

## **RULES FOR**

**the selection of partners for the 24th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP24), 14th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP14) and the 3rd part of the first session of the Conference of the Parties serving as a meeting of the Parties to the Paris Agreement (CMA1.3) ("Rules")**

### **§ 1. Definitions**

The following words and expressions, wherever used herein, shall have the meanings hereunder assigned to them:

- 1) **"Conference"** shall be construed as the 24th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP24), the 14th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP14), 3rd part of the 1st session The Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA1.3);
- 2) **"Partnership Agreement"** - shall be construed as a gratuitous agreement whereby the Conference Partner supports the organization of the Conference with the Performances; The partnership agreement, a specimen of which constitutes **Annex No. 1** hereto, is not a public contract within the meaning of Article 2 (13) of ustawa z dnia 29 stycznia 2004 r. Prawo zamówień publicznych [Act of 29 January 2004 Public Procurement Law] (Dz.U. - Journal of Laws of 2017, item 1579, as amended) and the provisions of this Act do not apply to the conclusion thereof;
- 3) **"Performance"** - shall be construed as unilateral gratuitous Performance to the Minister of the Environment;
- 4) **"Conference Partner"** - shall be construed as a natural person or entity, in particular an entity pursuing business, which supports the organization of the Conference with its Performance in pursuance with the effective Partnership Agreement;
- 5) **"Team"** - shall be construed as the Team for the selection of Conference Partners, appointed by the Minister's Plenipotentiary from among employees of the Ministry of the Environment, units subordinate to or supervised by the Minister of the Environment, whose mode of operation will be determined by the Minister's Plenipotentiary;
- 6) **"Minister's Plenipotentiary"** - shall be construed as the Plenipotentiary of the Minister of the Environment for the COP24 Organization.

### **§ 2. General provisions**

1. The Team shall follow the procedure for the selection of Conference Partners as per the Rules in a way that ensures equal treatment for all entities.
2. The Minister's Plenipotentiary shall supervise the procedure for selecting the Conference Partners.
3. The Minister's Plenipotentiary shall resolve any doubts or disputes related to the procedure of selecting Conference Partners.
4. The procedure for selecting Conference Partners shall be conducted in Polish.
5. It shall be up to the Ministry of the Environment to arrange for the permit from the Secretariat of the United Nations Framework Convention on Climate Change if required.

### **§ 3. Stages of the procedure for selecting Conference Partners**

The procedure for selecting Conference Partners shall cover the following stages:

- 1) place an invitation in the Public Information Bulletin of the Ministry of the Environment to Conference Partners to submit applications; an advertisement may also be placed in other media or an invitation to send a bid may be distributed to selected entities;
- 2) accept applications from entities intending to take part in the procedure of selecting Conference Partners;
- 3) carry out negotiations regarding the terms and scope of Performances covered by the Partnership Agreement;
- 4) submit a recommendation to the Minister's Plenipotentiary;
- 5) select the Conference Partner by the Minister's Plenipotentiary and concluded Partnership Agreements.

#### **§ 4. Announcement on the recruitment of Conference Partners, submitting applications**

1. The announcement on the recruitment of Conference Partners should include in particular:
  - 1) list of Performances;
  - 2) description of the requirements related to the Performances;
  - 3) model Partnership Agreement;
  - 4) information on the required representations referred to in § 6;
  - 5) deadline for submitting applications along with required representations.
2. The application and all documents and declarations of will of the entity shall be submitted electronically, in the form of scans of signed documents, to the email address [wspolpracaCOP24@mos.gov.pl](mailto:wspolpracaCOP24@mos.gov.pl).
3. The application should contain:
  - 1) first name and family name or name of the applicant;
  - 2) address of residence or registered office of the applicant and email address;
  - 3) number from the relevant register, if the application is submitted by an entity registered in the register;
  - 4) representation according to the model specified in **Annex No. 2** hereto;
  - 5) framework proposal of Performance;
  - 6) power of attorney, if the application is submitted by a plenipotentiary.
4. If the submitted application or representations require supplementation or explanation, the Team may designate an additional time-frame for an entity to submit additions or explanations, while maintaining the principle of equal treatment of all entities. The Team may request submission of documents confirming the entry in the register.
5. Failure to submit a supplement, explanation or documents referred to in § 4 (4) in the deadline set by the Team or submission of documents that do not confirm the fulfilment of the conditions specified in the procedure may result in exclusion of the entity from the procedure of selecting Conference Partners.

#### **§ 5. Participation of advisers**

If specific tasks related to the arrangement for and implementation of the procedure for the selection of Conference Partners for a relevant Performance require specialist know-how, the Team Chairman, on its own initiative or at the request of a Team member, may invite advisers, which may be representatives of organizational units of the Ministry of the Environment or units subordinate to or supervised by the Minister of the Environment, to the work on the selection of Conference Partners.

## **§ 6. Requirements regarding Conference Partners**

1. The procedure of selecting Conference Partners shall be open solely and exclusively to the following entities:
  - 1) entities other than a collective entity against which the court has ruled that they should not bid for contract under the provisions on collective entities liability for indictable criminal offences;
  - 2) entities that are not commercial law companies, legal persons or organizational units without legal personality, whose partners or members of the management or supervisory body or commercial proxies have been lawfully and effectively convicted for a criminal offence:
    - a) referred to in Article 165a, Article 181-188, Article 189a, Article 218-221, Article 228-230a, Article 250a, Article 258 or Article 270 - 309 of ustawa z dnia 6 czerwca 1997 r. – Kodeks karny [Act of 6 June 1997 - Penal Code] (Dz.U. - Journal of Laws of 2017, item 2204, as amended) or Article 46 or Article 48 of ustawa z dnia 25 czerwca 2010 r. o sporcie [Act on Sport of 25 June 2010] (Journal of Laws of 2018 item 1263),
    - b) of a terrorist nature as referred to in Article 115 § of the Act of 6 June 1997 - Penal Code,
    - c) fiscal offence,
    - d) referred to in Article 9 or Article 10 of ustawa z dnia 15 czerwca 2012 r. o skutkach powierzania wykonywania pracy cudzoziemcom przebywającym wbrew przepisom na terytorium Rzeczypospolitej Polskiej [Act of 15 June 2012 on the consequences of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland] (Journal of Laws, item 769);
  - 3) entities which are not a natural persons, including those engaged in business, convicted of any of the offenses referred to in subpara. 2;
  - 4) have reviewed and acknowledged the Rules.
2. Entities participating in the procedure of selecting Conference Partners shall submit a declaration on compliance or non-compliance with the requirements referred to in para. 1, constituting **Annex No. 2** hereto.
3. Non-compliance with the requirements set out in para. 1 or failure to submit the statement referred to in para. 2 shall result in exclusion from the procedure of selecting a Conference Partner.
4. In the event of doubts regarding the representation referred to in para. 2, the Team may demand certificates from the National Criminal Register. Failure to submit a certificate shall result in the exclusion from the procedure of selecting Conference Partners.

## **§ 7. Impartiality of the Team members**

1. Team members shall each time, prior to negotiation, submit written representations on the absence or existence of circumstances excluding them from performing these activities, according to the model set out in **Annex No. 3** hereto.
2. The Minister's Plenipotentiary may at any stage decide to exclude a team member from the procedure of selection of a relevant Partner.

## **§ 8. Negotiations**

1. The team wishes to invite entities which, in the opinion of the Team, best meet the criterion of usefulness in terms of organisation of the COP24 Conference for negotiations.
2. The negotiations shall deal with the terms and scope of Performances covered by Partnership Agreements.
3. The negotiations with particular entities shall be confidential. Neither party may disclose technical and/or commercial information related to the ongoing procedure for the selection of Conference Partners without the consent of the other party.
4. Once the negotiations have been completed, the Team shall recommend persons or entities to the Minister's Plenipotentiary in order to select the Conference Partners.

#### **§ 9. Selection of Conference Partners and conclusion of Partnership Agreements**

1. The Minister's Plenipotentiary shall select the Conference Partners from among persons or entities recommended by the Team.
2. The Minister's Plenipotentiary shall not be bound by the Team's recommendations.
3. A Partnership Agreement shall be concluded with a person or an entity selected by the Minister's Plenipotentiary for the Conference Partner.
4. Upon conclusion, the valid Partnership Agreements shall be subject to disclosure under the terms of ustawa z dnia 6 września 2001 r. o dostępie do informacji publicznej [Act of 6 September 2001 on Access to Public Information] (Journal of Laws of 2018, item 1330).

#### **§ 10. Disclosure obligation**

1. The following shall be published in Biuletyn Informacji Publicznej Ministerstwa Środowiska [Public Information Bulletin of the Ministry of the Environment]:
  - 1) announcement of the invitation to submit applications for the Conference Partners;
  - 2) list of selected Conference Partners;
  - 3) information about the cancellation of the procedure of selecting Conference Partners.
2. The Team shall notify natural persons and entities taking part in the procedure of selecting Conference Partners, to whom the following information applies, in writing to the address specified in the notification, or electronically, to the e-mail address specified in the notification, as the case may be, of:
  - 1) exclusion of persons or entities from the procedure of selecting Conference Partners;
  - 2) eligibility for negotiations;
  - 3) selection by the Minister's Plenipotentiary to the Conference Partner
  - 4) the completion of the selection procedure – with reference to non-selects.

#### **§ 11. Cancellation of the procedure for selecting Conference Partners**

1. The procedure for selecting Conference Partners may be cancelled in whole or in part in the event of a change in circumstances, as a result of which any further procedure of selecting Conference Partners or delivering Performances is not in the interest of the Conference organization.
2. The Team shall notify natural persons and entities participating in the selection procedure for the Conference Partners of the cancellation thereof in an electronic way to the e-mail address specified in the application.

**Representation:**

- 1) I hereby wish to represent that: ..... represented by me is/is not<sup>1</sup> a collective entity which has been lawfully prohibited by the court to bid for contracts under the provisions on the liability of collective entities for indictable offences;
- 2) ..... represented by me is/is not<sup>2</sup> a commercial law company, legal person or organizational unit without legal personality, whose partners or members of the management or supervisory body or proxies have been convicted of a criminal offence:
  - a) referred to in Article 165a, Article 181-188, Article 189a, Article 218-221, Article 228-230a, Article 250a, Article 258 or Article 270 - 309 of the Act of 6 June 1997 - the Penal Code (Journal of Laws of 2018, item 2204, as amended) or Article 46 or Article 48 of the Act on Sport of 25 June 2010 (Journal of Laws of 2018 item 1263),
  - b) of a terrorist nature as referred to in Article 115 § 20 of the Act of 6 June 1997 - Penal Code,
  - c) fiscal offence,
  - d) referred to in Article 9 or Article 10 of the Act of 15 June 2012 on the consequences of entrusting work to foreigners staying against the provisions of the territory of the Republic of Poland (Journal of Laws, item 769);
- 3) I am/am not<sup>3</sup> a natural person, including a self-employed person, convicted of a criminal offence referred to in subpara. 2;
- 4) I have reviewed and acknowledged the Rules.

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*(place and date)*

*(signature)*

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<sup>1</sup> Delete as appropriate

<sup>2</sup> Delete as appropriate

<sup>3</sup> Delete as appropriate

\_\_\_\_\_  
First name(s) \_\_\_\_\_

Family name \_\_\_\_\_

**Representation**

concerns: the procedure for the selection of the partners of the 24th session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP24), 14th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP14) and the 3rd part of the 1st session of the Conference of the Parties serving as a meeting of the Parties to the Paris Agreement (CMA1.3) - announcement of ..... number .....

I hereby wish to represent that:

- 1) I am not applying for being selected as a Conference Partner;
- 2) I am unmarried or in a relationship of direct consanguinity and/or affinity, indirect consanguinity and/or affinity to the second degree, and I am not affiliated by way of adoption, custody or guardianship with a natural person, its representative or with members of the corporate management bodies or supervisory authorities of entities participating in the procedure of selecting Conference Partners;
- 3) within 3 years before the day of instituting the procedure, I was not in employment relation, I did not conclude a contract of mandate or contract for specific work with a natural person or entity participating in the process of selecting Conference Partners and I was not a member of the managing authorities or bodies supervisory entities involved in the process of selecting Conference Partners;
- 4) I do not remain in such legal or factual relation with natural persons or entities involved in the process of selecting Conference Partners or members of the corporate management bodies or supervisory authorities of entities participating in the process of selecting Conference Partners that it may raise reasonable doubts as to my impartiality;
- 5) I have not been validly convicted of a criminal offence committed with respect to the contract award procedure, a bribery offence, an offense against economic turnover or any other offense committed with a view to obtaining financial gains.

Warsaw on \_\_\_\_\_  
\_\_\_\_\_  
*(signature)*

Whereas the circumstances referred to in subpara. ... above have arisen, I am subject to the exclusion from the procedure of selecting Conference Partners.

Warsaw on \_\_\_\_\_  
\_\_\_\_\_  
*(signature)*