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Poland’s Legislation Relating to BTWC

Prepared by Poland

1. The Republic of Poland is a party to the Geneva Protocol of 1925 and has also ratified the 1972 Convention on the Prohibition of the Development, Production, Stockpiling of Bacteriological (Biological) and Toxin Weapons and their Destruction. Poland has always respected the relevant legal provisions, and – in consequence – has never produced or stockpiled such weapons on its territory.

2. Polish legislation addresses biological threats primarily in the context of management of infectious disease epidemics and poisonings, either being the result of natural causes or intentionally perpetrated by terrorist acts or military hostilities.

I. The following legal acts have particular significance with reference to implementation of the Convention’s provisions:

3. The Polish criminal code incorporates penal sanctions against any persons who - in violation of international law – produce, stockpile, acquire, sell, or transport weapons of mass destruction or other means of combat, or conduct research aimed at producing or using such weapons.


   • The Law makes it possible to demand explanations and documents if the doubts arise concerning the permissibility of the customs destination of the goods in question, including biological materials and toxins.

5. The Law of 29th November 2000 on foreign trade in goods, technologies and services of strategic importance for the security of the state, and also for maintenance of international peace and security (Journal of Laws No.119, 1250)

   • The law determines the role of state organs in the national system for strategic goods trade control, including pathogenic micro-organisms, toxins, and equipment for biotechnological processes.
However, pursuant to the Ordinance of the Minister of Economy on goods of strategic importance of 2nd October 2002 (Journal of Law No.182, item 1518) most of the above goods are not included in the so-called “import list” and are subject to restrictions only with regard to export from the territory of the Republic of Poland and transit across Polish territory. A list of pathogens and toxins included in the Ordinance reflects obligations adopted by Poland in the framework of the Australia Group.

The legal regulations, rules and procedures for the organization of the transportation of pathogens and toxins are compatible with the international regulations concerning the trade in and transportation of hazardous materials, i.e. the 1957 European Agreement – adopted by the Republic of Poland – on the international transportation of hazardous goods, with subsequent amendments.

In order to ensure effective control of possible transfers or translocations of pathogens and toxins, and to accelerate the detection of hazardous biological agents - state border sanitary inspectors have been posted at all border crossings. The organization of 16 Border Sanitary-Epidemiological Stations has also been initiated.

6. The Ordinance of the Minister of Health of 3rd July 2002 concerning characteristics cards for hazardous substances and preparations.

The Ordinance was issued on the basis of article 5 paragraph 5 of the Law of 11th January 2001 on chemical substances and preparations (Journal of Laws No.11, item 84, No.100, item 1085, No.123, item 1350 and No.125, item 1367, and of 2002 No.135, item 1145). The Ordinance is of a general character and can be applied to micro-organisms and biologically derived toxins.

The cards must contain information on the threats connected with the use of the hazardous substance or hazardous preparation and instructions on their safe application. In the event of the producer, importer or distributor being based outside the territory of the Republic of Poland, identification of the person responsible for the import of the substance or preparation into the Republic of Poland must also be made in the card. This permits control of the substance’s transfer.

7. The above provisions have substantial significance for the implementation of Article III of the Convention.

II. The following legal acts are important for ensuring the security and monitoring of pathogenic micro-organisms and toxins:

8. The Ordinance of the Minister of the Environment of 29th November 2002 concerning the list of pathogenic organisms and their classification, and also the measures required for the respective degrees of containment (Journal of Laws of 16th December 2002).

It contains a listing of pathogenic organisms and their classification in accordance with their ability to cause disease in humans, plants and animals, and also defines the measures required for the respective degrees of containment during execution of procedures in laboratories, greenhouses, animal enclosures, and other procedures during closed use of genetically modified organisms.

9. The Ordinance of the Minister of Health of 11th July 2002 (Journal of Laws No.140, item 1173) on the marking of packaging of hazardous substances and hazardous preparations.
• The Ordinance contains specimens of warning markings, formulations defining conditions of safe use of hazardous substances (preparations) and ways of marking the packaging of such substances. The Ordinance does not refer to hazardous biological substances. Upon modification it would constitute a good basis for regulating this issue with regard to biological substances.


• The Law institutes control of closed use and release into the environment of genetically modified organisms (GMO).

11. The Ordinance of the Minister of the Environment of 6th June 2002 concerning applications for permits to conduct activity involving GMOs. The Ordinance contains detailed regulations dealing with the closed use of GMOs, intended release of GMOs into the environment, trade in GMOs, their export and transit across national territory.

• These regulations primarily focus on the protection of health and environment, permitting the penalization of prohibited forms of development, production and release into the environment of genetically modified micro-organisms. The issue of intentional development of harmful genetically modified micro-organisms for the purpose of causing harm to the health of humans, animals and plants is not directly addressed.


• On the basis of this Law, the Minister of Health determines the requirements with respect to internal control of the health quality and internal control of adherence to hygienic rules, incorporating the system of Hazard Analysis and Critical Control Point (HACCP). It is a system which includes procedures designed to ensure the safety of food through the identification and assessment of hazards from the point of view of the health quality of food and the risk of hazards during all stages of the production and handling of food.

• The Minister of Health determines the qualifications required for persons involved in the process of production. Knowledge of production safety measures to prevent intentional biological contamination is not required yet.

13. In accordance with the Law on infectious diseases of 6th September 2001 (Journal of Laws of 2001 No.126, item 1384) the national reference centers for microbiological and serological diagnostics are those entities which have obtained accreditation on the basis of the Law of 28th April 2000 on the system of compatibility, accreditation and amendment of certain laws (Journal of Laws No.43, item 489, and of 2001 No.63, item 636), and with which the Health Minister has concluded contracts. So far, the contracts do not incorporate clauses on the storage and monitoring of pathogenic micro-organisms and toxins.

14. The Ordinance of the Minister of Health of 2nd June 2003 (Journal of Laws No.116, item 1103) on the criteria to be met by organizational units conducting tests on chemical substances and preparations, and on control of the fulfillment of those criteria.

• The Ordinance was issued on the basis of the Law of 11th January 2001 on chemical substances and preparations (Journal of Laws No.11, item 84 with subsequent amendments)
• The Ordinance elaborates the criteria that have to be met by organizational units which conduct – as required by the Law – tests of the physicochemical properties, toxicity and
eco-toxicity of chemical substances and preparations. The criteria, contained in Attachment 1, constitute the principles of Good Laboratory Practice. The Ordinance also determines which unit is responsible for the control of adherence by the research units to the principles of Good Laboratory Practice, and the procedure for granting and withdrawing the authorization to conduct such research.

- The Ordinance needs to be amended with provisions relating to biological agents and toxins.

15. Despite the absence of specialist legal regulations concerning safety issues connected with pathogens and toxins, there are general regulations in force dealing with the storage and handling of hazardous materials.

III. Antiterrorist legislation related to biological weapons

16. A number of legal acts contain provisions designed to prevent terrorist acts with the use of biological weapons.

17. The following state organs are responsible in Poland for preventing biological attacks and dealing with their possible consequences: Minister of Health (coordinator against biological terrorism), Minister of Agriculture and Rural Development, Minister of Internal Affairs and Administration and his subordinated services (Police, Fire Brigade, civil defense etc.) and the Minister of National Defense.

18. At the Ministry of Health, a key role in the protection of the civilian population is played by the Chief Sanitary Inspector. A commission on bio-terrorism, established at the Ministry, has the task of drafting general guidelines for response to the threat of a biological attack. The Chief Sanitary Inspector has elaborated the binding procedures in the event of a bio-threat.

19. An all-national system for management of consequences of biological attack is being worked out, mainly by Military Medical Service. A basic component of the system are military biological survey teams. The teams are able to carry out preliminary detection and identification of key biological agents and toxins, to set a field laboratory and to take and transport samples to referential laboratories, mainly to the BSL3 laboratory in Military Institute of Hygiene and Epidemiology.