



**“Enhancing capacity of universities to initiate  
and to participate in clusters development  
on innovation and sustainability principles”  
(UniClaD)**



EU Program Erasmus +, project KA2 n° 609944-EPP-1-2019-1-LT-EPPKA2-CBHE-JP

# **LEGAL AND ECONOMIC ASPECTS OF CLUSTER OPERATIONS IN POLAND – THE STUDY CASE OF FOOD CLUSTER OF SOUTHERN GREATER POLAND**

Poznan University of Life Sciences, Poland

Online meeting, November 24 th, 2020



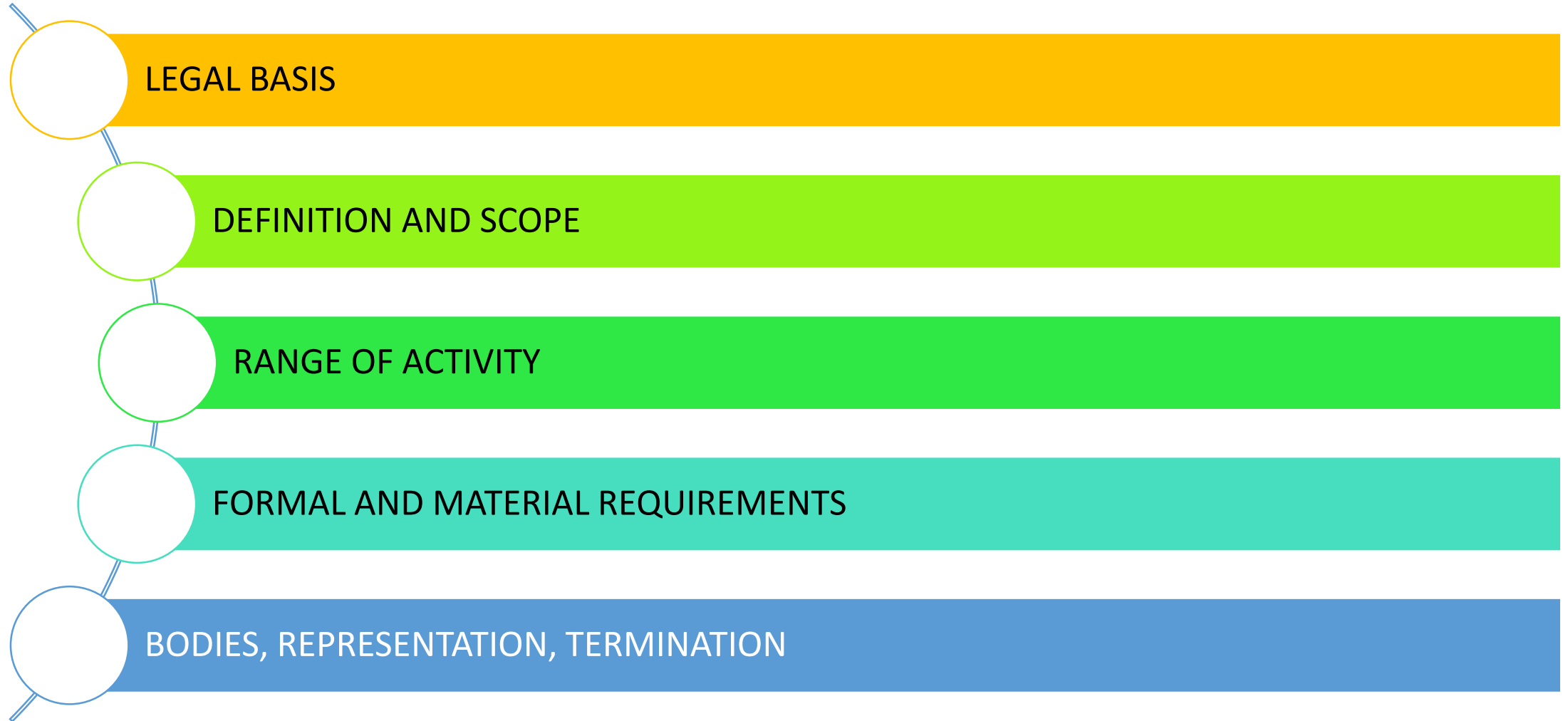
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# AGENDA

1. Legal basis of clustering
2. Organizational and contracting forms
3. Coordination of cluster activities
4. Study case
5. Key characteristics of Food Cluster of Southern Greater Poland
6. Association statute
7. Cluster-University Cooperation

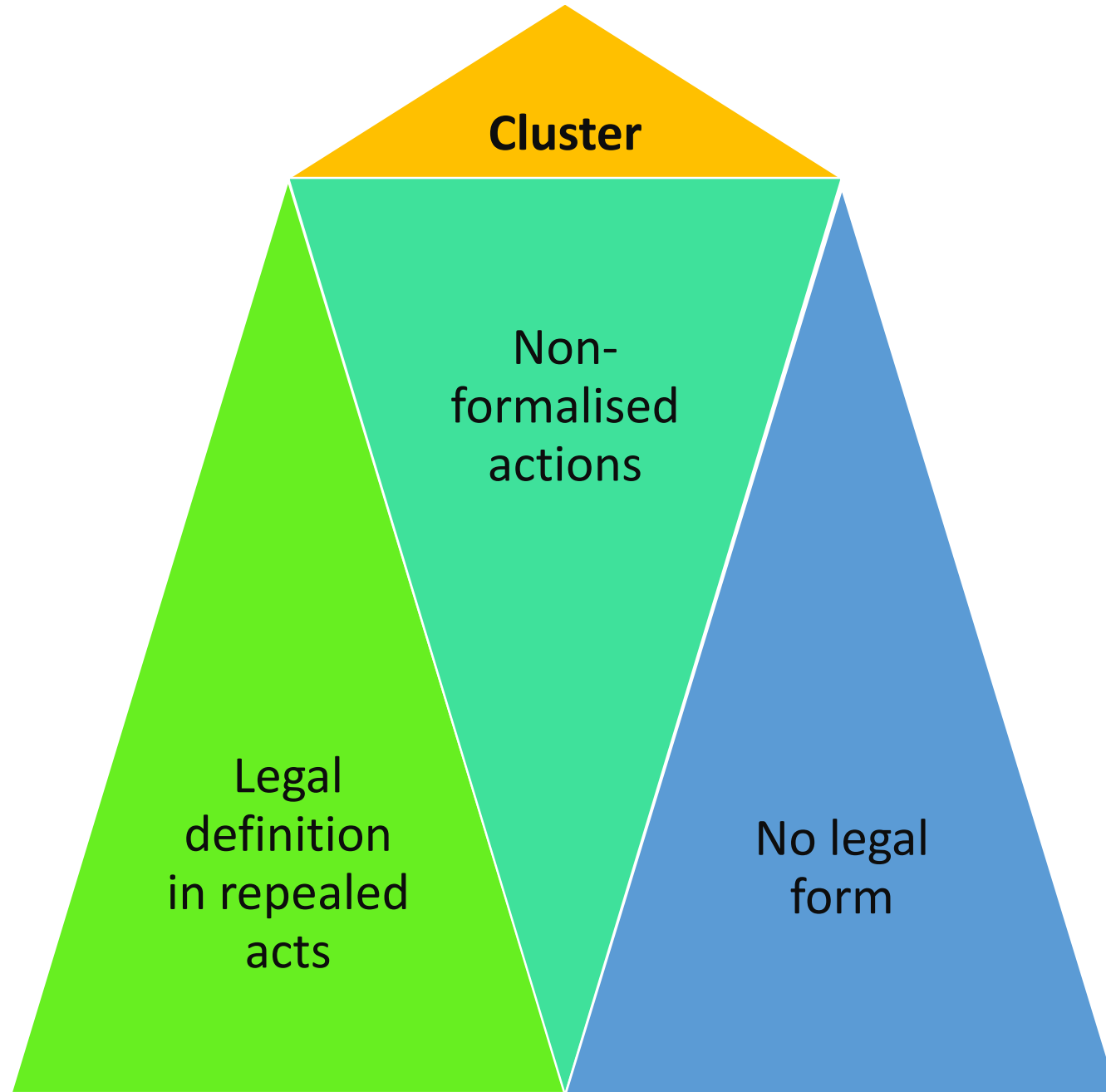
# 1. Legal basis of clustering in Poland

# Cluster basics



# Cluster formation





## § 13. 2

A cluster is understood as a **spatial and sectoral concentration** of entities operating for the benefit of **economic development or innovation** and **at least ten entrepreneurs**, doing business in one or more neighboring voivodeships, **competing and cooperating** in the same or related industries and linked by an extensive network of **relationships of a formal and informal nature**, with **at least half** of the entities operating within the cluster **being entrepreneurs**.

**Source:**

*Resolution of the Minister of Economy of 2 December 2006 on granting financial aid not related to operational programmes by the Polish Agency for Enterprise Development, Journal of Laws of 2006 No. 226 item 1651.*

## Item 478

**Energy Cluster** - a civil law agreement, which may include **natural persons, legal persons, "science" entities, or local government units**, concerning the generation and balancing of demand, distribution or trade in energy from renewable energy sources or other sources or fuels, within the distribution network with a rated voltage lower than 110 kV, in the area of operation of this cluster not exceeding the borders of one district or 5 municipalities.

universities; federations of entities of the higher education and science system, Polish Academy of Sciences, scientific institutes of the Polish Academy of Sciences, research institutes, international scientific institutes Centrum Łukasiewicz, institutes operating within the framework of the Łukasiewicz Research Network, Polish Academy of Sciences, other entities conducting mainly scientific activity on an independent and continuous basis

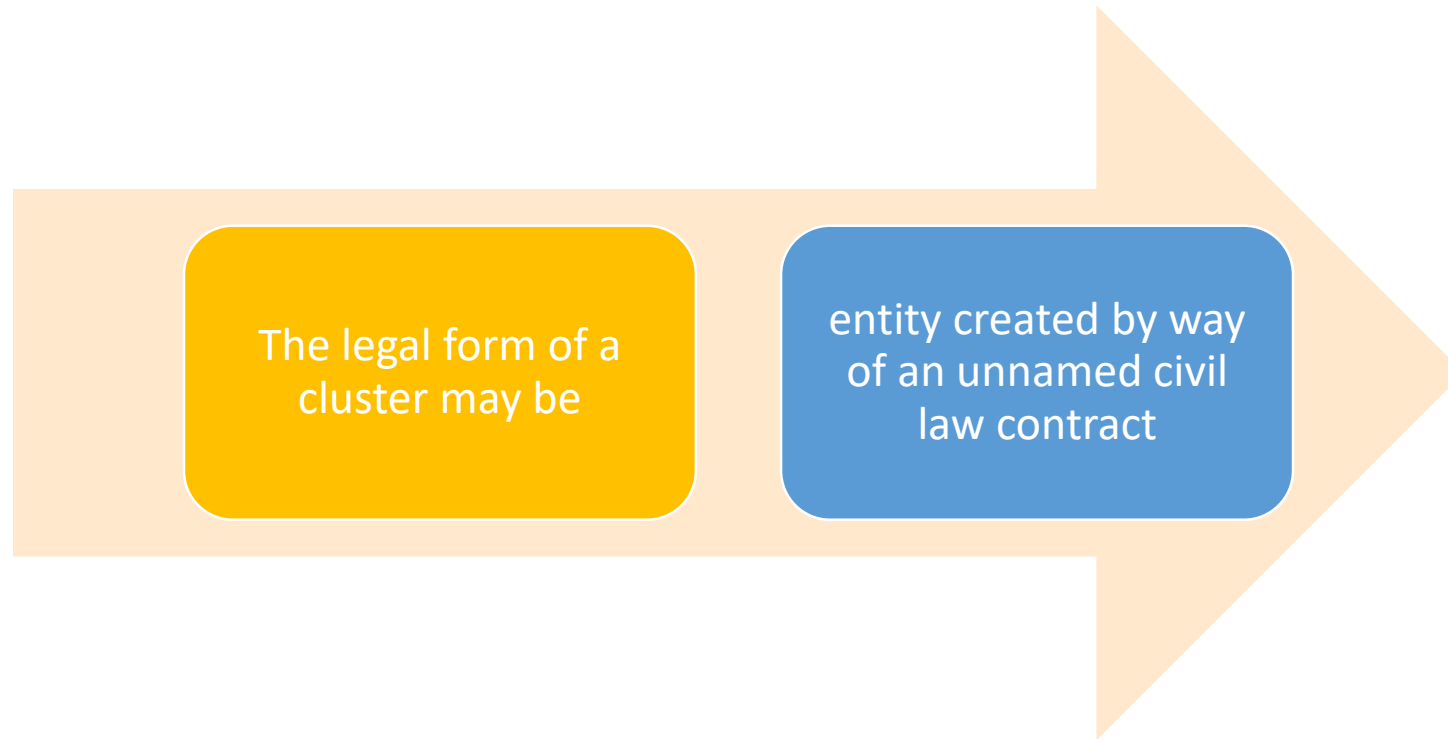
**Source:**

*Law of 20 February 2015 on renewable energy sources, O.J. 2015 item 478*



## 2. Contracting and organizational forms of clustering

# Unnamed civil law contract

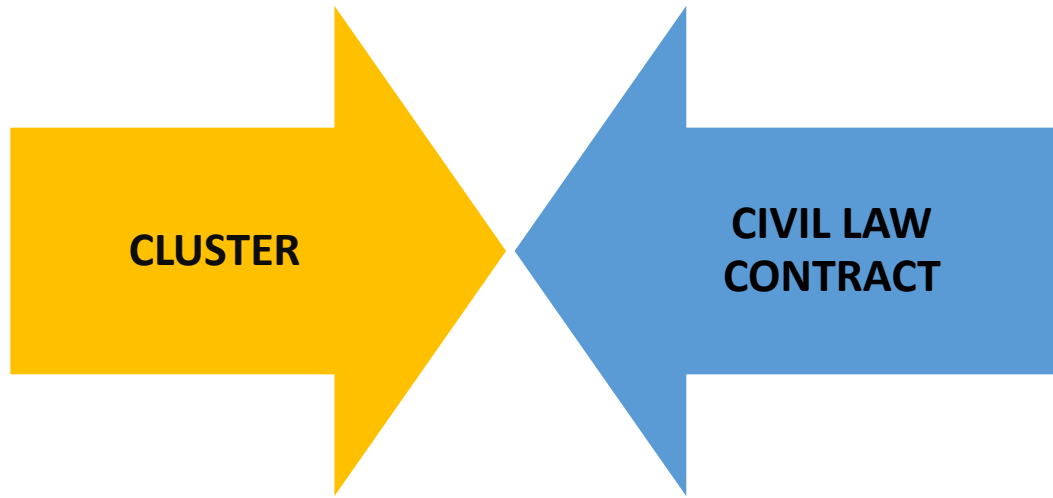


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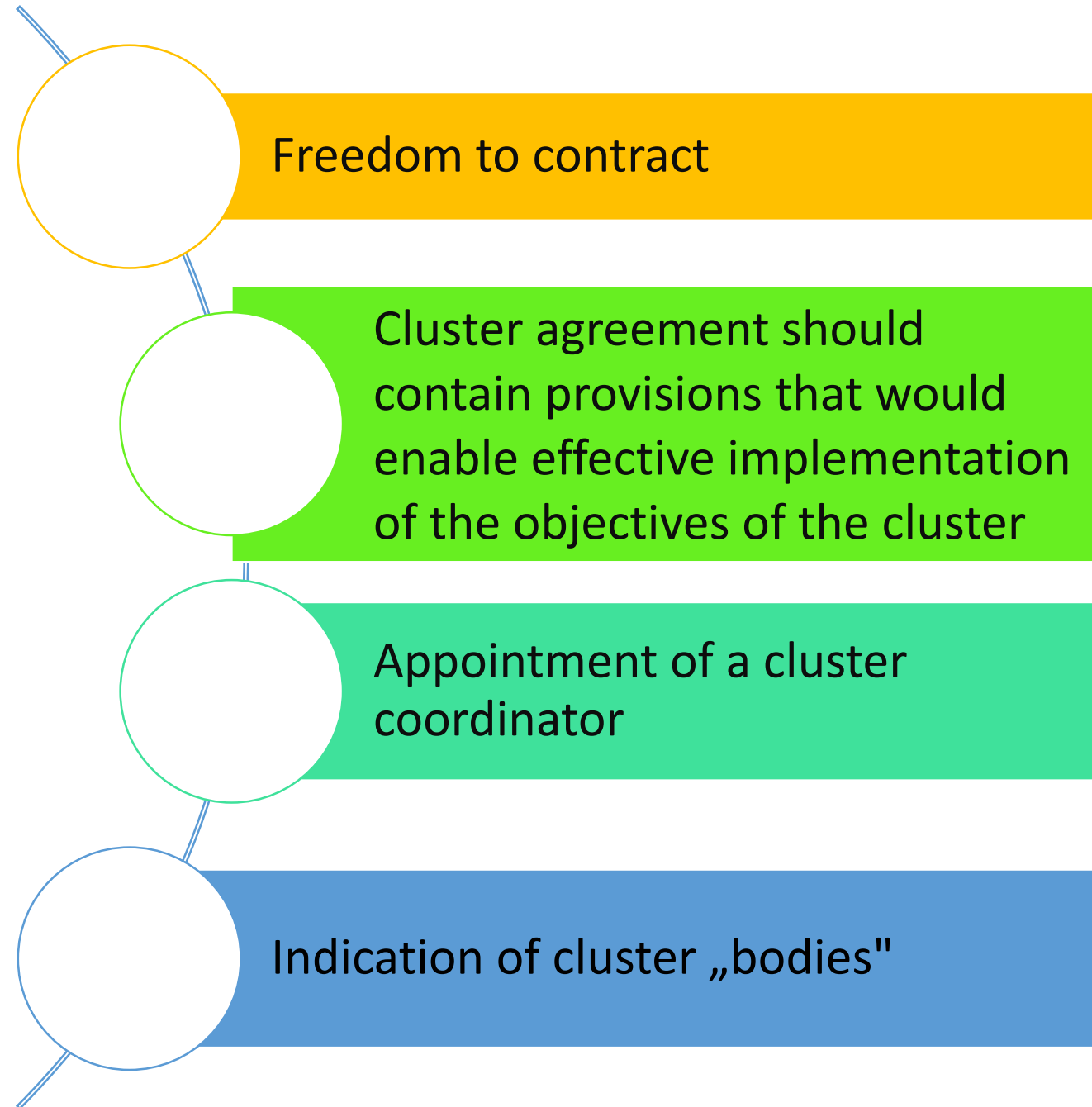
*P. Malinowski (w:), Uwarunkowania i możliwości rozwoju klastrów i inicjatyw klastrowych w województwie opolskim. Ocena ekspercka, red. W. Duczmal, W. Potwora, Opole 2011, s. 28-29, źródło: [https://www.efs.2007-2013.gov.pl/analizyraportypodsumowania/baza\\_projektow\\_badawczych\\_efs/documents/3\\_uwarunkowania\\_i\\_mozliwosci\\_rozwoju\\_klastrow\\_i\\_inicjatyw\\_klastrowych.pdf](https://www.efs.2007-2013.gov.pl/analizyraportypodsumowania/baza_projektow_badawczych_efs/documents/3_uwarunkowania_i_mozliwosci_rozwoju_klastrow_i_inicjatyw_klastrowych.pdf) [dostęp: 4.5.2017].*

*K. Cupryś, Klaster – sposób na lepszą współpracę przedsiębiorstw, „Przegląd Piekarski i Cukierniczy”, luty 2009, s. 6-12, źródło: [http://www.pobiarzyn.nazwa.pl/klaster/files/about\\_us/1238270487.pdf](http://www.pobiarzyn.nazwa.pl/klaster/files/about_us/1238270487.pdf) [dostęp: 4.5.2017].*

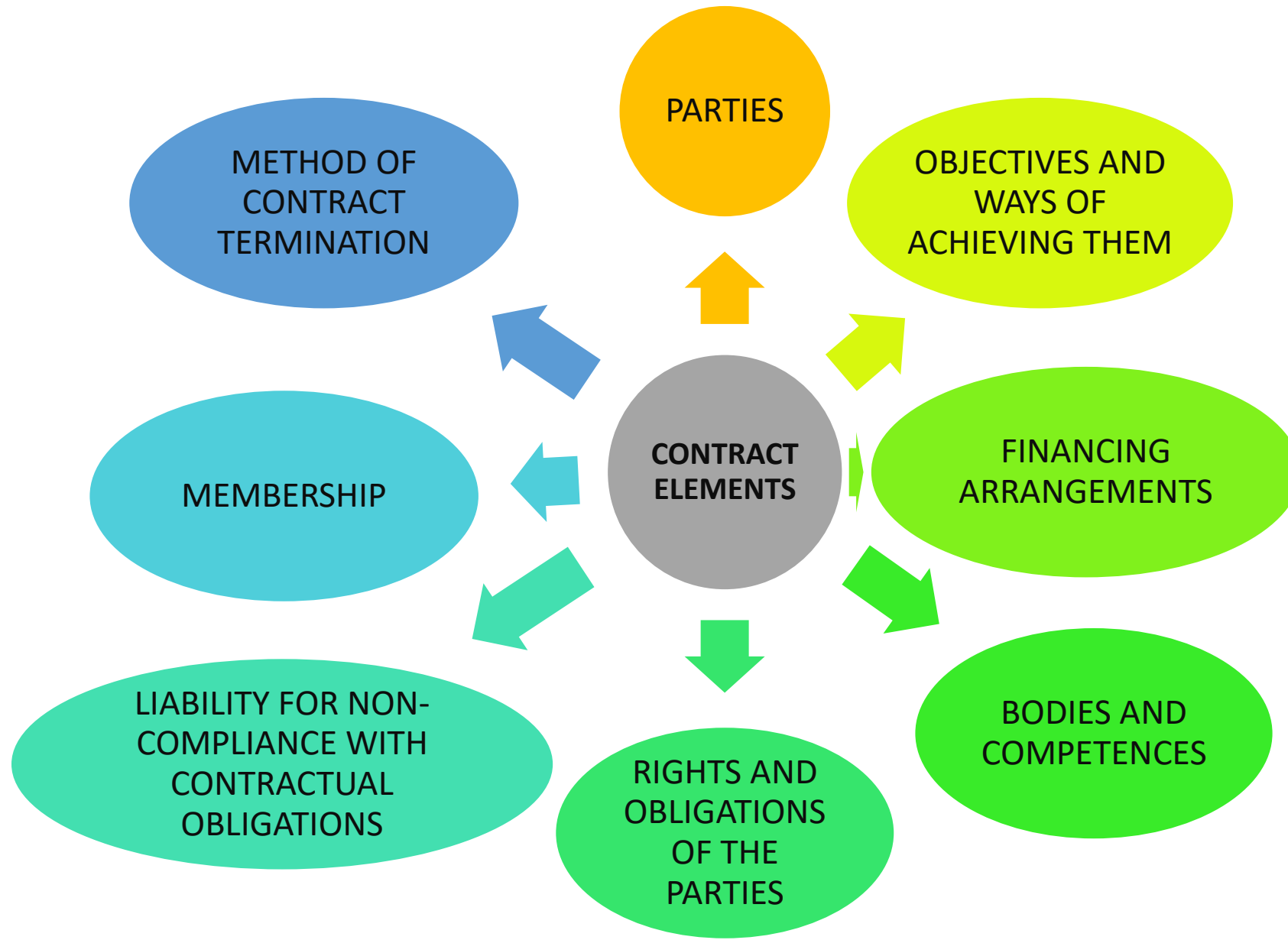
# Best practices



Application of the Civil Code



# Recommended components of the contract



# Advantages of contracting

Less formalisation

No legal personality

With no legal subjectivity the cluster is not considered a taxpayer

# Organisational forms of clusters

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## ORGANISATIONAL FORMALIZATION

Association

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Consortium

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Foundation

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Cooperative

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Company (Ltd, joint stock, other)

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Organization of entrepreneurs (professional self-governments,  
commerce chambers)

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### 3. Coordination of cluster activities

# Cluster coordinator

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**Functions** to organise and animate the development of interactions links, knowledge flows and cooperation in the cluster

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to provide specialised services to companies and other entities operating in the cluster

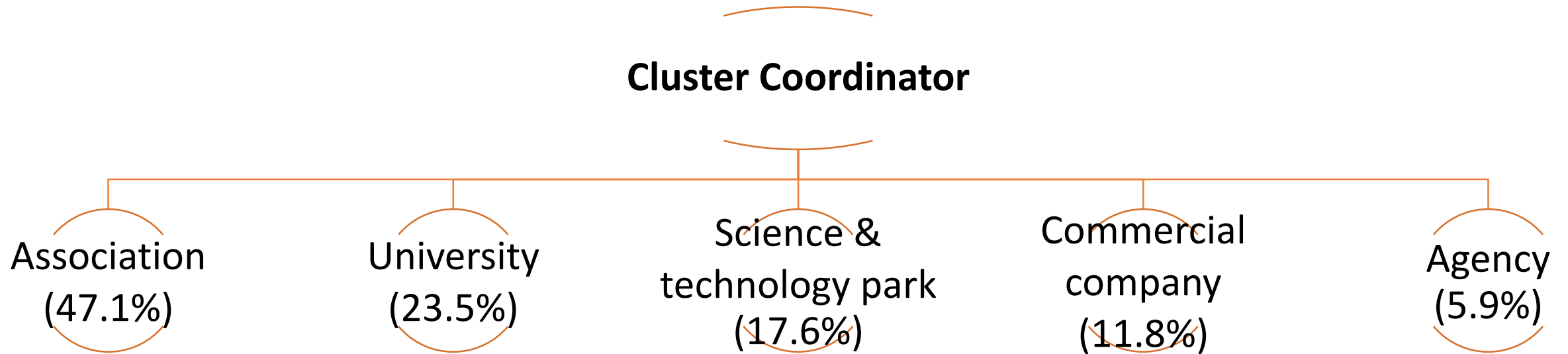
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to represent the cluster in external relations, deals with its current administration and performs other functions necessary for the proper functioning of the cluster

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# Coordinating institutions



**Source:**

*Joanna Hołub-Iwan Magdalena Małachowska (2008) Rozwój klastrów w Polsce. Raport z badań. Szczecińska Fundacja Talent-Promocja-Postęp, Szczecin.*



**KLASTER SPOŻYWCZY**  
**Południowej Wielkopolski**  
**Stowarzyszenie w Kaliszu**



## 4. Study case

Food Cluster of Southern Greater Poland was established on 16.09.2009 in Kalisz

The founders were 17 enterprises from the agricultural and food sector from southern Greater Poland , which signed the Statute for the emerging Cluster

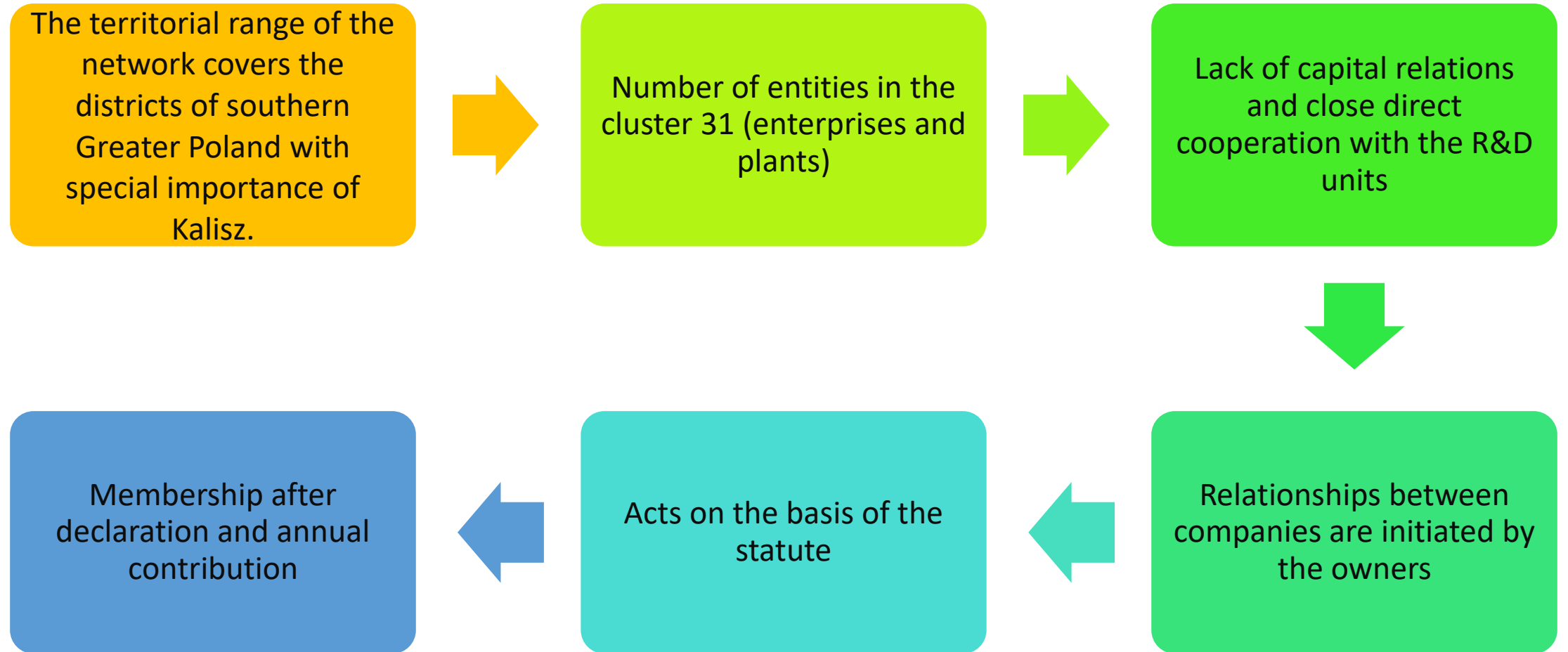
Legal form: association

Affiliated with Regional Chamber of Commerce in Kalisz (the member of the board and director of the RCC office is the cluster deputy president and coordinator

The cluster president is the representant of the Poznan University of Life Sciences

## 5. Key characteristics of Food Cluster of Southern Greater Poland

# KEY CHARACTERISTICS



# The role of cluster coordinator

## Tasks

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diagnosing the needs of enterprises in the network

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attracting new companies and promoting the development of existing ones

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building the awareness of entrepreneurs

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training for network managers

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taking care of improving legal regulations

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encouraging investors to start business in the region

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# Innovativeness and economic development



183,600 euro from the European Regional Development Fund

Implementation of the Virtual Commodity Exchange

Implementation of internationalisation programme of the expansion to the markets of Europe, North Africa and Asia.

## 6. Association statute



# GENERAL PROVISIONS

**§1 Legal basis:** the association operates on the basis of the Act of 7 April 1998 Law on Associations (Dz. U. No. 20, item 104).

**§2 Name** "Food Cluster of Southern Greater Poland - Association". The Association has legal personality.

**§3 The seat** of the Association's authorities is the city of Kalisz.

**§4** The Association bases its activity on **social work** of its members. In order to conduct its affairs, the Association may **employ employees** or conclude a relevant agreement with another legal entity.

**§5** The Association may conduct **business activity**. **The income** from the economic activity of the Association serves the realization of **statutory goals** and cannot be distributed among its members.

# OBJECTIVES

§ 7 The aim of the association is:

1. To undertake actions and initiatives supporting the **development and functioning of food business** entities, regardless of their legal form and legal basis for conducting business activity.
2. **Cooperation with the scientific and research** and development sphere.
3. **Improving the competitiveness** of the Association members, **reducing production costs and joint marketing activities.**
4. **Conducting research works** on new production solutions and their implementation and introduction of new products.
5. **Raising the intellectual level and the effectiveness and efficiency of management** by employees and staff of cluster companies.
6. Implementation of new company **management systems and new IT systems.**
7. Undertaking initiatives, in the interest of the companies represented by members of the Association, aimed at **facilitating their activity and development and consolidating cooperation.**

# WAYS OF ACHIEVING OBJECTIVES

§ 8 The Association **pursues its objectives** through:

1. Working out common positions of the **business community towards the authorities** in order to take into account the special role of entrepreneurship in the development of economic and business potential and its impact on the formation of social conditions,
2. Presenting to the competent authorities and bodies **postulates, opinions and positions** on matters related to the business activity of the circles represented in the Association,
3. **Cooperation with other organizations** of economic and social nature, aimed at developing food and processing activities,
4. Organizing **trainings, consultations and counseling** for members of the Association and employees of their companies,
5. Participation in **fairs and exhibitions.**

# MEMBERS, THEIR RIGHTS AND OBLIGATIONS

§ 13 The ordinary member is **entitled** to:

1. **participate in works and projects** organized by the Association,
2. **to use the assistance of the Association** within the framework of the statute, in accordance with the internal regulations **of the Association**,
3. **submit applications, opinions and demands** to the Association Authorities,
4. **co-decide on the work and action program** of the Association, by participating in the adoption of appropriate resolutions and proposing a legislative initiative,
5. the right to **vote and stand for election** to the Association Authorities.

§ 14. An ordinary member of the Association is **obliged** to:

1. **actively participate in the work** of the Association **and promote** its objectives and program,
2. to **comply** with the statutes, regulations and resolutions of the Association Authorities,
3. **regular payment of contributions** in force in the Association,
4. **to observe the principles of ethical conduct** in their activities.

## MEMEBERS

### ORDINARY

### SUPPORTING

A natural or legal person with full legal capacity and not deprived of public rights.

An ordinary member of the Association becomes an ordinary member after the candidate submits a written declaration together with a written recommendation of two ordinary members of the Association.

Acceptance is based on the resolution of the Board of the Association



A legal person acting in the Association through its representative, a natural person having full legal capacity, interested in the statutory activity of the Association, who declared to help it in any form.

The Board of Directors of the Association decides about acceptance.

## **POWERS OF ASSOCIATION**

**§17.** The supreme authorities of the Association are:

General Assembly of the Association's members,  
Management Board,  
Review Board

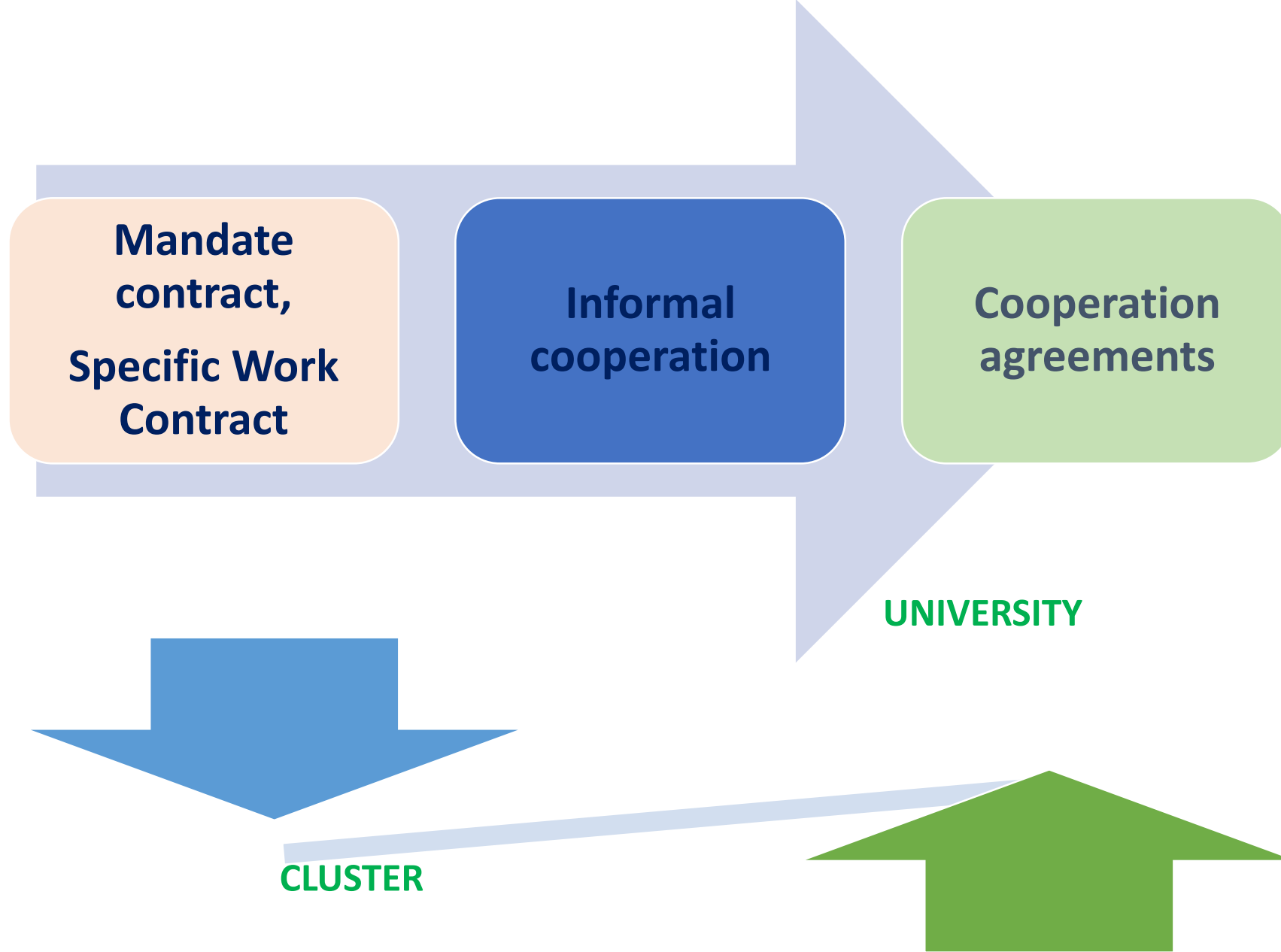
## **SCIENTIFIC COUNCIL**

**§27** The Scientific Council is a consultative and advisory body of the Association.

## **ASSETS AND FUNDS OF THE ASSOCIATION**

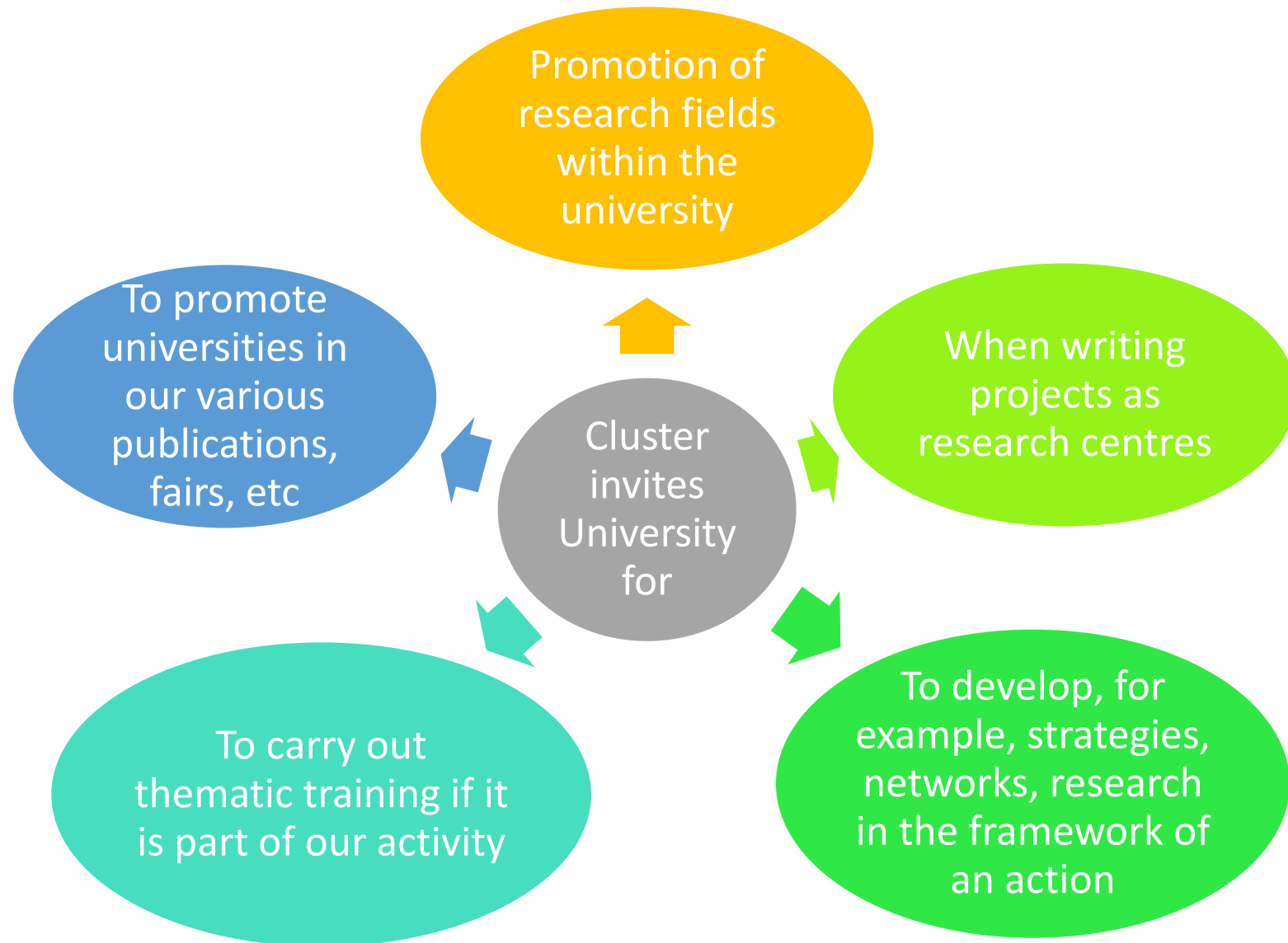
**§30** The association's assets are real estate, movables, intangibles, property rights.

# 7. Cluster-University Cooperation





# Cluster initiatives towards University



# The university services

Mandate  
contracts

Cluster visual identification system

or

Specific  
Work  
Contract

Cluster development strategies

Network of cooperative relations

Microbiological and physico-chemical testing of individual products

Development and implementation of a series of gear pumps for pumping non-Newtonian fluids

Development and implementation of a new generation of confectionery cooling equipment

Development of a model of a large-size device for intensified pasteurisation and sterilisation processes with an ergonomic system for loading and unloading baskets (with participation of the National Research Centre)

Development and implementation of a cutting and hollow-cutting machine for the production of pepper processing line

Testing buckwheat grains for desquamation, fat content in the grain, determining e.g. where the largest amount of fat is found in the grain, e.g. in the germ, albumen, aleurone layer, as well as determining the fatty acid composition of the highest quality buckwheat oil and testing the chemical composition of cold-pressed oil.

Conducting research on the technology of peeling rapeseed grains, which will make it possible to obtain the highest quality cold-pressed rapeseed oil from e.g. endosperm, leaf and embryo (quality of fatty acids -oleic, alfa-linolenic, linoleic, taste, colour) and conducting studies on the chemical composition of the oil obtained

Thank you for your attention