

## Unterstützung für die polnischen Kleingärtner

Anlässlich ihrer Vollversammlung in Zürich haben die europäischen Kleingärtner einstimmig beschlossen einen offenen Brief an die polnischen Behörden zu schicken zur Unterstützung ihrer polnischen Kollegen in ihrem Kampf zum Erhalt ihrer Kleingärten und ihrer Bewegung.

Dieser Brief wurde geschickt an:

Herrn Bronislaw Komorowski, Präsident von Polen

Frau Ewa Kopacz, Sprecherin des Sejm

Herrn Bogdan Borusewicz, Sprecher des Senats

Herrn Donald Tusk, Polands, Ministerpräsident

Frau Prof. Irena Lipowicz, Polnische Ombudsfrau

Herrn Slawomir Nowak, Minister für Transport, Bau und Schiffbau

Falls notwendig werden auch die Europäische Union und der Europarat mit diesem Fall befasst werden.





# Office International du Coin de Terre et des Jardins Familiaux a.s.b.l.

Regroupement des fédérations européennes des jardins familiaux  
association sans but lucratif

August 23rd, 2012

Allotment garden legislation

## **Open letter to the authorities of the Republic of Poland**

The International Office of Allotment and Family Gardens based in Luxembourg is an organization with 14 national allotment and leisure garden federations from the European Union along with Norway and Switzerland, with more than 3.000.000 affiliated allotments. Founded in 1926, our organization provides a platform for European cooperation and the exchange of experience, both in respect of gardening and social matters, as well as organizational and legal issues. The objective of our Association is also initiating activities serving the promotion of allotment gardening development in Europe and their preservation for future generations.

On 23rd August 2012 in Zurich at the General Assembly of the International Office, the representatives of all Member countries, after being informed on the judgment of the Polish Constitutional Court from 11<sup>th</sup> July 2012 concerning the law on family allotment gardens, have considered it necessary to address this matter to the authorities of Poland.

Ladies and Gentlemen!

Polski Związek Działkowców (PZD) is a longtime member of our organization. Years of cooperation and contacts, including repeated visits in Poland during seminars and congresses organized by our Polish friends, have allowed us to familiarize ourselves with the achievements and accomplishments of the organization of the PZD. We have perceived the Polish allotment gardens as equal to those from other European countries, and the national organization of Polish gardeners as one of the better organized members of our Office. The Polish allotment representatives always emphasized that these successes have been possible thanks to the legal solutions stated in the legislation concerning allotment gardens. They have indicated that this legislation was received with satisfaction by the whole allotment community and has proven its worth in practice. The implemented legislation has fulfilled its expectations and the needs of the allotment holders by effectively regulating the functioning and development of allotment gardens. Furthermore, they have stressed the social acceptance of the legislation, as evidenced by more than 620 000 signatures collected in the gardens as a form of defending this legislation. These opinions have been fully shared by our organization. We have come to recognize the solutions from the legislation on family allotment gardens as model provisions for safeguarding the existence and development of allotment gardens, which are the fundamental objectives of our organization. Therefore with deep concern we have been following the news from the Polish gardeners about the numerous attempts to limit the rights of the allotment community, or even liquidate allotment gardens in Poland.

Lately these concerns have been particularly intensified. They were due to the anticipation of the judgment of the Constitutional Court concerning the law on family allotment gardens. Time has proven, that these concerns had not been unreasonable. The judgment in fact ends the existing model of allotment gardening in Poland. The Court has questioned the legal and organizational bases of the allotment movement, the property rights of the PZD and thus, indirectly, the rights of the families that use allotments. Finally this has forced the need to introduce new regulations by the Parliament.

The facts presented to the International indicate that various Polish public figures hold the opinion that the judgment is a basis to deprive the PZD of its property rights, and even to dissolve the organization of Polish allotment gardeners. This information has come to us with astonishment and disbelief. However, the dispossession of an independent non-governmental organization and its members, not speaking of the liquidation of such an organization, would truly be an unprecedented event.

Therefore, the International Office in Luxembourg requests the Polish authorities' action, that will establish legal solutions that could ensure a proper protection of the rights of the allotment gardeners in Poland within the framework of the Polish constitution and will respect the autonomy of their non-governmental organization from the public authorities. It is unacceptable that the Polish allotment gardeners should be burdened by the consequences of errors or legislative omissions, and their organization discriminated by reducing the right - guaranteed in the Constitution and international treaties - to self-government and autonomy from the State authorities.

Equally worrying are postulates which would result in dispossessing the Polish organization and its members of property rights, as well as depriving the allotment gardeners of their statutory rights that protect them from the effects of decisions concerning the liquidation of their gardens.

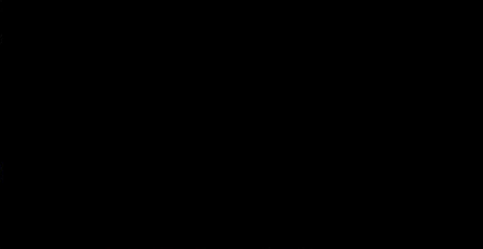
Considering that these matters cannot be left without comment, we appeal to the Polish authorities to take action as it will hinder these type of initiatives, and thus will confirm that Poland is a democratic country ruled by law, where everyone, including the allotment gardeners and their organization, can be sure that their rights will be respected by the public authorities. We are convinced that the allotment gardens in Poland and other countries of Europe are still needed. This is demonstrated by a huge interest of allotments in Germany, where they are cultivated by over one million families, as well as in Great Britain, where 100 000 people are on waiting lists for allotments. Therefore, any changes in the law concerning the allotment gardens should be carried out carefully and taking into account the voice of the gardeners, as it is much easier to destroy gardens than to rebuild them.

Hoping that our letter will inspire the Polish authorities to start a dialogue with the PZD, as representative of the Polish allotment gardeners, whose counterparts are the other national federations affiliated in the International Office in Luxembourg, we remain with our kindest regards.



C. ZIJDEVELD  
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Chairman



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Secretary general

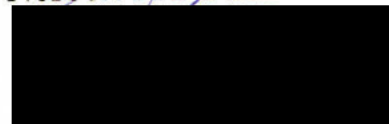


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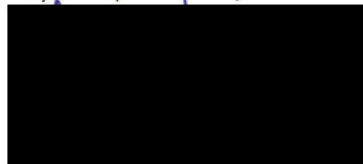


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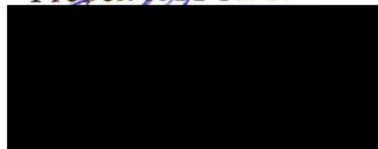
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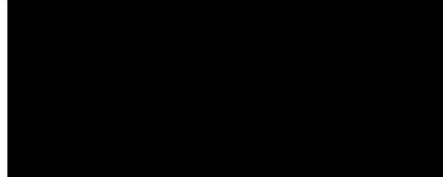
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