days from the day the supervising agency receives notice of the association's founding, the association may start its activities.

Art. 42.

1. A simple association may not
 - 1) create local branches;
 - 2) enter unions of associations;
 - 3) include legal persons;
 - 4) conduct economic activity;
 - 5) accept donations, legacies or inheritances, receive public grants or use public support.
2. A simple association gains financial means for its activities from member contributions.

Art. 43.

In all the matters not regulated otherwise in the present chapter, regulations of the present law apply as appropriate, with the reservation that

1. the regulations of Art. 9-15, Art. 14 section 2, Art. 17-20, Art. 22-24, Art. 30, and Art. 32, section 2, do not apply;
2. whenever the law mentions statute, regulations of a simple association should be understood.

Chapter 7**Special Regulations, Changes in Binding Regulations,
Transitional Provisions and Final Regulations****Art. 44.**

1. Separate laws specify restrictions on the right to join associations and participate in their activities for soldiers in active military service, active members of basic civil defense service, state security service agents and functionaries of Civil Militia.
2. Associations must obtain permission for conducting activities in the areas or premises currently supervised or used by military institutions or institutions of the Ministry of the Interior. Such permission is issued by the Minister of Defense or the Minister of the Interior, respectively, or by organs appointed by them.

Art. 45.

Persons intending to found an association whose activities are directly related to matters of state security, defense readiness of the state, or protection of public order are obliged to limit the sphere of their activity as required by the Minister of Defense or the Minister of the Interior, respectively, or by organs appointed by them.

Art. 46. [crossed out]

Art. 47.

The law of 29 March, 1962 on meetings (Journal of Law of the Republic of Poland, No. 20, item 89, 1971, No. 12, item 115, 1982, No. 14 item 113, and 1985, No. 36 item 167) is amended in the following way: In Art. 7, after section 1, section 1a is added, which reads:

“1a. In order to call for a meeting of founders of an association, it is necessary to previously notify an organ of the national administration at the voivodship level particularly competent in social and administrative matters.”

Art. 48.

The law of 21 November, 1967 on general compulsory military service in the People's Republic of Poland [Journal of Law of the Republic of Poland, 1988, No. 30, item 207] is amended in the following way:

The present Art. 154 is marked as Art. 154, section 1, and section 2 is added which reads:

“2. Active members of the basic civil defence service may join organizations and associations or actively participate in activities of organizations and associations of which they were members before being drafted into the service only if they obtain consent from the commanding officers of the civil defence service.”

Art. 49.

The law of 30 June, 1970 on professional military service (Journal of Law of the Republic of Poland No. 16, item 134, 1972, No. 53 items 341 and 342, 1974, No. 24, item 142, and No. 47 item 282, 1979, No. 15, item 97, and 1983, No. 16, item 78) is amended in the following way:

Art. 33 is changed to read:

“Art. 33. A professional soldier may become member of domestic organizations or associations and foreign or international organizations or associations only if he obtains consent from the Minister of Defense or military organs appointed by him.”

Art. 50.

[Refers to previous law on higher education; the new law of 12 September, 1990 (Journal of Law of the Republic of Poland No. 65, item 385, with later changes) does not depart from the

law on associations as far as student organizations and associations are concerned, with the exception of its separate regulation for university student organizations.]

Art. 51.

1. Until separate regulations are introduced to settle the legal status of religious unions, monasteries, and congregations to which regulations contained in the decree by President of the Republic of Poland of 27 October, 1932—Law on Associations—(Journal of Law of the Republic of Poland No. 94, item 335, 1946, No. 4, item 30, 1949, No. 41, item 293, and No. 45, item 335, 1950, No. 44, item 41, and No. 53, item 489, 1964, No. 41, item 276, and 1985, No. 36, item 167), regulations of this decree apply to them.

2. The provision of section 1 above applies as appropriate to newly created religious unions, monasteries and congregations.

Art. 52.

Registered associations and associations of public interest that are active on the day the present law becomes effective become associations in the understanding of this law. Statutes which provide the basis for the activities of these associations remain valid except as provided in section 2 below.

2. Provisions contained in the statutes of associations mentioned in section 1 above that are contrary to the present law cease to be binding.

Art. 53. [crossed out]

Art. 54.

1. Within two months from the day on which the present law becomes effective, supervising agencies will hand over to registry courts all registers of associations and unions of associations which were previously kept by national administration organs, listing all the registered associations and unions of associations active in a given voivodship.

2. Organs previously competent for simple association matters will hand over to supervising agencies all the documentation of these associations within time limit specified in section 1 above.

Art. 55.

1. The provisions of the present law apply in all cases that are regulated by it and that have not been concluded with a final decision before the day on which the present law becomes effective.

2. Liquidation proceedings commenced before the day on which the present law becomes effective are conducted under the previous regulations.

Art. 56.

The following cease to be binding:

1) the decree by President of the Republic of Poland of 27 October, 1932—Law on Associations—(Journal of Law of the Republic of Poland No. 94, item 335, 1946, No. 4, item 30, 1949, No. 41, item 293 and No. 45, item 335, 1950, No. 44, item 41, and No. 53, item 489, 1964, No. 41, item 276 and 1985, No. 36, item 167), with the exception for Art. 51 of the present law;

2) the decree of 5 August, 1949 on changing selected regulations of the law on associations (Journal of Law of the Republic of Poland No. 45, item 335), with the exception for Art. 2, section 2, items a and c.

Art. 57.

The present law comes becomes effective on the day of its publication.