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Item 455

ACT

of 8 March 2013

on plant protection products ^{1), 2)}

(Unofficial translation February 2016)

Chapter 1 **General provisions**

Article 1.

The Act provides for:

1) the tasks and jurisdiction of public administration authorities and organizational units in the implementation of the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1, as amended), hereinafter the 'Regulation No 1107/2009', and the provisions of the European Union issued under the provisions of this Regulation, in particular in cases of permits and authorisations for the placing of plant protection products on the market;

2) the rules:

- a) for placing plant protection products on the market,
- b) for the use of plant protection products,
- c) for confirmation of technical efficiency of equipment designed for application of plant protection products,

¹ This Act amends the Act of 18 December 2003 on the protection of plants and the Act of 16 November 2006 on stamp duty.

² The Act:

1) implements the provisions of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1, as amended);

2) implements the provisions of the Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

- d) for integrated crop production,
- e) for the conduct of training in the field of plant protection products,
- f) for collecting information on poisoning with plant protection products

- in the scope not determined by the provisions of Regulation No 1107/2009 or in the European Union provisions issued pursuant to the provisions of this Regulation.

Article 2.

The terms used in this Act shall mean:

- 1) a plant protection product - a plant protection product referred to in Article 2(1) of Regulation No 1107/2009;
- 2) active substances - active substances referred to in Article 2(2) of Regulation No 1107/2009;
- 3) a safener – a safener referred to in Article 2(3)(a) of Regulation No 1107/2009;
- 4) a synergist – a synergist as referred to in Article 2(3)(b) of Regulation No 1107/2009;
- 5) a co-formulant – a co-formulant referred to in Article 2(3)(c) of Regulation No 1107/2009;
- 6) residues of plant protection products - residues within the meaning of Article 3(1) of Regulation No 1107/2009;
- 7) plants - plants within the meaning of Article 3(5) of Regulation No 1107/2009;
- 7) plant products - plant products within the meaning of Article 3(6) of Regulation No 1107/2009;
- 9) harmful organisms - harmful organisms within the meaning of Article 3(7) of Regulation No 1107/2009;
- 10) placing on the market – placing on the market within the meaning of Article 3(9) of Regulation No 1107/2009;
- 11) an authorisation of a plant protection product - an authorisation of a plant protection product within the meaning of Article 3(10) of Regulation No 1107/2009;
- 12) a producer – a producer within the meaning of Article 3(11) of Regulation No 1107/2009;
- 13) the environment - the environment within the meaning of Article 3(13) of Regulation No 1107/2009;
- 11) an authorisation holder - an authorisation holder within the meaning of Article 3(24) of Regulation No 1107/2009;

- 15) non-chemical methods - methods of protecting plants against harmful organisms other than using chemical plant protection products, in particular agro-technical, physical, mechanical or biological methods;
- 16) integrated pest management - a method of protecting plants against harmful organisms that exploits all the available methods of plant protection, in particular non-chemical methods, in a way that minimizes risk to the health of humans, animals and the environment;
- 17) integrated crop production - production of plants using integrated pest management and the use of technical and biological progress in cultivation and fertilization, with particular emphasis on human health, animals and the environment;
- 18) packaging - packaging or repackaging, labelling or relabeling of a plant protection product;
- 19) a final purchaser of plant protection products - an entity that acquires plant protection products, which are not subsequently placed on the market;
- 20) a third country - a non-member of the European Union;
- 21) equipment designed for application of plant protection products - any device intended for application of plant protection products, including accessories, which are important for the effective operation of such equipment, in particular:
- a) nozzles,
 - b) manometers,
 - c) filters and strainers,
 - d) installations for flushing tanks;
- 22) agricultural aviation equipment - equipment intended for application of plant protection products installed on aircraft within the meaning of the aircraft law, including airplanes and helicopters;
- 23) ground equipment - equipment for application of plant protection products other than mounted on aircrafts within the meaning of the aircraft law;
- 24) professional user - a natural person who applies plant production products for purposes other than private, non-commercial needs, particularly in the trade or business activities, including in agriculture and forestry;
- 25) non-professional user - a natural person who applies plant production products, who is not a professional user.

Article 3.

1. The minister responsible for agriculture is:

1) the competent authority referred to in Article 75(1) of Regulation No 1107/2009, in respect of the implementation of the provisions of this Regulation and the European Union provisions issued pursuant to the provisions of this Regulation, with respect to:

a) the obligations of the Member State of the European Union for the approval of active substances, safeners, synergists and co-formulants,

b) authorisations of plant protection products,

c) parallel trade permits referred to in Article 52 of Regulation No 1107/2009, hereinafter referred to as "parallel trade permits",

d) permits to conduct experiments or tests for research or development, involving the release into the environment of plant protection products, as referred to in Article 54 of Regulation No 1107/2009, hereinafter referred to as "permits to conduct research";

2) the coordinating national authority referred to in Article 75(2) of Regulation No 1107/2009;

3) the authority competent to cooperate with the European Commission and other Member States of the European Union in respect of matters referred to in Article 1(2), not belonging to properties of other public administration authorities or organizational units;

4) the authority competent to cooperate with the European Commission on the implementation of integrated pest management;

5) the authority competent to cooperate with the European Commission and other Member States of the European Union on the results of assessments of risk reduction associated with the use of plant protection products on human health, animals and the environment;

6) the competent authority referred to in Article 67(2) of Regulation No 1107/2009.

2. The Chief Inspector of Plant Health and Seed Inspection, hereinafter referred to as "the Chief Inspector", is competent to inform the European Commission about the implementation of the control system for equipment intended for application of plant protection products.

3. The voivodeship inspector of plant health and seed inspection, hereinafter referred to as "the voivodeship inspector" is a competent authority referred to in Article 67(1) of Regulation No 1107/2009.

Chapter 2

Approval of active substances, safeners and synergists and permits and authorisations for plant protection products

Article 4.

1. Applications regarding:

1) approval of active substances, safeners and synergists shall be submitted in Polish or in Polish and English;

2) authorisations of plant protection products, parallel trade permits and permits to conduct research shall be submitted in Polish.

2. Documents attached to applications referred to in Paragraph 1 shall be submitted in Polish or in Polish and English.

2a. The report referred to in Article 42(1)(d) of Regulation No 1107/2009 shall be submitted in the Polish language or the English language.

3. Label designs attached to applications for authorisation of plant protection products, parallel trade permits and permits to conduct research shall be made in Polish.

4. Letter of access within the meaning of Article 3(12) of Regulation No 1107/2009 shall be submitted in Polish. If the letter of access is not written in Polish, one submits a certified translation of the letter into Polish.

Article 5.

1. When considering applications for authorisations of plant protection products one takes account of national risk mitigation measures referred to in Article Paragraph 36(3) of Regulation No 1107/2009, if they are specified in the provisions issued under Paragraph 2.

2. The minister responsible for agriculture may determine, by ordinance, the national risk mitigation measures referred to in Article 36(3) of Regulation No 1107/2009, in particular the criteria to be met by plant protection products, in order to be placed on the market, due to the specific economic, environmental and social conditions of the Republic of Poland, with a view to reducing the risks associated with the use of plant protection products for human health, animals or the environment.

Article 6.

1. Minor uses of plant protection products, as referred to in Article 51(8) of Regulation No 1107/2009 include:

1) plants that are not commonly grown on Polish territory or plant products derived from these plants;

2) plants that are commonly grown on Polish territory or plant products derived from these plants and organisms harmful to them that are not commonly found on them.

2. The minister responsible for agriculture shall determine, by ordinance, the minor use of plant protection products referred to in Article 51(8) of Regulation No 1107/2009, by indicating plants or plant products derived from these plants and organisms harmful to them, as referred to in Paragraph 1, taking into account the acreage of individual crops or range of harmful organisms.

Article 7.

1. Authorisation of plant protection products, as referred to in Article 53 of Regulation No 1107/2009, may be issued by the minister responsible for agriculture, on request of the entity

applying for the authorisation, after consultation with the minister responsible for health and the minister responsible for the environment.

2. The application for authorisation of a plant protection product, as referred to in Article 53 of Regulation No 1107/2009, includes:

- 1) the name, address and place of residence or name and address or registered office of the party seeking authorisation, except that if the entity is a natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;
- 2) name of a plant protection product and identity of its producer;
- 3) name of an active substance and identity of its producer;
- 4) information on the use of a plant protection product in another country;
- 5) information about the threat of harmful organisms and the location and size of the threat;
- 6) information on the proposed use of a plant protection product, in particular the determination of crops for which a plant protection product will be used, and identification of targeted harmful organisms;
- 7) the proposed date of placing on the market and use of a plant protection product;
- 8) the proposed amount of a plant protection product, which can then be placed on the market and used within the period referred to in Paragraph 7;
- 9) the design of the label for a plant protection product;
- 10) the assessment of the risks arising from the use of the plant production product in relation to human health, animals and the environment, developed in accordance with the uniform principles for evaluation, referred to in Article 29(6) of Regulation No 1107/2009 and the risk assessment as referred to in Article 18(4) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.03.2005, p. 1, as amended), if one has such assessments;
- 11) date and signature of the applicant.

3. The application referred to in Paragraph 2 is accompanied by justification, taking into account in particular:

- 1) a description of alternative harmful organisms control methods, if such methods exist, indicating the reasons for not applying these methods;
- 2) the description of the expected effects of the risk of harmful organisms, including economic impact, and the impact of this threat to agricultural or forestry production.

4. The information referred to in Paragraph 2 point 5 and 6, the design of the label referred to in Paragraph 2 point 9, and the justification referred to in Paragraph 3, shall be drawn up in Polish or in Polish and English.

5. Risk assessment referred to in Paragraph 2 point 10 shall be written in Polish or in Polish and English.

6. The authorisation of a plant protection product, as referred to in Article 53 of Regulation No 1107/2009, specifies:

- 1) name of a plant protection product and identity of its manufacturer;
- 2) name of an active substance and identity of its producer;
- 3) detailed terms and scope of use of a plant production product, taking into account the type of harmful organisms risk and characteristics of a plant protection product;
- 4) the location and area of application of a plant protection product;
- 5) the date of the placing on the market and use of a plant protection product;
- 6) the amount of a plant protection product that can be marketed and used;
- 7) the content of a plant protection product label.

Article 8.

1. For the first approval or extension of approval of an active substance by the European Commission, the holder of the authorisation of a plant protection product containing the active substance, shall, within the period specified in the notice of the Minister responsible for agriculture, submit to the Ministers competent for the Agriculture the documentation referred to in:

- 1) Article 8 of Regulation No 1107/2009, concerning an active substance,
 - 2) Article 33(3) of Regulation No 1107/2009 concerning a plant protection product
- to carry out an assessment of the documentation in the review of the authorisation with respect to the requirements referred to in Article 29 of Regulation No 1107/2009.

2. Following the submission of the documentation referred to in Article 8 and Article 33(3) of Regulation No 1107/2009 by the holder of the authorisation of a plant protection product, the review of this authorisation shall apply Article 9 and takes into account national risk mitigation measures referred to in Article 36(3) of Regulation No. 1107/2009, if these measures are defined on the basis of Article 5(2). At the request of the holder of the authorisation of a plant protection product, the evaluation of the documentation referred to in Article 8 and Article 33(3) of Regulation No 1107/2009 can be prepared by the authority of another Member State of the European Union, as referred to in Article 75(1) or (2) of Regulation No 1107/2009.

3. The minister responsible for agriculture revokes, by means of a decision, the authorisation of a plant protection product, if the notice referred to in Article 8 or Article 33(3) of Regulation No 1107/2009 is not submitted within the period specified in the notice referred to in Paragraph 1.

Article 9.

1. In considering the applications for approval of active substances, safeners and synergists, authorisations of plant protection products or parallel trade permits, the minister responsible for agriculture may apply to:

1) the entity designated by the applicant and authorised pursuant to Article 10 or authority referred to in Article 75(1) or (2) of Regulation No 1107/2009, to develop the assessment referred to in Article 11(2) or Article 36(1) of Regulation No 1107/2009, or comments to be considered in this assessment, hereinafter referred to as "the assessment or comments"; if the applicant has not indicated an entity or authority they are chosen by the minister responsible for agriculture,

2) the Commission on Plant Protection Products for the opinion referred to in Article 13(3)

- determining the scope of the assessment or comments or the opinion, referred to in Article 13(3), and providing a copy of the documentation to develop them.

2. The assessment and comments are drawn up in Polish or in Polish and English.

Article 10.

1. The assessment or comments can be developed by entities authorised by the minister responsible for agriculture.

2. The authorisation for the development of the assessment or comments within a specified range is made, by means of a decision, at the request of the entity applying for authorisation. The decision shall specify the scope of the granted authorisation.

3. The entity authorised for the development of the assessment or comments within a specified scope may be an entity that meets the following conditions:

1) ensures that persons who will develop the assessment or comments:

a) have appropriate qualifications, including education and experience in the field of assessments or comments under development,

b) they are not in such a legal or actual relationship with the producers, holders of authorisations of plant protection products or entities with parallel trade permits, which may raise doubts as to their impartiality in the development of the assessment or comments,

c) give a guarantee to keep confidential all information, data and research results related to the development of the assessment or comments;

2) has implemented a quality management system for the development of assessments or comments by the certification body, management systems accredited under the provisions of the Act of 30 August 2002 on conformity assessment system (Dz.U. of 2010, No 138, item 935, as amended) or the provisions of the Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of

products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.08.2008, p. 30), hereinafter referred to as "Regulation No 765/2008".

4. The application referred to in Paragraph 2, includes:

- 1) the name, registered office and address of the entity applying for authorisation to develop the assessment or comments;
- 2) the number in the National Court Register of the applicant, if the applicant has a number;
- 3) tax identification number (NIP) of the applicant;
- 4) an indication of the scope of the authorisation to develop the assessment or comments, including provisions issued under Article 84(b)-(d) of Regulation No 1107/2009;
- 5) date and signature of the applicant.

5. The application referred to in Paragraph 2 shall be accompanied by:

- 1) a list of persons designated for the development of the assessment or comments containing the names of these persons and the scope of the assessment or comments developed by these people;
- 2) copies of documents confirming required qualifications, including education and experience of persons designated for the development of the assessment or comments;
- 3) a statement of the entity applying for authorisation to develop the assessment or comments that those who will develop the assessment or comments:
 - a) during the three years preceding the date of the employment relationship or the civil law contract with the entity developing the assessment or comments, had not remained and still do not remain in such a legal or actual relationship with the producers, holders of authorisations of plant protection products or entities with parallel trade permits, which may raise doubts as to the impartiality of the assessment or comments,
 - b) give a guarantee to keep confidential all information, results and data related to the development of the assessment or comments;
- 4) a copy of an accredited quality management system certificate in the development of assessments or comments, issued under the provisions of the Act of 30 August 2002 on conformity assessment system or provisions of Regulation No 765/2008;
- 5) an excerpt translated into Polish from the relevant register of business activities in another Member State of the European Union, under the laws of that State, in the case of an applicant who intends to temporarily provide service on Polish territory;
- 6) a copy of the operating procedures used in the development of the assessment or comments.

6. The minister responsible for agriculture refuses, by means of a decision, to grant an authorisation to develop the assessment or comments within a specified scope, if the entity applying for the authorisation has failed to demonstrate that it meets the conditions referred to in Paragraph 3.

7. The change of the scope of the authorisation to develop the assessment or comments is done under provisions of Paragraphs 1-6 accordingly, and in the case of:

1) limiting the scope of this authorisation, it does not apply the provisions of Paragraph 3 and Paragraph 5 points 1-4 and 6;

2) expanding the scope of the authorisation, it applies the provisions of Paragraph 3 and Paragraph 5 points 1-4 and 6, in so far as they relate to extending the scope of this authorisation.

8. The minister responsible for agriculture shall determine, by means of an ordinance, the required qualifications, including education and experience of persons designated to develop the assessment and comments referred to in Paragraph 3 point 1(a), having regard to the need to develop assessments and comments according to current scientific and technical knowledge.

Article 11.

1. The entity authorised to draw up the assessment or comments shall:

1) inform the minister responsible for agriculture of the changes in the scope specified in Article 10(4) point 1 and Paragraph 5 point 1-4 and 6, within 14 days of the event that caused the change in this information;

2) exclude people whose participation may raise doubts as to the impartiality of the assessment or comments from the development of the assessment or comments.

2. The minister in charge of agriculture is authorised to conduct inspections of bodies authorised to develop assessments or comments regarding:

1) compliance with the conditions referred to in Paragraph 1 and in Article 10(3);

2) compatibility of the business with the granted authorisation.

3. Inspections shall be conducted by persons authorised by the minister responsible for agriculture.

4. Inspections are carried out following the presentation of authorisation to engage in these activities.

5. The person conducting inspections shall be entitled to:

1) require oral or written clarifications, documentation or other information media and access to other information relating to the subject of the inspection;

2) enter the property and premises where activities relating to the development of the assessment or comments are carried out on days and hours during which the activity is, or should be carried out.

6. The inspection shall end with the drawing up of a report that includes:

- 1) the name and position of the person conducting the inspection;
- 2) the duration of the inspection;
- 3) the description of the facts uncovered in the course of the inspection;
- 4) the description of any deficiencies identified in the course of the inspection;
- 5) any follow-up recommendations.

7. The inspection report is signed by the person carrying out these activities, and the person authorised to represent the entity authorised to develop the assessment or comments. Refusal to sign the inspection protocol is recorded in the report. Refusal to sign the inspection report does not preclude any further proceedings.

8. The entity authorised to develop the assessment or comments may submit reasoned objections to the minister competent for agriculture regarding the findings contained in the inspection report within seven days from the date of signature of the report.

9. In the case of objections referred to in Paragraph 8, the minister responsible for agriculture shall consider objections filed within 7 days from the day they are transferred and, if necessary, shall carry out additional checks.

10. In the case of non-recognition of the objections referred to in Paragraph 8, in whole or in part, the minister responsible for agriculture shall immediately submit their views in writing to the entity authorised to develop the assessment or comments.

11. If the entity authorised to develop the assessment or comments does not meet the conditions referred to in Paragraph 1 or in Article 10(3), the minister responsible for agriculture may prescribe, by means of the audit recommendations, to remove deficiencies within the prescribed period.

12. If the person authorised to develop the assessment or comments:

- 1) no longer fulfils the conditions referred to in Article 10(3), or
- 2) made the statement referred to in Article 10(5) point 3, which incompatible with the actual state, or
- 3) prevents or hinders the inspection referred to in Paragraph 2, or
- 4) flagrantly violated the conditions referred to in Paragraph 1, or
- 5) did not remove deficiencies within the period referred to in Paragraph 11, or
- 6) develops assessments or comments that do not meet the requirements set out in the guidelines of the European Commission or in an unreliable manner, or
- 7) has submitted an application for revocation of this authorisation

- the minister responsible for agriculture revokes, by means of a decision, the authorisation to develop the assessment or comments.

13. The entity, which was revoked the authorisation to develop evaluation or comments is obliged to immediately return to the minister responsible for agriculture, but no later than within 30 days from the date of withdrawal of authorisation, the copies of documentation enabling the development of the authorisation or comments.

14. The entity, which was revoked the authorisation to develop the assessment or comments, in the cases referred to in Paragraph 12 points 2-6 can get re-authorisation not before the expiry of three years from the date of the decision revoking the authorisation.

Article 12.

1. The minister responsible for agriculture maintains and updates the register of entities authorised to develop the assessment or comments.

2. The register referred to in Paragraph 1 is public and contains:

- 1) the information referred to in Article 10(4) point 1;
- 2) the scope of the authorisation;
- 3) the date and number of the authorisation.

3. The register referred to in Paragraph 1 is made available on the website administered by the minister responsible for agriculture.

Article 13.

1. The minister responsible for agriculture operates the Commission on Plant Protection Products.

2. The Commission on Plant Protection Products is an advisory body to the minister responsible for agriculture.

3. The tasks of the Commission on Plant Protection Products include giving opinions, at the request of the minister responsible for agriculture, on matters relating to active substances, safeners, synergists and plant protection products, in particular giving opinions on the assessment or comments.

4. The Commission on Plant Protection Products consists of seven members:

- 1) one representative of the minister responsible for agriculture;
- 2) one representative of the minister responsible for the environment;
- 3) one representative of the minister responsible for health;
- 4) one representative of the National Council of Agricultural Chambers;
- 5) one representative of civil society organizations whose statutory aim is ecology;
- 6) one representative of farmers' unions;

- 7) one representative of civil society organizations whose statutory aim is bee-keeping;
5. Members of the Commission on Plant Protection Products are appointed and dismissed by the minister responsible for agriculture, except that the members of the Commission on Plant Protection Products referred to in Paragraph 4 point 2 and 3, the minister responsible for agriculture shall appoint and dismiss accordingly at the request of the minister responsible for the environment and the minister responsible for health. Representatives referred to in Paragraph 4 points 4-7 are appointed and dismissed by the minister responsible for agriculture from among the candidates nominated respectively by the National Council of Agricultural Chambers, farmers' unions and social organizations whose statutory aim is ecology or beekeeping.
6. Prior to the appointment, the candidates for members of the Commission on Plant Protection Products make the statement that:
- 1) they are not in the legal or actual relationship with the producers, holders of authorisations of plant protection products or entities with parallel trade permits, which may raise doubts as to the impartiality of the opinion;
 - 2) they do not participate in the development of the assessment or comments;
 - 3) they will maintain the secrecy of any information, research findings and data related to matters on which they give opinions.
7. A member of the Commission on Plant Protection Products is exempted from giving opinions on matters in which his opinion may raise doubts as to his impartiality in respect of those matters.
8. The term of office of the Commission on Plant Protection Products is four years.
9. A member of the Commission on Plant Protection Products may be dismissed before the end of the term of office of the Commission.
10. A member of the Commission on Plant Protection Products, which was dismissed by the minister responsible for agriculture or whose term has expired, is obliged to immediately return to the minister responsible for agriculture, but no later than within 30 days from the date of cancellation or expiry of the term, the documentation which is the basis for the opinion referred to in Paragraph 3.
11. The minister responsible for agriculture sets the rules of procedure of the Commission on Plant Protection Products.
12. Monthly remuneration of members of the Commission on Plant Protection Products is set up as a factor of 0.5 of the average monthly wage in the corporate sector in the fourth quarter of the year before the year in which the payment of wages takes place, published by the Central Statistical Office in the Official Journal of the Central Statistical Office.
13. Non-local members of the Commission on Plant Protection Products are entitled to reimbursement of travel and accommodation costs on the principles applicable to business trips in the country of workers employed in the state or local government public sector entities.

14. Remuneration of the members of the Commission on Plant Protection Products and reimbursement of travel and accommodation costs are covered from the state budget, which is administered by the minister responsible for agriculture.

Article 14.

1. The holder of the authorisation of plant protection products may delegate to another entity under contract the rights and obligations under the authorisation of plant protection products.

2. The entity which under the contract has been delegated the powers and responsibilities under the authorisation of plant protection products notifies the minister responsible for agriculture in writing of the contract.

3. The notification referred to in Paragraph 2, includes:

- 1) the date of conclusion of the agreement and its entry into force;
- 2) the name of the plant protection product to which the contract relates;
- 3) the number of authorisation of a plant protection product;
- 4) the name, address and place of residence or name, address or registered office of the entity which under the contract was delegated powers and responsibilities resulting from the authorisation of plant protection products, except that if the entity is a natural person running a business, rather than the address and place of residence of the person - the address of the establishment, if different from the address and place of residence;
- 5) the number of the National Court Register entity which under the contract was delegated powers and responsibilities resulting from the authorisation of a plant protection product, provided that the entity has such a number;
- 6) tax identification number (NIP) of the entity which under the contract was delegated powers and responsibilities resulting from the authorisation of a plant protection product;
- 7) the date and signature of the notification.

4. The notification referred to in Paragraph 2 shall be accompanied by:

- 1) a statement of the holder of the authorisation of a plant protection product on the delegation of powers and responsibilities resulting from the authorisation;
- 2) a statement of the entity which under the contract was delegated powers and obligations resulting from the authorisation of a plant protection product on the acquisition of these rights and responsibilities.
- 3) a statement of the entity which under the contract was delegated powers and obligations resulting from the authorisation on a plant protection product that the plant protection product continues to meet the requirements specified in the authorisation;
- 4) the excerpt translated into Polish from the relevant register of business conducted in another state, in case of an entity which under the contract was delegated powers and responsibilities resulting from the authorisation of a plant protection product and has

no number in the National Court Register or an entry in the Central Register and Information on Business Activity.

5. The statements referred to in Paragraph 4 points 1-3, shall be submitted in Polish.
6. If the statement referred to in Paragraph 4 points 1-3, have not been made in Polish, they shall be accompanied by a translation of these statements into Polish.
7. The minister responsible for agriculture, on the basis of the notification referred to in Paragraph 2 and the accompanying documents referred to in Paragraph 4, issues a decision determining the transition of powers and responsibilities resulting from the authorisation of a plant protection product.
8. Where the decision referred to in Paragraph 7 has become final, the minister responsible for agriculture shall make the information referred to in Article 57(1) of Regulation No 1107/2009 available on the website administered by the office supporting the minister responsible for agriculture in the changes resulting from the transition of powers and responsibilities resulting from the authorisation.

Article 15.

1. Activities for the approval of active substances, safeners and synergists and activities regarding the authorisations of plant protection products, parallel trade permits and permits to conduct research are payable.

2. Charges apply to:

1) an application relating to:

- a) the approval of an active substance, safener and synergist,
- b) the authorisation of a plant protection product, as referred to in Article 28(1), Article 30(1), Article 41, Article 47(1), Article 51 and Article 53 of Regulation No 1107/2009,
- c) the parallel trade permit,
- d) the permit to conduct research,
- e) the decision to amend the authorisation of a plant protection product or the parallel trade permit or the permit to conduct research;

2) activities related to:

- a) verification of the documentation submitted with the application for approval of active substances, safeners and synergists or extension of approval, or in connection with the review of the approval of elements provided for in Article 8 of Regulation No 1107/2009,
- b) the development of the assessment of data for active substances referred to in Commission Regulation (EU) No 544/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council

as regards the data requirements for active substances (OJ L 155, 11.6.2011, p.1) or comments on the assessment of these data,

b) the development of the assessment of data for plant protection products referred to in Commission Regulation (EU) No 544/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the data requirements for active substances (OJ L 155, 11.6.2011, p.1) or comments on the assessment of these data,

d) the preparation of the draft assessment report referred to in Article 11 of Regulation No 1107/2009,

e) the development of a comparative assessment of plant protection products containing candidates for substitution referred to in Article 50 of Regulation No 1107/2009,

f) the preparation of the assessment of equivalence referred to in Article 38(2) of Regulation No 1107/2009.

3. The fees referred to in Paragraph 2 point 1 shall be paid before the application, to the account of the ministry responsible for agriculture.

4. The fees referred to in Paragraph 2 point 2 shall be paid before these operations to the account of:

1) the ministry responsible for agriculture - in the case of fees for services performed by the minister responsible for agriculture;

2) the entities authorised under Article 10 - in the case of fees for services performed by these entities.

5. The fees referred to in Paragraph 2, paid to the account of the ministry responsible for agriculture shall constitute the revenue of the state budget.

6. The fees referred to in Paragraph 2 point 2, paid to the account of the authorised entities referred to in Article 10, constitute the income of these entities. In the case of non-payment of fees referred to in Paragraph 2 point 2, these activities will not be taken.

7. The provisions of Paragraphs 4-6 do not apply to the activities referred to in Paragraph 2 point 2, in so far as they are performed by a competent authority of another Member State of the European Union referred to in Article 75(1) or (2) of Regulation No 1107/2009.

8. The minister responsible for agriculture shall determine, by means of an ordinance, the amount and method of payment and confirmation of payment:

1) of fees referred to in Paragraph 2 point 1, taking into account the amount of work and level of administrative costs and assurance of smooth processing of applications for approval of an active substance, safener or synergist, or for authorisation of a plant protection products, parallel trade permit, permit to conduct research and the decision to change the authorisation or permit and assurance of efficient collection of these charges;

2) of fees referred to in Paragraph 2 point 2, taking into account the actual cost of each activity and assurance of smooth implementation of these activities.

Article 16.

The minister in charge of agriculture provides information referred to in Article 57(1) of Regulation No 1107/2009 on the website administered by the ministry responsible for agriculture.

Article 17.

1. On Polish territory the efficacy evaluation of plant protection products may only be carried out by persons authorised by the Chief Inspector.

2. Authorisation to conduct research on the effectiveness of a plant protection product is granted, by means of a decision, at the request of the entity applying for permit. The decision shall specify the scope of the granted authorisation.

3. The entity authorised to conduct research on the effectiveness of a plant protection product in the specified range shall meet the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009.

4. The application referred to in Paragraph 2, includes:

1) the name, address and place of residence or name, address or registered office of the entity applying for authorisation to conduct research on the effectiveness of a plant protection product, except that if the entity is a natural person engaged in economic activity, rather than the address and location residence of the person - the address of the establishment, if different from the address and place of residence;

2) the number in the National Court Register of the applicant, if the applicant has a number;

3) tax identification number (NIP) of the applicant;

4) the indication of the scope of the authorisation to conduct research on the effectiveness of a plant protection product, including in particular the function of the plant protection product and the place of research and type of crops in which research will be conducted;

5) date and signature of the applicant.

5. The application referred to in Paragraph 2 shall be accompanied by:

1) a list of persons designated to carry out research on the effectiveness of a plant protection product, containing the names and surnames with a detailed description of the responsibilities of individual jobs;

2) a list of standard operating procedures used in the research on the effectiveness of a plant protection product;

3) information about:

a) the land or facilities in which the research on the effectiveness of a plant protection product will be conducted, and their location,

b) the technical equipment, including the laboratory to be used for testing the effectiveness of a plant protection product;

4) the excerpt, translated into Polish, from the relevant register of business activities in another Member State of the European Union, the Member States of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, under the laws of that State, in the case of an applicant who intends to temporarily provide a service in the territory of the Republic of Poland.

6. The Chief Inspector, before granting authorisation to conduct research on the effectiveness of a plant protection product, conducts an audit for compliance with the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009 of the entity applying for the authorisation.

7. The Chief Inspector refuses, by means of a decision, to grant the authorisation to conduct research on the effectiveness of a plant protection product in the specified range, if the entity applying for the authorisation has failed to demonstrate that it meets the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009 or failed to provide information to allow examination of the application referred to in Paragraph 2.

8. The change to the scope of the authorisation to conduct research on the effectiveness of a plant protection product is subject to provisions of Paragraphs 1-7 accordingly, and in the case of:

1) limiting the scope of this authorisation, it is not subject to provisions of Paragraph 5 points 1-3 and Paragraph 6;

2) expanding the scope of the authorisation, it is subject to provisions of Paragraph 5 points 1-3 and Paragraph 6, in so far as they relate to extending the scope of this authorisation.

Article 18.

1. The entity authorised to conduct research on the effectiveness of a plant protection product is required to:

1) inform the Chief Inspector to change the data referred to in:

a) Article 17(4) points 1-3, or in the register or the records referred to in Article 17(5) point 4 - within 14 days of the event that caused the change in the data,

b) Article 17(5) points 1-3 - within six months of the event that caused the change of the data;

2) transfer to the Chief Inspector the list of planned research on the effectiveness of a plant protection product within 14 days prior to the initiation of the research;

3) provide the Chief Inspector with the documents necessary to determine whether the entity meets the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009.

2. The Chief Inspector performs inspections of operators authorised to conduct research on the effectiveness of a plant protection product as regards compliance with the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009.

3. The Chief Inspector may authorise the voivodeship inspector in writing to conduct inspection referred to in Paragraph 2.

4. If the entity authorised to conduct research on the effectiveness of a plant protection product no longer meets the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009, or uses in the research a plant protection product in violation of Article 54 of Regulation No 1107/2009, or fails to fulfil the obligations referred to in Paragraph 1, the Chief Inspector orders within the prescribed period to correct identified deficiencies, provided that these deficiencies pose no risk to human or animal health or to the environment.

5. In the case of:

1) preventing or hindering the performance of the inspection referred to in Paragraph 2, or

2) finding that deficiencies referred to in Paragraph 4 pose a threat to human or animal health or to the environment, or

3) failure to remove deficiencies referred to in Paragraph 4 within the prescribed period, or

4) filing by the entity authorised to conduct research on the effectiveness of a plant protection product the application for revocation of authorisation

- the Chief Inspector revokes, by means of a decision, the authorisation to conduct research on the effectiveness of a plant protection product.

6. The decision referred to in Paragraph 5 is immediately enforceable.

7. The entity, which was revoked the authorisation to conduct research on the effectiveness of a plant protection product, in the cases specified in Paragraphs 5 points 1-3, can get re-authorisation not earlier than before the expiry of three years from the date of the decision revoking the authorisation.

8. The Chief Inspector, in the case of finding that research on the effectiveness of a plant protection product is conducted by an entity that does not have the required authorisation, prohibits the research, by means of a decision. The decision is immediately enforceable.

9. The entity involved in research on the effectiveness of a plant protection product without the required authorisation may be authorised to conduct the research not earlier than three years from the date on which the decision referred to in Paragraph 8 has become final.

Article 19.

1. The Chief Inspector maintains and updates the register of entities authorised to conduct research on the effectiveness of a plant protection product.
2. The register referred to in Paragraph 1 is public and contains:
 - 1) the information referred to in Article 17(4) point 1;
 - 2) the scope of the authorisation;
 - 3) the date and number of the authorisation.
3. The register referred to in Paragraph 1 is made available on the website administered by the Main Inspectorate of Plant Health and Seed Inspection.

Article 20.

1. The Chief Inspector, on request of the entity that has obtained authorisation for research on the effectiveness of a plant protection product, issues a certificate drawn up in Polish and English, confirming that the entity meets the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009 with regard to the authorisation.
2. The certificate referred to in Paragraph 1 is an attestation within the meaning of the Administrative Code and is valid for the duration of the authorisation to conduct research on the effectiveness of a plant protection product in the specified range.

Chapter 3

Placing of plant protection products on the market

Article 21.

Unit packaging of plant protection products placed on the market:

- 1) are sealed and undamaged;
- 2) are provided with a label:
 - a) approved,
 - b) prepared in Polish;
- 3) comply with the requirements set out in the authorisation of a plant protection product or a parallel trade permit.

Article 22.

The information referred to in Article 49(4) of Regulation No 1107/2009, put on the packaging of marketed seed treated with a plant protection product shall be written in Polish.

Article 23.

A plant protection product which has been marketed before the expiry of its authorisation or the parallel trade permit, after this period may:

1) remain on the market for a period of six months after the expiry of the authorisation or permit,

2) may be disposed of, stored and used for a period of 12 months after the expiry of the period referred to in Paragraph 1

- unless the authorisation of a plant protection product or the parallel trade permit or the decision to revoke the authorisation or permit states otherwise.

Article 24.

1. A plant protection product which has been placed on the market may continue to be traded and used after its use by date has expired, for a period not longer than 12 months, if the results of the tests on the durability of that plant protection product carried out by a laboratory holding a certificate of Good Laboratory Practice, issued pursuant to Article 16(4) of the Act of 25 February 2011 on Chemical Substances and Their Mixtures (Official Journal of the Laws, No. 63, Item 322; of 2012, Item 908) or granted in another Member State of the European Union pursuant to the regulations in effect in that State, confirm its suitability for its intended use.

2. The tests referred to in paragraph 1 shall be carried out at the expense of the interested operator, in accordance with the regulations issued pursuant to Article 84(c) of Regulation No 1107/2009.

3. The laboratory referred to in paragraph 1 shall issue a document confirming the suitability of the plant protection product for its intended use after its use by date has expired, containing in particular:

- 1) the name of the laboratory;
- 2) the number of the document and the date of its issue;
- 3) the name, number of the batch and the production date of the plant protection product;
- 4) the period in which the plant protection product may be placed on the market and used after its use by date has expired.

4. The interested operator shall immediately submit to the Voivodship Inspector who is competent in view of the place of residence or the registered seat of that operator, a copy of the document referred to in paragraph 3 or a copy of that document translated into the Polish language, if that document has not been prepared in the Polish language.

5. The interested operator shall enclose the following with each unit package of the plant protection product placed on the market:

- 1) a copy of the document referred to in paragraph 3, or
- 2) a copy of the document referred to in paragraph 3 which has been translated into the Polish language, if that document has not been prepared in the Polish language.

Article 25.

1. Economic activity in the marketing of plant protection products or packing of these products is regulated under the provisions on freedom of establishment and must be entered in the register of companies doing business in the marketing of plant protection products or packing of these products.

2. The provisions of Paragraph 1 do not apply to producer of a plant protection product who is permitted to put the plant protection product on the market, however, if the producer is engaged in business in sale of plant protection products to the final customer, the activity in this field must be entered in the register referred to in the Paragraph 1.

3. An entrepreneur carrying out economic activities referred to in Paragraph 1 in the marketing of plant protection products shall:

1) ensure that the persons selling plant protection products to the final customer:

a) have completed training in advising on plant protection products in the Republic of Poland, confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

b) not earlier than upon the expiry of five years, before performing these activity, they completed the training required of persons engaged in sale of plant protection products in another EU Member State or in a State that is the party to the Agreement on the European Economic Area, under the laws of that State, attested by evidence of completion of the training, or submitted any other document issued under the laws of this country, confirming the authorisation to conduct business in sales of plant protection products to the final customer,

c) provided the buyer of plant protection products, on request, with information regarding the risks associated with the use of purchased plant protection products and information on their proper and safe use, and in the case of the sale of plant protection products to a non-professional user – with basic information concerning in particular:

- hazards caused by these agents to human health, including different ways of exposure to these agents,
- proper storage of these products,
- proper application of these products,
- proper handling of the remains of these products,
- ways to reduce the risks associated with the use of plant protection products;

2) in case of sale of plant protection products to a buyer other than mentioned in Paragraph 1, provide the possibility of ongoing consultation with a person with the qualifications specified in point 1(a) or (b), who will provide the purchaser of plant

protection products, on request, with information about the risks associated with the use of purchased plant protection products and their proper and safe use;

3) store plant protection products which expired, or cannot be sold for other reasons, in a separate and appropriately designated area;

4) carry out the responsibilities as regards collecting and maintaining the records referred to in Article 67(1) of Regulation No 1107/2009, in such a way - except in cases of selling plant protection products to the final customer - as to help identify the batch number and production date of acquired and sold plant protection products;

5) in case of an offer to conclude a remote contract, within the meaning of provisions on the protection of consumer rights and liability for damage caused by dangerous products, concerning the sale of a plant protection product, put information in the sale offer of this product to indicate that the acquisition of plant protection products can be made only by persons:

a) of full age,

b) having the qualifications required of people purchasing plant protection products referred to in Article 28.

4. The provisions of Paragraph 3 point 1(a) and (b) and Paragraph 2 shall not apply to micro-entrepreneurs in the sense of freedom of economic activity, if they market only plant protection products, designed for non-professional users, that are not, in accordance with the provisions of the Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1, as amended), hereinafter "Regulation No 1272/2008", classified into at least one of the following hazard classes and categories:

1) acute toxicity category 1, 2 and 3;

2) carcinogenic;

3) mutagenic effects;

4) reproductive toxicity;

5) specific target organ toxicity - single exposure (STOT SE) category 1;

6) specific target organ toxicity - repeated exposure (STOT RE) category 1.

5. Packaging of plant protection products is carried out in accordance with the requirements of the authorisation of a plant protection product or a parallel trade permit, with recording the batch number and date of production of a plant protection product given by the producer of the plant protection product.

6. The provisions of Paragraph 5 do not apply to packaging of plant protection products intended for use in another Member State of the European Union or in a third country.

Article 26.

1. Entry in the register, referred to in Article 25(1), is made upon the application submitted by the entrepreneur with the following data:

- 1) the name, address and place of residence or name and address and registered office of the entrepreneur, except that if the entrepreneur is a natural person, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;
- 2) the number in the National Court Register of the applicant, if the applicant has a number;
- 3) tax identification number (NIP) of the applicant;
- 4) REGON number of the applicant, if the applicant has been given such a number;
- 5) determination of the scope of the activity;
- 6) an indication of a place for putting plant protection products on the market or packaging of these products;
- 7) an indication of the place of storage of plant protection products, if an entrepreneur, involved in the placing of plant protection products on the market or packaging of these products, stores these products;
- 8) date and signature of the applicant.

2. The application referred to in Paragraph 1 shall be accompanied by:

1) the following declaration:

"I declare that:

1) the data contained in the application for entry into the register of economic operators conducting activity in the field of marketing of plant protection products or packaging of these products are complete and correct;

2) I am aware of and fulfil the conditions of establishment for marketing of plant protection products or packaging of these products, as defined in the Act of 8 March 2013 on plant protection products (Dz.U. item 455).";

2) the excerpt, translated into Polish, from the relevant register of business activities in another Member State of the European Union, the Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, in the case of an applicant who intends to temporarily provide a service in the territory of the Republic of Poland.

3. The declaration referred to in Paragraph 2 point 1 shall also include:

1) the firm of the entrepreneur and its registered office and address;

2) the place and date of the declaration;

3) the signature of the person authorised to represent the entrepreneur, indicating the name and function.

4. The Minister responsible for agriculture shall lay down the template of the application referred to in paragraph 1, containing the declaration referred to in paragraph 2(1), and the template of the application for amending the data in the register, in the form of electronic documents within the meaning of the Act of 17 February 2005 on the Computerisation of the Operations of Entities Implementing Public Tasks (Official Journal of the Laws of 2013, Item 235; of 2014, Item 183).

Article 27.

1. The authority maintaining the register referred to in Article 25(1) is:

1) the voivodeship inspector with jurisdiction over the address of the entrepreneur, except that in the case where the entrepreneur is an individual – over the place of business, if it is other than the place of residence of the person;

2) the voivodeship inspector with jurisdiction over the proposed place of business to which the application is made for registration referred to in Article 25(1), in the case of an entrepreneur from a Member State of the European Union, the Member State of the European Free Trade Association (EFTA) – a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, who intends to temporarily provide a service in the territory of the Republic of Poland.

2. The register referred to in Article 25(1), includes:

1) the information referred to in Article 26(1) points 1, 5 and 6;

2) the registration number;

3) the date of registration.

3. The register referred to in Article 25(1) is made available on the website administered by the voivodeship inspectorate of plant health and seed inspection.

Article 28.

Plant protection products designed for professional users may be sold to persons who:

1) have completed training in the use of plant protection products in the Republic of Poland, confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

2) have completed training in advice on plant protection products in the Republic of Poland, confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

3) have completed training in integrated production of plants, confirmed with a certificate of completion of this training, subject to Article 64(4), (5), (7) and (8), or

4) have completed, no earlier than five years prior to the acquisition of these products, the training required of professional users in another EU Member State or in a State which is a party to the Agreement on the European Economic Area, under the laws of this country, as attested by the evidence of completing this training, or provided other document issued under the laws of this country, confirming authorisation to acquire plant protection products intended for professional users.

Article 29.

Marketing of chemical active substances, safeners, synergists and co-formulants shall be in accordance with the provisions on chemical substances and mixtures thereof.

Article 30.

1. The entity who intends to market plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, for storage or movement, is obliged to inform the voivodeship inspector with jurisdiction over the place of introduction of these products in writing of its intention to introduce these products in Polish territory, within a period of not less than seven days before the planned introduction.

2. The information referred to in Paragraph 1, includes:

1) the name, address and place of residence or name, address and registered office of the entity that intends to introduce plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, in Polish territory for storage or shipment, except that in case the entity is a natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the establishment, if is different than the address and place of residence;

2) the name of the introduced plant protection products and their quantity;

3) an indication of the place of introduction of plant protection products to Polish territory and the planned date of their introduction;

4) an indication of the place of storage of plant protection products – in case they will be stored on Polish territory.

3. The information referred to in Paragraph 1 is accompanied by a statement of the purpose of the introduced plant protection products to be used in other EU Member States in which they are admitted to trading, or in third countries, specifying those countries, submitted by the entity wishing to introduce plant protection products on Polish territory.

4. In the case of the planned introduction of plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, to Polish territory from a third country, the voivodeship inspector passes the obtained information referred to in Paragraph 1, together with a copy of the statement referred to in Paragraph 3, to the customs authorities of the place where these products will be introduced on Polish territory.

5. The entity that introduced plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, is required to remove them from the territory before the expiry of two years from the date of production, and if their expiry date is less than two years, before the expiry of that period.

6. The entity which intends to produce plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, is obliged to inform the voivodeship inspector with jurisdiction over the place of production in writing of its intention to produce these products.

7. The information referred to in Paragraph 6, includes:

- 1) the name, address and place of residence or name, address and registered office of the entity, which intends to produce plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, with the exception that if the entity is a natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the establishment, if different from the address and place of residence;
- 2) the name of the plant protection product produced and the amount thereof;
- 3) the place the production of plant protection products.

8. To the information referred to in Paragraph 6, the entity intending to produce plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, attaches a statement that they will not be marketed on Polish territory for the final consumer of these products and will be removed from the territory of the Republic of Poland.

9. The entity that produced plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, on Polish territory, is required to remove them from the territory before the expiry of two years from the date of production, and if their expiry date is less than two years, before the expiry of that period.

10. The plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, which were not introduced on Polish territory before the expiry of two years from the date of production, and if their expiry date is less than two years, before the expiry of that period, become waste within the meaning of the provisions on waste.

11. In the case of sale of plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, before their removal from the territory of the Republic of Poland, the obligations of the entity referred to in Paragraph 5 or 9, are transferred to an entity that purchased these plant protection products.

12. The voivodeship inspector conducts inspections of bodies referred to in Paragraphs 1, 6 and 11.

13. The entity that has purchased plant protection products, as referred to in Article 28(2)(c) or (d) of Regulation No 1107/2009, before their removal from Polish territory informs the voivodeship inspector with jurisdiction over the place of storage of these products, within 14 days from the date of purchase.

14. The information referred to in Paragraph 13, includes:

- 1) the name, address and place of residence or name and address and registered office of the entity that purchased plant protection products, except that if the entity is a

natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;

- 2) the date of the acquisition of plant protection products;
- 3) the name of the acquired plant protection products and their quantity;
- 4) the place of storage of the acquired plant protection products.

Article 31.

It is forbidden to:

- 1) sale a plant protection product and to submit an offer to sell such a product:
 - a) to a person whose behaviour indicates that they are in a state of intoxication, or to a minor,
 - b) in a substitute container,
 - c) in a room in which food or feed is sold, except if in the event of a plant protection product intended for non-professional user the product is kept locked up in a way that prevents contact with food or feed,
 - d) using automation, self-service or sales made outside fixed location (doorstep selling and hawking at markets within the meaning of the provisions on local taxes and fees)
 - e) after its use by date has expired, subject to Article 24;
- 2) provide information inconsistent with the requirements contained in the label, as referred to in Article 31(1)-(3) or Paragraph 4(a)-(d) or (f)-(h) of Regulation No 1107/2009.

Article 32.

In case of suspicion of marketing:

- 1) a plant protection product, whose composition or physical or chemical properties have been changed, or
 - 2) a product that mimics the plant protection product or a counterfeit plant protection product
- the voivodeship inspector, by means of a decision, suspends the trade in this plant protection product until the end of laboratory tests conducted to rule out or confirm this suspicion.

Article 33.

1. In case of affirmation of marketing:

- 1) a plant protection product:

a) without the required authorisation for the placing on the market or a parallel trade permit, or

b) that does not meet the requirements specified in the authorisation of a plant protection product or the parallel trade permit, or

1) whose composition or physical or chemical properties specified in its documentation have been changed, or

d) in a leaking or damaged packaging, or

b) in a substitute container, or

f) the use by date whereof has expired, subject to Article 24, or

2) a product that mimics a plant protection product or a counterfeit plant protection product

- the voivodeship inspector, by means of a decision, at the expense of the holder of a plant protection product that mimics a plant protection product or a counterfeit plant protection product, orders the immediate withdrawal of the product.

2. Plant protection products that mimic plant protection products and counterfeit plant protection products withdrawn from the market on the basis of the decision referred to in Paragraph 1 become waste within the meaning of the provisions on waste.

3. If it is determined that the marketed plant protection product:

1) is in a package that does not meet the requirements specified in the authorisation of a plant protection product or a parallel trade permit, or

2) is in the unit package:

a) without a label:

- approved, or
- drawn up in Polish, or

b) having a label that does not meet the requirements set out in the provisions issued pursuant to Article 65(1) of Regulation No 1107/2009, or

c) that does not satisfy the requirements of Article 25(5), or

3) whose packaging provides information not in accordance with the requirements set out in the authorisation of a plant protection product or a parallel trade permit, or misleading the purchaser of the product, or information referred to in Article 66(2) of Regulation No 1107/2009

- the voivodeship inspector, by means of a decision, at the expense of the holder of a plant protection product orders the immediate withdrawal of the product.

4. The decision referred to in Paragraphs 1 and 3 is immediately enforceable.

Article 34.

1. If it is determined that marketed seed has been treated:

1) with a plant protection product:

a) for which authorisation of a plant protection product or a parallel trade permit has not been issued in at least one EU Member State, or

b) which is used not in accordance with the requirements specified in the authorisation of a plant protection product or a parallel trade permit, or

1) whose composition or physical or chemical properties have been changed, or

2) a product that mimics a plant protection product or a counterfeit plant protection product

- the voivodeship inspector, by means of a decision, at the expense of the holder of a plant protection product orders the immediate withdrawal of the product.

2. Seed withdrawn from the market on the basis of the decision referred to in Paragraph 1 becomes waste within the meaning of the provisions on waste.

3. If it is determined that marketed seed treated with a plant protection product is in a package without information referred to in Article 49(4) of Regulation No 1107/2009, drawn up at least in Polish, the voivodeship inspector, by means of a decision, at the cost of the seed holder, orders the immediate withdrawal of the seed.

4. The decision referred to in Paragraphs 1 and 3 is immediately enforceable.

Chapter 4

Application of plant protection products

Article 35.

1. Plant protection product must be applied in such a way as not to endanger the health of humans, animals and the environment, including counteract the carrying away of plant protection products to the areas and objects that are not the target of the treatment with these products, and plan the use of plant protection products, taking into account the period when people will stay in the treated area.

2. Plant protection products can be used at a smaller distance from the reservoirs and waterways than the width of the buffer zone referred to in Annex III to Commission Regulation (EU) No 547/2011 of 8 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products (OJ L 155, 11.06.2011, p. 176), hereinafter referred to as "Regulation No 547/2011", as indicated in the labels of these products if certain conditions are set for the use of plant protection product at such a distance in the provisions issued pursuant to Article 40(2).

3. Professional users:

1) apply plant protection products taking into account the integrated pest management;

2) in the documentation referred to in Article 67(1) of Regulation No 1107/2009, shall be required to indicate the manner of implementing the requirements of integrated pest management by giving at least the cause of application of a plant protection product.

4. Plant protection products must be stored and disposed of in such a way as not to endanger the health of humans, animals and the environment, including in the process referred to in point 1 q) of Annex I to Regulation No 547/2011.

5. The small packs of plant protection products should be handled in a manner referred to in point 1 q) and s) of Annex I to Regulation No 547/2011.

6. The minister responsible for agriculture shall determine, by means of an ordinance, the requirements of integrated pest management, with a view to limiting the risks to human health, animals and the environment associated with the use of plant protection products.

Article 36.

1. It is forbidden to apply plant protection products, which are in accordance with the provisions of Regulation No 1272/2008 classified as hazardous to human health, in areas of playgrounds, nurseries, kindergartens, primary schools, hospitals, buffer zones "A" separated in spa areas or in health resort areas, within the meaning of provisions on health resorts, spas and spa conservation areas and spa gminas.

2. The voivodeship inspector allows, by means of a decision, the use of plant protection products, which was in accordance with the provisions of Regulation No 1272/2008 classified as hazardous to human health, in areas referred to in Paragraph 1, in case of:

1) quarantine pests, or

2) risk of harmful organisms to natural monuments or nature and landscape complexes within the meaning of the provisions on nature conservation, or

3) determination of the existence of plants which are dangerous to human health, or

4) organisms harmful to plants or plant products, combating which with the non-chemical methods is not economically justified or ineffective.

3. The decision referred to in Paragraph 2 defines the conditions of use of plant protection products in the areas referred to in Paragraph 1.

4. It is forbidden to use by non-professional users in the form of spray or fumigation, and use for treating seed, of plant protection products classified in accordance with the provisions of Regulation No 1272/2008 to at least one of the following hazard classes and categories:

1) acute toxicity category 1, 2 and 3;

2) carcinogenic;

3) mutagenic effects;

4) reproductive toxicity;

- 5) specific target organ toxicity - single exposure (STOT SE) category 1;
- 6) specific target organ toxicity - repeated exposure (STOT RE) category 1.

Article 37.

1. The holder of the land or premises where the operations are performed with the use of plant protection products by a professional user is obliged to keep for a period of three years the copies provided by the user of the documentation referred to in Article 67(1) of Regulation No 1107/2009, concerning plant protection products used on the land or in the premises, if another entity carries out these treatments and the holder does not have this documentation.
2. The holder of the land or premises where the operations are performed with the use of plant protection products by a professional user is obliged to indicate the manner of implementing the requirements of integrated pest management by giving at least the reasons for performing the treatment with a plant protection product in the documentation referred to in Article 67(1) of Regulation No 1107/2009, or a copy thereof, if another entity performs the treatment and the holder does not have this documentation.

Article 38.

1. Plant protection products can be used with agricultural aviation equipment, if the control of harmful organisms is not possible using ground equipment or the use of plant protection products using agricultural aviation equipment poses less risk to human or animal health or to the environment than using ground equipment.
2. The use of agricultural aviation equipment is prohibited in case of:
 - 1) herbicides;
 - 2) desiccants;
 - 3) plant protection products classified in accordance with the provisions of Regulation No 1272/2008 to at least one of the following hazard classes and categories:
 - 1) acute toxicity category 1, 2 and 3,
 - b) carcinogenic category 1A and 1B,
 - c) mutagenic category 1A and 1B,
 - d) reproductive toxicity category 1A and 1B,
 - e) specific target organ toxicity - single exposure (STOT SE) category 1,
 - 6) specific target organ toxicity - repeated exposure (STOT RE) category 1.
 - 4) plant protection products with no added load substances.

Article 39.

1. Treatment with a plant protection using agricultural aviation equipment requires recognition of such treatment in the treatment plan approved by the voivodeship inspector with jurisdiction over the place of such an operation.

2. The entity wishing to carry out treatment with a plant protection product using agricultural aviation equipment forwards the treatment plan to the voivodeship inspector referred to in Paragraph 1, not later than 40 days before the scheduled start of the treatment.

3. The treatment plan includes:

1) information about:

a) target harmful organisms,

b) the area of planned treatments using a plant protection product and its location,

c) the names of plants or plant products which are the subject of treatments with the use of a plant protection product,

d) the planned delivery dates of treatments with the use of a plant protection product, submitted on a monthly basis, together with the names of plant protection products that will be used during these procedures,

e) the method of warning people about the planned treatment with the use of a plant protection product who may be at risk of exposure to a plant protection product as a result of this treatment or holders of animals that may be at risk of exposure to a plant protection product as a result of this treatment;

2) the reasons for the need to carry out treatments using a plant protection product, demonstrating that the conditions laid down in Article 38(1) are met.

4. The entity wishing to carry out the procedure with the use of a plant protection product using agricultural aviation equipment attaches a statement to the treatment plan that:

1) it is aware of the treatment conditions with a plant protection product using agricultural aviation equipment;

2) the treatment with a plant protection product using agricultural aviation equipment will be made:

a) by an entity certified to take up and pursue activities in the field of civil aviation concerning air services other than carriage by air with the use of aircraft for which a certificate of airworthiness is issued in accordance with the provisions of the Aviation Law,

b) by a person meeting the qualifications required for persons performing treatments with plant protection products intended for professional users,

c) using equipment intended for application of plant protection products that is technically sound,

d) with an aircraft that has a type certificate or supplemental type certificate, within the meaning of the provisions of the Aviation Law, with the entry allowing the aircraft to perform treatments with a plant protection product using agricultural aviation equipment.

5. The voivodeship inspector approves the treatment plan, by means of a decision, within 7 working days from the date of submitting the treatment plan, if the conditions laid down in Article 38 are met and treatment with a plant protection product, included in the plan, is without prejudice to the provisions of the Act and Regulation No 1107/2009.

6. The entity wishing to carry out treatment with a plant protection product using agricultural aviation equipment informs the voivodeship inspector of the intention to carry out such an operation contained in the treatment plan, within seven days before the planned procedure, stating:

1) the date of the procedure;

2) the name and quantity of a plant protection product, which will be used during this procedure;

3) the name, address and place of residence of the person carrying out the procedure or the name, address and registered office, except that where the person carrying out the procedure is a natural person engaged in economic activity, rather than the address and place of residence of the person - address of place of business if different than the address and place of residence.

7. The voivodeship inspector, within three days from the date of receipt of the information referred to in Paragraph 6, by means of a decision, prohibits the procedure with the use of a plant protection product if:

1) indicated plant protection products, according to the authorisation for placing them on the market or the parallel trade permit, or authorisation to conduct research, cannot be used with agricultural aviation equipment, or

2) one cannot carry out the procedure with the use of a plant protection product using agricultural aviation equipment on the target area.

8. In the case of an unforeseen risk from harmful organisms, it is possible to carry out the procedure with a plant protection product using agricultural aviation equipment not included in the treatment plan, if the execution of such operation does not endanger the health of humans, animals and the environment.

9. The entity planning the execution of the procedure, referred to in Paragraph 8, notifies the voivodeship inspector with jurisdiction over the proposed place of the procedure of its intention to carry out such treatment within seven days before the planned operation.

10. The information referred to in Paragraph 9 contains the information specified in Paragraph 3 point 1(a)-(c) and (e) and point 2 and Paragraph 6 point 3, the planned date for treatment with a plant protection product and the indication of the name and amount of a plant protection product to be used during the operation.

11. The voivodeship inspector, within three days from the date of receipt of the information referred to in Paragraph 9, by means of a decision, prohibits the treatment with a plant protection product, if there is at least one of the circumstances referred to in Paragraph 7.

12. The decision referred to in Paragraphs 7 and 11 is immediately enforceable.

13. The voivodeship inspector provides information about the planned treatment with a plant protection products using agricultural aviation equipment on the website of the voivodeship inspectorate of plant health and seed inspection, including in particular:

- 1) the area covered by the planned procedure and its location;
- 2) the name of plant protection products to be used during the planned treatment;
- 3) the date of the planned treatment;
- 4) the time after the application of a plant protection product, during which people and livestock should not stay in the area of the planned treatments.

14. The information referred to in Paragraph 13 can be made available by the voivodeship inspector in other ways customary in the area.

Article 40.

1. The minister responsible for agriculture, in consultation with the minister responsible for the environment shall determine, by means of an ordinance:

- 1) the minimum distance from specific places or objects, which taken into account allow the use of plant protection products,
 - 2) weather conditions, during which plant protection products can be used,
 - 3) the minimum area for the application of plant protection products using agricultural aviation equipment
- having regard to the type of equipment for the use of plant protection products and limiting risks to human health, animals and the environment related to the use of these products.

2. The minister responsible for agriculture, in consultation with the minister responsible for the environment shall determine, by means of an ordinance, the conditions of use of plant protection products at a less distance from reservoirs and waterways than the width of the buffer zone referred to in Annex III of Regulation No 547/2011, indicated in the labels of these products, including:

- 1) the method of assessment of limiting the drift of plant protection products to non-target areas and objects, by certain technical solutions or types of equipment intended for use of plant protection products,
- 2) the evaluators of the degree of limiting the drift of plant protection product to non-target areas and objects, by certain technical solutions or types of equipment intended for use of plant protection products,
- 3) the method of sharing the results of the assessment of the degree of limiting the drift of plant protection product to non-target areas and objects, by certain technical solutions or types of equipment intended for use of plant protection products,
- 4) the method of documenting the activities associated with making the assessment of the degree of limiting the drift of a plant protection product to non-target areas and

objects, by certain technical solutions or types of equipment intended for use of plant protection products,

- with a view to reducing the degree of limiting the drift of a plant protection product to non-target areas and objects, by certain technical solutions or types of equipment intended for use of plant protection products.

3. The minister responsible for agriculture shall determine, by means of an ordinance, a detailed procedure for the application and storage of plant protection products, in particular:

1) the manner of:

a) storage of plant protection products,

b) preparing plant protection products for application,

c) dealing with the remnants of the applied liquid after treatment with plant protection products,

d) proceeding with cleaning the equipment intended for use of plant protection products,

2) the requirements that must be met by places or objects that store plant protection products, taking into account the minimum distance from certain places or objects, after taking account of which one can store these products,

3) the method of warning of the intention to carry out the treatment with the use of plant protection products that pose a particular risk to human or animal health or the environment of persons who may be exposed to these products or owners of livestock that is likely to be exposed to these products

- in order to reduce risks to human health, animals and to the environment related to the use of plant protection products.

4. The minister responsible for agriculture shall determine, by means of an ordinance, the technical solutions that should be used during treatment with plant protection products using agricultural aviation equipment, in order to reduce the risk of the applied liquid drifting to the area which is not the target of this procedure.

Article 41.

The treatment with the use of plant protection products intended for professional users may be performed by persons who:

1) have completed training in the use of plant protection products in the Republic of Poland confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

a) have completed training in advising on plant protection products in the Republic of Poland, confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

3) have completed training in integrated production of plants, confirmed with a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

4) no earlier than five years before applying these products, completed the training required of professional users in another EU Member State or in a State which is a party to the Agreement on the European Economic Area, under the laws of this country, as attested by the evidence of completion of training, or provided other document issued under the laws of this country, confirming authorisation to perform treatments using plant protection products intended for professional users.

Article 42.

Consulting in plant protection measures in the scope of the implementation of the requirements of integrated pest management and the use of plant protection products, including exercised within the framework of marketing activities, can be provided by persons who:

a) have completed training in advising on plant protection products confirmed by a certificate of completion of training, subject to Article 64(4), (5), (7) and (8), or

2) not earlier than five years before the provision of these services, completed the training required of those providing advisory services on plant protection measures in another Member State of the European Union or a State which is a party to the Agreement on the European Economic Area, under the laws of this country, as attested by the evidence of completion of this training, or submitted any other document issued under the laws of this country, confirming the authorisation to conduct the business of providing advice on plant protection products.

Article 43.

Seed treated with a plant protection product may only be used for sowing or planting.

Article 44.

1. If it is determined that one holds:

1) a plant protection product:

a) without the required authorisation of a plant protection product, a parallel trade permit or permit to conduct research, or

1) whose composition or physical or chemical properties have been changed, or

2) a product that mimics the plant protection product or a counterfeit plant protection product

- the voivodeship inspector, by means of a decision, orders immediate disposal of the product within a specified period, at the expense of the holder of that product, in accordance with the provisions on waste, if the product may pose a risk to human or animal health or the environment.

2. The decision referred to in Paragraph 1 is immediately enforceable.

Article 45.

1. In case the user of seed determines that it was treated:

1) with a plant protection product:

a) for which authorisation of a plant protection product or a parallel trade permit has not been issued, in at least one Member State of the European Union, or a permit to conduct research, or

b) which was used not in accordance with the authorisation of a plant protection product or a parallel trade permit, or

1) whose composition or physical or chemical properties have been changed, or

2) a product that mimics a plant protection product or a counterfeit plant protection product

- the voivodeship inspector, by means of a decision, orders immediately, at the expense of the user, the disposal of this seed within a specified period, in accordance with the provisions on waste, if the seed may pose a risk to human or animal health or the environment.

2. The decision referred to in Paragraph 1 is immediately enforceable.

Article 46.

1. If the voivodeship inspector during the inspection of plant protection products determines, on the basis of the results of laboratory tests of samples of crops, that these crops contain residues of plant protection products in quantities hazardous to the health of the consumer:

1) he prohibits, by means of a decision, to allocate these crops for human consumption and marketing, including to other EU Member States or third countries for the purpose of human consumption, and determines how they are to be handled, or

2) if these crops were introduced to the market – he applies the procedure of notification under the rapid alert system for food and feed under the provisions on safety of food and nutrition.

2. The decision referred to in Paragraph 1 point 1 is immediately enforceable.

Article 47.

1. The minister responsible for agriculture develops a national action plan to reduce the risks associated with the use of plant protection products, hereinafter referred to as "the national action plan", taking into account in particular the national circumstances for the plant production and use of plant protection products, as well as taking into account the effects of activities included in the action plan on human health, the environment and the socio-economic conditions.

2. The minister responsible for agriculture ensures public participation in the development of the national action plan.

3. The minister responsible for agriculture in the development of the national action plan shall consult the minister responsible for health and the minister responsible for the environment.

4. The national action plan sets out in particular:

- 1) the objectives to be achieved in reducing the risks associated with the use of plant protection products on human health, animals and the environment, including compliance with the requirements of integrated pest management by professional users, promoting the use of non-chemical methods and reducing crop production based on the use of chemical protection products, as well as the dissemination of knowledge regarding the safe use of plant protection products;
- 2) a timetable for achieving the objectives referred to in Paragraph 1;
- 3) actions that should be taken in order to achieve the objectives referred to in Paragraph 1;
- 4) the bodies responsible for monitoring the achievement of the objectives referred to in Paragraph 1, and the manner of conducting this monitoring;
- 5) the indicators to assess the risks associated with the use of plant protection products on human health, animals and the environment, including those concerning the use of plant protection product, and the manner of sharing the results of the risk assessment to the public.

5. The minister in charge of agriculture announces, by way of notice, the national action plan in the Official Journal of the Republic of Poland – the "Polish Monitor".

6. The minister responsible for agriculture:

- 1) forwards the national action plan to the European Commission and other Member States of the European Union;
- 2) reviews the national action plan at intervals of not more than five years;
- 3) in case of failure to achieve or a risk of failing to achieve the objectives referred to in paragraph 4(1), amend the national action plan..

7. Changes to the national action plan are subject to the provisions of Paragraphs 1-5 and Paragraph 6 point 1.

Chapter 5

Confirmation of technical performance of equipment designed for use of plant protection products

Article 48.

1. The treatment with plant protection products uses the equipment designed for application of plant protection products which:

- 1) used for the intended purpose does not endanger the health of humans, animals and the environment;

2) it is in good working order and calibrated to ensure the correct application of plant protection products.

2. The equipment for the application of plant protection products, which is in use by professional users, which in case of lack of technical efficiency may pose a particular risk to the health of humans, animals or the environment, shall be subjected to periodic testing for confirmation of this efficiency.

3. Until the first study to confirm the technical efficiency of the equipment designed for use of plant protection products, referred to in Paragraph 2, the holder of this equipment is obliged to keep evidence of its acquisition.

4. In the absence of evidence of the purchase of equipment for application of plant protection products, referred to in Paragraph 2, such equipment cannot be used until its technical efficiency is confirmed in testing.

5. The minister responsible for agriculture shall determine, by means of an ordinance:

1) the types of equipment intended for application of plant protection products, which shall be tested to confirm the technical efficiency,

2) the requirements for technical efficiency of equipment designed for application of plant protection products, which shall be tested to confirm the technical efficiency,

3) the intervals at which the tests are carried out in order to confirm the technical efficiency of the equipment intended for application of plant protection products and the date of the first test of this equipment

- considering the level of risk to the health of humans, animals and the environment produced by the various types of equipment intended for application of plant protection products.

Article 49.

1. Economic activity in the field of validation of technical efficiency of equipment designed for application of plant protection products is regulated under the provisions on freedom of establishment and must be entered in the register of companies doing business in the field of validation of technical efficiency of the equipment.

2. The documents confirming the technical efficiency of the equipment for application of plant protection products, issued on the basis of technical efficiency tests carried out in another Member State of the European Union or a State which is a party to the Agreement on the European Economic Area, under the laws of this country, by an entrepreneur entitled to confirm the technical efficiency of the type of equipment intended for application of plant protection products are equivalent to documents proving the technical efficiency of equipment for application of plant protection products issued by companies listed in the register referred to in Paragraph 1.

3. The entrepreneur carrying out economic activities referred to in Paragraph 1 is obliged to:

1) provide organizational and technical conditions for proper conduct of technical efficiency test of different types of equipment intended for application of plant protection products, in order to verify its technical efficiency;

- 2) ensure conduct of technical efficiency tests of equipment intended for application of plant protection products, in order to verify its technical efficiency, by those who have completed training in technical efficiency testing of equipment intended for application of plant protection products;
- 3) conduct technical efficiency tests of equipment for application of plant protection product, in order to verify its technical efficiency, according to the methodology of such tests;
- 4) document the activities related to the conduct of technical efficiency tests of equipment intended for application of plant protection products, in order to verify its technical efficiency, and if the holder of this equipment is a natural person, the documentation should include the following personal data of the holder of this equipment: name, address and place of residence and PESEL number or name and number of the document confirming their identity, if the holder of that equipment has no Polish citizenship;
- 5) provide the voivodeship inspector with information about equipment designed for application of plant protection products subjected to technical efficiency tests, including personal data of the holder of the equipment referred to in Paragraph 4;
- 6) provide documents regarding the conduct of technical efficiency tests of equipment designed for application of plant protection products, in order to verify its technical efficiency at the request of the voivodeship inspector;
- 7) issue to the holder of equipment for application of plant protection products, which has been tested to confirm its technical efficiency, the document confirming completion of these tests and put on this equipment, if its technical efficiency has been confirmed, a control mark with an individual number.

Article 50.

1. The entry in the register, referred to in Article 49(1) is made upon the application submitted by the entrepreneur with the following data:

- 1) the name, address and place of residence or name and address and registered office of the entrepreneur, except that if the entrepreneur is a natural person, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;
- 2) the number in the National Court Register of the applicant, if the applicant has a number;
- 3) tax identification number (NIP) of the applicant;
- 4) REGON number of the applicant, if the applicant has been given such a number;
- 5) indication of the type of equipment intended for application of plant protection products, whose technical efficiency will be confirmed;
- 6) date and signature of the applicant.

2. The application referred to in Paragraph 1 shall be accompanied by:

1) the following declaration:

"I declare that:

1) the data contained in the application for the registration in the register of companies doing business in the field of validation of technical efficiency of equipment designed for application of plant protection products are complete and correct;

2) I am aware of and fulfil the conditions of conducting business in the field of validation of technical efficiency of equipment designed for application of plant protection products, as defined in the Act of 8 March 2013 on plant protection products (Dz.U. item 455)";

2) the excerpt, translated into Polish, from the relevant register of business activities in another Member State of the European Union, the Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, in the case of an applicant who intends to temporarily provide a service in the territory of the Republic of Poland.

3. The declaration referred to in Paragraph 2 point 1 shall also include:

1) the firm of the entrepreneur and its registered office and address;

2) the place and date of the declaration;

3) the signature of the person authorised to represent the entrepreneur, indicating the name and function.

4. The Minister responsible for agriculture shall lay down the template of the application referred to in paragraph 1, containing the declaration referred to in paragraph 2(1), and the template of the application for amending the data in the register, in the form of electronic documents within the meaning of the Act of 17 February 2005 on the Computerisation of the Operations of Entities Implementing Public Tasks.

Article 51.

1. The authority maintaining the register referred to in Article 49(1) is:

1) the voivodeship inspector with jurisdiction over the address of the entrepreneur, except that in the case where the entrepreneur is an individual – over the place of business, if it is other than the place of residence of the person;

2) the voivodeship inspector with jurisdiction over the proposed place of business, to which the application is made for registration, as referred to in Article 49(1), in the case of an entrepreneur from a Member State of the European Union, a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area, which intends to temporarily provide a service in the territory of the Polish Republic.

2. The register referred to in Article 49(1) includes:

- 1) the information referred to in Article 50(1) points 1 and 5;
- 2) the registration number;
- 3) the date of registration.

3. The register referred to in Article 49(1) is made available on the website administered by the voivodeship inspectorate of plant health and seed inspection.

Article 52.

1. An entity which is not an entrepreneur within the meaning of the provisions on freedom of establishment may be active in the field of validation of technical efficiency of equipment designed for application of plant protection products, after the entry is made in the register of non-entrepreneurs engaged in the field of validation of technical efficiency of such equipment.

2. The documents confirming the technical efficiency of the equipment for the application of plant protection products, issued on the basis of technical efficiency tests carried out in another Member State of the European Union or in a State which is a party to the Agreement on the European Economic Area, under the laws of that State, by an entity which is not an entrepreneur entitled to conduct business of confirming the technical efficiency of a given type of equipment intended for application of plant protection products are equivalent to documents proving the technical efficiency of the equipment for application of plant protection products issued by the entities listed in the register referred to in Paragraph 1.

3. An entity operating in the field of validation of technical efficiency of equipment designed for application of plant protection products shall comply with the conditions laid down in Article 49(3).

4. The entry in the register, referred to in Paragraph 1 is made upon request submitted by the interested entity with the following data:

- 1) name, address and registered office of the entity;
- 2) tax identification number (NIP) of the applicant;
- 3) REGON number of the applicant, if the applicant has been given such a number;
- 4) indication of the type of equipment intended for application of plant protection products, whose technical efficiency will be confirmed;
- 5) date and signature of the applicant.

5. To the application referred to in Paragraph 4, the entity referred to in Paragraph 1 attaches a statement that it is aware of and meets the requirements of conducting business referred to in Paragraph 1.

5a. The Minister responsible for agriculture shall lay down the template of the application referred to in paragraph 4, containing the declaration referred to in paragraph 5, and the template of the application for amending the data in the register, in the form of electronic

documents within the meaning of the Act of 17 February 2005 on the Computerisation of the Operations of Entities Implementing Public Tasks.

6. The authority maintaining the register referred to in Paragraph 1 is the voivodeship inspector with jurisdiction over the seat of the entity.

7. The entry in the register referred to in Paragraph 1 is subject to stamp duty.

8. The voivodeship inspector issues routinely a certificate of making the entry in the register referred to in Paragraph 1.

9. The register referred to in Paragraph 1 is public and contains:

- 1) the information referred to in Paragraph 4 points 1 and 4;
- 2) the number of entry;
- 3) the date of entry.

10. The register referred to in Paragraph 1 is made available on the website administered by the voivodeship inspectorate of plant health and seed inspection.

Article 53.

1. The entity operating in the field of validation of technical efficiency of equipment designed for application of plant protection products entered in the register referred to in Article 52(1) is obliged to inform in writing the voivodeship inspector:

- 1) of the change to the data subject to entry in the register, within 14 days of the event that caused change in the data;
- 2) of the cessation of business activity involving validation of technical efficiency of equipment intended for application of plant protection products, within 14 days from the date of cessation of the activity.

2. The voivodeship inspector controls the conduct of business of confirming the technical efficiency of equipment intended for application of plant protection products.

3. The voivodeship inspector shall inspect the entities entered into the register, with regard to the fulfilment of conditions laid down in Article 49(3).

4. In case an entity entered into the register fails to meet the conditions laid down in Article 49(3), the voivodeship inspector may order, by way of audit recommendations, to remove the deficiencies within a given period.

5. In the case of:

- 1) gross breach of the conditions laid down in Article 49(3) by the entity entered into the register, or
- 2) making the declaration referred to in Article 52(5) contrary to the facts, or
- 3) preventing or hindering the inspection, or

4) failure to remove deficiencies referred to in Paragraph 4 within the prescribed period, or

5) the cessation of operations referred to in Article 52(1)

- the voivodeship inspector deletes the entity from the register, by means of a decision.

6. The decision referred to in Paragraph 5 is immediately enforceable.

7. The entity that has been removed from the register pursuant to Paragraph 5 points 1-4 can be re-entered into the register not earlier than three years from the date of the decision on removal from the register.

8. The voivodeship inspector, in case of making a determination about doing business in the field of validation of technical efficiency of equipment designed for application of plant protection products by an entity that does not have the required registration, prohibits that activity in a decision. The decision is immediately enforceable.

9. The entity that is involved in the validation of technical efficiency of equipment designed for application of plant protection products with no required registration can be re-entered into the register not earlier than three years from the date on which the decision referred to in Paragraph 8 has become final.

10. The voivodeship inspector within seven days from the date of receipt of the information referred to in Paragraph 1 shall respectively update the data in the register or delete the entity from the register.

Article 54.

The minister responsible for agriculture shall determine, by means of an ordinance, the detailed conditions of conducting business in the field of validation of technical efficiency of equipment designed for application of plant protection products, as referred to in Article 49(3), including:

1) the organizational and technical conditions for testing technical efficiency of equipment designed for application of plant protection products in order to verify its technical efficiency,

2) the methodology for testing technical efficiency of equipment designed for application of plant protection products, carried out in order to verify its technical efficiency,

3) the extent and manner of documenting tests on technical efficiency of equipment intended for application of plant protection products, carried out in order to verify its technical efficiency and the scope of information that should be included in the document confirming the conduct of tests on technical efficiency of the equipment,

4) the range of information on equipment designed for application of plant protection products subjected to technical efficiency tests in order to verify its technical efficiency, provided to the voivodeship inspector and the date of communication of this information,

5) the requirements to be met by the control mark placed on equipment designed for application of plant protection products whose technical efficiency has been confirmed, and its pattern

- having regard to the type of equipment for application of plant protection products and ensuring the proper conduct of technical efficiency tests of the equipment.

Chapter 6

Integrated crop production

Article 55.

1. An entity engaged in plant production, hereinafter "the crop producer", having regard to the requirements of integrated crop production, may apply for certification of its application by the entity conducting the certification of integrated crop production, hereinafter "the certifying entity".

2. The intention of applying integrated crop production is notified by the crop producer annually to the certifying entity, no later than 30 days before sowing or planting, or in the case of perennial crops, before the start of the season.

3. The notification referred to in Paragraph 2 includes:

- 1) name, address and place of residence or name, address and registered office of the crop producer;
- 2) REGON number, if the applicant has been given such a number;
- 3) PESEL number, if the applicant has been given such a number;
- 4) date and signature of the applicant.

4. The notification referred to in Paragraph 2 shall be accompanied by:

- 1) information on the species and varieties of plants referred to in Paragraph 2, and the location and area of cultivation;
- 2) a copy of the certificate of completion of training in the field of integrated crop production, or a copy of the certificate or a copy of other documents confirming compliance with the requirements of Article 64(4) or (7).

5. If the notification referred to in Paragraph 2 does not contain the information referred to in Paragraph 3 or 4, the certifying entity shall require the crop producer to correct deficiencies within the prescribed period. In case of failure to remedy the deficiencies within the prescribed period, the certifying entity shall inform in writing the crop producer about the refusal to accept the notification.

6. The certifying entity shall maintain and update the record of crop producers who declared their intention to apply integrated crop production.

7. The register referred to in Paragraph 6 includes:

- 1) name, address and place of residence or name, address and registered office of the crop producer;
- 2) REGON number of the applicant, if the applicant has been given such a number;
- 3) PESEL number, if the applicant has been given such a number;
- 4) the registration number;
- 5) the date of registration.

8. The register referred to in Paragraph 6 is maintained for the Main Inspectorate of Plant Health and Seed Inspection.

9. The certifying entity issues to the crop producer who declares his intention to apply integrated crop production, the certificate of registration number referred to in Paragraph 6 not later than 14 days from the date of receipt of the notification.

Article 56.

1. The certifying entity conducts the inspection of crop producers using integrated crop production.

2. Inspection activities include, in particular, checking the fulfilment of requirements of Article 57(2) points 1-5 and sampling of plants and plant products to test for the presence of residues of plant protection products and the levels of nitrates, nitrites and heavy metals in order to verify the requirements of Article 57(2) point 6.

3. The tests referred to in Paragraph 2 are conducted on plants or plant products in no less than 20% of crop producers entered in the register referred to in Article 55(6), but first, the tests shall be conducted at the crop producers who are under suspicion of non-compliance with the requirements of integrated crop production.

4. The tests referred to in Paragraph 2 are carried out in laboratories accredited to the appropriate extent under the provisions of the Act of 30 August 2002 on conformity assessment system or provisions of Regulation No 765/2008.

5. Checks are conducted by people authorised by the certifying entity.

6. Checks are carried out in the presence of a crop producer or a person authorised by him, upon presentation of authorisation to engage in these activities.

7. The person conducting inspections shall be entitled to:

- 1) require oral or written clarifications, documentation or other information media and access to other information relating to the subject of the inspection;
- 2) inspect the plants, plant products, seed, plant protection product, equipment intended for application of plant protection products, facilities, buildings, vehicles and other items within the scope of the inspection;
- 3) take samples of plants and plant products to test for the presence of residues of plant protection products and the levels of nitrates, nitrites and heavy metals.

8. The inspection shall end with the drawing up of a report that includes:

- 1) name, address and registered office of the certifying entity;
- 2) name of the person conducting the inspection;
- 3) name, address and place of residence or name, address and registered office of the crop producer;
- 4) number of the crop producer in the register referred to in Article 55(6);
- 5) the duration of the inspection;
- 6) the description of the facts uncovered in the course of the inspection;
- 7) the description of any deficiencies identified in the course of the inspection;
- 8) information about the samples taken for testing, determining:
 - a) the number of samples,
 - b) the name of the species and variety of plants from which samples were taken,
 - c) the size of the lot from which the samples were taken.

9. The inspection report is signed by the person carrying it out and the crop producer or a person authorised by him. Refusal to sign the inspection report shall be recorded in the inspection report. Refusal to sign the inspection report does not constitute an obstacle to conduct further proceedings.

10. The crop producer or a person authorised by him may submit reasoned objections to the certifying entity regarding the findings contained in the inspection report within seven days from the date of signing the report.

11. In the case of submitting objections referred to in Paragraph 10, the certifying entity shall consider them within 7 days from the day they are transferred and, if necessary, shall carry out additional checks.

12. In the case of non-recognition of the objections referred to in Paragraph 10, in whole or in part, the certifying entity shall immediately forward its position in writing to the crop producer.

13. The certifying entity can receive remuneration for carrying out inspection activities, including sampling of plants and plant products for tests, referred to in Paragraph 2, and for the conduct of these tests.

14. The certifying entity shall publish on its website the list of fees charged for carrying out inspection activities, including sampling of plants and plant products for tests referred to in Paragraph 2, and for the conduct of these tests.

Article 57.

1. The proof of applying integrated crop production is the certificate issued at the request of the crop producer by the certifying entity.

2. The certificate of integrated crop production is issued if the crop producer meets the following requirements:

- 3) have completed training in integrated crop production, confirmed with a certificate of completion of this training, subject to Article 64(4), (5), (7) and (8);
- 2) conducts production and protection of plants according to specific methodologies approved by the Chief Inspector and made available on the website administered by the Main Inspectorate of Plant Health and Seed Inspection;
- 3) applies fertilizer based on the actual needs of the plants for nutrients, determined in particular on the basis of analyzes of soil or plants;
- 4) correctly documents the activities related to the integrated crop production;
- 5) complies in the crop production with hygiene and sanitary rules, in particular those set out in the methodologies referred to in Paragraph 2;
- 6) in samples of plants and plant products taken for tests, referred to in Article 56(2), there was no excess of the maximum residues of plant protection products and the levels of nitrates, nitrites and heavy metals;
- 7) complies with the requirements of the protection of plants against harmful organisms, in particular those set out in the methodologies referred to in point 2.

3. Before issuing the certificate attesting to the application of integrated crop production, the crop producer forwards to the certifying entity:

- 1) a statement that cultivation was carried out in accordance with the requirements of integrated crop production;
- 2) information about the species and varieties of plants grown with the use of requirements of integrated crop production, the area of cultivation and size of crops.

4. The certificate of integrated crop production is issued for the period needed to sell crops, but not longer than for a period of 12 months.

5. The certificate of integrated crop production, issued to the crop producer who is a natural person, shall include the following personal information of the producer: name, address and place of residence.

6. The certifying entity shall keep a register of issued certificates confirming the application of integrated crop production, comprising:

- 1) name, address and place of residence or name, address and registered office of the crop producer;
- 2) REGON number of the crop producer if such a number has been given to the crop producer;
- 3) PESEL number of the crop producer if such a number has been given to the crop producer;

4) number of the crop producer in the register referred to in Article 55(6);

5) number of the certificate;

6) indication of species and varieties of crops, using the requirements of integrated crop production for which the certificate is issued, and the area of cultivation and size of crops.

7. The crop producer, which has received a certificate of integrated crop production, can use the mark of integrated crop production for marking crops for which the certificate was issued.

8. A model marking of integrated crop production is made available by the Chief Inspector on the website administered by the Main Inspectorate of Plant Health and Seed Inspection.

9. The minister responsible for agriculture shall determine, by means of an ordinance, the manner of documenting by the crop producer of activities related to integrated crop production and a model of this documentation, so as to ensure the transparency of these activities.

Article 58.

1. Certification activities in integrated crop production can be carried out by an entity authorised by the voivodeship inspector with jurisdiction over the registered office of the entity or place of business, if the entity is not established in the territory of the Republic of Poland.

2. The authorisation to conduct certification activities in integrated crop production is made in a decision at the request of the party seeking the award of that authorisation.

3. The entity authorised to conduct certification activities in integrated crop production shall have accreditation for the certification of integrated crop production granted under the provisions of the Act of 30 August 2002 on conformity assessment system and ensures that the monitoring of compliance with the requirements of integrated crop production is done by persons with appropriate qualifications, including education and experience in this field.

4. The application referred to in Paragraph 2, includes:

1) name, address or registered office of the entity applying for authorisation to conduct certification of the integrated crop production;

2) the number in the National Court Register of the applicant, if the applicant has a number;

3) tax identification number (NIP) of the applicant;

4) REGON number of the applicant, if the applicant has been given such a number;

5) date and signature of the applicant.

5. The application referred to in Paragraph 2 shall be accompanied by:

1) a copy of the document confirming the accreditation for certification in integrated crop production granted under the provisions of the Act of 30 August 2002 on conformity assessment system;

2) a declaration of the entity applying for authorisation to conduct certification of integrated crop production, that the people who will be conducting the monitoring of compliance with the requirements of integrated crop production have appropriate qualifications, including education and experience in this area;

3) the excerpt, translated into Polish, from the relevant register of business activities in another Member State of the European Union, the Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, in the case of an applicant who intends to temporarily provide a service in the territory of the Republic of Poland.

6. The voivodeship inspector refuses, by means of a decision, to grant the authorisation to conduct certification in integrated crop production, if the entity applying for the authorisation has failed to demonstrate that it meets the conditions set out in Paragraph 3.

7. The Chief Inspector may authorise the voivodeship inspector to conduct certification activities in integrated crop production.

8. In the event of issuing the authorisation referred to in Paragraph 7:

1) the voivodeship inspector shall exercise the powers and duties of the certifying entity; the provisions of Paragraphs 1-6, Article 60, Article 61(1) and (2), Article 62 and the provisions issued pursuant to Article 63(1) shall not apply;

2) the tests referred to in Article 56(2) shall be carried out in laboratories accredited to the extent applicable under the provisions of the Act of 30 August 2002 on conformity assessment system or provisions of Regulation No 765/2008 or in the laboratories of the Main Inspectorate of Plant Health and Seed Inspection, at the expense of the crop producer;

3) the Chief Inspector shall maintain and update the list of authorised voivodeship inspectors of plant health and seed inspection with their names, addresses and locations on the website administered by the Main Inspectorate of Plant Health and Seed Inspection.

Article 59.

1. The Chief Inspector maintains and updates the list of certifying entities.

2. The list referred to in Paragraph 1 shall include the information referred to in Article 58(4) point 1.

3. The list referred to in Paragraph 1 is made available on the website administered by the Main Inspectorate of Plant Health and Seed Inspection.

Article 60.

The certifying entity shall:

- 1) make available the documents relating to the conduct of certification in integrated crop production at the request of the voivodeship inspector;
- 2) provide the voivodeship inspector by 31 January of each year with information on crop producers entered in the previous calendar year into the register referred to in Article 55(6), and the statement of certificates of integrated crop production issued in the previous calendar year, containing the information set out in Article 57(6);
- 3) ensure that audits of crop producers using integrated crop production are carried out by persons with the required qualifications, including education and experience in this area;
- 4) notify to the voivodeship inspector any change in the data referred to in Article 58(4) point 1, within 14 days of the event that caused the change in the data.

Article 61.

1. The voivodeship inspector conducts checks on compliance of certifying entities with provisions on integrated crop production.

2. Within the checks referred to in Paragraph 1, the voivodeship inspector:

- 1) verifies the application by certifying entities of inspection procedures and the qualifications of persons conducting the checks and verifies the documents relating to those activities;
- 2) provides certifying entities with follow-up conclusions and orders to remove deficiencies associated with the functioning of the certifying entity within a prescribed period;
- 3) may request from certifying entities any additional data and information relating to the control exercised;
- 4) can verify the correctness of checks conducted at crop producers using integrated crop production on compliance with the requirements of integrated crop production, conducted by the certifying entities.

3. The voivodeship inspector, if it is determined that the plants for which certificates of integrated crop production has been issued have excess of the maximum residues of plant protection products or levels of nitrates, nitrites, or heavy metals, by means of a decision, revokes the certificates issued for these plants.

4. The decision referred to in Paragraph 3 is immediately enforceable.

Article 62.

1. The voivodeship inspector, if it is determined that the certifying entity:

- 1) conducts inspections of crop producers using integrated crop production not in accordance with Article 56, or

2) issues certificates attesting to the use of integrated crop production not in accordance with Article 57(1)-(5), or

3) does not maintain a register of issued certificates of integrated crop production in the manner specified in Article 57(6), or

4) does not comply with the obligations laid down in Article 60

- orders, by means of audit recommendations, to remove deficiencies within the prescribed period.

2. In the case of:

1) gross violation by the certifying entity of requirements of the Act, or

2) failure to remove deficiencies referred to in Paragraph 1 within the prescribed period, or

2) making the declaration referred to in Article 58(5) point 2 contrary to the facts, or

4) preventing or hindering the performance of the inspection referred to in Paragraph 61, or

5) the certifying entity making the application for revocation of the authorisation to conduct certification in integrated crop production

- the voivodeship inspector revokes, by means of a decision, the authorisation to conduct certification in integrated crop production.

3. The decision referred to in Paragraph 2 is immediately enforceable.

4. The entity, which was revoked the authorisation to conduct certification in integrated crop production, in accordance with Paragraph 2 points 1-4 can get re-authorisation to engage in this activity not earlier than three years from the date of the decision revoking the authorisation.

5. The obligations of the certifying entity to crop producers, entered into the register referred to in Article 55(6) by the certifying entity, which was revoked the authorisation to conduct certification in integrated crop production, are exercised by the voivodeship inspector with jurisdiction over the place of crop production using integrated crop production, unless these obligations are exercised by another certifying entity.

6. In case the voivodeship inspector exercises the obligations of the certifying entity for crop producers referred to in Paragraph 5:

1) the provisions of Article 58(1)-(6), Article 60, Article 61(1) and (2), Article 62 and the provisions issued pursuant to Article 63(1) shall not apply;

2) the tests referred to in Article 56(2) shall be carried out in laboratories accredited to the extent applicable under the provisions of the Act of 30 August 2002 on conformity assessment system or provisions of Regulation No 765/2008 or in the laboratories of

the Main Inspectorate of Plant Health and Seed Inspection, at the expense of the crop producer.

7. The crop producer entered into the register referred to in Article 55(6) by the certifying entity, which was revoked the authorisation to conduct certification in integrated crop production, may apply for a certificate of integrated crop production by another certifying entity, the notification referred to in Article 55(2) submitted to such certifying entity is not subject to the time limit under Article 55(2).

8. The voivodeship inspector, in case of determining the conduct of activity in certification of integrated crop production by an entity that does not have the required authorisation, prohibits that activity in a decision. The decision is immediately enforceable.

9. An entity that is involved in the certification of integrated crop production without the required authorisation to engage in this activity, may be authorised to carry out this activity not earlier than three years from the date on which the decision referred to in Paragraph 8 has become final.

Article 63.

The minister responsible for agriculture shall determine, by means of an ordinance:

1) qualifications, including education and experience referred to in Article 58(3), required of persons conducting checks for compliance with the requirements of integrated crop production,

2) the model certificate of integrated crop production

- with a view to ensuring the proper conduct of certification in integrated crop production and standardization of issued certificates.

Chapter 7

Training in the field of plant protection products

Article 64.

1. The training programmes in consulting on plant protection products, application of plant protection products, testing the technical efficiency of equipment designed for application of plant protection products and integrated crop production, hereinafter referred to as "training in the field of plant protection products", take into account the issues of reducing the risks associated with the use of plant protection products, including reducing the risk to the aquatic environment and sources of water intended for human consumption, and the requirements of integrated pest management.

2. Training in consulting on plant protection products, application of plant protection products and integrated crop production, include:

1) basic training;

2) supplemental training for persons who have completed basic training.

3. Training in testing technical efficiency of equipment designed for application of plant protection products includes only basic training.

4. Basic training in consulting on plant protection products, application of plant protection products and integrated crop production, it is not required of individuals who have:

1) the certificate issued by upper secondary school or institution of higher education stating that the documentation of the teaching of that person includes all the issues covered in the training programme in the given field, or

2) the qualifications required of trainers in the field of integrated crop production established on the basis of Article 72 point 2.

5. The powers obtained under Paragraph 4 are valid for a period of five years from the date of obtaining education or qualifications referred to in Paragraph 4. After this period, keeping these powers requires the completion of additional training in the relevant field.

6. Basic training in testing technical efficiency of equipment designed for application of plant protection products is not required of:

1) persons with the certificate issued by upper secondary school or institution of higher education stating that the documentation of the teaching of that person includes all the issues covered in the training programme;

2) the academic staff of universities or research institutes, where the responsibilities of the academic staff include teaching classes, conducting research or development in the field of plant protection technology;

3) trainers in this field.

7. Basic training in consulting on plant protection products, application of plant protection products and integrated crop production, it is not required of:

1) academic staff of universities or research institutes, where the responsibilities of the academic staff include teaching classes, conducting research or development in agriculture, horticulture or forestry;

2) trainers in this field.

8. The powers obtained under Paragraph 7 are valid for a period of five years from the date of cessation of activity referred to in Paragraph 7. After this period, keeping these powers requires the completion of additional training in the relevant field.

9. The certificate of completion of basic training in counselling on plant protection products, application of plant protection products or integrated crop production, and the certificate of completion of supplemental training in this area shall be valid for five years.

Article 65.

1. The certificate of completion of training in the field of plant protection products is issued by an entity providing such training, after passing the exam designed to test knowledge of the issues covered by the training programme.

2. The certificate referred to in Paragraph 1 includes the following personal data of a trainee:

1) name;

2) PESEL number or the name and number of identity document in the case of a trainee without the Polish citizenship.

3. The exam is conducted by the examination board appointed by the voivodeship inspector.

4. The examination is carried out in the form of a written test.

Article 66.

1. The voivodeship inspector, in case of gross violation of the provisions on:

1) the duties associated with the marketing of a plant protection product by a person referred to in Article 25(3) points 1 or 2, or

2) the use of plant protection products by the person referred to in Article 41, or

3) consultancy services relating to plant protection measures for the implementation of integrated pest management requirements or the use of plant protection products by the person referred to in Article 42

- prohibits such a person, by means of a decision, to perform the duties laid down in Article 25(3) points 1 and 2, Article 41 or Article 42, until they complete basic training in the required scope and obtain the certificate of completion of training.

2. The voivodeship inspector, at the request of the person against whom a prohibition referred to in Paragraph 1 was issued, repeals the prohibition upon presentation of the certificate of completion of basic training in the required scope.

Article 67.

1. Economic activity consisting in providing training in the field of plant protection products is regulated under the provisions on freedom of establishment and must be entered into the register of companies engaged in activities in the area of training in the field of plant protection products.

2. An entrepreneur engaged in conduct of training in the field of plant protection products shall:

1) provide organizational and technical conditions to allow proper conduct of training in the field of plant protection products;

2) provide training in the field of plant protection products by persons with the required qualifications, including, in the case of trainers in the field of integrated crop production, with completed training in this area;

3) inform the voivodeship inspector of scheduled dates and locations for training in the field of plant protection products, not later than 14 days before it starts;

- 4) provide training in the field of plant protection products in accordance with such training programmes, and in groups, whose numbers ensures the proper conduct of training;
- 5) document the activities related to the conduct of training in the field of plant protection products; the documentation should include the following personal data of a trainee and the trainer: name, address and place of residence and PESEL number or name and number of the document confirming the identity of these persons, in the case of a trainee or person engaged in training, who do not have Polish citizenship;
- 6) make available the documents relating to the conduct of training in the field of plant protection products upon request of the voivodeship inspector;
- 7) provide the voivodeship inspector with information about persons who have obtained the certificate of completion of training in the field of plant protection products, including personal data of a trainee, as referred to in Paragraph 5;
- 8) issue the certificate of completion of training in the field of plant protection products in accordance with the provisions of the Act.

Article 68.

1. The entry in the register, referred to in Article 67(1) is made upon the application submitted by the entrepreneur with the following data:

- 1) the name, address and place of residence or name and address and registered office of the entrepreneur, except that if the entrepreneur is a natural person, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;
- 2) the number in the National Court Register of the applicant, if the applicant has a number;
- 3) tax identification number (NIP) of the applicant;
- 4) REGON number of the applicant, if the applicant has been given such a number;
- 5) indication of the extent to which the applicant intends to conduct training in the field of plant protection products;
- 6) date and signature of the applicant.

2. The application referred to in Paragraph 1 shall be accompanied by:

1) the following declaration:

"I declare that:

- 1) the data contained in the application for entry into the register of economic operators conducting activity involving training in the field of plant protection products are complete and correct;

2) I am aware of and fulfil the conditions of conducting activity involving training in the field of plant protection products, as defined in the Act of 8 March 2013 on plant protection products (Dz.U. item 455)";

2) the excerpt, translated into Polish, from the relevant register of business activities in another Member State of the European Union, the Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or a country which has concluded with the European Union and its Member States the agreement governing the freedom to provide services, in the case of an applicant who intends to temporarily provide a service in the territory of the Republic of Poland.

3. The declaration referred to in Paragraph 2 point 1 shall also include:

1) the firm of the entrepreneur and its registered office and address;

2) the place and date of the declaration;

3) the signature of the person authorised to represent the entrepreneur, indicating the name and function.

4. The Minister responsible for agriculture shall lay down the template of the application referred to in paragraph 1, containing the declaration referred to in paragraph 2(1), and the template of the application for amending the data in the register, in the form of electronic documents within the meaning of the Act of 17 February 2005 on the Computerisation of the Operations of Entities Implementing Public Tasks.

Article 69.

1. The authority maintaining the register referred to in Article 67(1) is:

1) the voivodeship inspector with jurisdiction over the address of the entrepreneur, except that in the case where the entrepreneur is an individual – over the place of business, if it is other than the place of residence of the person;

2) the voivodeship inspector with jurisdiction over the proposed place of training in the field of plant protection products, to whom the application is made for registration, in the case of an entrepreneur from a Member State of the European Union, a Member State of the European Free Trade Association (EFTA) - party to the agreement on the European Economic Area, or a country which has concluded with the European Union and its member states the agreement governing the freedom to provide services, in the case of an entrepreneur who wishes to temporarily provide services in the territory of the Republic of Poland.

2. The register referred to in Article 67(1) includes:

1) the information referred to in Article 68(1) points 1 and 5;

2) the registration number;

3) the date of registration.

3. The register referred to in Article 67(1) is made available on the website administered by the voivodeship inspectorate of plant health and seed inspection.

Article 70.

1. An entity which is not an entrepreneur within the meaning of the provisions on freedom of establishment may provide training in the field of plant protection products, after it is entered into the register of non-entrepreneurs providing training in the field of plant protection products.

2. The entity conducting training in the field of plant protection products shall comply with the conditions laid down in Article 67(2).

3. The entry in the register, referred to in Paragraph 1 is made upon request submitted by the interested entity with the following data:

- 1) name, address and registered office of the entity;
- 2) tax identification number (NIP) of the applicant;
- 3) REGON number of the applicant, if the applicant has been given such a number;
- 4) indication of the extent to which the applicant intends to conduct training in the field of plant protection products;
- 5) date and signature of the applicant.

4. To the application referred to in Paragraph 3, the entity attaches a statement that it is aware of and meets the requirements of conducting business referred to in Paragraph 1.

4a. The Minister responsible for agriculture shall lay down the template of the application referred to in paragraph 3, containing the declaration referred to in paragraph 4, and the template of the application for amending the data in the register, in the form of electronic documents within the meaning of the Act of 17 February 2005 on the Computerisation of the Operations of Entities Implementing Public Tasks.

5. The authority maintaining the register referred to in Paragraph 1 is the voivodeship inspector with jurisdiction over the seat of the entity.

6. The entry in the register referred to in Paragraph 1 is subject to stamp duty.

7. The voivodeship inspector issues routinely a certificate of making the entry in the register referred to in Paragraph 1.

8. The register referred to in Paragraph 1 is public and contains:

- 1) the information referred to in Paragraph 3 points 1 and 4;
- 2) the number of entry;
- 3) the date of entry.

9. The register referred to in Paragraph 1 is made available on the website administered by the voivodeship inspectorate of plant health and seed inspection.

Article 71.

1. The entity conducting training in the field of plant protection products entered into the register referred to in Article 70(1) is obliged to inform in writing the voivodeship inspector:

1) of the change to the data subject to entry in the register, within 14 days of the event that caused change in the data;

2) cessation of activity of providing training in the field of plant protection products.

2. The voivodeship inspector controls the conduct of training in the field of plant protection products by registered entities.

3. The voivodeship inspector shall inspect the entities entered into the register, with regard to the fulfilment of conditions laid down in Article 67(2).

4. In case an entity entered into the register fails to meet the conditions laid down in Article 67(2), the voivodeship inspector may order, by way of audit recommendations, to remove the deficiencies within a given period.

5. In the case of:

1) gross breach of the conditions laid down in Article 67(2) by the entity entered into the register, or

2) making the declaration referred to in Article 70(4) contrary to the facts, or

3) preventing or hampering the inspection, or

4) failure to remove deficiencies referred to in Paragraph 4 within the prescribed period, or

5) the cessation of activity referred to in Article 70(1)

- the voivodeship inspector deletes the entity from the register, by means of a decision.

6. The decision referred to in Paragraph 5 is immediately enforceable.

7. The entity that has been removed from the register pursuant to Paragraph 5 points 1-4 can be re-entered into the register not earlier than three years from the date of the decision on removal from the register.

8. The voivodeship inspector in case of determining that training in the field of plant protection products is conducted by an entity that does not have the required registration, prohibits that activity in a decision. The decision is immediately enforceable.

9. An entity that provides training in the field of plant protection products without registration, can be entered into the register not earlier than three years from the date on which the decision referred to in Paragraph 8 has become final.

10. The voivodeship inspector within seven days from the date of receipt of the information referred to in Paragraph 1 shall respectively update the data in the register or delete the entity from the register.

Article 72.

The minister responsible for agriculture shall determine, by means of an ordinance, the detailed conditions of conducting activity involving training in the field of plant protection products, as referred to in Article 67(2), including:

- 1) the organizational and technical conditions of the various types of training in the field of plant protection products,
- 2) the qualifications required of persons engaged in various types of training in the field of plant protection products, including the training of trainers in the field of integrated crop production,
- 3) the programmes of different types of basic and supplementary trainings in the field of plant protection products, taking into account, in the case of training in the field of:
 - a) application of plant protection products - the manner of application of these products,
 - b) testing technical efficiency of equipment designed for application of plant protection products - types of equipment,
- 4) the maximum number of students per class, for which the training in the field of plant protection products is provided,
- 5) the extent and method of documenting the training in the field of plant protection products,
- 6) the scope of data provided to the voivodeship inspector and the date of communication of this information,
- 7) the model certificate of completion of training in the field of plant protection products

- with a view to ensuring the proper conduct of training in the field of plant protection products and the scope of this training.

Chapter 8

Collection of information about plant protection product poisoning

Article 73.

The office supporting the minister responsible for agriculture collects information on poisoning:

- 1) of people – with plant protection products;
- 2) of bees – with plant protection products.

Article 74.

The minister responsible for agriculture provides information on measures to mitigate risk associated with the application of plant protection products to human health, animals and the

environment on a website administered by the office supporting the minister responsible for agriculture.

Chapter 9

Sanction Fees and penal provisions

Article 75.

1. The entity that:

1) advertises a plant protection product in a manner inconsistent with Article 66 of Regulation No 1107/2009 – pays to the account of the voivodeship inspectorate of plant health and seed inspection with jurisdiction over its place of residence or the registered office the sanction fee in the amount of PLN 5,000 to 500,000 according to the average cost of broadcast, publication or distribution of such advertising;

2) sells a plant protection product without the required authorisation of a plant protection product or a parallel trade permit – pays to the account of the voivodeship inspectorate of plant health and seed inspection with jurisdiction over its place of residence or registered office the sanction fee in the amount of 200% of the value of sales of plant protection products by their selling price, according to the sales document issued.

2. In case it is not possible to get the sales documents of plant protection products, in the determination of the sanction fee referred to in Paragraph 1 point 2, it is assumed that the value of one kilogram or one litre of sold plant protection product is PLN 1000.

3. The sanction fee referred to in Paragraph 1 shall be determined, by means of a decision, by the voivodeship inspector with jurisdiction over the address or registered office of the entity.

4. The sanction fee is the income of the state budget and is paid to account of the competent voivodeship inspectorate of plant health and seed inspection within 14 days of the date on which the decision determining the fee becomes final.

5. The sanction fee is not specified if five years passed from the end of the calendar year in which the act was committed as the basis for determining the fee.

6. The specific sanction fee is not collected after the lapse of five years from the date of the final decision on its determination.

7. The limitation period referred to in Paragraph 6 is stopped by the use of an enforcement measure, of which the operator has been notified.

8. After the interruption of the limitation period, it starts anew from the day following the day on which a measure of execution was used.

9. Sanction fees not paid on time are subject to interest for late payment in the amount and on the terms applicable to tax arrears.

10. Execution of specific sanction fees and interest for late payment shall be in accordance with the provisions of administrative enforcement proceedings.

Article 76.

1. Who:

- 1) performs experiments or tests conducted for the purposes of research or development and involving the release into the environment of plant protection products, as referred to in Article 54 of Regulation No 1107/2009, without the required authorisation to conduct research or against the terms of the authorisation, or
- 2) puts a plant protection product on the market in a unit packaging against the requirements of Article 21 and Article 25(5), or
- 3) puts seed treated with a plant protection product on the market against the requirements of Article 22, or
- 4) places on the market or uses a plant protection products after its use by date has expired or in non-compliance with the requirements laid down in Article 24, or
- 5) while conducting activity in placing plant protection products on the market:
 - a) being required to ensure that persons engaged in the sale of these products to final purchasers meet the requirements of Article 25(3) point 1 a) or b), does not ensure compliance with that obligation, or
 - b) being required to provide, in the case of sale of plant protection products to a buyer other than the final purchaser, the presence of a person referred to in Article 25(3) point 2, does not ensure compliance with that obligation, or
 - c) fails to store plant protection products the use by date whereof has expired, subject to Article 24, or those not intended for sales for other reasons, at a separate and appropriately marked place, or
 - d) in case of an offer to conclude remote contract, within the meaning of provisions on the protection of some consumer rights and liability for damage caused by dangerous products, on the sale of a plant protection product, does not include in the offer the information referred to in Article 25(3) point 5, or
- 6) sells a plant protection product designed for professional users to a person who does not meet the requirements of Article 28, or
- 7) does not inform the voivodeship inspector of the intention to introduce on the territory of the Republic of Poland a plant protection product referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, in a manner set out in Article 30 or Article 89, or
- 8) does not inform the voivodeship inspector of the intention to manufacture a plant protection product referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, in a manner set out in Article 30 or Article 89, or

9) does not meet the obligation provided for in Article 30(5) or (9) or Article 89(5) to remove from the territory of the Republic of Poland a plant protection product referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, or

10) does not inform the voivodeship inspector of the acquisition of plant protection products referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, before removing them from Polish territory, in a manner set out in Article 30(13) or (14) or Article 89(8) or (9), or

11) sells a plant protection product or makes an offer of sale of such a product to a person whose behaviour indicates that they are in a state of intoxication, or to a minor, or

12) sells a plant protection product or makes an offer of sale of such a product in a replacement packaging, or

13) sells a plant protection product designed for a professional user or makes an offer of sale of such a product in premises where food or feed is sold, or

14) sells a plant protection product designed for a non-professional user or makes an offer of sale of such a product in premises where food or feed is sold, which is not kept locked up so as to prevent contact with food or feed, or

15) sells a plant protection product or makes an offer of sale of such a product by using automation, self-service or sales made outside fixed location, or

2) provides information inconsistent with the requirements contained in the label, as referred to in Article 31(1)-(3), (4) points (a)-(d) or (f)-(h) of Regulation No 1107/2009, or

17) puts on the market seed treated with a plant protection product against the requirements of Article 49(1) or (4) of Regulation No 1107/2009, or

18) performs plant protection treatments using a plant protection product, which cannot be used in accordance with Article 28(1) and (2) points (a), (b) and (e) of Regulation No 1107/2009, or

19) applies a plant protection product against requirements contained in the labelling and referred to in Article 31(1)-(3), (4) points (a)-(d) or (f)-(h) of Regulation No 1107/2009, or

20) applies a plant protection product in a way which creates a risk to human health, or animals or the environment, in particular, by not taking into account:

a) the possibility of drift of plant protection product to non-target areas or objects, or

b) the period during which people will be staying in the area covered by the procedure, or

- c) the minimum distance of applying plant protection products from specific places or objects, or
 - d) the weather conditions during the application of plant protection products, or
 - e) the minimum area of application of plant protection products, in the case of application of these products using agricultural aviation equipment, or
 - f) the minimum distance from or water reservoirs and courses, or
 - g) the safety requirements for use or storage of plant protection products, or
 - h) the conditions for application of plant protection products using agricultural aviation equipment, or
- 21) stores or disposes of a plant protection product in a way which creates a risk to human health, animals or the environment, or
- 22) uses or disposes of unit packaging of a plant protection product in a way which creates a risk to human health, animals or the environment, or
- 23) uses in the areas of playgrounds, nurseries, kindergartens, primary schools, hospitals, buffer zones "A" separated in spa areas or in health resort areas, within the meaning of provisions on health resorts, spas and spa conservation areas, plant protection products prohibited in such areas, or
- 24) being obliged to keep and retain records referred to in Article 67 of Regulation No 1107/2009, does not keep or retain the records in accordance with the requirements of Article 67 of this Regulation or in accordance with the requirements of Article 25(3) point 4 or Article 37, or
- 25) being a professional user of plant protection products does not apply integrated pest management, or
- 26) being a professional user of plant protection products does not maintain documentation indicating the way of meeting the requirements of integrated pest management, or
- 27) using agricultural aviation equipment applies a plant protection product, whose application is prohibited using this equipment, or
- 28) performs treatment with the use of plant protection products using agricultural aviation equipment without notifying its intention to the voivodeship inspector in accordance with Article 39, or
- 29) performs treatment by applying plant protection products using agricultural aviation equipment, despite the prohibition to carry out the treatment, or
- 30) being a professional user of plant protection products, applies these products failing to meet the requirements of Article 41, or

31) provides consulting services referred to in Article 42, not satisfying the requirements of Article 42, or

32) applies a plant protection product using equipment intended for application of plant protection products that is technically defective or not calibrated and evades testing of this equipment to confirm its technical efficiency, or

33) uses seed treated with a plant protection product for purposes other than sowing or planting, or

34) conducts research on the effectiveness of a plant protection product without the required authorisation or without being an entrepreneur within the meaning of the provisions on freedom of establishment carries on business in the field of validation of technical efficiency of equipment designed for application of plant protection products, as referred to in Article 52, or the business of providing training in the field of plant protection products, as referred to in Article 70, without the required registration, or

35) uses a certificate attesting to the application of integrated crop production in the case of plants whose cultivation has not complied with the requirements of integrated crop production, or

36) uses an invalid certificate attesting to the application of integrated crop production, or

37) carries on business in the certification of integrated crop production, referred to in Article 58, without the required authorisation, or

38) while providing consulting services referred to in Article 42, recommends plant protection treatment against the provisions of Chapter 4 of the Act or Article 28(1) and (2) points (a), (b) and (e), or Article 55 of Regulation No 1107/2009, or

39) does not keep records of treatments with the application of plant protection products within the time limit specified in Article 92, or

40) carries out activities referred to in Article 25(3) points 1 and 2, Article 41 or Article 42, contrary to the prohibition referred to in Article 66(1)

- is subject to a fine.

2. Judgement on the acts referred to in Paragraph 1 follows the provisions of the Act of 24 August 2001 - Code of Practice for petty offenses (Dz.U. of 2013, item 395).

Chapter 10

Changes to the provisions in force

Article 77.

In the Act of 18 December 2003 on plant protection (Dz.U. of 2008 No. 133, item 849, as amended³) is amended as follows:

1) in Article 1, points 2 and 3 are repealed;

2) in Article 2:

a) points 14-21 are repealed,

b) points 22 and 23 shall be replaced by the following:

"22) marketing - making an offer or concluding sale contracts or other agreements to sale plants, plant products or other items;

23) the holder - a natural person, legal person or an organizational unit without legal personality, which controls land, plants, plant products or other items;"

3) Article 5 is repealed;

4) in Article 8(1), the introduction to the calculations reads as follows:

"In the event of the occurrence or suspicion of quarantine organisms, the voivodeship inspector with jurisdiction over the location of the quarantine organism may, by decision, at the expense of the entity:"

5) Article 37-77 is repealed;

6) in Article 78, the words "Act and" shall be replaced by " Act, in provisions on plant protection products";

1) in Article 79, points 10 is repealed;

8) Article 80 is replaced by the following:

"Article 80. The responsibilities of the Inspectorate in the supervision of the marketing and use of plant protection products include in particular the following official measures:

1) control of subjects producing plant protection products with regard to meeting the requirements specified in the provisions on plant protection products and Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and

³ Amendments to the said Act were published in Dz.U. of 2008, No. 227, item 1505, of 2009, No. 20, item 106, No. 31, item 206, No. 98, item 817, of 2010, No. 47, item 278, of 2011, No. 54, item 278, No. 63, item 322, No. 106, item 622 and No. 171, item 1016 and of 2012, item 1512 and 1529.

91/414/EEC (OJ L 309, 24.11.2009, p.1, as amended), hereinafter referred to as "Regulation No 1107/2009";

2) authorisation of entities to conduct research in the effectiveness of plant protection products and the control of compliance with the requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009;

3) the performance of duties of the authority maintaining the register of regulated activity in the field of marketing or packaging of plant protection products, including control of entities operating in this field;

4) control of the storage and handling of plant protection products;

5) control of the packaging of plant protection products on the market, with regard to the requirements specified in the provisions on plant protection products and Regulation No 1107/2009;

6) control of the composition or the physical or chemical properties of plant protection products placed on the market;

7) control of the marketing of plant protection products;

8) control of plant protection products advertising to the extent specified in Regulation No 1107/2009;

9) control of the use of plant protection products;

10) the performance of duties of the authority maintaining the register of activities in the field of validation of technical efficiency of equipment designed for application of plant protection products, including control of entities operating in this field;

11) authorising entities to operate in the field of certification of integrated crop production, the control of the compliance of these entities with the rules on integrated crop production and conducting activities in the field of certification of integrated crop production;

12) the performance of duties of the authority maintaining the register of activities in the field of conduct of training on plant protection products, including control of entities operating in this field;

13) monitoring the application of plant protection products."

9) in Article 85(7):

a) point a) is replaced by the following:

"a) carrying out inspections, including sampling, assessment and laboratory tests of plants, plant products and plant protection products or items",

b) point (c) and (d) are replaced by the following:

"c) conducting inspections in the field of tests of technical efficiency of equipment designed for application of plant protection products,

d) carrying out inspections with regard to requirements of good experimental practice within the meaning of Article 3(20) of Regulation No 1107/2009,"

c) point (e) is repealed,

d) in point (f), full stop is replaced with a comma and point (g) is added:

"g) laboratory testing for the presence of residues of plant protection products or laboratory testing of plant protection products, for the purpose of control conducted by the Inspection."

10) In Article 92(1), points 1 and 2 are replaced by the following:

"1) access to all land, including forests, and to any premises, means of transport and objects where plant products or other items, as well as plant protection products, seed and equipment for application of plant protection products is grown, produced, transported or stored, and to the area of ports, harbours, airports, railway stations, post offices, border crossings, for inspection under the provisions of the Act, under the provisions on plant protection products and provisions on seed;

2) control of documents, requests for written or oral information, explanations and access to all the data, including held in electronic form, relating to the subject of control and the protection of plants, plant protection products and seed;"

11) in Article 95:

a) in Paragraph 1:

- point 1 shall be replaced by the following:

"1) make visual inspection of plants, plant products or other items, seed, plant protection products, equipment intended for application of plant protection products, facilities, premises, means of transport and other things within the scope of control;"

- in point 11, full stop is replaced by a semicolon and the following point 12 is added:

"12) buy a plant protection product, if it is necessary to check the validity of the activity involving marketing of plant protection products."

b) after Paragraph 1a, the following Paragraph 1b is added:

„1b. A plant protection product acquired in a purchase referred to in Paragraph 1 point 12 shall be returned in the course of inspection, if it is intact; the charge for the returned product is refundable.“,

c) the following Paragraphs 4 and 5 are added:

“4. The minister responsible for agriculture shall determine, by means of an ordinance:

1) the method of sampling of plant protection products for laboratory analysis of their composition or the physical or chemical properties,

2) a model protocol concerning sampling of plant protection products,

3) the method of securing samples of plant protection products,

4) the method of handling samples taken for laboratory testing and residues of these samples

- with a view to ensuring high quality laboratory tests and safety of persons engaged in tests.

5. The minister responsible for agriculture shall determine, by means of a regulation:

1) the method of sampling for laboratory testing for the presence of residues of plant protection products,

2) a model protocol concerning samples for laboratory testing for the presence of residues of plant protection products,

3) the method of securing the samples taken for laboratory testing for the presence of residues of plant protection products,

4) the method of handling the samples taken for laboratory testing for the presence of residues of plant protection products and residues from these samples

- having regard to the type of material from which the samples are taken and to ensure reliability of the results of laboratory tests for plant protection products residues.”;

12) after Article 95, Article 95a and Article 95b is added:

”Article 95a. 1. Laboratory tests on the composition and physical or chemical properties of plant protection products placed on the market, can be performed, for control purposes by Inspection bodies, by persons authorised under Article 85 point 7, if they have a certificate of good laboratory practice issued under the provisions on chemical substances and mixtures thereof or obtained in another Member State of the European Union under the laws of this state.

2. Inspection bodies may forward to an entity performing laboratory tests for the control purposes, referred to in Paragraph 1, the data on this product necessary to carry out these tests.

3. An entity performing laboratory tests for the control purposes, referred to in Paragraph 1, cannot:

- 1) use the data on plant protection products, obtained from the Inspection bodies, for purposes other than to carry out these tests;
- 2) forward the data referred to in Paragraph 1 to third parties or give them to the public.

Article 95b. 1. If laboratory analyses conducted in order to check the composition or physical or chemical properties of plant protection products placed on the market has shown that the composition or these properties have been changed, the controlled entity is obliged to pay a fee equivalent to the cost of carrying out these analyses.

2. The fee referred to in Paragraph 1 shall be determined, by means of a decision, by the voivodeship inspector with jurisdiction over the address or registered office of the controlled entity.

3. The fee referred to in Paragraph 1 is the income of the state budget and is paid to the account of the voivodeship inspectorate of plant health and seed inspection with jurisdiction over the address or registered office of the controlled entity within 14 days of the date on which the decision determining the fee becomes final.

4. The fees referred to in Paragraph 1 is not specified if five years have passed from the end of the calendar year in which the analyses were carried out which are the basis for determining the fee.

5. Specific charges referred to in Paragraph 1 is not collected after 5 years from the date of the final decision on its determination.

6. The limitation period referred to in Paragraph 5 is stopped by the use of an enforcement measure, of which the operator has been notified.

7. After the interruption of the limitation period, it runs anew from the day following the day on which a measure of execution has been applied.

8. Fees, referred to in Paragraph 1, not paid on time, are subject to interest for late payment in the amount and on the terms applicable to tax arrears.

9. Execution of specific fees, referred to in Paragraph 1, together with interest for late payment shall be in accordance with the provisions of administrative enforcement proceedings.”;

13) in Article 107(1), point 3a is repealed, in point 12, the comma at the end shall be deleted and points 13-31 are repealed;

1) in Article 108(1), points 1 and 2 are repealed;

Article 78.

In the Act of 16 November 2006 on stamp duty (Dz.U. of 2012, item 1282, as amended⁴), the Annex to the Act is amended as follows:

1) in part I:

a) in Paragraph 36, point 8 is replaced by the following:

8) the entity conducting business under the provisions on plant protection products in the following areas:		
6) placing plant protection products on the market or packaging of these products;	PLN 1135	
c) confirmation of technical efficiency of equipment designed for application of plant protection products,	PLN 220	
c) conducting training in the field of plant protection products	PLN 616	

b) after Paragraph 36, the following Paragraph 36a-36e is added:

36a. Making an entry in the register of non-entrepreneurs within the meaning of provisions freedom of establishment, of the entity conducting business under the provisions on plant protection products in the following areas:		
1) confirmation of technical efficiency of equipment designed for application of plant protection products	PLN 220	
2) conduct of training in the field of plant protection products	PLN 616	
36b. The decision on granting authorisation to conduct research on the effectiveness of a plant protection product	PLN 5000	
36c. Change in the scope of the granted authorisation to conduct research on the effectiveness of a plant protection product	PLN 1000	

⁴ Amendments to the said Act were published in Dz.U. of 2012, item 1448 and 1512 and of 2013, item 21.

	36d. The decision on granting the authorisation to draw up an assessment or comments under the provisions on plant protection products	PLN 1000	
	36e. Change in the scope of the authorisation to draw up an assessment and comments under the provisions on plant protection products	PLN 500	

2) in part II, Paragraph 16 is repealed;

3) in part III, Paragraph 27 is repealed.

Chapter 11

Transitional, adjusting and final provisions

Article 79.

1. Authorisations issued under Article 37(1), Article 49(1) and Article 53(1) of the Act of 18 December 2003 on the protection of plants and authorisations referred to in Article 117(1) of this Act, become authorisation of plant protection products within the meaning of this Act.

2. Authorisations issued under Article 47a Paragraph 1 of the Act of 18 December 2003 on the protection of plants become parallel trade permits under this Act.

3. Decisions issued under Article 41(1) of the Act of 18 December 2003 on the protection of plants become authorisation of plant protection products under this Act.

4. The matters referred to in Article 80(5) of Regulation No 1107/2009:

1) are subject to the existing provisions, with the exception of Article 38(1) point 6, Article 44(3) point 2 and 3 and Article 45 of the Act of 18 December 2003 on the protection of plants;

2) are subject respectively to Article 9 of this Act and Article 31 of Regulation No 1107/2009.

5. The matters regarding evaluation of the test results, information, data, assessments and documentation referred to in Article 117(2) of the Act of 18 December 2003 on the protection of plants, submitted by the dates specified on the basis of Article 117(3) of this Act, are subject to the existing provisions, with the exception of Article 38(1) point 6 and Article 44(3) points 2 and 3 of the Act of 18 December 2003 on the protection of plants, except that the scope of Article 38(1) point 6 and Article 44(3) points 2 and 3 of the Act of 18 December 2003 on the protection of plants is subject respectively to Article 8(2) of this Act.

6. The use of test results, information, data, and assessments concerning a plant protection product authorised under the Act of 18 December 2003 on the protection of plants and an active substance contained in it, is done on the basis of the provisions of this Act.

Article 80.

1. The entities which on the basis of existing provisions have been authorised to develop assessments and reports, become the entities authorised to draw up an assessment or comments pursuant to Article 10 of this Act.
2. The register of operators authorised to develop assessments and reports referred to in Article 43a Paragraph 6 of the Act of 18 December 2003 on the protection of plants, becomes the register of those authorised to develop assessments and comments referred to in Article 12(1) of this Act.

Article 81.

The term of the Committee for Plant Protection Products set up under the Act of 18 December 2003 on the protection of plants expires upon the entry into force of this Act.

Article 82.

1. The organizational units, which under the existing provisions have been authorised to carry out tests of the effectiveness of a plant protection product become entities authorised to conduct research on the effectiveness of a plant protection product in accordance with Article 17 of this Act.
2. The register or organisational units authorised to conduct research on the effectiveness of a plant protection product, as referred to in Article 40(8) of the Act of 18 December 2003 on the protection of plants, becomes the register of entities authorised to conduct research on the effectiveness of a plant protection product referred to in Article 19(1) of this Act.

Article 83.

1. Plant protection products already on the market on 15 June 2015, for which the authorisation for placing on the market or the parallel trade permit does not define categories of users, referred to in Article 31(4) point d) of Regulation No 1107/2009, become plant protection products intended for use only by professional users, subject to Paragraph 2 and 3.
2. Plant protection products already on the market on 15 June 2015, intended to be used in home gardens, allotments or indoor potted plants become plant protection products intended for use by non-professional users.
3. Where the products referred to in Paragraph 1 also contain information about the purpose for use in home gardens, allotments or indoor potted plants, they can be used for that purpose by non-professional users.
4. The information on plant protection products referred to in Paragraph 2 and 3, and their use by non-professional users is made available by the minister responsible for agriculture on a website administered by the office supporting the minister responsible for agriculture.
5. Until 14 June 2015, the provisions of this Act concerning plant protection products intended for non-professional users also apply to plant protection products intended exclusively for use in home gardens, allotments or indoor potted plants.

Article 84.

Plant protection products, which prior to the entry into force of this Act, have been extended the expiry date, on the basis of Article 62(4) of the Act of 18 December 2003 on the protection of plants can be marketed until the expiry of the extended period of validity. Matters regarding the renewal of the term of validity of a plant protection product, in which a request was made for an extension before the entry into force of this Act, are subject to the existing provisions.

Article 85.

The entrepreneurs entered into the register referred to in Article 64(1) of the Act of 18 December 2003 on the protection of plants, are routinely entered by the voivodeship inspector to the register referred to in Article 25(1) of this Act.

Article 86.

A producer of a plant protection product which has been authorised to place a plant protection product on the market and which at the date of entry into force of this Act carries on business in sale of plant protection products to the final purchaser without registration referred to in Article 64(1) of the Act of 18 December 2003 on the protection of plants, loses the right to pursue such activity, if within a period of six months from the date of entry into force of this Act it will not submit an application for entry into the register of companies referred to in Article 25(1) of this Act.

Article 87.

The scope of the exemption referred to in Article 25(4) of this Act shall also apply to plant protection products classified with regard to Article 61 of Regulation No 1272/2008.

Article 88.

Until 25 November 2015, the provisions of Article 28 and Article 76(1) point 6 of this Act shall apply only to sale of plant protection products labelled:

- 1) in accordance with the provisions on chemical substances and mixtures thereof with a warning sign corresponding to symbol T – toxic, or warning sign corresponding to the symbol T+ - very toxic, or
- 2) in accordance with the provisions of Regulation No 1272/2008: with a pictogram corresponding to symbol GHS06 and at least one of the following phrases indicating type of risk: H300, H301, H310, H311, H330, H331 or pictogram corresponding to symbol GHS08 and at least one of the following phrases indicating type of risk: H340, H350, H350i, H360, H370, H372.

Article 89.

1. Plant protection products, as referred to in Article 61(1) point 2 of the Act of 18 December 2003 on the protection of plants, introduced on Polish territory before the entry into force of this Act, shall be subject to Article 61 of the Act of 18 December 2003 on the protection of plants.
2. The entity, which began production of plant protection products, as referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, on Polish territory before the entry into

force of this Act, shall inform in writing the voivodeship inspector with jurisdiction over the place of production within 60 days from the date of entry into force of this Act.

3. The information referred to in Paragraph 2, includes:

1) name, address and place of residence or name, address and registered office of the entity that manufactures plant protection products referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, except that if the entity is a natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;

2) the name of the plant protection product produced and the amount thereof;

3) the place the production of plant protection products.

4. To the information referred to in Paragraph 2, the entity that manufactures plant protection products, as referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, on Polish territory, attaches a statement that these products will not be marketed on Polish territory for the final consumer of these products and will be removed from the territory of the Republic of Poland.

5. The entity that manufactured plant protection products referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, on Polish territory, before the entry into force of this Act, is required to remove them from Polish territory before the expiry of two years from the date of production, and if their expiry date is less than two years, before the expiry of that period.

6. In the case of sale of plant protection products, as referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, before their removal from the territory of the Republic of Poland, the obligations of the entity referred to in Paragraph 2, are transferred to an entity that purchased these plant protection products.

7. The voivodeship inspector conducts inspections of bodies referred to in Paragraphs 2 and 6.

8. The entity that has purchased plant protection products, as referred to in Article 28(2) point (c) or (d) of Regulation No 1107/2009, before their removal from Polish territory informs the voivodeship inspector with jurisdiction over the place of storage of these products, within 14 days from the date of purchase.

9. The information referred to in Paragraph 8, includes:

1) name, address and place of residence or name and address and registered office of the entity that purchased plant protection products, except that if the entity is a natural person engaged in economic activity, rather than the address and place of residence of the person - the address of the business, if it is different from the address and place of residence;

2) the date of the acquisition of plant protection products;

3) the name of the acquired plant protection products and their quantity;

4) the place of storage of the acquired plant protection products.

Article 90.

The prohibition referred to in Article 36(1) of this Act shall also apply to plant protection products classified with regard to Article 61 of Regulation No 1272/2008.

Article 91.

1. The prohibition referred to in Article 36(4) of this Act shall not apply to plant protection measures for crops for which authorisation was granted for marketing or for parallel import, before the entry into force of this Act, intended for use in home gardens, allotments or indoor potted plants.

2. The prohibition referred to in Article 36(4) of this Act shall also apply to plant protection products classified with regard to Article 61 of Regulation No 1272/2008.

Article 92.

Records of treatments with plant protection products, as referred to in Article 71 of the Act of 18 December 2003 on the protection of plants, are kept at least for a period of two years from the date of the last treatment with the use of plant protection products included in the records.

Article 93.

The prohibition referred to in Article 38(2) point 3 of this Act shall also apply to plant protection products classified with regard to Article 61 of Regulation No 1272/2008.

Article 94.

In the period of 40 days from the date of entry into force of this Act, the treatments with plant protection products using agricultural aviation equipment shall not be subject to Article 39 and Article 76(1) point 28 and 29 of this Act.

Article 95.

Until 25 November 2015, the provisions of Article 41 and Article 76(1) point 30 of this Act in relation to the treatments with the use of plant protection products intended for professional users shall only apply to treatments using plant protection products in agriculture and forestry.

Article 96.

The results of technical efficiency tests of tractor sprayers and self-propelled field or orchard sprayers carried out before 1 January 2014, pursuant to the existing provisions are valid for a period of three years from the time of tests.

Article 97.

1. The organizational units authorised to carry out technical efficiency tests of tractor sprayers and self-propelled field or orchard sprayers on the basis of Article 76(5) of the Act of 18 December 2003 on the protection of plants before 1 January 2014 are entered by the voivodeship inspector with effect from 1 January 2014 into the register referred to in Article 49(1) or Article 52(1) of this Act.

2. The voivodeship inspector will confirm the entry referred to in Paragraph 1, by issuing a certificate, not later than 30 days from the date of making the entry.

3. The organizational units authorised to carry out technical efficiency tests of tractor sprayers and self-propelled field or orchard sprayers on the basis of Article 76(5) of the Act of 18

December 2003 on the protection of plants before 1 January 2014 are required to provide information on the REGON number to the voivodeship inspector maintaining the register referred to in Article 49(1) or Article 52(1) of this Act, by the deadline of 1 January 2014.

4. In matters relating to the authorisation to carry out technical efficiency tests of tractor sprayers and self-propelled field or orchard sprayers, initiated and not concluded before 1 January 2014, the fees are charged on the basis of the existing provisions.

Article 98.

The entity that has obtained authorisation to conduct activities in the certification of integrated crop production, referred to in Article 58(1) of this Act, before 1 January 2014, may start operating in this field, with effect from 1 January 2014.

Article 99.

1. Organizational units conducting training in testing tractor sprayers and self-propelled field or orchard sprayers and validation of technical efficiency of these sprayers on 31 December 2013 under the provisions of the Act of 18 December 2003 on the protection of plants, are entered by the voivodeship inspector on 1 January 2014 to the register referred to in Article 67(1) or Article 70(1) of this Act.

2. The voivodeship inspector will confirm the entry referred to in Paragraph 1, by issuing a certificate, not later than 30 days from the date of making the entry.

3. Organizational units referred to in Paragraph 1 are required to provide information on the REGON number to the voivodeship inspector maintaining the register referred to in Article 67(1) or Article 70(1) of this Act, by the deadline of 1 January 2014.

Article 100.

Persons who have acquired authorisation to conduct tests in technical efficiency of self-propelled field or orchard tractor sprayers before 1 January 2014, pursuant to the provisions of the Act of 18 December 2003 on the protection of plants, are authorised to certify technical efficiency of ground equipment.

Article 101.

1. The certificates of completion of training in marketing and packaging of plant protection products, as referred to in Article 64(4) point 1(a) of the Act of 18 December 2003 on the protection of plants:

1) become certificates of completion of training in consultancy on plant protection products within the meaning of this Act;

2) remain valid for the period for which they were issued.

2. The certificates of completion of training in marketing and packaging of plant protection products, as referred to in Article 64(4) point 1(a) of the Act of 18 December 2003 on the protection of plants, are equivalent to the certificates of completion of basic training in consultancy on plant protection products within the meaning of this Act.

Article 102.

1. The certificates of completion of training in the use of plant protection products referred to in Article 66(1) point 1 and in Article 74 point 1 of the Act of 18 December 2003 on the protection of plants:

- 1) become certificates of completion of training in the use of plant protection products within the meaning of this Act;
- 2) remain valid for the period for which they were issued.

2. The certificates of completion of training in the use of plant protection products, as referred to in Article 66(1) point 1 and in Article 74 point 1 of the Act of 18 December 2003 on the protection of plants, are equivalent to the certificates of completion of basic training in the use of plant protection products within the meaning of this Act.

Article 103.

1. The certificates of completion of training in integrated production referred to in Article 5(3) point 1 of the Act of 18 December 2003 on the protection of plants:

- 1) become certificates of completion of training in integrated production within the meaning of this Act;
- 2) remain valid for the period for which they were issued.

2. The certificates of completion of training in integrated production, as referred to in Article 5(3) point 1 of the Act of 18 December 2003 on the protection of plants, are equivalent to the certificates of completion of basic training in integrated production within the meaning of this Act.

Article 104.

The entrepreneurs entered into the register referred to in Article 75(1) of the Act of 18 December 2003 on the protection of plants, and entities entered into the register referred to in Article 75a Paragraph 1 of this Act are routinely entered by the voivodeship inspector to the registers referred to in Article 67(1) and Article 70(1) of this Act respectively.

Article 105.

Until 25 November 2015, the provisions of Article 66(1) point 2 of this Act in relation to the use of plant protection products by professional users shall only apply to treatments with the use of plant protection products in agriculture and forestry.

Article 106.

Certificates evidencing the use of integrated production, issued before 1 January 2014 shall remain valid for a period of 12 months from the date of issue.

Article 107.

Whenever separate legislation refers to the integrated protection under the provisions on protection of plants, from 1 January 2014 it should be understood as integrated pest management for the purposes of this Act.

Article 108.

Secondary legislation issued pursuant to Article 5(7), Article 43a Paragraph 14 point 1, Article 75(8) and Article 76(7) and (8) of the Act of 18 December 2003 on the protection of plants remain in force until the entry into force of the secondary legislation issued respectively under Article 10(8), Article 48(5), Article 54, Article 57(9) and Article 72 of this Act, but not longer than for a period of 36 months from the date of entry into force of this Act.

Article 109.

This Act shall enter into force after 14 days from the date of publication, with the exception of:

1) the provisions of Article 42, Article 66 and Article 76(1) point 31 and 40, which shall enter into force on 26 November 2013;

2) the provisions of:

a) Article 35(3), Article 37(2), Article 48(1)-(4), Articles 49-53, Article 55, Article 56, Article 57(1)-(8), Articles 60-62, Article 76(1) points 25, 26, 32 and 35-37,

2) Article 77:

- point 1 in the scope of Article 1 point 3,
- point 3,
- point 5 in the scope of Article 76 and Article 77(1) and (2),
- point 7,
- point 9:
 - b) in the scope of Article 85 point 7(c),
 - (c)
- point 11:
 - (a) first tiret,
 - (c)
- point 13 in the scope of Article 107(1) point 3a, 30 and 31,

- which shall enter into force on 1 January 2014.

President of the Republic of Poland:

B. Komorowski