

ACT of 10 July
2007

on fertilisers and fertilising¹

Chapter 1 General Regulations

Article 1.

Drawn up on the basis of: Journal of Laws of 2007 No. 147 item 1033, of 2011 No. 106 item 622, No. 171 item 1016, of 2014 item 29, 915.

¹This Act shall amend the Act of 15 December 2000 on Trade Inspection, the Act of 27 April 2001-Environmental Protection Law, the Act of 7 June 2001 on Public Water Supply and Public Sewage Discharge, the Act of 18 July 2001-Water Law Act and the Act of 20 April 2004 on Ecological Agriculture.

1. The Act shall regulate:
 - 1) conditions and mode of marketing fertilisers, excluding matters related to marketing fertilisers regulated by the Regulation (EC) no. 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (Official Journal of the European Union L 304 of 21.11.2003, page 1, as amended ; Official Journal of the European Union, Polish special edition, Chapter 13, vol. 32, page 467, as amended), further "Regulation no. 2003/2003";
 - 2) conditions and mode of marketing agents supporting cultivation of plants;
 - 3) tasks and competence of bodies and organisational units with regard to marketing fertilisers on the basis of provisions of Regulation no. 2003/2003;
 - 4) using fertilisers and agents supporting cultivation of plants in agriculture;
 - 5) prevention of hazards to the health of people and animals as well as environment, which may occur as a result of transport, storing and use of fertilisers, and agents supporting cultivation of plants;
 - 6) agrochemical agriculture service.
2. The provisions of the Act do not violate the provisions of Water Law Act with regard to limiting and preventing contamination of waters with nitrogen compounds originating from agricultural sources.

Article 2.

1. The expressions used in the Act shall mean as follows:
 - 1) fertilisers - products intended to provide the plants with nutrients or increasing soil fertility or increasing fertility of fish ponds, which are mineral fertilisers, natural fertilisers, organic fertilisers and organic-mineral fertilisers;

- 2) fertilisers marked with "FERTILISER EC"- fertilisers meeting the requirements specified in Regulation no. 2003/2003;
- 3) mineral fertilisers - inorganic fertilisers produced by means of chemical, physical changes or processing mineral raw materials, including fertilising lime, which includes fertilising lime containing magnesium as well as some fertilisers of organic origin;
- 4) natural fertilisers:
 - a) manure, liquid manure and slurry,
 - b) originating from farm animals as defined by the regulations concerning breeding organisation and reproduction of farm animals, faeces, with the exception of faeces of bees, with no additions of other substances,
 - c) guano
-intended for agricultural use;
- 5) organic fertilisers - fertilisers made from organic matter or mixtures of organic substances, including composts as well as compost produced with the use of earthworms;
- 6) organic-mineral fertilisers - mixtures of mineral and organic fertilisers;
- 7) agent improving the properties of soil - substances added to the soil in order to improve its properties or its chemical, physical or physical-chemical or biological parameters;
- 8) growth stimulant - an organic or mineral compound or its mixture favourably affecting the development of plants or other the plants' life processes, excluding growth regulator being a plant protection agent as understood by the regulations on plants protection;
- 9) ground for cultivation - material other than soil, including substrates, where plants are cultivated;
- 10) agents supporting cultivation of plants - agents improving soil properties, growth stimulants and grounds for cultivation;
- 11) quality requirements - the content of nutrients in the fertiliser and its chemical, physical, physical and chemical parameters, defined in the Act and declared by the manufacturer, importer or another entity marketing the fertiliser, and in the case of agents supporting cultivation of plants - chemical properties declared by the manufacturer, importer or another entity marketing this agent, physical, physical and chemical or biological parameters;
- 12) packaging - packing or repacking fertilisers or agents supporting cultivation of plants;
- 13) marketing:
 - a) offering in order to sell, sale as well as any other paid or free form of sale of the fertiliser or an agent supporting cultivation of plants by:
 - the manufacturer - in the case of a fertiliser or an agent supporting cultivation of plants produced on the territory of the Republic of Poland,
 - the importer - in the case of a fertiliser or an agent supporting cultivation of plants brought from the territory of third countries,
 - the manufacturer or another entity introducing the fertiliser or agent supporting cultivation of plants to the territory of the Republic of Poland - in the case of a fertiliser or an agent supporting cultivation

of plants, produced or marketed on the territory of another member state of the European Union,

- b) transport on the territory of the Republic of Poland of a fertiliser or an agent supporting cultivation of plants, intended for own needs.
2. If any reference is made in the Act to fertilisers marked with "FERTILISER EC", the definitions used in Article 2 of the Regulation no. 2003/2003 shall apply.
3. Organic fertilisers and soil improving agents as defined by Article 3 item 22 of the Regulation of the European Parliament and of the Council (EC) no. 1069/2009 of 21 October 2009 laying down health rules as regards animal by-products and derived products, not intended for human consumption and revoking the Regulation (EC) No. 1774/2002 (Animal by-products Regulation) (Official Journal of the European Union L 300 of 14.11.2009, page 1, as amended), further "Regulation no. 1069/2009" shall be deemed fertilisers and agents supporting cultivation of plants made from by-products of animal origin as defined by Article 3 item 1 in connection with Article 2 section 2 of the Regulation no. 1069/2009 or derivative products as defined by Article 3 item 2 of the Regulation no. 1069/2009 or containing by-products of animal origin or derivatives.

Chapter 2

Marketing fertilisers and agents supporting cultivation of plants

Article 3.

1. Fertilisers may be marketed:
 - 1) generated from mixing types of fertilisers marked with "FERTILISER EC", and the fertilisers these cannot be marked as "FERTILISER EC";
 - 2) corresponding to the specified in the provisions published on the basis of Article 12 item 5, types of fertilising lime, where contamination does not exceed the acceptable contamination values;
 - 3) natural, in accordance with the provisions of the Regulation no. 1069/2009.
2. Organic fertilisers, organic-mineral fertilisers, mineral unlabelled "FERTILISER EC" and agents supporting cultivation of plants can be marketed on the terms provided for in Article 4.
3. Natural fertilisers may be sold for direct agricultural use only on the basis of the contract concluded in writing, under pain of invalidity.
4. The contract referred to in section 3 shall be kept by the Parties for at least 8 years from the date of its conclusion.
5. The customs procedure, as a result of which acceptance for marketing takes place as understood by the regulations of the customs law, may cover fertilisers and agents supporting cultivation of plants imported from third countries:
 - 1) which can be marketed on the territory of the Republic of Poland;
 - 2) whose shelf life, counting from the date of covering with marketing authorisation is at least 6 months - for fertilisers, agents improving the properties of soil and growth stimulants;
 - 3) which are equipped with the information specified in Article 9 sections 2-7 and section 9.
6. The provision of section 5:

- 1) shall not apply to fertilisers and agents supporting cultivation of plants:
 - a) designed solely for scientific-research purposes,
 - b) not intended to be marketed on the territory of the Republic of Poland;
- 2) item 2 and 3 shall not apply to natural fertilisers referred to in section 1 item 3.
7. In the case referred to in section 6 item 1 letter b, an importer shall present to the customs authorities a written statement that the fertiliser or agent supporting cultivation of plants reported to the customs procedure, as a result of which a marketing authorisation takes place as defined by the customs law, is not intended for marketing on the territory of the Republic of Poland.
8. Fertilisers containing ammonia nitrate in the quantity above 28% per total nitrogen imported from third countries shall have a valid certificate confirming their resistance to detonation, issued by an accredited installation in this respect on the territory of member states of the European Union.

Article 4.

1. Fertilisers as well as agents supporting cultivation of plants referred to in Article 3 section 2 shall be marketed on the basis of the obtained authorisation.
2. The minister competent for agriculture shall issue, by way of decision, a marketing authorisation for a fertiliser or an agent supporting cultivation of plants referred to in Article 3 section 2.
3. An application for issuing a marketing authorisation of a fertiliser or an agent supporting cultivation of plants referred to in Article 3 section 2 shall be submitted by:
 - 1) the manufacturer - for a fertiliser or an agent supporting cultivation of plants manufactured on the territory of the Republic of Poland;
 - 2) the importer - for a fertiliser or an agent supporting cultivation of plants imported from the territory of third countries;
 - 3) the manufacturer or another entity introducing the fertiliser or an agent supporting cultivation of plants on the territory of the Republic of Poland - for a fertiliser or an agent supporting cultivation of plants manufactured or marketed on the territory of a member state of the European Union.
- 3a. The application for issuing an authorisation shall contain:
 - 1) full name or name of the applicant;
 - 2) designation of the registered office and the address or domicile and address of the applicant;
 - 3) tax identification number (NIP);
 - 4) number in the register of entrepreneurs in the National Court Register or in Central Register and Information on Economic Activity, if any;
 - 5) the name and type of fertiliser or agent supporting cultivation of plants referred to -in Article 3 section 2.
4. The application form should also contain:
 - 1) test results of a fertiliser or agent supporting cultivation of plants;
 - 2) opinions referred to in section 6;
 - 3) draft of instructions of use and storage - for the fertiliser or agent improving the properties of soil, or growth stimulant;

- 4) certificate or a statement on the entry to the register of entrepreneurs in the National Court Register or in Central Register and Information on Economic Activity confirming running business activities with regard to marketing fertilisers or agents supporting cultivation of plants, and in the case of running business in the form of a partnership also a copy of the company deed;
 - 5) a copy of the decision of a district vet on acceptance of the processing plant of by-products of animal origin and derivatives products generating fertilisers or agents supporting cultivation of plants and assigning the veterinarian's identity number or a statement on obtaining it - for fertilisers or agents supporting cultivation of plants, which were manufactured from by-products of animal origin or derivatives or contain by-products of animal origin or derivatives, and in the case of a fertiliser or agent supporting cultivation of plants originating from a state other than the Republic of Poland - other equivalent documents.
- 4a. The statement referred to in section 4 item 4 shall be submitted under the penalty of perjury . A person submitting the statement is obliged to include the following clause in it: "I am aware of criminal liability for submission of a false statement.". This clause supersedes the information of the authority on criminal liability for making false representations.
5. The applicant having registered office or domicile outside the territory of the Republic of Poland, instead of the documents referred to in section 4 item 4, the application shall have enclosed documents translated into Polish by a sworn translator, confirming running business activities.
 6. The minister competent for agriculture, shall issue a decision concerning a marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 3 section 2, after obtaining:
 - 1) opinions of authorised organisational units issued on the basis of conducted tests, confirming that:
 - a) the fertiliser:
 - is useful for fertilising plants or soils or reclamation of soil, including that it provides the plants with nutrients, affecting the growth of crops or the nourishment condition of plants in a significant manner or improvement in the quality of crops or utility features of plants, or increase the fertility of soil or fish ponds,
 - meets minimum quality requirements, defined in the provisions published on the basis of Article 10 item 6 and declared qualitative requirements,
 - does not contain any contamination in the amount exceeding their permissible values defined in the provisions published on the basis of Article 10 item 5,
 - does not pose threat to the health of people or animals or the environment after the application according to the instructions for use and storage, or
 - b) agent supporting cultivation of plants:
 - meets quality requirements,

- does not contain any contamination in amount exceeding the acceptable values of contamination defined in the provisions published on the basis of Article 11 item 5, or
 - c) agent improving the properties of soil, apart from requirements specified in letter b:
 - is useful to improve the properties or chemical, physical or physical-chemical or biological parameters of the soil,
 - does not pose threat to the health of people or animals or the environment after the application according to the instructions for use and storage, or
 - d) growth stimulant, apart from requirements specified in letter b:
 - positively affects the growth of plants or other plant life processes otherwise than nutrient of plants,
 - does not pose threat to the health of people or animals or the environment after the application according to the instructions for use and storage, or
 - e) base for crops, apart from requirements specified in letter b:
 - is useful for cultivation of plants,
 - does not pose threat to the health of people or animals or the environment;
- 2) opinions of the authorised organisational units about meeting by:
- a) an organic fertiliser, organic-mineral fertiliser or agent supporting cultivation of plants, which were manufactured from by-products of animal origin or derivatives or contain by-products of animal origin or derivatives, the requirements mentioned in Regulation no. 1069/2009,
 - b) component added to the organic fertiliser, organic-mineral fertiliser or agent supporting cultivation of plants, which were manufactured from meat-and-bone meal obtained from 2nd category material or from processed animal protein, or contain such meat-and- bone meal or processed animal protein, the requirements mentioned in Appendix XI in Chapter II in section 1 in section 3 of Commission Regulation (EU) No. 142/2011 of 25 February 2011 implementing Regulation of the European Parliament and of the Council (EC) no. 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under the Directive (Official Journal of the European Union L 54 of 26.02.2011, page 1, as amended), further "Regulation no. 142/2011".
7. Detailed documentation relating to a fertiliser or agent supporting cultivation of plants referred to in Article 3 section 2, shall be delivered to the authorised organisational unit carrying out the tests and issuing opinions by:
- 1) the manufacturer - for a fertiliser or an agent supporting cultivation of plants manufactured on the territory of the Republic of Poland;
 - 2) the importer - for a fertiliser or an agent supporting cultivation of plants imported from the territory of third countries;

- 3) the manufacturer or another entity introducing the fertiliser or agent supporting cultivation of plants on the territory of the Republic of Poland - for the fertiliser or agent supporting cultivation of plants manufactured or marketed on the territory of another member state of the European Union.
8. The costs of tests and the costs related to issuing an opinion referred to in section 6, shall be borne by:
 - 1) the manufacturer - for a fertiliser or an agent supporting cultivation of plants manufactured on the territory of the Republic of Poland;
 - 2) the importer - for a fertiliser or an agent supporting cultivation of plants imported from the territory of third countries;
 - 3) the manufacturer or another entity introducing the fertiliser or an agent supporting cultivation of plants on the territory of the Republic of Poland - for a fertiliser or an agent supporting cultivation of plants manufactured or marketed on the territory of a member state of the European Union.
 9. The minister competent for agriculture shall refuse, by way of decision, issuing a marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 3 section 2, if the documents attached to the application do not show that the fertiliser or agent supporting cultivation of plants meet the requirements specified in section 6.
 10. In the case of issuing a marketing authorisation for an organic fertiliser, organic-mineral fertiliser or agent supporting cultivation of plants, which were manufactured from meat-and-bone meal obtained from 2nd category material or processed animal protein, or contain in such meat-and- bone meal or processed animal protein, the ingredient referred to in section 6 item 2 letter b, added to this fertiliser or agent shall be placed on the list kept by the Chief Veterinary Officer along with specification of information on the content of this component in the fertiliser or agent, expressed quantitatively per unit of volume or mass. The list shall be made available on the website administered by the Chief Veterinary Inspectorate.
 11. The Chief Veterinary Officer places on the list mentioned in section 10 the ingredient referred to in section 6 item 2 letter b, approved by the competent authority of other than the Republic of Poland member state of the European Union pursuant to Article 22 section 3 of the Regulation no. 142/2011 along with specification of information on the content of this component in the fertiliser or agent supporting cultivation of plants expressed quantitatively per unit of volume or mass.
 12. The Chief Veterinary Officer shall cross out from the list mentioned in section 10 the ingredient referred to in section 6 item 2 letter b, if the ingredient used in the fertiliser or agent supporting cultivation of plants in accordance with the content as specified in the list does not meet the requirements mentioned in Appendix XI, chapter II, section 1 in section 3 of Regulation no. 142/2011.
 13. The provision of section 6 item 2 letter b shall not apply in the case of applying for issuing the marketing authorisation for an organic fertiliser, organic-mineral fertiliser or agent supporting cultivation of plants to which the listed ingredient was added, referred to in section 10, when the content of this ingredient in the fertiliser or agent is the same as the content stated for this ingredient on the list.

Article 5.

It is possible to market also fertilisers and agents supporting cultivation of plants referred to in Article 3 section 2 approved for trading in another member state of the European Union or the Republic of Turkey, which were produced in another member state of the European Union or the Republic of Turkey or in a country who is the member European Free Trade Association (EFTA) - party to the contract on the European Economic Area, if the national regulations on the basis of which they are produced and marketed provide protection of the health of people, animals and environmental protection and suitability for use, in the scope corresponding to the requirements specified in Article 4 section 6.

Article 6.

The marketing authorisation for a fertiliser or an agent supporting cultivation of plants referred to in Article 4 section 1, shall contain:

- 1) name of the fertiliser or agent supporting cultivation of plants, full name and domicile and address or name and registered office and address:
 - a) of the manufacturer - for the fertiliser or agent supporting cultivation of plants manufactured on the territory of the Republic of Poland,
 - b) of the importer - for a fertiliser or agent supporting cultivation of plants, imported from the territory of third countries,
 - c) of the manufacturer or another entity introducing the fertiliser or agent supporting cultivation of plants on the territory of the Republic of Poland - for a fertiliser or agent supporting cultivation of plants manufactured or marketed on the territory of another member state of the European Union;
- 2) identification of qualitative requirements;
- 3) information about the fact that the fertiliser or agent supporting cultivation of plants was manufactured from products of animal origin or derivatives or contains by-products of animal origin or derivatives - for a fertiliser or agent supporting cultivation of plants, which were made of by-products of animal origin or derivatives, or contain by-products of animal origin or derivatives;
- 4) instruction of using and storage of the fertiliser or agent improving the properties of soil, or growth stimulant drafted in Polish.

Article 7.

1. The minister competent for agriculture, shall issue a marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 4 section 1, for indefinite time.
2. The minister competent for agriculture shall withdraw, by way of decision, a marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 4 section 1, if:
 - 1) quality requirements specified in the authorisation are not observed or
 - 2) it is disclosed that the fertiliser or agent supporting cultivation of plants pose a threat to the health of people or animals or the environment, or

- 3) it is disclosed that the fertiliser or agent supporting cultivation of plants, which were manufactured from by-products of animal origin or derivatives or contain by-products of animal origin or derivatives, do not meet the requirements specified in Article 4 section 6 item 2.
- 2a. The minister competent for agriculture may withdraw, by way of decision, a marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 4 section 1, if it has been disclosed that the composition or raw materials used in the production of the fertiliser or agent supporting cultivation of plants declared in the documentation attached to the application for issuing a marketing authorisation for a fertiliser or agent supporting the cultivation of plants have been changed.
3. In the case the marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 4 section 1, in the case referred to in section 2, item 1 or in section 2a the following is withdrawn:
 - 1) the manufacturer - in the case of a fertiliser or agent supporting cultivation manufactured on the territory of the Republic of Poland,
 - 2) the importer - in the case of a fertiliser or agent supporting cultivation brought from the territory of third countries,
 - 3) the manufacturer or another entity importing the fertiliser or agent supporting cultivation of plants to the territory of the Republic of Poland - in the case of a fertiliser or agent supporting cultivation of plants manufactured or marketed on the territory of another member state of the European Union- shall withdraw the fertiliser or agent supporting cultivation of plants from the market within 3 months from the date when the decision on authorisation withdrawal became final and binding.
4. In the case the marketing authorisation for a fertiliser or agent supporting cultivation of plants referred to in Article 4 section 1, in the case referred to in section (2) item 2 or 3 the following is withdrawn:
 - 1) the manufacturer - in the case of a fertiliser or agent supporting cultivation manufactured on the territory of the Republic of Poland,
 - 2) the importer - in the case of a fertiliser or agent supporting cultivation of plants brought from the territory of third countries,
 - 3) the manufacturer or another entity importing the fertiliser or agent supporting cultivation of plants to the territory of the Republic of Poland - in the case of a fertiliser or agent supporting cultivation of plants manufactured or marketed on the territory of another member state of the European Union- shall withdraw the fertiliser or agent supporting cultivation of plants from the market, under the decision on authorisation withdrawal, which is subject to immediate execution.

Article 8.

1. The minister competent for agriculture shall keep lists of fertilisers and agents supporting cultivation of plants, which may be marketed on the basis of authorisations referred to in Article 4 section 1, containing the number and date of authorisation issue, information about the fact that the fertiliser or agent supporting cultivation of plants manufactured from by-products of animal origin or derivatives contain by-products of animal origin or derivatives, name of the fertiliser or agent supporting cultivation of plants as well as full name and domicile and address or name and registered office and address:
 - 1) of the manufacturer - for a fertiliser or agent supporting cultivation of plants manufactured on the territory of the Republic of Poland;
 - 2) of the importer - for a fertiliser or agent supporting cultivation of plants, brought from the territory of third countries;
 - 3) of the manufacturer or another entity marketing the fertiliser or agent supporting cultivation of plants on the territory of the Republic of Poland - for a fertiliser or agent supporting cultivation of plants, manufactured or marketed on the territory of another member state of the European Union.

2. Lists of fertilisers and agents supporting cultivation of plants are placed on the website of the office providing services for the minister competent for agriculture.

Article 9.

1. Packaging may proceed only upon obtaining a written consent of the manufacturer of a fertiliser or agent supporting cultivation of plants and after agreement with the manufacturer on the type of packages used for packaging.
2. The package or the label attached to the marketed fertiliser, and in the case of a bulk fertiliser - the attached documents shall contain only:
 - 1) information enabling fertiliser identification, including:
 - a) text saying: "a fertiliser created from mixing types of fertilisers marked with the mark FERTILISER EC", with specification of these types - in the case of fertilisers referred to in Article 3 section 1 item 1,
 - b) identification of the type of fertilising lime referred to in Article 3 section 1 item 2,
 - c) authorisation number - for fertilisers referred to in Article 3 section 2,
 - d) data about the declared content of nutrients,
 - e) data concerning the form or solubility of nutrients,
 - f) fertiliser's trade name, if given,
 - g) full name and domicile and address or name and registered office and address:
 - of the manufacturer - for a fertiliser manufactured on the territory of the Republic of Poland,
 - of the importer - for a fertiliser brought from the territory of third countries,
 - of the manufacturer or another entity marketing the fertiliser on the territory of the Republic of Poland - for a fertiliser manufactured or marketed on the territory of another member state of the European Union;
 - 2) information about:
 - a) net mass of the fertiliser,
 - b) shelf life of the fertiliser;
 - 3) instructions on using and storage of the fertiliser.

3. The package or the label attached to the agent supporting cultivation of plants, and in the case of bulk agent supporting cultivation of plants - the attached documents shall contain only:
 - 1) information enabling identification of the agent supporting cultivation of plants, including:
 - a) authorisation number,
 - b) identification of qualitative requirements,
 - c) trade name of the agent supporting cultivation of plants, if given,
 - d) full name and domicile and address or name and registered office and address:
 - the manufacturer - for the agent supporting cultivation of plants manufactured on the territory of the Republic of Poland,
 - the importer - for the agent supporting cultivation of plants brought from the territory of third countries,
 - the manufacturer or another entity marketing the agent supporting cultivation of plants on the territory of the Republic of Poland - for the agent supporting cultivation of plants manufactured or marketed on the territory of another member state of the European Union;
 - 2) information about:
 - a) net mass of the agent supporting cultivation of plants,
 - b) shelf life of the agent improving the properties of soil or growth stimulant to be used;
 - 3) instructions on using and storage of the agent improving the properties of soil or growth stimulant.
4. Information referred to in section 2 and 3 shall be drawn up in Polish and placed in a visible location, in a permanent manner and ensuring their legibility, provided that the information defined in sections 2 item 1 letter f and g and in section 3 item 1 letter c and d as well as instructions on using and storage of the fertiliser or agent improving the properties of soil, or growth stimulant are given independently from other information referred to in section 2 or 3.
5. Labels attached to the fertiliser and the agent supporting cultivation of plants are fixed so as to ensure that they remain where they were put, regardless of the applied system of packaging closing, and if the package is closed by means of a seal, it shall contain the information defined in sections 2 item 1 letter g or in section 3 item 1 letter d.
6. In the case of fertilisers and agents supporting cultivation of plants in bulk one copy of the attached documents, containing the information specified in section 2 or 3 shall be attached to the fertiliser or agent supporting cultivation of plants in a manner providing access to such information.
7. Fertilisers and agents supporting cultivation of plants in the liquid form can be marketed if information is provided on the temperature in which the fertiliser or agent supporting cultivation of plants should be stored as well as the measures to be undertaken so as to prevent accidents during their storage.
8. The provisions of section 2-7 shall not apply to natural fertilisers.

9. The package or label attached to the marketed fertiliser and agent supporting cultivation of plants, and in the case of fertilisers and agents supporting cultivation of plants in bulk - the attached documents shall also contain information resulting from separate provisions.
10. Marking organic, organic-mineral fertilisers, agents improving the properties of soil, growth stimulants and bases for cultivation, which were manufactured from by-products of animal origin or derivatives, or contain by-products of animal origin or derivatives, shall be conducted in a manner specified in Regulation no. 1069/2009.

Article 10.

The minister competent for agriculture shall determine, by way of regulation:

- 1) organisational units authorised to perform tests of fertilisers or issue opinions referred to in Article 4 section 6 item 1 letter and item 2, taking into account the facilities and equipment an organisational unit should have at its disposal, so as to ensure proper tests conduct, testing procedures used by this unit as well as qualifications and professional experience of persons employed in these units, consistent with the scope of tests conducted;
- 2) detailed scope of fertilisers tests and elements that the opinion about fertilisers should contain, referred to in Article 4 section 6 item 1 letter and item 2, being guided by the need to determine whether the fertilisers meet the conditions necessary to issue a marketing authorisation, defined in Article 4 section 6;
- 3) detailed scope of documentation concerning fertilisers, bearing in mind the need to determine, on this basis, the proper scope of tests a given fertiliser should be subject to, and issuing the opinion referred to in Article 4 section 6 item 1 letter and item 2;
- 4) what requirements the content of the instruction on using and storage of fertilisers should meet, bearing in mind ensuring their safe use and storage;
- 5) the acceptable types of contamination present in fertilisers and their values, bearing in mind ensuring protection of the health of people or animals or environmental protection;
- 6) minimum qualitative requirements to be met by fertilisers referred to in Article 3 section 2, bearing in mind the need to provide their effective operation.

Article 11.

The minister competent for agriculture shall determine, by way of regulation:

- 1) organisational units authorised to carry out tests of agents supporting cultivation of plants or issue an opinion referred to in Article 4 section 6 item 1 letter b - e and item 2, taking into account the facilities and equipment an organisational unit should have at its disposal so as to ensure proper tests conduct, tests procedures used by this unit as well as qualifications and professional experience of people employed in these units, consistent with the scope of conducted tests;

- 2) detailed scope of tests of agents supporting cultivation of plants and the elements that the opinion about agents supporting cultivation of plants should contain, referred to in Article 4 section 6 item 1 letter b - e and item 2, bearing in mind the need to determine whether the agents meet the conditions necessary to issue the marketing authorisation, defined in Article 4 section 6;
- 3) detailed scope of documentation concerning agents supporting cultivation of plants, bearing in mind the need to determine on this basis the proper scope of tests which a given agent should undergo, and issue the opinion referred to in Article 4 section 6 item 1 letter b - e and item 2;
- 4) what requirements the content of the instruction on using and storage of agents improving the properties of soil and growth stimulants should meet, bearing in mind ensuring their safe use and of storage;
- 5) the acceptable types of contamination present in agents supporting cultivation of plants and their values, bearing in mind ensuring protection of the health of people or animals or environmental protection.

Article 12.

The minister competent for economy in consultation with the minister competent for agriculture shall determine, by way of regulation:

- 1) detailed manner of placing information enabling identification of fertilisers referred to in Article 9 section 2 item 1, bearing in mind ensuring proper information about these fertilisers and prevention of unfavourable impact of the fertiliser on the health of people or animals or the environment;
- 2) the way of packing fertilisers, bearing in mind ensuring their proper quality and prevention of unfavourable impact of the fertiliser on the health of people or animals or the environment;
- 3) acceptable tolerances of fertilising components content, taking into account limitations resulting from technology of production;
- 4) manner of sampling and testing methods of mineral fertilisers for inspection of their quality, bearing in mind ensuring the fertilisers meet chemical, physical and physical-chemical parameters and the values of contaminants contained in these fertilisers;
- 5) types of fertilising lime and detailed quality requirements for these types, bearing in mind ensuring their proper quality.

Article 13.

1. The manufacturer applying for marking a new type of fertiliser with the mark "FERTILISER EC", having registered office or domicile on the territory of the Republic of Poland shall submit to the minister competent for economy an application for applying to the European Commission in this case.
2. The minister competent for economy:
 - 1) shall provide the European Commission and other member states of the European Union with a copy of the application referred to in section 1, if the fertiliser meets the requirements for a new type of fertiliser, defined in Regulation no. 2003/2003, or
 - 2) shall issue a decision on refusal to provide the European Commission and other member states of the European Union with a copy of the application referred to

in section 1, if the fertiliser does not meet the requirements for a new type of fertiliser specified in Regulation no. 2003/2003.

Article 14.

The costs of procedure related to examination and handing over the application on marking a new type of fertiliser with the mark "FERTILISER EC" shall be borne by the manufacturer applying for such a marking.

Article 15.

The minister competent for economy:

- 1) shall announce, by way of a proclamation in the Official Journal of the Republic of Poland "Monitor Polski", a list of accredited laboratories authorised to perform tests confirming the fulfilment of requirements by fertilisers marked with the mark "FERTILISER EC" specified for these fertilisers in the provisions of Regulation no. 2003/2003;
- 2) shall inform the European Commission and other member states of the European Union on accredited laboratories authorised to perform the tests referred to in item 1.

Article 16.

1. The minister competent for economy may, by way of a regulation:
 - 1) temporarily prohibit marketing on the territory of the Republic of Poland a fertiliser marked with the mark "FERTILISER EC",
 - 2) condition marketing on the territory of the Republic of Poland a fertiliser marked with the mark "FERTILISER EC" on the fulfilment of specific conditions if premises arise as set forth in Article 15 of Regulation no. 2003/2003.
2. The minister competent for economy shall inform the European Commission and the remaining European Union member states about limitations in marketing on the territory of the Republic of Poland fertilisers marked with the mark "FERTILISER EC" referred to in section 1, specifying the reasons justifying introduction of these limitations.

Chapter 3

The use of fertilisers and agents supporting cultivation of plants

Article 17.

1. Only fertilisers and agents supporting cultivation of plants shall be used, which are approved for marketing on the basis of Article 3 sections 1 and 2, Article 5 or Regulation no. 2003/2003.
2. Fertilisers shall be used in a manner which does not pose a threat to the health of people or animals or the environment.
3. The dose of applied natural fertiliser over a year must not contain over 170 kg of nitrogen (N) in pure component per 1 ha of arable land.
4. Agents improving the properties of soil and growth stimulants shall be used according to the instructions on using and storage.

Article 18.

1. The entity that breeds poultry in the amount of over 40 000 posts or breeding pigs in the amount of over 2 000 posts for pigs weighing over 30 kg or 750 posts for sows:
 - 1) shall have a fertilisation plan prepared in accordance with the principles of agricultural good practice, on the basis of chemical composition of fertilisers and nutritional needs of plants and abundance of soil, taking into consideration the applied waste and agents supporting cultivation of plants, excluding these entities that that sell entirely natural fertilisers;
 - 2) manages at least 70% of liquid manure and slurry on arable lands they possess and where they cultivate plants and the remaining 30% may be sold as provided in Article 3 section 3.
2. The buyer of a natural fertiliser, sold as provided in Article 3 section 3, shall develop within 30 days from the date of concluding the contract a fertilising plan, meeting the requirements specified in section 1 item 1, but not later than until starting using the natural fertiliser.
3. Regional chemical-agricultural station, further "the regional station", shall issue an opinion on fertilisation plan referred to in section 1 item 1 and section 2.
4. Issuing the opinion referred to in section 3, shall be subject to fee for the regional station.
5. The fee referred to in section 4 shall constitute the state budget's income.
6. The entity referred to in section 1 and the buyer of a natural fertiliser referred to in section 2 shall hand over to the commune head (mayor), as well as the Provincial Environmental Protection Inspector, competent for the place of running business operations mentioned in section 1, a copy of fertilisation plan, included in section 1, item 1 or section 2, along with an opinion mentioned in section 3, within 14 days from the date of receipt of this opinion.
7. The minister competent for agriculture, in consultation with the minister competent for public finance shall determine, by way of regulation, the amount of fee for issuing an opinion on the fertilisation plan referred to in section 1 item 1 and section 2 and the way of paying, taking into account the costs borne by the regional station at issuing opinions.

Article 19.

To use mineral fertilisers, including fertilisers marked with the mark "FERTILISER EC", agricultural flight equipment may be used, if:

- 1) the equipment is equipped with devices used for this purpose;
- 2) wind speed does not exceed 3 m/s and relative air humidity is at least 60%;
- 3) the area of cultivations, to fertilise which the agricultural flight equipment is used, is at least 30 ha and the cultivation are located at a distance of at least 500 m from public roads, buildings, facilities where animals are kept, apiaries, herbal cultivations, fruit and vegetable gardens, watercourses, water reservoirs, nature reserves, national parks, health resorts and health resort protection areas, as well as other facilities and protected facilities on the basis of separate provisions.

Article 20.

1. It is not allowed to use fertilisers:

- 1) on flooded soils, covered with snow, frozen to the depth of 30 cm and during precipitation;
 - 2) natural:
 - a) in the liquid form and nitrogen - on soils without plant cover, located on slopes with inclination greater than 10%,
 - b) in the liquid form - during plant vegetation intended for direct consumption by people.
2. The provision of section 1, item 1 shall not apply to fertilise ponds used for fish breeding and keeping.

Article 21.

1. The activities consisting in the provision of services with regard to the use of fertilisers may be performed only by persons having a certificate of a training course completion in this extent; this requirement shall not apply to graduates of agricultural schools.
2. Training within the scope referred to in section 1, shall be conducted by organisational units authorised by the minister competent for agriculture.

Article 22.

The minister competent for agriculture, in consultation with the minister competent for environment, as well as the minister competent for health shall define, by way of regulation:

- 1) detailed manner of fertilisers use, bearing in mind ensuring the protection of health of people or animals or environmental protection;
- 2) organisational units authorised to conduct training on the use of fertilisers, taking into account facilities and equipment an organisational unit should dispose of, so as to ensure appropriate quality of trainings conducted as well as qualifications and professional experience in trainings conducted of people employed in these units.

Chapter 4

Transport and storage of fertilisers and agents supporting cultivation of plants

Article 23.

1. Fertilisers, including fertilisers marked with the mark "FERTILISER EC", and agents supporting cultivation of plants in solid form, transported in bulk, shall be protected in a way that makes it impossible to spill, dust and get wet.
2. Fertilisers, including fertilisers marked with the mark "FERTILISER EC", and agents supporting cultivation of plants in the liquid form, shall be transported in closed and tight packages, tanks or tank cars.
3. Organic fertilisers, organic-mineral fertilisers and agents supporting cultivation of plants, which were manufactured from by-products of animal origin or derivatives, or contain by-products of animal origin or derivatives, shall be transported in a manner set out in Regulation no. 1069/2009.

Article 24.

1. Mineral fertilisers, including fertilisers marked with the mark "FERTILISER EC", organic, organic-mineral fertilisers, agents improving the properties of soil and growth stimulants in solid form shall be stored in unit packages, according to the instruction of their use and storage.
2. Mineral fertilisers, including fertilisers marked with the mark "FERTILISER EC", organic, organic-mineral fertilisers, agents improving the properties of soil and growth stimulants in solid form may be stored in bulk in prisms formed on a hardened and impermeable base, after covering them with waterproof material, according to the instruction of their use and storage.
3. The provision of section 2 shall not apply to ammonium nitrate and other fertilisers containing ammonia nitrate in the quantity above 28% per total nitrogen.
4. Bases for cultivation in the solid form shall be stored in unit packages or in bulk in prisms piles formed on a hardened and impermeable base, after covering them with waterproof material.
5. Mineral fertilisers, including fertilisers marked with the mark "FERTILISER EC", organic, organic-mineral fertilisers and agents supporting cultivation of plants in the liquid form shall be stored in closed packages or in tight, appropriate tanks.

Article 25.

Liquid manure and slurry shall be stored only in tight tanks of the capacity permitting gathering at least 4-monthly production of this fertiliser. These reservoirs should be closed tanks, pursuant to the provisions issued under Article 7 section 2 item 2 of the Act of 7 July 2004 Building Law (Journal of Laws of 2006 No. 156, item 1118, as amended as amended²) relating to technical conditions for agricultural structures and their location.

Entities referred to in Article 18 section 1, shall store natural fertiliser, other than listed in section 1, on impermeable boards protected in such a way that leakages do not permeate to the ground.

Chapter 5 Agrochemical agriculture service

Article 26.

1. The National Chemical-Agricultural Station, further "the Station", which is subject to the minister competent for agriculture and subordinate regional stations perform tasks related to agrochemical agriculture service.
2. The station and regional stations are state budget-financed units.
3. The Station is headed by a director, appointed and dismissed by the minister competent for agriculture.
4. The regional stations are managed by directors, appointed and dismissed by the minister competent for agriculture at the request of the Station's director.

² Amendments to the consolidated text of the said Act were published in the Journal of Laws of 2006 No. 170, item 1217 and of 2007 No. 88, item 587, No. 99, item 665 and No.127, item 880.

5. The Director of the Station shall supervise and coordinate the activity of regional stations, also with regard to management of public funds and performing income and expenses plans.

Article 27.

The responsibilities of the Station include:

- 1) determining the method of conducting agrochemical tests, including the selection of research methods;
- 2) determining the scope of tasks performed by regional stations;
- 3) controlling operations of regional stations, including their use of research methods and timeliness of tests performance by these stations;
- 4) undertaking activities with regard to participation of district laboratories of regional stations in accuracy tests of performed chemical analyses;
- 5) organising training courses for employees of regional stations;
- 6) creating and running a database concerning the abundance of soil in nitrogen and phosphorus and contamination of waters with nitrates in soil profile for 90 cm from the ground surface;
- 7) running financial services of regional stations, including:
 - a) preparing income and expenses plans for particular regional stations,
 - b) transferring funds for current activities of regional stations;
- 8) performing other tasks related to agrochemical agriculture servicing, entrusted by the minister competent for agriculture.

Article 28.

1. The responsibilities of regional stations include:

- 1) performance of soil, plants, crops and forest crops analyses;
- 2) consulting on fertilising;
- 3) carrying out tests on the quality of fertilisers and agents supporting cultivation of plants;
- 4) preparation of expert studies and issuing opinions on the abundance of soil, chemical composition of plants, fertilisers and agents supporting cultivation of plants, as well as correct use of fertilisers and agents supporting cultivation of plants;
- 5) conduct training operations and providing information within the scope referred to in items 1-4;
- 6) creating and running a database concerning the abundance of soil in nitrogen and phosphorus and contamination of waters with nitrates in soil profile for 90 cm from the ground surface;
- 7) performing other tasks related to agrochemical agriculture servicing, entrusted by the Station.

2. Regional stations, performing tasks referred to in section 1, shall collect fees for:

- 1) physical, physical-chemical and chemical analyses of:
 - a) mineral and organic soil,
 - b) horticultural land and soil, horticultural bases, plant food and water,

- c) plant material and feed,
 - d) sewage and sewage sludge,
 - e) natural, organic, organic-mineral and mineral fertilisers,
 - f) agents supporting cultivation of plants;
- 2) tests of soil for the purpose of fertilisation consulting;
 - 3) tests of the vegetable material for the purposes of agricultural consulting;
 - 4) field-cartographic works;
 - 5) preparation of the results of conducted analyses and tests;
 - 6) training and information activities.
3. The provision of section 2 shall not apply to tasks performed for the purposes of government administration bodies.
 4. The fees referred to in section 2, constitute the state budget's income.
 5. The minister competent for agriculture, in consultation with the minister competent for public finance shall determine, by way of regulation, the amount and manner of paying fees referred to in section 2, taking into account the costs incurred by regional stations when performing a given activity and the time necessary for its execution.

Article 29.

1. The Station shall keep, on the basis of unit reports of regional stations, a monthly, quarterly, semi-annual and annual total budget reporting of the Station and regional stations and shall prepare annual balance sheet.
2. The Station and regional stations, in the scope not regulated in the Act, shall keep financial management on the terms provided for in the regulations on public finance.

Chapter 6

Supervision and control with regard to fertilisers, fertilising and agents supporting cultivation of plants

Article 30.

1. The Agricultural and Food Quality Inspection, further: "the Inspection", shall supervises the marketing of fertilisers, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants as stipulated in the regulations on agricultural and food quality inspection.
2. Under the exercised supervision referred to in section 1, the Inspection bodies and authorised Inspection employees shall be entitled to:
 - 1) access grounds;
 - 2) conduct inventory-taking of fertilisers, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants;
 - 3) conduct inspection with regard to:
 - a) compliance of fertilisers marked with the mark "FERTILISER EC" with the types of these fertilisers specified in Regulation no. 2003/2003,
 - b) meeting qualitative requirements by the fertilisers, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants as well as defined, on the basis of Article 10 item 5 or Article 11 item 5, requirements they should meet with regard to the acceptable values of contamination, on the basis of testing their chemical, physical, physical-chemical and biological parameters performed in laboratories indicated in the regulations published on the basis of Article 15 item 1 -for fertilisers marked with the mark "FERTILISER EC" or in regional chemical-agricultural stations for other fertilisers and agents supporting cultivation of plants,

- c) compliance with regulations concerning fertiliser trading, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants,
 - d) the compliance of fertilising lime, which includes fertilising lime containing magnesium, with their types and detailed qualitative requirements for these types specified in the regulations issued on the basis of Article 12, item 5;
- 4) entering the facilities where fertilisers are stored, fertilisers marked with the mark "FERTILISER EC" or agents supporting cultivation of plants;
 - 5) free collection of fertiliser samples for testing, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants.

Article 31.

1. The Provincial Inspector of Agricultural and Food Quality Inspection, further "the Inspector", if, as a result of the conducted control referred to in Article 30 section 2, item 3, it is stated that the qualitative requirements are not met or are exceeded, determined on the basis of Article 10 item 5 or Article 11 item 5, the acceptable values of contamination, or the conditions are not met with regard to marketing, defined in Article 3 section 1-4 or Article 5, may, by way of decision:
 - 1) prohibit marketing a fertiliser, fertiliser marked with the mark "FERTILISER EC" or an agent supporting cultivation of plants;
 - 2) order withdrawing the fertiliser from the market, fertiliser marked with the mark "FERTILISER EC" or an agent supporting cultivation of plants.
2. Decisions referred to in section 1 item 1 and 2, shall be subject to immediate execution.

Article 32.

The Inspection of Environmental Protection shall carry out a control of compliance with the regulations concerning conditions of using and storage of fertilisers, fertilisers marked with the mark "FERTILISER EC" and agents supporting cultivation of plants in a manner specified in the provisions concerning Inspection of Environmental Protection.

Article 33.

1. The Provincial Inspector for Environmental Protection shall issue the decision on withholding animal breeding referred to in Article 18 section 1, if the entity conducting breeding does not have a positive opinion on fertilisation plan.
2. The decision referred to in section 1 is subject to immediate execution.

Article 34.

The Provincial Inspector for Environmental Protection may, by way of decision, withhold running animal breeding referred to in Article 18 section 1, if natural fertilisers are used not in line with the fertilisation plan having a positive opinion.

Article 35.

The Provincial Inspector for Environmental Protection shall allow, by way of decision, to re-undertake animal breeding referred to in Article 18 section 1, if the entity conducting breeding removes the breach constituting the basis to issue the decision referred to in Article 33 and 34.

Article 36.

The Veterinary Inspection shall carry out a control with regard to meeting requirements by the fertilisers or agents supporting cultivation of plants, which were manufactured from by-products of animal origin or derivatives, or contain by-products of animal origin or derivatives, specified in Regulation no. 1069/2009, in the regulations of the European Union issued in the mode of this regulation or in the Act of 11 March 2004 on protection of health of animals and counteracting animal infectious diseases (Journal of Laws of 2008 No. 213, item 1342, as amended as amended³).

Chapter 7 Punitive damages

Article 37.

1. Whoever markets:

- 1) fertilisers marked with the mark "FERTILISER EC", not being part of the types of fertilisers specified in Appendix no. I to Regulation no. 2003/2003 or not meeting the qualitative requirements specified for a particular type of fertiliser in this Appendix,
- 2) fertilisers or agents supporting cultivation of plants not in line with the conditions specified in Article 3 or 5

-shall withdraw them from the market, at their own cost, and shall pay to the bank account of a Tax Revenue Office competent for the registered office or domicile of the entity marketing the fertiliser marked with the mark "FERTILISER EC" or agent supporting cultivation of plants, punitive damages being 100% of the amount due for the sold fertilisers, fertilisers marked with the mark "FERTILISER EC" or agents supporting cultivation of plants, and in the case of another form of selling fertilisers, fertilisers marked with the mark "FERTILISER EC" or agents supporting cultivation of plants -100% of the value of financial gain obtained, or which could be obtained for marketing fertilisers, fertilisers marked with the mark "FERTILISER EC" or agents supporting cultivation of plants.

³ Amendments to the consolidated text of the said Act were published in the Journal of Laws of 2010 No.47, item 278, No. 60, item 372 and No.78, item 513, of 2013, item 1287 and of 2014, item 29.

2. The Inspector, competent for registered office or domicile of the entity marketing the fertiliser, fertiliser marked with the mark "FERTILISER EC" or agent supporting cultivation of plants, shall issue a decision, in which they state:
 - 1) Marketing a fertiliser marked with the mark "FERTILISER EC", not being a type of fertilisers specified in Appendix no. I to Regulation no. 2003/2003 or not compliant with qualitative requirements for a particular type of fertiliser specified in this Appendix, or
 - 2) marketing a fertiliser or an agent supporting cultivation of plants not in line with the conditions specified in Article 3 or 5-and shall determine the term for its withdrawal from the market, the quantity of marketed fertiliser or agent supporting cultivation of plants and the height of punitive damages referred to in section 1.
3. If the entity marketing the fertiliser, fertiliser marked with the mark "FERTILISER EC" or agent supporting cultivation of plants has its registered office or domicile outside the territory of the Republic of Poland:
 - 1) the punitive damages referred to in section 1 shall be paid to the account of the Tax Revenue Office managed by the Head of the Second Tax Revenue Office Warszawa-Śródmieście;
 - 2) the decision referred to in section 2, shall be issued by the Inspector competent for the Mazovian Province.
4. The Inspector shall transfer to the competent head of the Tax Revenue Office, the final decision referred to in section 2 and 3.
5. If the obligation to pay punitive damages resulting from the final decision referred to in section 2 or 3 is not fulfilled, the competent head of the Tax Revenue Office shall notify the Inspector who issues the enforcement title constituting the basis for compulsory collection of this fee in the mode of regulations on enforcement proceedings in administration.
6. (revoked).

Article 38.

1. The entity marketing the fertiliser, fertiliser marked with the mark "FERTILISER EC" or agent supporting cultivation of plants shall pay the fees for the Inspection conducting control activities and laboratory tests if, as a result of this the control, it has been stated that fertilisers marked with the mark "FERTILISER EC" or agents supporting cultivation of plants do not meet qualitative requirements resulting from the provisions of Regulation no. 2003/2003 or the provisions issued under Article 10 item 5 and 6, Article 11 item 5 or Article 12, item 5 or from the authorisation referred to in Article 4 section 1 or fail to meet the requirements specified in Article 5, or fail to meet the additional requirements, declared by the manufacturer, the importer or another entity marketing the fertiliser, fertiliser marked with the mark "FERTILISER EC" or agent supporting cultivation of plants.
2. The minister competent for agriculture, in consultation with the minister competent for public finance shall determine, by way of regulation, the amount and manner of paying the fees referred to in section 1, taking into account the costs incurred by the Inspection or units authorised to test at a given activity or testing and the time necessary for their execution.

Article 39.

Fees referred to in Article 37 and Article 38 section 1, shall constitute the state budget's income. To these fees the provisions of Section III of the Act of 29 August 1997 -Tax Ordinance Act (Journal of Laws of 2005 No. 8, item 60, as amended) are applicable

Chapter 8 Penal provisions

Article 40.

1. Whoever, when marketing fertilisers marked with the mark "FERTILISER EC" (FERTILISER EC):
 - 1) declares on the packaging or label attached to the fertiliser or in the documents attached, the content of major nutrients, secondary and micro ingredients not in line with Article 6, 17, 18, 19, 21 or 23 of Regulation no. 2003/2003 or not in line with the way specified on the basis of Article 12 of this Regulation, or
 - 2) provides on the label attached to the fertiliser information regarding its marking or marks the fertiliser on the package in a way inconsistent with the terms specified on the basis of Article 10 section 1 or 2 of Regulation no. 2003/2003, or
 - 3) does not provide for bulk fertiliser identification marks in the documents attached, in accordance with Article 10 section 3 of Regulation no. 2003/2003 and does not make available these documents to control, or
 - 4) does not provide on the packaging or the label attached to the fertiliser or in the documents attached, the following information in Polish:
 - a) mark in capital letters "FERTILISER EC" or
 - b) the type of fertiliser, in accordance with the types of fertiliser specified in Appendix no. I to Regulation no. 2003/2003, or
 - c) the word "mix", after identifying the type of fertiliser - for mixed fertilisers, or
 - d) additional marks as specified in Article 19, 21 or 23 of Regulation no. 2003/2003, or
 - e) about the basic or secondary nutrients and micro ingredients and corresponding to them chemical symbols, according to the requirements set out in Article 9 section 1 letter a indent five of Regulation no. 2003/2003, or
 - f) names of nutrients and corresponding chemical symbols, or
 - g) names of micro ingredients contained in the fertiliser, their chemical symbols listed alphabetically, if the fertiliser contains micro ingredients that, either in full or in part, are chemically related to organic compound, names of micro ingredients, where terms are added: "chelated by

- (with specification of chelate formation agent or its abbreviation, defined in section E.3.1 Appendix no. I to Regulation no. 2003/2003)" or "complexed by (with specification of complexing agents, stated in section E.3.2 of Appendix no. I to Regulation no. 2003/2003)", or
- h) instructions on using the fertiliser, for fertilisers listed in sections E.1. and E.2. Appendix no. I to Regulation no. 2003/2003, or
 - i) on the mass of liquid fertilisers, or
 - j) on net or gross mass of fertiliser and the mass of packaging in the case of specifying gross mass of the fertiliser, or
 - k) full name and domicile and address or name and registered office and address of the manufacturer referred to in Article 2 letter x of Regulation no. 2003/2003, or
 - l) on the temperature of storage of liquid fertilisers and measures to be undertaken so as to prevent accidents during storage, or
- 5) places voluntary identification not in line with Article 9 section 1 letter b of Regulation no. 2003/2003, or
 - 6) places marking concerning voluntary identification referred to in Article 9 section 1 letter b of Regulation no. 2003/2003, contrary to marking compulsory identification referred to in Article 9 section 1 letter a of this Regulation, or
 - 7) does not provide separately from other information contained on the package, label attached to the fertiliser or in the documents attached, voluntary identification referred to in Article 9 section 1 letter b of Regulation no. 2003/2003, or
 - 8) does not provide information referred to in Article 9 section 1 of Regulation no. 2003/2003 separately from other information included on the package, label attached to the fertiliser or documents attached, or
 - 9) does not store documentation about the origin of the fertiliser, including the fertiliser with high nitrogen content on the basis of ammonium nitrate and does not makes available this documentation to control, for a period when the fertilisers are on the market and for the period of 2 years, counting from the date of withholding the supply by the manufacturer, or
 - 10) simple with nitrogen content above 28% mass per ammonium nitrate, does not guarantee that the fertilisers are consistent with the requirements specified in section 1 Appendix no. III to Regulation no. 2003/2003, or
 - 11) does not have a document certifying that the fertiliser with nitrogen content above 28% mass per ammonium nitrate passed successfully the detonation resistance test in the laboratory authorised to conduct it, or
 - 12) states the content of major nutrients, secondary and micro ingredients not in line with tolerances specified in Appendix no. 2 to Regulation no. 2003/2003 or systematically makes use of tolerances, or uses tolerances with regard to the minimum and maximum content, specified in Appendix no. I to Regulation no. 2003/2003, or
 - 13) markets:

- a) in packaging, which are not closed in a way or when using a device referred to in Article 12 of Regulation no. 2003/2003, or
- b) unpacked fertilisers with nitrogen content above 28% mass per ammonium nitrate
- is subject to a fine.

2. Whoever, when marketing fertilisers unlabelled with the mark "FERTILISER EC" or agents supporting cultivation of plants:

- 1) packs them without a written consent of the manufacturer or does not discuss with the manufacturer the type of packages used for packaging, or
- 2) does not provide on the package or on the label, and in the case of fertilisers or agents supporting cultivation of plants in bulk - in the documents attached, in a visible location, drawn up in Polish, in a permanent manner and ensuring their legibility, information relating to identification of the fertiliser agent supporting cultivation of plants referred to in Article 9 section 2 item 1 or section 3 item 1 and instructions of using and storage of the fertiliser, agent improving the properties of soil or growth stimulant, as well as information about net mass of the fertiliser agent supporting cultivation of plants and their shelf life, or
- 3) does not provide information specified in section 2 item 1 letter f and g and in section 3 item 1 letter c and d separately from other information referred to in section 2 or section 3, or
- 4) provides on the package or on the label, and in the case of fertilisers and agents supporting cultivation of plants in bulk - in the documents attached, information other than specified in Article 9 section 2 or section 3 and in section 9, or
- 5) changes the content of instructions on using and storage of the fertiliser, agent improving the properties of soil or growth stimulant referred to in the marketing authorisation of a minister competent for agriculture concerning the fertiliser, agent improving the properties of soil or growth stimulant, or
- 6) does not fix the labels attached to the fertiliser or agent supporting cultivation of plants in such a way that they remain where they were fixed regardless of the applied system of closing the packaging, or
- 7) does not attach to the fertiliser or agent supporting cultivation of plants in bulk a copy of documents containing information, defined in Article 9 section 2 or section 3 in a manner providing access to such information, or
- 8) does not attach to the fertiliser or agent supporting cultivation of plants in a liquid form, information about the temperature of storage and information about means to be undertaken to prevent accidents during their storage
- 9) (repealed)
- is subject to a fine.

3. Whoever declares untrue qualitative requirements of the fertiliser or agent supporting cultivation of plants shall be liable to fine.

Article 41.

Whoever:

- 1) markets fertilisers unlabelled with the mark "FERTILISER EC" or agents supporting cultivation of plants:
 - a) not meeting the qualitative requirements or
 - b) in which contamination exceeds the acceptable values of contaminations, determined on the basis of Article 10 item 5 or Article 11 item 5, or
- 2) uses fertilisers not in line with the principles and conditions specified in Article 17-20 and in the provisions published on the basis of Article 22, causing a threat to the health of people or animals or environment, or
- 3) uses fertilisers and agents supporting cultivation of plants without marketing authorisation, or
- 4) uses agents improving the properties of soil or growth stimulants not in line with their instruction on using and storage, or
- 5) performs activities consisting in the provision of services with regard to using fertilisers without licence in this respect specified in Article 21 section 1, or
- 6) transports or stores fertilisers or agents supporting cultivation of plants in a way inconsistent with Article 23 or 24, causing a threat to the health of people or animals or environment, or
- 7) contrary to the obligation referred to in Article 7 section 3 or 4, Article 31 section 1, item 2 or Article 37 section 1, has not withdrawn a fertiliser or agent supporting cultivation of plants, marketed, or
- 8) (repealed)
- 9) being the buyer of a natural fertiliser does not have a positive opinion on the fertilisation plan, or
- 10) uses natural fertilisers not in line with the fertilisation plan having a positive opinion, or
- 11) stores natural fertilisers contrary to the conditions specified in Article 25
- is subject to a fine.

Article 42.

Ruling in cases specified in Article 40 and 41 shall be made following the procedure outlined in the provisions of Petty Offence Procedure Code.

Chapter 9

Alterations in binding regulations, temporary and final regulations

Article 43.

The Act of 15 December 2000 on Trade Inspection (Journal of Laws of 2001 No. 4, item 25, as amended as amended⁴) in Article 4 item 11 the full stop is replaced with a comma and item 12 is added in wording:

'12) fertilisers and agents supporting cultivation of plants.".

⁴ Amendments to the said Act were published in the Journal of Laws of 2001 No. 110, item 1189, of 2002 No. 135, item 1145 and No.166, item 1360, of 2003 No. 223, item 2220 and No.229, item 2275, of 2004 No.34, item 293 and of 2005 No. 180, item 1495.

Article 44.

In the Act of 27 April 2001 -Environmental Protection Law (Journal of Laws of 2006 No. 129, item 902, as amended as amended⁵) in Article 3 in item 38 letter b shall be:

"b) liquid animal faeces, except for liquid manure and slurry intended for agricultural use in a manner and on the terms set out in the Act of 10 July 2007 on fertilisers and fertilising (Journal of Laws No. 147, item 1033),".

Article 45.

In the Act of 7 June 2001 on Public Water Supply and Public Discharge of Sewage (Journal of Laws of 2006 No. 123, item 858) in Article 2 in item 8 letter b shall be replaced by the following:

"b) liquid animal faeces, except for liquid manure and slurry intended for agricultural use in a manner and on the terms set out in the Act of 10 July 2007 on fertilisers and fertilising (Journal of Laws No. 147, item 1033),".

Article 46.

In the Act of 18 July 2001-Water Law Act (Journal of Laws of 2005 No. 239, item 2019, as amended as amended⁶) in Article 9 in section 1 in item 14 letter b shall be:

"b) liquid animal faeces, except for liquid manure and slurry intended for agricultural use in a manner and on the terms set out in the Act of 10 July 2007 on fertilisers and fertilising (Journal of Laws No. 147, item 1033),".

Article 47.

In the Act of 20 April 2004 on Ecological Agriculture (Journal of Laws No. 93, item 898 and of 2007 No. 80, item 541) the following changes shall be introduced:

1) in Article 10:

a) section 3 shall be replaced by the following:

"3. Agent improving the properties of soil, which contains agent supporting cultivation of plants as defined by the Act of 10 July 2007 on fertilisers and fertilising (Journal of Laws No. 147, item 1033) may be qualified for use in ecological agriculture, if:

- 1) was marketed on the basis of the provisions on fertilisers and fertilising;
- 2) contains only the substances listed in Appendix No. II A to the regulation referred to in Article 1 item 1.",

b) section 4 is added, as follows:

⁵ Amendments to the consolidated text of the said Act were published in the Journal of Laws of 2006 No. 169, item 1199, No. 170, item 1217 and No.249, item 1832 and of 2007, no. 21, item 124, No. 75, item 493, No. 88, item 587 and No.124, item 859.

⁶ Amendments to the consolidated text of the said Act were published in the Journal of Laws of 2005 No. 267, item 2255, of 2006 No. 170, item 1217 and No.227, item 1658 and of 2007, no. 21, item 125, No. 64, item 427, No. 75, item 493 and No.88, item 587.

"4. The provision of section 3 item 1 shall not apply to additives for soil enrichment manufactured only from by-products of animal origin as defined by the provisions of Regulation (EC) no. 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules as regards animal by-products and derived products, not intended for human consumption (Official Journal of the European Union L 273 of 10.10.2002, page 1, as amended; Official Journal of the European Union, Polish special edition, Chapter 3, vol. 37, page 92, as amended).";

2) in Article 15 section 3 is added with the following wording:

"3. Whoever markets a fertiliser or agent improving the properties of soil, which is agent supporting cultivation of plants as defined by the Act of 10 July 2007 on fertilisers and fertilising not qualified to be used in ecological agriculture as intended for use in ecological agriculture shall be obliged to withdraw it from the market. The provisions of Article 37 section 1- 5 of this Act shall apply accordingly."

Article 48.

1. The manufacturers, importers or other entities marketing agents supporting cultivation of plants, which may be found in trade on the day the Act comes into effect, shall apply, within 12 months from the day of the effective date of the Act, to the minister competent for agriculture for issuing marketing authorisation for these agents.
2. Agents supporting cultivation of plants on the market as of the Act coming into force, for which an application was not submitted, referred to in section 1, shall be withdrawn from the market by the manufacturer, importer or other entity, which marketed them within 12 months from the day of the effective date of the Act.
3. If following the application referred to in section 1, the minister competent for agriculture refuses to issue a marketing authorisation of the agent supporting cultivation of plants, this agent shall be withdrawn from the market by the manufacturer, importer or other entity, who marketed it, within 6 months from the date when the decision on refusal to issue the authorisation became final.

Article 49.

1. Until 31 December 2010 entities referred to in Article 18 section 1, shall store liquid manure and slurry in tight, closed tanks.
2. The minister competent for environment may specify, by means of regulation, detailed conditions concerning tanks referred to in section 1 and storage of liquid manure and slurry, bearing in mind environmental protection.

Article 50.

1. Whoever stores liquid manure and slurry in a way inconsistent with Article 49
- is subject to a fine.
2. Ruling in cases specified in section 1 shall be made following the procedure outlined in the provisions of procedure in the Petty Offences Procedure Code.

Article 51.

Secondary legislation issued on the basis of Article 9, Article 10, Article 10c item 3, Article 11a section 5, Article 15 and Article 20a section 6 of this Act, referred to in Article 52 shall be effective until

the effective date of secondary legislation issued under Article 10, Article 12, Article 18 section 7, Article 22 and Article 28 section 5 of this Act, however, no longer than for 24 months from the effective date this Act.

Article 52.

The Act of 26 July 2000 on fertilisers and fertilising shall become ineffective (Journal of Laws No. 89, item 991, of 2004 No. 91, item 876 and of 2005 No. 167, item 1399 and No. 249, item 2103).

Article 53.

The Act shall come into force after 3 months from the date of announcement, except for Article 25 section 1 that shall come into force as of 1 January 2011 and Article 25 section 2 that shall come into force as of 1 January 2009.