

§ 1

Subject of the Regulations

1. These regulations shall define the rules, scope, terms and conditions of participation in the 2nd edition of the “**Advantage**” partnership programme for institutions which register groups of candidates for exams offered by the British Council, hereinafter referred to as the programme.
2. The programme shall be organised by the British Council with its seat in Warsaw, at Al. Jerozolimskie 59.
3. The 2nd edition of the programme shall be performed in the period from 1 April 2008 to 31 March 2010.
4. The programme shall be divided into two phases: phase one – from 1 April 2008 to 31 March 2009 the British Council shall collect information on the number of candidates registered through group entries throughout this period for exams offered by the British Council by particular institutions subject to this programme; phase two – from 1 April 2009 to 31 March 2010, on the basis of the collected information, the offer shall be executed (subject to the provisions contained in § 3.IV.2 of these regulations).

§ 2

Rules for Participation in the Programme

I) Rules for participation in the programme

- 1) The programme may be joined and participated in by every language school, educational institution and company which, in the period between 1 April 2008 and 31 March 2009 registers through a group entry (i.e. on the so-called *Block Entry*) at least five of its students or employees for examinations which are subject to this programme, i.e.
 - a) Young Learners English Tests (YLE),
 - b) Key English Test (KET),
 - c) Preliminary English Test (PET),
 - d) First Certificate in English (FCE),
 - e) Certificate in Advanced English (CAE),
 - f) Certificate of Proficiency in English (CPE),
 - g) Business English Certificates (BEC – Preliminary, Vantage, Higher),
 - h) International English Language Testing System (IELTS),
 - i) International Certificate in Financial English (ICFE),
 - j) International Legal English Certificate (ILEC),
 - k) Teaching Knowledge Test (TKT).
- 2) The time of the registration is considered to be the moment of submitting to the examination centre registration documents and proof/proofs of payment for the particular exam in accordance with the exams regulations valid for the specific exam and session. In the case of YLE exams the time of registration is considered as the moment of the receiving by the British Council of the exam fee for candidates present at the exam.
- 3) British Council Examination Centres and Internal Examination Centres for the KET/PET/BEC exams may participate in the programme according to the rules binding for other institutions participating in the programme.
- 4) Institutions which join the programme shall be hereinafter referred to as “participants”.
- 5) Institutions which have registered candidates for examinations which are subject to this programme through a group entry (i.e. the so-called *Block Entry*) and have submitted in the examination centre lists of candidates which include different contact details of these institutions shall be regarded as separate programme participants even if they appear under the same brand.

II) Participation declaration

- 1) An institution interested in participation in the programme declares its willingness to join the programme in writing, on the registration form submitted by the British Council, once the British Council has calculated the number of candidates registered by the institution in the first phase of the programme and sent to this institution information on the rights resulting thereof. The information shall be sent to the institution in April 2009.
- 2) The application, sent to the British Council by fax (telephone number 012 428 59 40) shall contain the following data:
 - a) full name of the participant;
 - b) address, telephone and fax number as well as the e-mail address of the participant.
- 3) The application shall be sent to the British Council between 4th May and 1st June 2009.
- 4) The programme participant shall be obliged to inform the British Council of changes in the data listed above in points 2a and 2b in every stage of the programme.

III) Waiver of participation in the programme

- 1) The programme participant which waives participation in the programme shall be obliged to send a notification of the waiver to the British Council in the manner provided in § 2.II.2 of these regulations.
- 2) In the event of a waiver of participation, the right to receive the offered products the participant was entitled to shall expire and shall not be transferred onto other institutions.

§ 3

Rules of the Programme

I) Categories of participants

- 1) The offer which particular participants of the programme are entitled to shall be dependant on the number of candidates collectively registered in the first phase of the programme, i.e. between 1 April 2008 and 31 March 2009, for the exams listed in § 2 of these regulations by a given institution.
- 2) The programme participants shall be divided into three categories:
 - a) Bronze – participants of the programme which in the first phase of the programme registered from 5 to 25 candidates through a group entry (i.e. the so-called *Block Entry Forms*) for the exams listed in § 2 of these regulations;
 - b) Silver – participants of the programme which in the first phase of the programme registered from 26 to 75 candidates through a group entry (i.e. the so-called *Block Entry Forms*) for the exams listed in § 2 of these regulations;
 - c) Gold – participants of the programme which in the first phase of the programme registered more than 75 candidates through a group entry (i.e. the so-called *Block Entry Forms*) for the exams listed in § 2 of these regulations;

II) First phase of the programme

- 1) The British Council, by 20 April 2009, undertakes to collect information from all the examination centres in Poland on the number of candidates registered through a group entry (i.e. the so-called *Block Entry Forms*) by particular institutions between 1 April 2008 and 31 March 2009 for exams listed in § 2 of these regulations.
- 2) Following collection of the above mentioned information, by the end of April 2009, the British Council shall contact the institution by letter provided that it meets the terms and conditions of participation in this programme listed in § 2 of these regulations and shall inform it of the number of candidates registered in the abovementioned period, of the category granted therefrom, of the offer it is entitled to therefrom and shall offer participation in the programme.
- 3) Institutions which wish to join the programme should fulfill the formalities listed in § 2.II of these regulations.

III) List of products available to the participants qualified for particular categories.

- 1) The programme participants qualified for the "Bronze" category shall receive:
 - a) The right to register its students/employees for Cambridge ESOL exams KET, PET, FCE, CAE, CPE and BEC at a discount fee which shall be announced by Director, Examinations British Council Poland not later than two months prior to commencement of registration for subsequent exam sessions of the abovementioned exams. The discount fee shall be binding during three open Cambridge ESOL exam sessions (Spring, Summer and Winter), provided that the programme participant registers through a group entry (i.e. the so-called *Block Entry*) at least 2 candidates for a given session for any of the exams mentioned in this point.
 - b) A certificate in English, issued by the British Council Poland confirming that the programme participant registers groups of candidates for Cambridge ESOL exams, of the following content: "This is to certify that in the school year 2008/9 /name of programme participant/ was a British Council Supplier Institution for Cambridge ESOL examinations*" with a note: "**This certificate has been issued on the basis of confidential criteria regarding candidate entries".
 - c) With the consent of the institution in question – the possibility of placing the name and link to the institution's website, on a list of institutions registering groups of candidates for examinations offered by the British Council, on one of the exam pages of www.britishcouncil.pl for the duration of the 2nd edition of the **Advantage** programme, with the following wording: "Szkoły językowe i inne instytucje rejestrujące grupy kandydatów na egzaminy oferowane przez British Council w roku szkolnym 2008/09 i uczestniczące w egzaminacyjnym programie partnerskim British Council dla instytucji **Advantage**" (on the website in Polish) oraz "Language schools and other institutions registering groups of candidates for examinations offered by the British Council in the school year 2008/9 that are members of the **Advantage** exams partnership programme for institutions" (on the website in English).
 - d) Regular e-mail information on events related to exams organised in Poland by the British Council, new offers and selected methodological, academic, social and cultural events organised by the British Council and on grade statistics for Cambridge ESOL exams from the latest open exam session, once this has been published on the British Council Poland website.

- 2) The programme participants qualified for the "Silver" category shall receive:
- a) Products listed in point III.1 of this paragraph included in the „Bronze" category.
 - b) The possibility to conduct an FCE, CAE or CPE exams for students/employees registered by the programme participant in school premises. In order to be able to take advantage of the offer described in this point, the participant shall fulfill the following conditions:
 - register for an exam session, during which the exam is to be held according to the rules provided in this point, a group of at least 30 candidates for a given level of any exam subject to the offer (FCE or CAE or CPE) declaring the willingness to take advantage of this offer upon registration at the latest;
 - secure (provide or rent at the programme participant's expense) rooms in which the candidates shall sit all five parts of the exam (*Reading, Writing, Use of English, Listening and Speaking*). All the candidates should sit the *Reading, Writing, Use of English and Listening* parts in one room. If necessary and upon the British Council's consent, the *Listening* exam may take place in smaller rooms, however, the candidates must not be divided into groups smaller than 15 persons. Full audio equipment shall be supplied by the programme participant. All the provided rooms shall meet the requirements defined in the standard exam room lease agreement used during Cambridge ESOL open exam sessions (list of requirements available at the British Council and in the examination centre operating in the region of the programme participant's activity). An employee of the examination centre must accept the selected rooms and is entitled to refuse to conduct an exam in such rooms in the event when they do not meet the requirements listed in this point and others imposed by the University of Cambridge ESOL Examinations. The programme participant is entitled to appeal against the decision to the British Council within 5 work days.
 - c) University of Cambridge ESOL publications with DVD: *Speaking Test Preparation Pack for FCE and Speaking Test Preparation Pack for CAE*.
 - d) The right to a free TKT exam for English language teachers (1 module), for one person designated by the programme participant on the terms and conditions binding for other candidates taking the exam, placed in the TKT exams regulations in the wording binding upon registration for the exam.
 - e) E-mail information containing Cambridge ESOL exams grade statistics from the latest open exam session taking into account the average results of candidates from all of Poland and from a given examination centre.
- 3) The programme participants qualified for the "Gold" category shall receive:
- a) Products listed in point III.1 and III.2 of this paragraph included in the „Bronze" and "Silver" categories, with one amendment: e-mail information containing Cambridge ESOL exams grade statistics from the last open exam session shall also take into account the average results of the candidates registered by the programme participant.
 - b) Two sets of University of Cambridge ESOL Past Papers Packs. The level of the tests can be chosen by the programme participant from those available at the University of Cambridge ESOL at the time the order is placed by the British Council.
 - c) The possibility to conduct the FCE, CAE or CPE oral exam (i.e. the *Speaking* part), for students/employees registered by the programme participant, on school premises assuming that the remaining parts of the exam (*Reading, Writing, Use of English and Listening*) shall be organised within the open-session. In order to be able to take advantage of this offer, the participant shall fulfill the following conditions:
 - register for an exam session, during which the exam is to be held, according to the rules provided in this point, groups of at least 30 candidates for a given level of any exam subject to the offer (FCE or CAE or CPE) declaring the willingness to take advantage of this offer upon registration at the latest;
 - secure (provide or rent at the programme participant's expense) a room or rooms in which the candidates shall take the oral part of the exam (*Speaking*). An employee of the examination centre shall accept the selected rooms and is entitled to refuse to conduct an exam in such rooms in the event when they do not meet the requirements imposed by the University of Cambridge ESOL Examinations (list of requirements available at the British Council and in the examination centre operating in the region of the programme participant's activity). The programme participant is entitled to appeal against the decision to the British Council within 5 work days.
 - d) A guarantee of three places at each methodological seminar for teachers organised by the British Council in the region where the programme participant operates. Where possible, the seminars will be accompanied by book presentations organised by publishers and textbook sales at discount fees.
 - e) Annual, individual membership at a British Library affiliated with the British Council in the city nearest to the one where the programme participant's seat is located, for three persons it designates.
 - f) An advisor designated by the British Council who shall maintain relations with the programme participant, inform the participant of new British Council offers, provide information related to the programme, help in solving potential organizational problems, etc.

IV) Second phase of the programme – offer execution and programme completion

- 1) Execution of offer, understood as providing the programme participants with the products listed in point III of this paragraph, pursuant to their qualification for a particular category shall take place between 4 May 2009 and 31 March 2010, but not earlier than the time when the institution declares its willingness to join the programme in writing to the British Council and subject to the provisions contained in § 3.IV.2 of these regulations.

- 2) The programme participant's rights listed in this paragraph in points III.1.a, III.2.b, III.2.d, III.3.c., III.3.d and III.3.e shall be forfeited if the participant fails to take advantage of them by 31 March 2010 or fails to declare in writing by that day (to the examination centre or to the British Council) the wish to take advantage of them. In such an event, the period of execution of the offer shall be extended to the end of June 2010.
- 3) The programme participant's rights listed in points III.1.b, III.1.d, III.2.c, III.2.e and III.3.b shall be executed by the British Council during the second phase of the programme by post (at the British Council's expense) and e-mail.
- 4) Upon completion of the second edition of the programme all rights of the programme participant related to its registration of a given number of candidates through a group entry (i.e. the so-called *Block Entry Forms*) between 1 April 2008 and 31 March 2009, shall be forfeited.
- 5) In the event of launching another edition of the programme, the rights of the programme participant from the previous edition shall not be transferred onto the next one and shall not cumulate.
- 6) The programme participant shall not receive for the products listed in point III of this paragraph their financial equivalent.
- 7) The rights of the programme participant shall not be transferred onto other institutions.

§ 4

Programme Participation Used for Participants' Promotion and Advertising

- 1) The programme participants are entitled to use the logo "Member of the British Council Exams Partnership Programme **Advantage** ©" in their promotional materials and on their websites for the duration of the 2nd edition of the programme, in accordance with the rules stated below.
- 2) All promotional, advertising and information materials produced by the programme participant, e.g. websites, posters, leaflets, banners, advertisements and other press, radio, cinema and television information as well as materials in other media which mention any rights of the programme participant related to participation in the programme, its activities resulting therefrom, including any offers available for the participant's clients, in particular those which use the logo given in the previous point of this paragraph of these regulations must receive written approval of the British Council by which it will accept the contents and form of the materials and express consent to their publication. The programme participant must submit all such materials by e-mail (exams.promotion@britishcouncil.pl) to the British Council for approval prior to their use. The British Council has 5 work days to approve the submitted materials.
- 3) All the materials listed in point 2 of this paragraph belong to the programme participant and shall be protected by Polish copyright law. The British Council undertakes not to make the received designs accessible to any other entities.

§ 5

Final Provisions

I) Complaints

- 1) The programme participant shall be entitled to lodge complaints pertaining to its qualification for a given participants' category and to the way the offer has been executed to the British Council in the manner provided in § 2.II.2 of these regulations.

II) Participant's exclusion from the programme by the British Council

- 1) The British Council reserves the right to exclude a participant from the programme in the event the participant fails to timely fulfill its financial obligations towards the British Council or breaches the terms and conditions of these regulations.
- 2) In such an event, all the rights acquired by the programme participant before its exclusion from the programme shall expire.
- 3) The British Council shall inform the participant of the exclusion in writing.

III) Amendments to the regulations

- 1) The British Council reserves the right to end the programme prior to the date mentioned in § 1 of these regulations or to extend it beyond the date mentioned in § 1 of these regulations.
- 2) The British Council reserves the right to introduce amendments to these regulations and undertakes to inform the programme participants of the amendments by e-mail or post.
- 3) Amendments to the regulations and a change to the programme completion date must not breach the rights acquired by the participants before introduction of those amendments.

IV) Civil code and resolution of disputes

- 1) In matters not stipulated by these regulations the relevant provisions of the Civil Code shall apply. The disputes which may arise during execution of the programme shall be resolved by a competent common court in Warsaw.