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## Poland

### FAIRS Country Report

**Country Specific Annual, see also EU-27 FAIRS from USEU Brussels**

**2008**

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**Report Highlights:**

Section Updated: Section VII. Other Specific Standards. As a member of the European Union (EU), Poland is to follow EU directives and regulations, with the exception of a few requirements. Poland's adherence to EU regulations continues to evolve. In 2007/08 there are increasingly frequent situations where exporters have had cargos stopped at the borders of Poland because past practices and forms have been overtaken by imposition of the EU system. Exporters should be cautious and check with the FSIS & APHIS Export Libraries or be in contact with your importer for the most recent EU regulations that Poland should be using. It is recommended that this report be read in conjunction with the EU Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium, available at <http://useu.usmission.gov/agri/fairs.html>.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Warsaw [PL1]  
[PL]

<b>Table of Contents</b>	
<b>Section I. Food Laws</b>	<b>3</b>
<b>Section II. Labeling Requirements</b>	<b>3</b>
<b>Section III. Packaging and Container Requirements</b>	<b>4</b>
<b>Section IV. Food Additive Regulations</b>	<b>4</b>
<b>Section V. Pesticide and Other Contaminants</b>	<b>4</b>
<b>Section VI. Other Regulations and Requirements</b>	<b>5</b>
VAT and Excise Tax	5
<b>Section VII. Other Specific Standards</b>	<b>5</b>
Products Derived from Biotechnology	5
Imports of Bovine Genetics	5
<b>Section VIII. Copyright and/or Trademark Laws</b>	<b>6</b>
<b>Section IX. Import Procedures</b>	<b>6</b>
<b>Registration of Imported Food Products</b>	<b>6</b>
New to Market Products	6
Products Already in the EU Market	7
<b>APPENDIX I – Government Regulatory Agency Contacts</b>	<b>8</b>
<b>APPENDIX II - Other Import Specialist Contacts</b>	<b>10</b>

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Warsaw, Poland for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

**Attention Exporters:** In 2007/08 there are increasingly frequent situations where exporters have had cargos stopped at the borders of Poland because past practices and forms have been overtaken by imposition of the EU system. This occurred with transshipments of beef, pork, and poultry across Poland to non-EU destinations, direct exports to Poland of dairy, almonds, citrus and bovine genetics. Exporters should be aware and check with the FSIS & APHIS Export Libraries or be in contact with your importer for the most recent EU regulations.

## Section I. Food Laws

Based on the EU single market principle, Poland, as a member of the EU, mostly adheres to EU regulations governing agro-food imports. There are a few exceptions. Exceptions can occur when a member country can substantiate a health concern about a product; there is leeway (actual or perceived) in how a member can interpret an EU directive; and when harmonized EU legislation is lacking, for example, for vitamins, minerals and pesticide residues. Wide variations in inspection fees, registration fees and in the time required to evaluate ingredients also exist between member countries. For these reasons, exporters are strongly encouraged to work closely with local importers. The following link contains more information on the harmonization of EU food regulations:  
[www.useu.be/agri/harmonization.html](http://www.useu.be/agri/harmonization.html).

Most of the regulations relevant to food and agricultural imports into Poland have been harmonized with EU regulations.

Local regulations governing food products are contained in the Polish Food Law (Ustawa o Warunkach Zdrowotnych Zywnosci i Zywnienia ) published on May 11, 2001, in the Polish Journal of Law 2001, nr. 63, pos. 634. Amendments are published in the Polish Journal of Law 2005, nr. 31, pos. 265, and nr. 178, pos. 1480, and the Polish Journal of Law 2006, nr. 171 pos. 1225. The text of these laws (in Polish) can be found at:  
<http://www.abc.com.pl/serwis/du/2001/0634.htm>  
<http://www.abc.com.pl/serwis/du/2005/0265.htm>  
<http://www.abc.com.pl/serwis/du/2005/1480.htm>  
<http://www.abc.com.pl/serwis/du/2006/1225.htm>

## Section II. Labeling Requirements

Polish labeling regulations follow EU requirements. The basic law on food labeling was published on December 16, 2002 in the Polish Journal of Law 2002, nr. 220, pos. 1856 (link

in Polish language only) and can be located at:  
<http://www.abc.com.pl/serwis/du/2002/1856.htm>

This law was updated to comply with additional EU regulations. Updates can be found at:  
Polish Journal of Law 2004, nr. 58, pos. 563, dtd. April 23, 2004

<http://www.abc.com.pl/serwis/du/2004/0563.htm>

Polish Journal of Law 2004, nr. 162, pos. 1703, dtd. September 8, 2004

<http://www.abc.com.pl/serwis/du/2004/1703.htm>

Polish Journal of Law 2004, nr. 257, pos. 2577, dtd. December 18, 2004

<http://www.abc.com.pl/serwis/du/2004/0257.htm>

Polish Journal of Law 2005, nr. 180, pos. 1499, dtd. November 25, 2005

<http://www.abc.com.pl/serwis/du/2005/1499.htm>

Polish Journal of Law 2005, nr. 210, pos. 1751, dtd. October 27, 2005,

<http://www.abc.com.pl/serwis/du/2005/1751.htm>

Polish Journal of Law 2005, nr. 229, pos. 1953, dtd. November 25, 2005,

<http://www.abc.com.pl/serwis/du/2005/1953.htm>

- **Use by Dates:** Poland strictly enforces the EU date format requirement of dd/mm/year. The dates must be stated as best before ("najlepiej spozyc przed dd/mm/year"). For very perishable foods, the last day of consumption ("nalezy spozyc do dd/mm/year") must be marked on the label. Storage and use instructions must also appear on the label, as necessary. For example, storage instructions would be required on the label of a product that appeared to need refrigeration but, in fact, did not.

- **Diet Supplements:** Poland takes a much stricter approach with diet supplements labeling than other EU countries. Polish regulations require the wording "diet supplement" ("suplement diety") be used with the product brand name wherever the brand name is mentioned on the product label.

- **Alcoholic Beverages:** Polish officials currently are reviewing draft labeling regulations that will require all alcoholic beverages to carry a health warning under the main label on the front of the container. The label size has yet to be determined. Enforcement is expected to begin some time in 2009 or 2010. EU officials have yet to approve these requirements.

### Section III. Packaging and Container Requirements

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

### Section IV. Food Additive Regulations

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

### Section V. Pesticide and Other Contaminants

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

## Section VI. Other Regulations and Requirements

### VAT and Excise Tax

Poland has a Value Added Tax (VAT) for agricultural and food products. The VAT is applied in the same manner to both imported and domestically produced products and ranges from 7 percent to 22 percent, depending on the product. A lower VAT is applied to semi-processed commodities such as Non-Fat Dry Milk. A higher VAT is applied to processed commodities, such as bake mixes and retail products. Local VAT rates are similar to rates within other EU countries, but have not been harmonized and are unlikely to be so any time soon.

Poland's excise tax levels are higher than in most other EU countries. Imported products must have excise tax stickers on them before entering Poland. Once the product enters the country, the remainder of the tax must be paid.

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

## Section VII. Other Specific Standards

### Products Derived from Biotechnology

In 2006, the Polish government banned the sale and registration of biotech seeds. In July 2008 the Senate (upper house of the Polish Parliament) made a last minute attempt to prevent Poland from allowing a ban on biotechnology events in animal feeds which was scheduled to come into force on August 12, 2008. After the above regulation is signed by Poland's President the introduction of the ban will be extended until December 31, 2012. These regulations reportedly violate EU obligations and EU officials have begun infringement proceedings. Work on a new regulation on biotechnology, including the coexistence rules is currently in progress within the Ministry of Environment. It is expected to be completed by end of 2008. This date was officially presented to EC by Poland's government. Otherwise, Poland adheres to EU directives regulating biotechnology, especially those governing food products produced from biotech crops.

Polish officials oppose biotechnology use in agriculture and consistently vote against biotech products submitted by EU officials to member states for approval, even though the European Food Safety Authority (EFSA) has ruled they are safe. For more information about biotechnology in Poland refer to FAS/Warsaw GAIN PL8003, PL8020 and PL7037 available at: <http://www.fas.usda.gov/scripts/AttacheRep/default.asp>

### Imports of Bovine Genetics

Imports of bovine genetics to Poland are based on requirements outlined in the Commission Decision 2008/120/EC dated February 7, 2008 amending Council Directive 88/407/EEC and Commission Decision 2004/639/EC laying down the importation conditions of semen of domestic animals of bovine species.

Detailed information regarding EU requirements regarding imports of bovine genetics is available at the following web address:

[http://www.aphis.usda.gov/regulations/vs/iregs/animals/downloads/ee\\_bo\\_se\\_com\\_decision.pdf](http://www.aphis.usda.gov/regulations/vs/iregs/animals/downloads/ee_bo_se_com_decision.pdf).

In addition to the EU regulations the exporters must follow Polish regulations on imported genetic material. The Polish regulations on imported genetic material are based on the breeding law enforced in August 2007. Bovine semen of US origin must be accompanied by the veterinary health certificate (see above) and a set of documents confirming breeding value of the bull from which semen derives. The pedigree from the bull needs to be on official paper and it needs an authorizing signature from the issuing authority. The breeding value of the bull and semen quality is reviewed by the Animal Breeding Institute in Balice near Krakow based on the European system of bull evaluation "Interbull". Once all the requirements are met, the Polish Breeders Federation issues a certificate and it is sent to the Ministry of Agriculture for final approval. It is taking four weeks for a shipment to be approved. There is no need for approval of every shipment that comes in. The approval is by bull and is good for two years. This regulation applies only to non-EU countries. Poland cannot require these documents from other EU nations, and this policy clearly discriminates against non-EU genetics. USDA continues to object to these regulations. Any problems in obtaining certification should be sent to FAS/Warsaw at [agwarsaw@fas.usda.gov](mailto:agwarsaw@fas.usda.gov)

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

## **Section VIII. Copyright and/or Trademark Laws**

Regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

## **Section IX. Import Procedures**

### **Registration of Imported Food Products**

#### **New to Market Products**

Regulations concerning new products introduced into Poland are specified in a regulation established by the Minister of Health, on April 26, 2004 (Polish Journal of Law 2004, nr. 104, pos. 1095). This regulation applies to domestic products, as well as, imported products. Novel food products must go through a different registration procedure with health authorities (Panstwowy Zaklad Higieny). [Note: Novel foods are foods and food ingredients that have not been used for human consumption to a significant degree within the Community before May 15, 1997.]

An importer of a product new to the Polish market can request pre-approval (i.e., prior to export) of a product by submitting a letter to health authorities requesting a permit for product entry ("powiadomienie").

The following documentation is required to request a pre-approval permit:

- copy of invoice
- any required certificates (e.g. Meat and Poultry Export Certificate of Wholesomeness)
- producer's laboratory analysis, if available (Used to speed the clearance process.)
- draft Polish language label that includes all product ingredients

On average, the pre-approval process takes about one month and can speed entry of a product. If pre-approval clearance is not requested, full product testing may be implemented and the product held at the border until testing is completed.

If pre-approved, a product can be cleared at the Polish border with the following routine trade documentation:

- importer's request for sanitary inspection (3 copies)
- invoice
- transportation document e.g. airway bill
- Health Certificate/Phytosanitary Certificate/Microbiological Certificate
- Additional documentation from producer confirming products production standards (laboratory tests, certificates etc.)

A product not pre-approved for import requires the same documentation, but also will likely be subject to laboratory analysis and certification verification, which could take several weeks or longer. During this time, the product will be held by border officials and subject to storage fees, which could be significant.

Once an importer starts to import a product on a regular basis, not every shipment will need to be tested. Products of producers/importers with a clean record with local health authorities will be tested once a year or less frequently. Other products could be tested every 6 months after the first border control.

### **Products Already in the EU Market**

If an importer of a product already present in the EU provides a letter from the producer confirming this fact, the product can be allowed to enter Poland without additional clearance. The producer must provide the confirmation and there is no special format for such a letter.

Other regulations and standards covered under this section have been harmonized with European Union requirements. Please see the FAIRS report produced by the U.S. Mission to the European Union. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

**APPENDIX I – Government Regulatory Agency Contacts**

Ministry of Agriculture and Rural Development  
Office of the Minister  
ul. Wspolna 30  
00-930 Warsaw  
Tel: 48-22 623-1000  
Fax: 48-22 623-2750  
Web page: <http://www.minrol.gov.pl/DesktopDefault.aspx>

Ministry of Agriculture and Rural Development  
Department of Plant Breeding and Protection  
Deputy Director, Wieslaw Podyma  
Tel: 48-22 623-2554  
Fax: 48-22 628-8784  
[www.minrol.gov.pl](http://www.minrol.gov.pl)

Ministry of Agriculture and Rural Development  
Department of Plant Breeding and Protection  
GMO specialist, Malgorzata Wozniak, Tel: 48-22 623-2336  
Fax: 48-22 628-8784  
[www.minrol.gov.pl](http://www.minrol.gov.pl)

General Veterinary Inspectorate  
Office of the Chief Veterinary Officer  
Dr. Ewa Lech, CVO  
ul. Wspolna 30  
Warsaw  
Tel: 48-22 623-2089  
Fax: 48-22 623-1408  
Email: [wet@wetgiw.gov.pl](mailto:wet@wetgiw.gov.pl)  
Web page: <http://www.wetgiw.gov.pl/englisz/index.htm>

Ministry of Agriculture and Rural Development  
State Inspectorate for Plant Protection and Seeds  
(Panstwowa Inspekcja Ochrony Roslin i Nasiennictwa)  
Ms. Mirosława Konicka, Chief Inspector  
ul. Wspolna 30  
Warsaw  
Tel: 48-22 623-2302  
Fax: 48-22 623-2304  
Email: [gi@piorin.gov.pl](mailto:gi@piorin.gov.pl), [piorin@piorin.gov.pl](mailto:piorin@piorin.gov.pl)  
Web page: <http://www.piorin.gov.pl/>

Główny Inspektorat Jakości Handlowej Artykułów Rolno Spożywczych  
(Chief Inspectorate for Trade Quality Control of Agricultural Food Products)  
Ms. Dorota Krzyzanowska  
Department Director  
ul. Wspolna 30  
00-930 Warsaw  
Tel: 48-22 623-2913  
Fax: 48-22 623-2996  
Email: [dkrzyzanowska@ijhars.gov.pl](mailto:dkrzyzanowska@ijhars.gov.pl), [kgz@ijhars.gov.pl](mailto:kgz@ijhars.gov.pl)/  
Web page: <http://www.ijhars.gov.pl/>

Main Sanitary Inspection (Główna Inspekcja Sanitarna - GIS)  
Mr. Andrzej Wojtyła, Chief Sanitary Inspector  
ul. Długa 38/40  
00-238 Warsaw  
Tel: 48-22 635-1559  
Fax: 48-22 635-6194  
Web page: <http://www.gis.gov.pl/english/index.htm>

Ministry of Environment  
Department of Environmental Protection  
Biotech Specialist, Agnieszka Dalbiak or Joanna Rybak  
Tel: 48-22 579-2538 or 579-2723  
Fax: 48-22 579-2555  
Web page: [www.mos.gov.pl](http://www.mos.gov.pl)

**APPENDIX II - Other Import Specialist Contacts**

National Food and Nutrition Institute  
Prof Miroslaw Jarosz  
Section for Food and Nutrition Director  
ul. Powsinska 61/63  
02-903 Warsaw  
Tel: 48-22 651-6330 550-9620  
Fax: 48-22 842-1103  
Web page: <http://www.izz.waw.pl/izz/index.html>

State Hygiene Office- (Panstwowy Zaklad Higieny) - PZH  
Prof. Jan Krzysztof Ludwicki, Vice Director, ph: 48-22 849-7084  
ul. Chocimska 24  
Warsaw  
Tel: 48-22 849-4051 ext. 359, 339  
Fax: 48-22 849-3513, 849-7441  
Web page: <http://www.pzh.gov.pl/>

Voivodship Sanitary Station in Warsaw - SANEPID - actual tests & check ups  
Mr. Zbigniew Kutyba, Voivodship Sanitary Inspector  
ul. Zelazna 79  
00-875 Warsaw  
Tel: 48-22 620-1656, 620-9001 ext. 142  
Fax: 48-22 654-7860  
Web page: <http://www.wsse.waw.pl/>

Polish Center for Research and Certification  
Ms. Ewa Slowinska  
Manager Food Department  
ul. Klobucka 23A  
02-699 Warsaw  
Tel: 48-22 464-5524, 857-9916, 647-0722  
Fax: 48-22 464-5459, 647-1222, 647-1109  
Email: [cert.wyr@pcbc.gov.pl](mailto:cert.wyr@pcbc.gov.pl)  
Web page: [www.pcbc.gov.pl](http://www.pcbc.gov.pl)