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**United States of America
and
Poland**

Agreement between the Government of the United States of America and the Government of the Republic of Poland on cooperation within the framework of the Polish - U.S. Fulbright Commission. Washington, 10 March 2008

Entry into force: *13 November 2008 by notification, in accordance with article 13*

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**États-Unis d'Amérique
et
Pologne**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République de Pologne sur la coopération dans le cadre de la Commission Fulbright polono-américaine. Washington, 10 mars 2008

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF POLAND
ON COOPERATION WITHIN THE FRAMEWORK OF
THE POLISH – U.S. FULBRIGHT COMMISSION**

The Government of the United States of America and the Government of the Republic of Poland, hereinafter referred to as the "Parties,"

desiring that a bilateral program based on full partnership and equal rights will strengthen the bonds of friendship and understanding between the two nations through the implementation of programs for education, science, and professional contacts,

taking into account the successful results of previous activities in the field of education and science as well as the exchange of knowledge and professional experiences undertaken within the framework of the Agreement between the Government of the United States of America and the Government of the Republic of Poland for the Establishment of the Polish – U.S. Fulbright Commission, signed in Warsaw on October 20, 1995, which the two Parties agreed to continue until the entry into force of a new agreement,

convinced of the need to further develop mutually beneficial knowledge and experience in the field of education and science,

have agreed as follows:

Article 1

1. The Polish – U.S. Fulbright Commission, hereinafter referred to as “the Commission,” is a foundation established by the U.S. Party on March 27, 1992, under number 000166179 in the National Judicial Register, on the basis of Polish law.
2. The office of the Commission shall be in the territory of the Republic of Poland, in Warsaw.
3. The Commission shall operate in the territory of the Republic of Poland and abroad.
4. The Commission shall be a legal entity.
5. The Commission’s activities shall be non-profit.

Article 2

The Parties shall cooperate within the framework of the Commission in accordance with the provisions of this Agreement, guided by the principles of partnership, reciprocity, and equal rights.

Article 3

1. The principal task of the Commission shall be to support citizens of the United States of America and the Republic of Poland who go abroad to study at academic or scientific institutions in the country of the other Party for the purpose of:
 - a) doing a part of their academic studies, doctoral studies, academic internship, or participating in other types of education;
 - b) conducting courses;
 - c) conducting scientific research.
2. The Commission may also carry out other tasks in the field of education and science, including:
 - a) exchange programs for teachers in schools and centers operating in the educational systems of the two countries;
 - b) tasks assigned by the Parties or by other entities if they provide funds for carrying out those tasks.
3. The detailed scope of the Commission’s activities shall be determined by the Statute of the Foundation, the “Polish – U.S. Fulbright Commission,” hereinafter referred to as the “Statute.”

Article 4

1. The Commission shall carry out the task referred to in Article 3(1), in particular by awarding scholarships to:
 - a) U.S. and Polish candidates who hold at least a bachelor’s degree or its equivalent, a science degree or a degree in the field of art and who wish to go abroad to an academic institution in the country of the other Party for the purpose of doing a part of their academic studies, doctoral studies, academic internship, or participating in another type of education;
 - b) U.S. and Polish academic teachers who hold at least a master’s degree or its equivalent and who wish to go abroad to an academic institution in the country of the other Party for the purpose of conducting courses, seminars, or workshops;
 - c) U.S. and Polish doctoral candidates or academic researchers or teachers who hold at least a master’s degree or its equivalent and who wish to go abroad to an academic or scientific institution in the country of the other Party for the purpose of conducting scientific research.

2. The Commission may carry out the task referred to in Article 3(1) by, inter alia:
 - a) defraying the expenses of travel to and from the country of the other Party and within the host country, the purchase of an insurance policy, and visa fees for the persons referred to in paragraph 1 who were awarded scholarships;
 - b) conducting informational and promotional activities relating to programs of scholarship exchange and programs of cooperation between the Parties.

Article 5

1. The Commission shall consist of the following bodies: the Board of Directors, hereinafter referred to as "the Board," and the Management of the Commission, hereinafter referred to as "the Management," appointed by the Board as an executive body as defined by Polish law.
2. The Board shall be a statutory collective body overseeing the Commission.
3. The detailed scope of the tasks and the modus operandi of the Commission shall be determined by its Statute.

Article 6

1. The Board shall consist of 10 members:
 - a) five U.S. citizens appointed by the Chief of the U.S. diplomatic mission in the Republic of Poland, hereinafter referred to as "the Chief of Mission," including at least two members of the U.S. Foreign Service, and
 - b) five citizens of the Republic of Poland appointed by the Polish minister responsible for matters relating to higher education, hereinafter referred to as "the Minister," including at least one representative each from the Polish ministry responsible for matters pertaining to higher education and from the Ministry of Foreign Affairs.
2. The Management shall consist of three to five persons, including an Executive Director appointed and dismissed by the Board.
3. The Chief of Mission and the Minister shall function as Honorary Chairpersons of the Board and shall have the right to participate in its meetings without the right to vote.
4. Decisions of the Board shall be made by a simple majority of votes when at least six members of this body are in attendance; decisions of the Management shall be made by a simple majority of votes when at least two members of this body are in attendance. In the case of an even number of votes, the vote of the person chairing the meeting of the Board or the vote of the Executive Director chairing the meeting of the Management shall prevail.
5. Decisions by the Board regarding amendments to the Statute of the Commission shall be made by a simple majority of votes when at least seven members of that body are in attendance.
6. The U.S. Party shall oversee and monitor the activities of the Commission in accordance with the policy of the *J. William Fulbright Foreign Scholarship Board*, and the Polish Party shall do so in accordance with Polish laws that govern the activities of foundations and public interest organizations.

Article 7

1. The U.S. Party shall send an allocation annually to the bank account of the Commission to defray expenses associated with the activities of the Commission and the performance of its statutory tasks, including performance of the task referred to in Article 3(1).
2. The Polish Party shall send an allocation annually to the Commission for performance of the task referred to in Article 3(1).

3. The amount of the allocations sent to the Commission by the Parties in a given budget year shall be subject to the amount of budget funds available to the Parties, in accordance with the binding regulations in their countries.

4. The Minister will determine and pay into the Commission's bank account the allocation referred to in paragraph 2. The Polish Party shall endeavor to ensure that the amount of the allocation referred to in paragraph 2 is increased by the same amount annually for a period of 4 years, beginning on the date of entry into force of this Agreement, until the amount of 4 million zlotys is reached, provided that this sum does not exceed the amount of the U.S. Party's allocation.

5. The Parties may enter into an agreement through an exchange of notes, whereby the Polish Party shall undertake to send the Commission, in euros, the allocation referred to in paragraph 2.

Article 8

The Commission shall manage its finances and submit reports to the Polish Party regarding its activities as well as financial statements, including statements on the use of the allocation referred to in Article 7(2), in accordance with Polish laws on bookkeeping and public finances and with laws governing the activities of foundations and public interest organizations; and to the U.S. Party in accordance with the *Manual for Binational Commissions and Foundations*.

Article 9

The provisions of this Agreement shall not prevent the Commission from seeking funds from sources other than those referred to in Article 7(1) and 7(2).

Article 10

1. The scholarships and benefits referred to in Article 4(1) and 4(2a) shall be exempted from personal income tax in the United States of America and the Republic of Poland in accordance with the domestic laws and regulations of the countries of the two Parties.

2. Persons referred to in Article 4(1) who were awarded the Commission's scholarships shall be exempted from the requirement to obtain work permits to carry out the tasks stipulated in this exchange program in the host country.

Article 11

The following shall be responsible for implementing the provisions of this Agreement:

- 1) For the U.S. Party—the Department of State; and
- 2) For the Polish Party—the Minister.

Article 12

In matters not regulated by the provisions of this Agreement, the domestic laws and regulations of the countries of the two Parties and the Statute shall apply.

Article 13

1. This Agreement shall enter into force upon the exchange of diplomatic notes in which the Parties will notify each other of the fulfillment of their respective internal legal requirements necessary for its entry into force. The date of entry into force of this Agreement will be the date of the latter note.

2. This Agreement shall remain in force until it is terminated by one of the Parties by providing written notification to the other Party, in which case it will become null and void on the thirtieth day of the first calendar year following the date of receipt of the termination notice by the other Party.