RESOLUTION NO. CXI/2904/18 OF THE KRAKÓW CITY COUNCIL

of 26/09/2018

**on the rules and procedure of  
conducting consultations with residents of the Municipality of Kraków and the Kraków Public Benefit Activity Council or other non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit activities and volunteer work in local legal acts**

**in the areas related to the statutory activities of these organisation.**

Based on Art. 5a, Sec. 2 and Art. 18 Sec. 2, Point 15 of the Act of 08/03/1990 on the commune self-government (consolidated text, Journal of Laws of 2018, Item 994, Item 1000, Item 1349, Item 1432), Art. 3d, Sec. 2 and Art. 12, Point 11, related to Art 92, Sec. 1, Point 1 of the Act of 05/06/1998 on powiat self-government (uniform text: Journal of Laws of 2018, Item 995, Item 1000, Item 1049, Item 1432) and Art. 5, Sec. 5 of the Act of 24/04/2003 on public benefit and volunteer work (consolidated text: Journal of Laws of 2018, Item 450, Item 650, Item 723, Item1365), the following is resolved:

**§ 1.** Whenever the Resolution or its Annexes refer to:

1. City - shall be understood as the City of Kraków;
2. Mayor - shall be understood as the Mayor of the City of Kraków as an organ of the local government;
3. Council - shall be understood as the Kraków City Council;
4. Office - shall be understood as the Kraków City Hall;
5. residents - shall be understood as residents of the Municipality of Kraków, i.e. people residing in the area of the City;
6. NGO - shall be understood as non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit and volunteer work;
7. consultations - shall be understood as public consultations in a form of dialogue between residents and NGOs with the City of Kraków authorities;
8. organizational unit of the UMK - shall be understood as units that are part of the Kraków City Hall, including: Departments, Offices, Law Offices and Teams;
9. m.j.o. - shall be understood as municipal organizational units without legal personality, such as: state administrative entities;
10. unit coordinating consultations - shall be understood as the organizational unit of the UMK competent for the coordination of consultations with the residents of the Municipality of Kraków and the organizational unit of the UMK competent for the coordination of consultations of the Municipality of Kraków with the NGO;
11. MPI - shall be understood as Magic Kraków Municipal Internet Platform, which is the official website of the Kraków City Hall [www.krakow.pl](http://www.krakow.pl);
12. website on consultations - shall be understood as the website that present the consultations with residents and the website presenting consultations with NGO;
13. consultation desk - shall be understood as a person in the Office dealing with giving opinions on applications to initiate consultations, in the situations described in § 1, Sec. 4 of Annex 1 to the Resolution.

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Public consultations and their purpose

§ 2. 1. Consultations are a form of dialogue of residents and NGOs with the City's authorities. The consultations promote involvement of residents in its development and attitude of shared responsibility for decisions made, help to build inter-sectoral cooperation between NGOs and the City, and ensure residents participation in the process of making decisions, directly affecting the way and quality of their lives.

1. The purpose of public consultations is to improve the residents' cooperation and to develop cooperation NGOs with the city authorities. Informing at an early stage of works about planned projects and their effects, as well as collecting opinions and proposals to be used when making decisions regarding these projects, strengthening social capital by developing the idea of a civic society.

Public consultations principles

**§ 3.** Consultations in the City are conducted on the basis of the following principles:

1. Good faith - in a spirit of dialogue, the parties listen to each other, showing the will to understand reasons of the opponent;
2. Accessibility - everyone interested should have access to participate in consultations by creating conditions for unlimited participation;
3. Transparency - all information within the framework of consultations must be generally available, by ensuring the accuracy and completeness of information on the subject of consultations;
4. Responsiveness - each consultation participant should receive a substantive response to the submitted remark, opinion and comment;
5. Coordination - public consultations must have a host that is responsible for the entire process;
6. Predictability - consultations should be conducted at the earliest possible stage, starting from the development of assumptions in a planned manner and based on transparent rules;
7. Respect for the general interest - final decisions based on consultations should represent the best interest and welfare of all residents.

**§ 4.** 1. Consultations are conducted:

1. when required by the Acts;
2. on other matters, important to the residents and the City.
3. Consultations are conducted according to a minimum of three formulas, but are mandatory in at least one of the first two listed below:
4. open, minuted meetings with residents in a publicly accessible place, if possible in the area concerned by the case;
5. workshops conducted together with the City's residents and representatives, aimed at developing proposals for solutions for the City;
6. collecting comments, conclusions and proposals in writing within a specified period of time, including via electronic means of communication;
7. electronic (on-line) surveys and paper surveys;
8. deliberative survey;
9. participatory planning;
10. experts’ duties;
11. qualitative and quantitative research;
12. citizens' panels;

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1. others, if required by the specificity of the subject of the consultations.

**Initiative for conducting public consultations**

**§ 5.** 1. Consultations are conducted:

1. at the initiative of the Mayor;
2. at the initiative of the Council;
3. upon request:
4. groups of at least 300 residents,
5. District Council of the City of Kraków,
6. groups of at least 8 NGOs,
7. The Kraków Council for Public Benefit Activities,
8. The Council of Kraków Seniors,
9. a committee or a work group assigned by the Council,
10. The Youth Council of Kraków,
11. The Civil Dialogue Committee,
12. The Powiat Council for Persons with Disabilities.
13. The Council takes the initiative to conduct consultations in the form of a resolution, in which it describes the subject and the reasons of consultations.

**Principles of applying for the initiation of public consultations**

**§ 6.** 1. The application for consultations submitted by the entity or entities specified in § 5, Sec. 1, Point 3 is addressed to the Mayor.

1. The application for consultation submitted by the entity or entities referred to in § 5, Sec. 1, Point 3, includes in particular:
2. description of the subject of consultation;
3. proposed form of consultation;
4. justification for the consultation;
5. possible annexes, i.e. materials providing additional information about the subject of consultations, e.g. plans, proposals, maps.
6. The application for consultations submitted by a group of residents mentioned in § 5, Sec. 1, Point 3, Letter “a” should also contain:
7. name and surname of the person representing the applicants and his/her contact details;
8. a list of persons supporting the consultations application and the following data:
9. first name and last name,
10. address,
11. PESEL number,
12. signature.
13. The application for consultations submitted by the NGO group referred to in § 5, Sec. 1, Point 3, Letter “c”) should also include:

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1. the organization representing the applicants and its contact details, including the KRS number;
2. the list of organizations supporting the consultations application and the following data:
3. the name of each organization, the address of its registered office and the KRS number,
4. names and surnames of persons authorized to represent the organization,
5. signatures of the person or persons authorized to represent the organization.
6. The application for consultations submitted by the entity or entities referred to in § 5, Sec 1, Point 3 may also include:
7. proposed date for starting and/or ending consultations;
8. proposed city area where meetings/workshops should be arranged;
9. suggested date or dates and times of meetings;
10. groups to which the promotion activities should be addressed along with selection of ways to increase accessibility.
11. In justified cases, it is possible to jointly process more than one applications for public consultations if the subjects overlap.
12. The Mayor shall consider the submitted application within 30 days from the date of its receipt, informing the applicant about the method of processing the application and providing justification.

Procedure for conducting public consultations

§ 7. 1. Consultations are conducted by the Mayor.

1. The consultation announcement should include in particular:
2. the subject of consultations;
3. the purpose and scope of consultations;
4. duration of consultations defined by: the start date and the end date of the consultations;
5. schedule of consultations with the designated and indicated time for the information campaign to be carried out by the Office and the indicated time for the residents and/or NGOs to familiarize themselves with the subject of consultations and information materials;
6. the formulas of the consultation;
7. the consultation form referred to in § 2, Sec. 2 of Annex 1 to the Resolution and § 3 of Annex 2 to the Resolution;
8. the name of the UMK/m.j.o. organizational unit responsible for the consultations, including telephone and e-mail contact to this unit, and information on accessibility for people with disabilities;
9. the place and time when all information on the subject of the consultation will be available.
10. Information on the launch of consultations will be made public, in particular through the MPI, the website for consultations with residents, the website for consultations with NGOs and the Public Information Bulletin.
11. Along with the publication of information on the launch of consultations and the procedure, all necessary information materials concerning the subject of consultations will be made public.
12. Consultations, as far as technical and organizational possibilities are concerned, are conducted according to the dates and formulas convenient for the residents and NGOs.

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1. The organizational unit of the UMK/m.j.o. that is responsible for consultations, is obliged to ensure appropriate conditions for consultations proceedings, and to ensure, inter alia, access to documents and factual information regarding the subject of consultation, substantive support and participation in meetings and other forms during consultations.
2. The minimum duration of consultations is 21 days.
3. The consultations should end on a business day on which UMK works at fixed hours fully staffed. The date of completion of consultations should be chosen in such a way that the last 5 days of consultations do not fall on public.

Informing about public consultations

§ 8.1. In order to provide residents and NGOs with the best possible access to information about consultations, the organizational unit of the UMK/m.j.o. that conducts the consultations shall use as many information and promotional channels and carriers as possible, tailored to the specificity of consultations.

1. The organizational unit of the UMK/m.j.o. responsible for the subject of consultations shall carry out, in consultation with the unit coordinating the consultations, an information campaign on the subject of consultations and their details.
2. The information campaign should be launched no later than 7 days before the consultation begins.
3. The basic information distribution channels are: Public Information Bulletin, MPI, the website dedicated for consultations with residents and the website dedicated for consultations with NGOs, social networks of the Office/m.j.o., information boards of the Office and District Councils.
4. The announcement of consultations shall be made public by the Mayor, in particular:
5. by posting information on information boards in the buildings of the Office;
6. by posting information on the notice boards of the Districts Councils of the City of Kraków, as appropriate for the subject of consultation;
7. through the website dedicated for consultations with residents and the website dedicated for consultations with NGOs, MPI, Public Information Bulletin.
8. The information campaign should be conducted with the use various media, including in accordance with the provisions of § 1 and using not less than four of the following channels:
9. leaflets, brochures, folders;
10. posters;
11. other promotional materials should be placed in accessible points visited by the residents and target groups, including public places, e.g. schools, libraries, community centres;
12. advertisements in public transport;
13. advertisements in local media (e.g. press, radio, television, Internet);
14. outdoor advertising: citylights, billboards;
15. other forms adapted to the subject and the adopted forms of consultations.
16. The information campaign should last until the end of the consultations, not less than 21 days.
17. Information on the results of consultations should be announced in accordance with the provisions of § 5 and by as many media as possible.

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Results of public consultations

**§ 9.** 1. Consultations are considered valid regardless of the number of residents or NGOs participating.

1. The result of the consultations is not binding for the City when making a decision on the matter covered by the consultations, but constitutes an auxiliary material that should be taken into consideration when making a decision.
2. The costs of the consultations carried out on the basis of the present Resolution are to be incurred by the City.

Report on public consultations

**§ 10.** 1. The Mayor shall collects and process comments and opinions obtained in the course of consultations.

1. The consultation report includes in particular:
2. information about the organizational unit of the UMK/m.j.o. that is responsible for the consultations;
3. information about the conducted information campaign;
4. information on the procedure, scope and course of consultations;
5. opinions and comments provided by the residents and NGOs;
6. reference to the collected opinions and comments with justification.
7. The consultation report, including the consideration of individual opinions, conclusions and comments, shall be published through the following media: MPI, the Public Information Bulletin and the website dedicated for consultations with residents and the website dedicated for consultations with NGOs within 30 days from the date of completion of consultations.
8. In justified cases, where preparation of extensive documentation or additional analyses are required, the period of 30 days may be extended, but not more than up to 60 days.
9. The Mayor provides the Council with aggregate results of the consultations in the form of a report
10. At the session of the Council, the Chairman of the Council provides the Councilors of the City of Kraków with information about the results of the consultations and provides them with the report on the consultations.
11. Evaluations of consultations carried out in the City are performed every two years.

**§ 11.** 1. The regulations of public consultations with residents of the Municipality of Kraków are set out in Annex 1 to the present Resolution.

2. The regulations for public consultations with the Kraków Council for Public Benefit Activities or non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit activity and volunteer work in local legal acts in the areas related to the statutory activities of these organizations is set out in Annex 2 to the present Resolution.

**§ 12.** The following are repealed:

1. Resolution No. XLI/502/08 by the Kraków City Council of 23/04/2008 on the rules and procedure for conducting consultations with the residents of the Municipality of Kraków in the implementation of municipal investments and projects, as amended;
2. Resolution No. XII/135/11 by the Kraków City Council of 13/04/2011 on the rules and procedure of  
   conducting consultations with residents of the Municipality of Kraków and the Kraków Public Benefit Activity Council or other non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit activities and volunteer work in local legal acts in the areas related to the statutory activities of these organizations.

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**§ 13.** Implementation of the Resolution is entrusted to the Mayor of the City of Kraków.

**§ 14.** The resolution comes into force 14 days from the date of its announcement in the Official Journal of Małopolska Voivodship.

Vice-chairman of the Kraków City Council

Dominik Jaśkowiec

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**Regulations for public consultations with the Kraków Municipality residents**

Annex 1

to Resolution No. CXI/2904/18 of the Kraków City Council of 26/09/2018.

**The procedure of initiating consultations at the request of the entities referred to in § 5, Sec.**

**1, Point 3 of the present Resolution**

§ 1.1 The application for consultations should be submitted to the unit coordinating consultations with the residents.

1. The president shall define, in the form of an Ordinance, the consultation application form.
2. The application for consultations is submitted to the unit coordinating consultations with residents, and is forwarded, together with the opinion, to the Mayor in order to initiate public consultations.
3. When the subject of consultations, their formula and scope indicated in the application require clarification or change, the unit coordinating the consultations with residents indicates the need to initiate consultations in a different formula and on different principles and sends the application to the consultation desk with a request for an opinion.
4. The consultation desk gives the opinion on the application and returns it to the unit coordinating consultations with residents.
5. The unit coordinating consultations with residents informs the applicants about the need to introduce changes and forwards the changed application to the Mayor.
6. The Mayor analyses the applications taking into account:
7. significance of the subject of consultations;
8. the cost of the consultations;
9. the formula of the consultations;
10. opinion of the unit coordinating the consultations with residents and the consultation desk.
11. In justified cases, it is possible to jointly process more than one applications for public consultations if the subjects overlap and proceed them together.
12. The application may be accepted in full, in part or refused.  
    The Mayor informs the applicants in writing about the method of processing the application together with the justification within 30 days from the date of submitting the application.
13. If the application for public consultations contains formal errors according to the formal criteria set out in § 6 of the Resolution, the applicants will be immediately informed by e-mail and by phone (if the application contains telephone details) about the need to make corrections within 7 days from the date of notification.
14. If the formal errors are not rectified within the above-mentioned despite the notification of applicants about the errors, the application shall not be considered.
15. The Mayor's decision with justification is made public by the unit coordinating consultations with residents, in particular through:  
    MPI, Public Information Bulletin and the website dedicated for consultations with residents.

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The section coordinating consultations with residents

§ 2. 1. The scope of responsibility of the unit coordinating consultations with residents includes in particular:

1. coordination of cooperation with the organizational units of the UMK and m.j.o. in the matter of conducting consultations;
2. conducting the above-mentioned consultation processes in the selection of forms, tools and mechanisms of social participation that fit the specifics of the consultations;
3. receiving applications to launch consultations, approving the applications or indicating the need to launch consultations according to a specific mode;
4. cooperation with consultations coordinators on matters related to the consultations and supervision of ongoing processes;
5. preparation of an annual report on consultations with the entities referred to in § 5, Sec 1, Point 3 of the Resolution until January 31st of the following year;
6. running a website dedicated to consultations with residents [www.dialoguj.pl](http://www.dialoguj.pl).  
   The website should contain in particular the following information:
7. consultation plan for the current calendar year,
8. information on submitted applications for consultations,
9. information on consultations currently in progress in Kraków,
10. consultations reports,
11. documentation related to conducted consultations, information on the progress of the task being the subject of consultations.
12. The unit coordinating the consultations shall provides moderators who conduct the consultations in various forms.
13. The Mayor shall define by an Ordinance a form to be used for submitting comments at the request of the entities referred to in § 5, Sec. 1, Point 3 of the Resolution that participate in the consultations.

Consultation coordinators

§ 3. 1. Consultation processes are conducted by consultation coordinators, i.e. employees of the responsible organizational units of the UKM/m.j.o., in cooperation and with the support of the unit coordinating consultations with residents (referred to in § 2 of the Regulations).

1. The scope of the tasks to be performed by the coordinators for consultations in the organizational units of the UKM/m.j.o. include:
2. coordination of planning consultation processes related to the subject of their organizational units of the UKM and m.j.o., taking into account the comments of the unit coordinating consultations with residents;
3. informing the unit coordinating consultations with residents about planned public consultations at least 21 days before the date of the consultations commencement;
4. keeping consultations schedule, including information on planned (and legally required) public consultations and keeping records of the consultation processes conducted in the organizational unit of the UMK/m.j.o. ;
5. cooperation with the unit coordinating consultations with residents on the development of an annual consultation schedule, including providing information on consultations

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planned by the organizational unit of the UMK and its subordinate units for the next calendar year;

1. monitoring and evaluation of the compliance of consultation processes conducted by organizational units of the UKM/m.j.o. with the rules set out in the Resolution;
2. consultations coordinators shall meet quarterly at meetings called

by the unit coordinating consultations with residents in order to summarize the consultations carried out in a given quarter, verify the annual consultation schedule and analyse the register of applications and current consultations reported by coordinators for public consultations.

1. Consultation coordinators are appointed by the directors of the UKM/m.j.o. organizational units within 30 days from the date the Regulations enter into force and provide information about the persons appointed to the unit coordinating consultations with residents.

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**The Regulations for public consultations with the Kraków Council for Public Benefit Activities or non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit activity and volunteer work in local legal acts in the areas related to the statutory activities of these organizations.**

Annex 2

to Resolution No. CXI/2904/18

by the Kraków City Council

of 26/09/2018

§ 1.1 The subject of the public consultations with the Kraków Council for Public Benefit Activities or non-governmental organizations and entities referred to in Art. 3, Sec. 3 of the Act of 24/04/2003 on public benefit activity and volunteer work are local legal acts in the areas related to the statutory activities of the NGO.

1. Consultations may be conducted on the initiative of:
2. The Mayor;
3. The Council.
4. The unit responsible for carrying out the consultations on the initiative of the Mayor is the organizational unit of the UMK/m.j.o. responsible for the preparation of a draft act of local law, using the forms of consultations\ referred to in § 4, Sec. 2 of the Resolution, subject to consultations hereinafter referred to as the draft document.
5. The unit responsible for carrying out consultations on the initiative of the Council is the organizational unit of the UMK/m.j.o. appropriate for conducting the consultations of the draft document prepared by the Council.
6. The unit responsible for coordinating the consultations is the organizational unit of the UMK appointed for the coordination of consultations on draft acts of local law to be introduced in the Municipality of Kraków in the areas related to the statutory activities of the NGO.
7. In the case of consultations on the initiative of the Mayor, the director of the organizational unit of the UMK/m.j.o. responsible for conducting the consultations:
8. shall provide the unit responsible for coordinating consultations with a consultation schedule for a given year and cooperates in its ongoing implementation and updating;
9. shall confirm the scheduled date of their announcement with at least 7 days advance;
10. shall submit the draft document for consultations and assessment on the thematic of the Civic Dialogue Committee, the scope of which corresponds to the substantive scope of the draft document - if the Committee is appointed in accordance with the applicable ordinance by the Mayor of the City of Kraków on the adoption of the Regulations for appointment and principles of operation of the Civic Dialogue Committee;
11. shall submits the draft document together with the thematic opinion of the Civic Dialogue Committee for consultation and assessment by the Kraków Public Benefit Activity Council - if the Committee is appointed on the basis of the Act of 24/04/2003 on public benefit and volunteer work or with non-governmental organizations and entities listed in Art. 3, Sec. 3 of this Act, operating in the territory of the Kraków Municipality - on the date agreed with the unit responsible for coordinating consultations with NGOs, taking into account the work schedule of the Council of which meetings take place once a month and the time required for the assessment of a given document by the Council, i.e. 14 days from the date of submitting the relevant draft to the Council;

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1. announces consultations on the draft document, in accordance with the provisions of § 2.

7 On the initiative of the Council, the consultations shall be carried out once the Mayor receives the draft act of local law from the Chairman of the Kraków City Council. The chairman of the Kraków City Council, when forwarding to the Mayor of the draft document, shall recommends the start date and the end date of the public consultations and inform about the planned date of the first reading of the draft document at the Council session. The Mayor shall indicate the unit responsible for conducting consultations on the initiative of the Council and shall submit the draft document to the Council for consultation.

§ 2. 1. Consultations are announced through:

1. publishing by the director of the organizational unit of the UMK/m.j.o. responsible for the consultation of the consultations announcement in the Public Information Bulletin  
   ([www.bip.krakow.pl](http://www.bip.krakow.pl)) and publication of the consultations announcement on the city portal for non-governmental organizations ([www.ngo.krakow.pl](http://www.ngo.krakow.pl));
2. publishing/sharing the consultations announcement on the portal [www.dialoguj.pl](http://www.dialoguj.pl) by the organizational unit of the UMK competent for the coordination of consultations with the residents of the Municipality of Kraków;
3. transferring the draft document to the Kraków Public Benefit Activity Council (if appointed) by the director of the organizational unit of the UMK/m.j.o. responsible for conducting consultations;
4. sending information about announced consultations electronically to NGOs registered in the database kept by the unit responsible for coordinating consultations with NGOs.
5. The consultations announcement should include:
6. consulted draft document;
7. comments form;

and define:

1. the purpose of the consultations;
2. the subject of consultations;
3. the start date and the end date of the consultations;
4. scope and formula of the consultations;
5. the name of the organizational unit of the of the UMK/m.j.o. responsible for carrying out consultations, along with contact details.
6. The director of the organizational unit of the of the UMK/m.j.o. responsible for conducting consultations may, depending on the needs, post an announcement about the consultations in the local press or on the notice boards of the Kraków City Hall and Kraków Districts, and use other forms of surveying the public opinion that the initiator of the consultations will consider necessary.
7. The period of the consultations must not be shorted than 21 days from the date of publication of the announcement about the initiation of consultations in the Public Information Bulletin.

§ 3. The Mayor will define, in the form of an Ordinance, a form for submitting comments by NGOs participating in the consultations.

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§ 4.1 Within the period specified in § 10, Sec. 3 of the Resolution, the director of the organizational unit of the UKM/m.j.o. responsible for conducting consultations shall prepare a consultations report and submits it for approval to the Mayor of the City of Kraków.

1. The Mayor, after accepting the document, shall submit the consultations report to the Council.
2. After submitting the consultations report to the Council, the director of the UKM/ m.j.o. organizational unit responsible for conducting the consultations shall publish it in the Public Information Bulletin ([www.bip.krakow.pl](http://www.bip.krakow.pl)), shall make it available on the city portal for non-governmental organizations ([www.ngo.krakow.pl](http://www.ngo.krakow.pl)) and shall forward it to the NGOs that participate in the consultations concerning the draft document in question.
3. The consultation report should contain, in particular, the elements specified in § 10, Sec. 2 of the Resolution.

§ 5. Consultations are also considered to be finished when the Kraków Public Benefit Works Council waives its right to express their opinion on the presented draft document or fails to submit an opinion within the time limit.

§ 6. Draft acts excluded from the consultation: Draft acts of local law that are consulted in accordance with the provisions of the Act of 27/03/2003 on spatial planning and development (Journal Of Laws of 2003 No. 80, Item 717 as amended d.), other drafts of local legal acts, if it results from the provisions of another act, and drafts of local legal acts subject to public consultations with the residents of the Municipality of Kraków.

§ 7. Director of the unit responsible for coordinating consultations with NGOs:

1. shall prepare an annual report on the consultations conducted by 31 January of the following year;
2. shall publish the report in the Public Information Bulletin ([www.bip.krakow.pl](http://www.bip.krakow.pl)), shall make it available on the city portal for non-governmental organizations ([www.ngo.krakow.pl](http://www.ngo.krakow.pl))  
   and shall publish it on the portal [www.dialoguj.pl](http://www.dialoguj.pl);
3. shall notify the Kraków Public Benefit Works Council and the Civic Dialogue Commissions.

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