



Polish Ministry of Agriculture and Rural Development

Parallel Import



Parallel Import

- Amendment to Act of 18 December 2003 on the protection of plants which concern Parallel import enter into force on 24th of May 2007 (articles 47a-47e)



Parallel Import - definition

- According to art. 47 a
- The plant protection product authorised to enter the market in another Member State or the State of the European Free Trade Association (EFTA) – party to the agreement on the European Economic Area, may be authorised for marketing within the territory of the Republic of Poland pursuant to the authorisation of the minister competent for agriculture to introduce such product on the territory of the Republic of Poland, hereinafter referred to as the “authorisation for the parallel import”.



Parallel Import

- One of main conditions of the authorisation for the parallel import is identity.
- In Polish law the plant protection product authorised to enter the market in another Member State or the State of the European Free Trade Association (EFTA) – party to the agreement on the European Economic Area, shall be considered identical to the plant protection product authorised for marketing pursuant to the authorisation of the minister competent for agriculture if:
 - (1) it contains the same active substances and the same quantities of such substances, and with respect to other components small differences may occur, on the condition that they have no impact on human, animal health or the environment and on the effectiveness of this product;
 - (2) has the same formulation;
 - (3) qualitative requirements concerning this product are identical to the qualitative requirements concerning the plant protection product authorised to enter the market pursuant to the authorisation of the minister competent for agriculture;
 - (4) physical and chemical properties of this product in the scope of its composition and minimum purity of the active substance included in its composition are the same, taking into account the tolerances specified in the provisions issued pursuant to Article 60.



Parallel Import

- The application for the issue of the authorisation for the parallel import may be submitted by the entity carrying out marketing of plant protection products, having its place of residence or a registered seat within the territory of the Republic of Poland or in another Member State or the State of the European Free Trade Association (EFTA) – party to the agreement on the European Economic Area.
- The application is submitted to the minister competent for agriculture. 53 applications have been submitted until 15 of October 2007, but it hasn't been issued any authorisation for the parallel import.



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- Authorisation for the parallel import shall be issued for the period indicated in the application however no longer than the period indicated in the authorisation to place a plant protection product on the market of the minister competent for agriculture. After expiry of the authorisation to place a plant protection product on the market, this product may be marketed until its use-by date, but no longer than 18 months.



Parallel Import

- The minister competent for agriculture may request the authority competent for authorisation to place plant protection products on the market in another Member State or the State of the European Free Trade Association (EFTA) – party to the agreement on the European Economic Area, from the territory of which the plant protection product will be introduced on the territory of the Republic of Poland pursuant to the authorisation for the parallel import, to provide information and data concerning the product, if the minister finds that the application meets the requirements specified in the Act and that all the documents required have been attached to it.



Parallel Import

- Authorisations to place a plant protection product on the market referred to an authorisation for the parallel import may be withdrawn by the minister competent for agriculture:
 - (1) on the request of the applicant;
 - (2) if:
 - (a) the plant protection product is found inapplicable in accordance with its designated purpose, or if new circumstances are revealed, concerning the harmful effect of this product on human and animal health or the environment, certified by the results of scientific tests,
 - (b) the European Commission decides not to allow an active substance to be used in a plant protection product, or to impose restrictions with respect to the application of this substance,
 - (c) evidence confirming the circumstances which are significant in this case turned out false.
- 2. The minister competent for agriculture, issuing the decision to withdraw the authorisation for the parallel import, shall specify in that decision the deadline for the withdrawal of that product from the market.



Parallel Import

- The registration fee is 1000 PLN.