

## POLAND

7 June 1990

### Law on Creation of Agricultural Marketing Agency

*Warsaw DZIENNIK USTAW 21 Jun 90, Item No 223 pp 538-539*

[Law, Item No. 223, dated 7 June 1990, governing the creation of the Agricultural Marketing Agency]

Article 1.1. The state organizational entity called "Agricultural Marketing Agency," hereinafter referred to as "the Agency," is hereby established.

Article 1.2. The Agency is subordinated to the chairman of the Council of Ministers.

Article 2.1. The Agency is a legal entity.

Article 2.2. The Agency is not responsible for the obligations of the State Treasury.

Article 2.3. The State Treasury is not responsible for the obligations of the Agency.

Article 3. The offices of the Agency are located in the capital city of Warsaw.

Article 4.1. The Agency serves to implement the interventionist agricultural policy of the State with the object of stabilizing the farm products market and protecting farm incomes.

Article 4.2. This purpose is accomplished by the Agency chiefly through:

- 1) Interventionist procurements of farm products and, in particularly justified cases, imports of agricultural finished and semifinished products and foodstuffs.
- 2) Interventionist sales of farm products in natural and processed form on the domestic and foreign markets.
- 3) Stockpiling farm products in natural and processed form.

Article 4.3. The scope of activities of the Agency also includes:

- 1) Analyses of agricultural and food markets, determination of the growth trends in farm output and the attendant market conditions, and the organization of a system for the rapid provision of the related information.
- 2) In cases warranted by the situation of agriculture and the agricultural market, drafting for the government organizational-legal proposals concerning the agricultural market, interventionist prices of farm products, foreign trade regulations, and other means of intervening in the evolution of supply or demand. These proposals should concern the agricultural markets within the Agency's scope of activities.
- 3) The possibility of granting credit guarantees.

Article 5.1. The Agency shall take over from the Main Board of State Stockpiles the state

stockpiles of agricultural products and finished and semifinished foodstuffs as well as the funds earmarked for this purpose in the Budget Decree.

Article 5.2. The minister of the domestic trade shall, in cooperation with the ministers of finance and agriculture and food industries, specify the rules, scope, and procedure for the transfer of the state stockpiles and funds referred to in Paragraph 1.

Article 5.3. The Agency shall take over without reimbursement the grain warehouses with a combined capacity of 1 million metric tons administered by the PZZ [State Grain Elevators] Board of Enterprises of the Grain-Milling Industry.

Article 5.4. The minister of agriculture and food industries shall, in cooperation with the concerned parent agencies of the PZZ enterprises of the grain-milling industry, specify the procedure and rules for the transfer of the grain warehouses referred to in Paragraph 3.

Article 6.1. The Agency is managed by a chairman, who is appointed and recalled by the chairman of the Council of Ministers.

Article 6.2. The chairman of the Agency is the chief executive officer of the Agency.

Article 6.3. The duties of the chairman of the Agency include, in particular:

- 1) organizing the implementation of the purposes of the Agency referred to in Article 4;
- 2) representing the Agency outside;
- 3) taking steps to assure the development and effective utilization of activities of the Agency;
- 4) presenting to the Council of Ministers for approval proposals from the Agency council concerning the prices at which state intervention in marketing takes place.

Article 6.4. The chairman of the Agency submits quarterly reports on the Agency's activities to the chairman of the Council of Ministers, the minister of agriculture and food industries, and the Sejm's agriculture and food industries committee.

Article 7.1. The recommending and advisory body of the chairman of the Agency is the agency council, which consists of a chairman and 20 members.

Article 7.2. The chairman of the council is appointed and recalled by the agency council.

Article 7.3. Members of the council, to include eight representatives of organizations of farm producers as well as of processors, traders, and consumers, are appointed and recalled by the chairman of the Council of Ministers on the recommendation of the appropriate bodies of the concerned organizations.

Article 8. The detailed organizational structure of the Agency is defined in the statute conferred by the chairman of the Council of Ministers on the recommendation of the chairman of the Agency upon first consulting the Sejm's agriculture and food industries committee. The effective scope of activities of the Agency will be determined by the Council of Ministers.

Article 9. The revenues of the Agency derive from budget subsidies earmarked each year in the

Budget Decree as well as from its economic activities, trade in securities, and other sources.

Article 10.1. The Agency's financial management follows the rules specified in budget law for institutions funded from the state budget.

Article 10.2. Allowing for the special nature of activities of the Agency, the Council of Ministers shall adapt the rules referred to in Paragraph 1 to the operating conditions of the Agency, and in particular the rules for receiving budget subsidies.

Article 10.3. The Agency retains all of any fund surpluses for the purposes referred to in Article 4, Paragraph 1.

Article 11. The rules for the emoluments of Agency employees shall be defined in an executive order of the Council of Ministers.

Article 12. Technical and organizational services for the chairman of the Agency are provided by the bureau of the Agency.

Article 13. This Decree takes effect on the day of its publication.

President of the Polish Republic: W. Jaruzelski