

REGULATIONS OF THE POLISH NATIONAL AGENCY FOR ACADEMIC EXCHANGE

Programmes for natural persons taking up education

Warsaw, 25 February 2022

TABLE OF CONTENTS

| | | |
|-------|--|----|
| I. | GLOSSARY OF TERMS AND ABBREVIATIONS..... | 3 |
| II. | GENERAL INFORMATION..... | 4 |
| | 1. How to use the Regulations..... | 4 |
| | 2. Eligible persons..... | 4 |
| III. | SUBMISSION OF THE APPLICATION FOR GRANTING FUNDS AND CONCLUSION OF THE CALL FOR PROPOSALS..... | 4 |
| | 1. Registration and use of the Agency's ICT system..... | 4 |
| | 2. Submission of the application in the Agency's ICT system..... | 5 |
| | 3. General rules for submitting applications..... | 5 |
| | 4. List of required attachments to the application..... | 6 |
| | 5. Assessment of the application..... | 6 |
| | 6. Conclusion of the call for proposals..... | 6 |
| | 7. Appeal procedure..... | 7 |
| IV. | PROCEDURE OF CONCLUSION OF THE AGREEMENT WITH THE SCHOLARSHIP HOLDER..... | 8 |
| V. | PAYMENT RULES, RIGHTS AND OBLIGATIONS OF THE SCHOLARSHIP HOLDER AND REPORTING..... | 8 |
| | 1. Payment schedules under the Programmes..... | 8 |
| | 2. General rules of financial settlement..... | 9 |
| | 3. Rights and obligations of the Scholarship Holder..... | 10 |
| VI. | EVALUATION..... | 12 |
| VII. | PERSONAL DATA PROCESSING..... | 12 |
| VIII. | CHANGES TO THE REGULATIONS..... | 14 |
| IX. | CONTACT WITH THE AGENCY..... | 14 |
| X. | ATTACHMENTS..... | 15 |

I. GLOSSARY OF TERMS AND ABBREVIATIONS

- 1) **Agency** - the Polish National Agency for Academic Exchange;
- 2) **Director** - the Director of the Agency;
- 3) **Expert** - person who conducts substantive assessment of applications submitted under the call for proposals for participation in the Programme;
- 4) **Commission** - a team appointed by the Director to conduct substantive assessment within the scope indicated in the Announcement;
- 5) **Call for Proposals** - call for proposals for participation in the Programme;
- 6) **Announcement** - announcement of the call for proposals for participation in the Programme referred to in Art. 19 of PNAAE;
- 7) **Programme** - programme specified in the Announcement aimed at the implementation of the Agency's tasks;
- 8) **Regulations** - these Regulations for the Programmes for natural persons taking up education;
- 9) **System** - Agency's ICT system referred to in Art. 14 of PNAAE;
- 10) **Scholarship Holder** - person who has been awarded financing and with whom the Agreement has been concluded;
- 11) **Funds** - funds referred to in Art. 18 section 2 point 2 of PNAAE;
- 12) **University** - Polish research or academic centre in which the Scholarship Holder has taken up education;
- 13) **PNAAE** - the Act of 7 July 2017 on the Polish National Agency for Academic Exchange;
- 14) **HES** - the Act of 20 July 2018 on Higher Education and Science;
- 15) **PAS** - the Act of 30 April 2010 on the Polish Academy of Sciences;
- 16) **AR** – the Act of 9 November 2000 on Repatriation;
- 17) **Agreement** - agreement referred to in art. 26 of PNAAE;
- 18) **Application** – a form completed by the Applicant and submitted under the Call for Proposals via the Agency's ICT system;
- 19) **Applicant** - person who intends to submit or has submitted Application under the Call for Proposals;
- 20) **Evaluation Team** - team appointed by the Director to conduct substantive assessment of applications within the scope indicated in the Announcement.

II. GENERAL INFORMATION

1. How to use the Regulations

These Regulations specify the terms of the Call for proposals for participation in programmes addressed to natural persons.

Part I of the Regulations - Glossary of terms and abbreviations - contains useful definitions and references to relevant laws.

Part II contains general information on Programmes for natural persons, including information on persons authorized to submit applications and information common to all Programmes addressed to natural persons.

Parts III – VIII, similarly as parts I and II, describe the principles common to all Programmes for natural persons.

When determining any deadlines related to project dates or to implementation of activities, the provisions of the Polish Civil Code regarding the calculation of deadlines, i.e. art. 110 et seq. shall apply.

Detailed information on the call for proposals, including the deadlines and allocation of funds for the call, shall be published in the Announcement.

2. Eligible persons

The applicants may be natural persons who meet the requirements specified in the Announcement of the call for proposals for a given Programme, including:

- 1) students,
- 2) doctoral students,
- 3) participants of a preparatory courses for taking up education in Polish language,
- 4) persons who plan to take up education as students, doctoral students or participants of preparatory courses for taking up education in Polish language.

Detailed information on eligible Applicants under a given Programme can be found in the Announcement.

III. SUBMISSION OF THE APPLICATION FOR GRANTING FUNDS AND CONCLUSION OF THE CALL FOR PROPOSALS

1. Registration and use of the Agency's ICT system

Pursuant to Art. 14. of PNAAE the Agency operates the System in which the data necessary for issuing decisions on granting funds under the Agency's Programmes are processed. The scope, rules and terms of using the System are described in "the Regulations of the use of the Agency's ICT system".¹

¹ Regulations are available at: https://nawa.gov.pl/images/users/629/Regulamin_st_NAWA_wazny_od_09.08.2019.pdf

For contacts with the Applicant, correspondence shall be conducted via the System.

Failure to comply with the indicated form of communication may result in leaving the documents submitted by the Applicant with the use of other means of communication without consideration. The Applicant shall be obliged to regularly check correspondence in the System after submitting the Application.

2. Submission of the application in the Agency's ICT system

In order to participate in the call for proposals under the Programme one should:

- 1) register an account in the System available at: <https://programs.nawa.gov.pl>;
- 2) submit the Application with the necessary attachments via the System.²

It shall be the responsibility of the Applicant to check whether the operation of submitting the application has been completed correctly.

All letters shall be delivered to the Applicant in the form of an electronic document to the e-mail address provided in the application. The Applicant shall be obliged to notify the Agency of any changes of the e-mail address to which the correspondence regarding the application should be sent.

3. General rules for submitting applications

By submitting the application, the Applicant accepts the terms and rules specified in the Announcement as well as in the Regulations and in the attachments.

The Agency reserves the right to cancel the call for proposals, in particular in the event of introducing significant changes to the provisions of law affecting the conditions of conducting the call for proposals, occurrence of force majeure or in other justified cases.

All information necessary for the proper conduct of the call for proposals shall be published by the Agency at: www.nawa.gov.pl.

The applicant shall be obliged to correctly fill in the application in accordance with the guidelines contained in the System, which specify in detail the scope of information necessary to be presented in each of the required fields of the application. Information of substantive character entered into the Application by the Applicant has to be entered in the fields designated for this purpose.

If the Applicant submits more applications than allowed by the rules of a given Programme (Announcement), only the last application submitted in the System within the time limit for submission shall be subject to assessment.

4. List of required attachments to the application

² The above mentioned requirement shall not apply to the Applicant submitting the Application under a bilateral cooperation between the Republic of Poland and the sending country, where the call for proposals under the Programme shall be conducted within the dates specified in the Announcement in writing, through foreign partner institutions in the sending countries, which indicate the Applicants on the terms and conditions specified in the Announcement.

The required information in this regard shall be specified in the Announcement.

5. Assessment of the application

The rules for assessing applications shall be described for each Programme in the Announcement.

1. Formal assessment of the application

The purpose of the formal assessment is to verify the applications in terms of meeting the formal criteria indicated in the Announcement.

If necessary, the Agency may, once within a given scope, request the Applicant to provide additional documents or explanations. Information on the need to supplement/provide explanations to the application shall be sent by e-mail as a notification from the System to the Applicant's e-mail address.

Applications which do not meet the formal requirements set out in the Announcement shall not be considered.

2. Substantive assessment of the application (if applicable)

The purpose of the substantive assessment is to verify the applications in terms of meeting the quality criteria indicated in the Announcement.

Only applications which meet the formal criteria shall be submitted for substantive assessment.

The components and criteria of the assessment shall be specified in the Announcement. The substantive assessment shall be conducted on the basis of the criteria specific to a given Programme, described in the Announcement.

The names and surnames of External Experts who carry out substantive assessment under the Programme shall not be made available. The Agency shall publish annually the alphabetical list of External Experts participating in the assessment of applications in a given calendar year, jointly for all Programmes.

6. Conclusion of the call for proposals

As a result of the substantive assessment, the list of applications recommended for financing shall be prepared.

The Director shall make the decision granting or refusing to grant funds under the Programme, taking into account the list of applications recommended for funding, the objective of the Programme and the effective use of funds allocated for its implementation.

The decision to grant or to refuse granting funds under the Programme shall be sent to the Applicant in the System. The decisions of the Director of the Agency shall be delivered to the Applicant in the form of electronic document to the e-mail address provided in the application. The decisions of the

Director of the Agency shall be signed with a qualified electronic signature.

The list of the Scholarship Holders, including their names and surnames, shall be published on the Agency's proprietary site in the Public Information Bulletin (BIP).

7. Appeal procedure

In the event of any formal violations in the allocation of funds, the Applicant may request the Director of the Agency to reconsider the case.

The request for reconsideration of the case may include reservations only as to formal issues in the process of granting funds, and not to the merits of the substantive assessment.

The request for reconsideration of the case should be submitted to the Director of the Agency within 14 days from the date of receipt of the decision, in writing to the following address:

Narodowa Agencja Wymiany Akademickiej
ul. Polna 40
00-635 Warszawa

or electronically to the Agency's Incoming Mailbox in the form of an electronic document bearing a qualified electronic signature (a trusted signature, a personal signature or a signature authenticated in a manner ensuring the possibility of confirming the origin and integrity of the verified data in electronic form).

The applicant may submit a complaint to the Provincial Administrative Court in Warsaw, to the following address:

Wojewódzki Sąd Administracyjny w Warszawie
ul. Jasna 2/4
00-013 Warszawa.

The complaint shall be lodged via the Director of the Polish National Agency for Academic Exchange within 30 days from the date of delivery of the above-mentioned decision or ruling.

IV. PROCEDURE OF CONCLUSION OF THE AGREEMENT WITH THE SCHOLARSHIP HOLDER

In the decision granting funds, the Agency shall specify the activities to be performed by the Applicant and the deadline for their performance.

Conclusion of the agreement with the Applicant shall take place on the basis of the decision of the Director of the Agency granting funds under the Programme, after the successful completion of the application assessment procedure.

The model Agreement constitutes an attachment to the Regulations.

The Agreement shall be made available to the Scholarship Holder in the System, of which the Scholarship Holder shall be informed in an e-mail sent to the e-mail address provided during registration in the System.

After receiving information that the Agreement has been made available, the obligations of the Scholarship Holder shall include:

- 1) supplementing and checking the correctness of the data contained in the Agreement, including address and bank details (if applicable), and in the event of any irregularities, reporting them to the Agency;
- 2) accepting the Agreement.

If the Applicant selected in the call for proposals fails to sign the Agreement with the Agency within the deadline, financing may be awarded to another Applicant who has received a positive substantive assessment.

Termination of the Agreement may take place in justified cases upon the parties' agreement or in cases specified in the financial agreement, including in the case of gross failure to comply with the provisions of the Agreement, ignoring signals calling for improvement of activities sent by the Agency, placing by the Scholarship Holder false information in the application in the call for proposals under the Programme, of which the Agency learns during the term of the Agreement and in the case of the Scholarship Holder's behaviour which goes beyond the legal or cultural norms of a given country.

V. PAYMENT RULES, RIGHTS AND OBLIGATIONS OF THE SCHOLARSHIP HOLDER AND REPORTING

1. Payment schedules under the Programmes

1. Funds shall be disbursed in the manner and on the terms specified in the Announcement.
2. The funds shall be granted for the period of the studies or the preparatory course indicated in the Announcement of the call for proposals under the Programme (i.e. for partial studies, for the duration of the preparatory course or the period of studies, i.e. for the number of semesters provided for in the studies' regulations) and in the amount specified in the Announcement.
3. Payment of funds shall be made on a monthly basis, with the proviso that the payment may be made no later than on 31 December of a given year, with compensation back from the first month in which the Scholarship Holder began education at the University.
4. Upon a justified request of a person with documented disability, the Director of the Agency may waive chosen programme rules with regard to such person, if compliance with such rules would be excessively difficult due to the type of the disability, and the deviation from a given rule shall contribute to ensuring for such person equal conditions for participation in the call for proposals or implementation of the Programme, as compared to other Programme beneficiaries.
5. Payment of funds shall be suspended if the Scholarship Holder:
 - 1) is on a student leave (or a justified break of a similar nature),
 - 2) stays outside the territory of the Republic of Poland continuously for more than 30 days, with the exception of being delegated on a trip by the university, e.g. under the EU Erasmus + programme.
6. Payment of funds may also be suspended in the circumstances specified in section 8 points 3 or 8 - 11 and in the case of administrative proceedings being held against the Scholarship

- Holder regarding his/her removal from the list of students.
7. After the reason for suspending the scholarship ceases to exist, the Scholarship Holder shall inform the Agency about this fact through the University.
 8. The right for a scholarship payout may be withdrawn and the agreement with the Scholarship Holder may be terminated if the Scholarship Holder:
 - 1) has not taken up a given form of education;
 - 2) has failed the preparatory course;
 - 3) repeats a semester or a year of the studies;
 - 4) has been removed from the list of participants of the preparatory course by the centre conducting the course or from the list of students by the University;
 - 5) has provided false information on the basis of which he/she was granted financing;
 - 6) has obtained Polish citizenship during the educational cycle;
 - 7) has been disciplinarily punished or convicted by a final court judgment for an offense committed intentionally or an intentional fiscal offense;
 - 8) is staying on the territory of the Republic of Poland illegally or has not presented a document confirming the legalization of his/her stay on the territory of the Republic of Poland at the request of the Agency or the University;
 - 9) does not have health insurance or has not presented relevant document at the request of the Agency or the University;
 - 10) has not submitted or corrected the report,
 - 11) has breached material provisions of these Regulations, of the Announcement or the agreement other than those mentioned above.
 9. If the right for a scholarship payout is withdrawn due to the Scholarship Holder repeating a year or a semester, it shall be the responsibility of the University to define the financial conditions for his/her admission to the continuation of the preparatory course or studies. The Scholarship Holder may continue education on the terms providing for the lack of tuition fees and without the scholarship, if the University agrees to it.

2. General rules of financial settlement

The Scholarship Holder shall be responsible for the timely settlement of his/her educational course by submitting reports and other documents indicated in the Announcement to the Agency.

Reports shall be submitted electronically via the System using electronic forms prepared and made available by the Agency, unless the Agency indicates another form of submitting the report.

Reports shall be submitted on the terms and conditions specified in the Announcement.

A correctly prepared report shall be subject to verification and approval in terms of its compliance with the Announcement and the agreement. The Agency may decide to subject the report to Experts' assessment.

In the event of submitting an incorrectly prepared report or submitting an incomplete report, the Scholarship Holder shall be obliged to correct or complete the report within 14 days from the date of receiving information in the System about the need to correct or complete the report. In this case, the lapse of the time limit for its assessment shall be suspended.

Failure to submit the report within the indicated deadline or failure to complete or correct it within the indicated deadline may constitute grounds for suspending the payment of funds as well as may constitute the basis for requesting the Scholarship Holder to return the received funds.

The Scholarship Holder may not receive other scholarships related to the implementation of a given form of education³ during the term of the agreement, except for the benefits referred to in HES and related to the implementation of the EU Erasmus + programme.

3. Rights and obligations of the Scholarship Holder

The Scholarship Holder undertakes in particular to:

- 1) provide the Agency with a certificate issued by the university confirming admission to the studies in a given field and with the indication of the period of studies implementation, within 14 days from the date of admission to the studies (if applicable);
 - 2) submit the decision of the Director of the Agency to the University within 30 days from the date of its delivery to the Applicant (if applicable);
 - 3) legalize his/her stay in the Republic of Poland and present, at the request of the Agency or the University, a document confirming the legalization of stay in the territory of the Republic of Poland;
 - 4) regularly attend classes provided for in the curriculum of the preparatory course or the studies;
 - 5) comply with the provisions of these Regulations, the Announcement and the Agreement as well as the rules for the implementation of the preparatory course or studies in accordance with the provisions in force at the University conducting the course or the studies;
 - 6) timely submit reports;
 - 7) participate in events organized by the Agency;
 - a) possess health insurance, i.e.: health insurance policy or the European Health Insurance Card for a given academic year, or
 - b) universal health insurance within the meaning of the provisions of the Act of 27 August 2004 on Health Care Services Financed from Public Funds, or
 - c) confirmation that the insurer covers the costs of treatment in the territory of the Republic of Poland,and present, at the request of the Agency or the University, a document confirming the possession of the insurance;
 - 8) inform the Agency about any occurrences and situations which may affect the implementation of the Programme by the Scholarship Holder, including, inter alia, obtaining a student leave.
2. Scholarship Holders applying for the full cycle of education shall be additionally required to:
- 1) select studies and participate in the recruitment for the studies at the selected university;
 - 2) get acquainted with the rules and schedule of the recruitment for the studies in force at the university of his/her choice and in the field of study of his/her choice, in particular

³ By the a given form of education should be understood: studies regardless of the degree, education in doctoral schools, postgraduate studies, specialist education and other forms of education.

checking if there are any additional examinations.

The full list of universities, fields of study, levels and forms of education and obtained professional titles is available in the Pol-on system at: www.polon.nauka.gov.pl. Information on the fields of study (offered by Polish universities) is available at: www.wyberzstudia.nauka.gov.pl;

- 3) check whether the universities operate the system of electronic registration of candidates. Applicants for studies under the Programme should register in the university's internet systems within the time limits required by the university on the terms provided for foreigners as well as on the terms of the scholarship of the NAWA Director (Scholarship Holders attending a preparatory course should take part in recruitment for studies at a selected university during the course).

In addition, the Agency informs that

- 4) Decisions on admitting candidates to studies shall be made by the Universities;
- 5) Non-public universities shall define the financial terms of education;
- 6) The Agency shall not refund registration fees.

3. The Scholarship Holder has the right to:

- 1) receiving a scholarship in accordance with the Announcement;
- 2) change the field of study;
- 3) change the university where the Scholarship Holder plans to start studies or is studying.

| | Before starting the studies | After starting the studies |
|--|--|---|
| Change of the field of studies, referred to in section 3 point 2 | The change is allowed, provided that the chosen field of study meets the criteria indicated in the Announcement of the call for proposals under the Programme. The change shall not require the Agency's approval. | The applicant shall be obliged to obtain the Agency's approval to change the field of study, unless the Announcement states otherwise. |
| Change of the university referred to in section 3 point 3 | The change is allowed as long as the selected university meets the criteria set out in the Announcement of the call for proposals under the Programme. The change shall not require the Agency's approval. | The applicant shall be obliged to obtain the approval of the Agency to change the university, unless the Announcement states otherwise. |

Decisions on the possibility of changing the university or the field of study outside relevant field of science shall be made by the Director, who may refer to the opinion of the Evaluation Team.

VI. EVALUATION

The Scholarship Holder shall be obliged to participate in the Programme evaluation conducted by the Agency. Participation in the evaluation shall include:

- 1) filling in the evaluation questionnaire by the Scholarship Holder regarding his/her stay at the studies under the Programme within the time limit applicable to the report for the last reporting period;
- 2) if the Scholarship Holder participates in the annual preparatory course: filling in the evaluation questionnaire by the Scholarship Holder regarding the completed course within 30 days from the end of the participation in the course;
- 3) participation in separate evaluation studies conducted by the Agency or with its consent in the period from the date of signing the Agreement until 5 years after the end of the agreement implementation.

Evaluation questionnaires mentioned in point 1 and 2 above, shall be made available to the Scholarship Holder by the Agency online, outside the System; information about the questionnaire together with the link to it shall be sent by e-mail from the address: ewaluacja@nawa.gov.pl to the e-mail address of the Scholarship Holder.

The Scholarship Holder shall be also obliged to participate in evaluation studies conducted by the Ministry of Education and Science or by the Ministry of Foreign Affairs on the terms specified by the entity conducting the study in the period from the date of signing the Agreement until 5 years after the end of the Programme implementation.

VII. PERSONAL DATA PROCESSING

The Controller of personal data (within the meaning of the General Data Protection Regulation) of Experts, Guardians, Scholarship Holders, Applicants, University representatives and other persons involved in the implementation of the Programme shall be the Agency⁴

The data shall be used for the following purposes:

- 1) implementation of the Programme (legal basis - Article 6 (1) (e) of GDPR) - "tasks carried out in the public interest";
- 2) implementation of agreements concluded as part of the Programme (legal basis - Article 6 (1) (b) of GDPR - "performance of agreement");
- 3) fulfilment of the Agency's legal obligations related to the Programme, e.g. keeping accounting records (legal basis - Article 6 (1) (c) of GDPR) - "legal obligation";
- 4) investigation or defence against possible claims related to the Programme or in connection with the need to prove certain facts which are of significant importance to the Agency in this regard (legal basis - Article 6 (1)(f) of GDPR) - "legitimate interest"; deadlines for pursuing claims under the agreement are specified in detail in the Polish Civil Code,
- 5) carrying out promotional activities under the Programme (legal basis - Article 6 (1) (f) of GDPR) - "legitimate interest".

The provision of the data shall be voluntary, but necessary for participation in the Programme and in the implementation of other Agency's objectives. Refusal to provide the data may result in the inability to participate in the Programme and the inability to implement other above-mentioned objectives of the Agency. The data shall not be used to make decisions based solely on the automated processing

⁴ Within the scope referred to in Art. 14 of PNAAE, the Controller shall be the Director.

of personal data, including profiling within the meaning of art. 22 of GDPR.

The data shall be used for the period necessary to implement the above-mentioned purposes, i.e. in particular:

- 1) for the duration of the Programme,
- 2) for the period of considering the applications or until they are removed from the System by the persons submitting the application (data of persons whose applications were not approved for financing),
- 3) for the period resulting from legal provisions (data which the Agency has to store in accordance with the applicable provisions of law, e.g. accounting data),
- 4) for the period of making any other necessary settlements (data of all persons involved in the implementation of the Programme),
- 5) for the period of implementing promotional activities under the Programme.

The data subject may submit a request to the Agency for:

- 1) access to his/her personal data (information on personal data being processed and a copy of the data),
- 2) rectification of his/her data (if they are incorrect) and data transfer (in cases specified in GDPR),
- 3) deletion or limitation of the processing of his/her personal data – on the terms set out in GDPR.

Regardless of the rights listed above, the data subject may object to the processing of his/her data at any time, if the legal basis for the use of data constitute:

- 1) legitimate interest (Article 6 (1) (f) of GDPR) or
- 2) tasks carried out in the public interest (Article 6 (1) (e) of GDPR).

The data subject shall also have the right to lodge a complaint with the Head of the Personal Data Protection Office, if it is found that the processing of personal data violates the law.

Subject to all data security guarantees, the data may be transferred - apart from persons authorized by the Controller - to other entities, including:

- 1) entities involved in the implementation of the Programme,
- 2) entities authorized to receive it in accordance with the provisions of law,
- 3) entities processing it on behalf of the Agency (e.g. technical services providers and advisory services providers) and
- 4) other controllers (e.g. notary or legal offices).

In the case of transferring personal data outside the European Economic Area, it shall be carried out in accordance with the requirements set out in Chapter V of the GDPR.

In matters related to personal data protection, please contact the Agency's Data Protection Officer (DPO): odo@nawa.gov.pl.

VIII. CHANGES TO THE REGULATIONS

The Agency reserves the right to change these Regulations. The introduced changes shall be effective from the moment of their publication.

Applications submitted before the publication of the changes to the Regulations have to be resubmitted by the Applicant if their provisions are inconsistent with the introduced changes. The Agency shall notify all Applicants who submitted their applications before the publication of the changes to the Regulations by sending information via the System or via e-mail to the Applicants' addresses.

Changes of an ordering and clarifying nature as well as those introduced in order to correct obvious mistakes in the Regulations shall not require separate notification of their introduction, subject to publication of the content of such changes.

In the event of circumstances limiting the possibility of implementing the Programme, in particular resulting from force majeure or conducting classes within the studies or the preparatory course in a remote formula, the Agency reserves the right to change the rules of the Programme and the amount of the Scholarship rates.

IX. CONTACT WITH THE AGENCY

Narodowa Agencja Wymiany Akademickiej

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00-635 Warszawa

Telephone: +48 22 390 35 00

Fax: +48 22 826 28 23

<https://nawa.gov.pl/kontakt>

X. ATTACHMENTS

- 1) Model Agreement