EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Uimhir an Fhógra : 2019/0340/PL (Poland)

Draft Act amending the Act on the organisation of certain agricultural markets and the Act on counteracting the fraudulent use of contractual advantage in the marketing of agricultural and food products.

An dáta ar a bhfuarthas é/í : 15/07/2019
Deireadh leis an Tréimhse Neamhghníomhaíochta : 16/10/2019 (16/01/2020) (withdrawn)

Message

Message 002

Communication from the Commission - TRIS/(2019) 01900
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2019/0340/PL

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201901900.EN)
1. MSG 002 IND 2019 0340 PL EN 15-07-2019 PL NOTIF

2. PL

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4. 2019/0340/PL - C00A

5. Draft Act amending the Act on the organisation of certain agricultural markets and the Act
on counteracting the fraudulent use of contractual advantage in the marketing of agricultural and food products.

6. agricultural and food products

7. -

8. The Draft further clarifies the provisions concerning the obligation to conclude written contracts for the supply of agricultural products by extending the requirement for concluding contracts to intermediaries.

It implements the provisions of the Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (O J EU L 347 of 20.12.2013, p. 671, as amended). The Draft has introduced a measure adding potatoes, rape and turnip rape to the agricultural products subject to the requirement for concluding contracts. The statutory authorisation of the Minister responsible for agricultural markets has been extended so as to allow the Minister to lay down, by way of a regulation, the types of agricultural products for which a minimum contract duration or a minimum period between the conclusion of the contract and the delivery, or a date of the conclusion of the contract for the provision of agricultural products is determined. The scope of imposing fines has been extended.
Furthermore, the Draft extends the scope of the fraudulent use of contractual advantage in the marketing of the agricultural products defined to include the practice of purchasing agricultural products for which a reference price has been established below this price by a buyer who purchases the agricultural product directly from its producer.

It has been proposed that the Minister responsible for agricultural markets establish the reference price for a particular product or product subcategory based on a set formula. The scope of manifestation of the fraudulent use of contractual advantage has been extended to include the purchase of an agricultural or food product, or a subcategory thereof, produced on the territory of the Republic of Poland, below its reference price where such a price has been established. Technical provisions of the Draft subject to notification: Article 2(5).

9. Agricultural producers are the weakest link of this chain and often fall victim to unfair commercial practices exerted by entities with a greater bargaining power and economic potential. The purpose of this Act is to strengthen the position of agricultural producers in the food chain and to clarify the existing provisions. The proposed solutions will enable the strengthening of the market position of farmers by establishing a reference price covering the production costs. The proposed legislative solutions will contribute to the stabilisation of agricultural markets, including fruit market, and will facilitate the planning of agricultural production further in advance.

10. Reference(s) to basic text(s): 1) Act of 11 March 2004 on the organisation of certain agricultural markets (Journal of Laws [Dziennik Ustaw] 2018, item 945);
2) Act of 15 December 2016 on counteracting the fraudulent use of contractual advantage in the marketing of agricultural and food products (Journal of Laws 2019, item 517)

11. No

12. -

13. No

14. No

15. Yes

16. TBT aspect

No – the draft has no significant impact on international trade.

SPS aspect

No — the draft is neither a sanitary nor phytosanitary measure.

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European Commission

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