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**Report Highlights:**

Poland opposes of the use of genetic engineering (GE) in agriculture. Although the current regulatory framework technically allows GE seeds to enter commerce, the law stipulates they cannot be planted. Poland's 2006 Feed Act includes provisions banning livestock feed containing GE ingredients. In December 2020, the Government of Poland (GOP) issued a two-year postponement of the provisions which ban GE feed ingredients, including U.S. soybean meal, until January 01, 2023. These provisions have never been enforced and have been postponed several times previously since 2006.

## **Executive Summary:**

Poland is one of the European Union's (EU) major agricultural producers. According to the EU's Principle of Primacy, EU regulations supersede national laws. While most Polish scientists and some commercial farmers understand the benefits of advanced agricultural technologies, agricultural biotechnology remains a contentious and politicized issue in Poland. According to public opinion polls, 70 percent of Poles oppose agricultural biotechnology. Studies also indicate that general awareness about biotechnology among Polish society remains limited. Environmental organizations and consumer groups, some of which receive funding directly from the European Commission, actively spread nonscientific disinformation in Poland about biotechnology, as well as regularly protest its use in agriculture.

On January 28, 2013, Poland issued two regulations officially banning the cultivation of 235 GE maize varieties, including MON 810, and the Amflora potato. Both regulations followed the adoption of the November 2012 Seed Act, which entered into force on January 28, 2013. Although the current regulatory framework technically allows GE seeds to enter commerce, GE seeds cannot be legally planted or used for cultivation.

Poland's 2006 Feed Act (OJ 2006 No. 144, item.1045) includes provision which prohibit the processing, marketing, and feeding of GE feeds and/or derived ingredients (mostly imported soybean meal) to poultry and other livestock. On November 4, 2016, the Polish Parliament voted in favor of the Act, but due to significant pressure from local poultry and livestock producers, Parliament has postponed the livestock feed ban several times. Most recently, the GOP postponed enforcing the biotech feed ingredient ban until January 1, 2023. Poland remains a major consumer of GE feed ingredients and annually imports over 2.5 million metric tons (MMT) of soybeans, soybean meal, and corn for its livestock.

Currently, the issue of GE animal production is not part of Poland's political or civil discourse. While some animal biotech research is conducted, these animals cannot be produced commercially.

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## CHAPTER 1: PLANT BIOTECHNOLOGY

### PART A: PRODUCTION AND TRADE

#### a) Product Development

There are no commercial GE crops produced in Poland. Several institutions conduct basic research under confined conditions, including plant breeding (occasionally with foreign companies or laboratories), and environmental impact studies of GE plants.

#### b) Commercial Production

On January 28, 2013, Poland banned GE cultivation through an amendment to the 2006 Seed Act. This amendment prohibited 235 maize varieties, including MON 810, and the Amflora potato (a product with an expired approval) were prohibited. Although GE seeds are still technically allowed to enter legal commerce, they cannot be legally planted or used in any practical way. In 2015, Poland declared that it would “opt out” of GE cultivation under EU Directive 2015/412, which allowed Member States to restrict or prohibit GE cultivation within their sovereign territory without scientific justification. See [GAIN Report](#) for more information on the EU’s “opt out” initiative.

#### c) Exports

Not applicable.

#### d) Imports

Poland imports significant quantities of biotech-derived feed ingredients from South America and the United States, despite that provisions of the 2006 Feed Act ban biotech livestock feed. On November 4, 2016, the Polish Parliament voted in favor of the Act, but in practice, the GOP has never enforced the Act’s provisions which ban GE feed ingredients. The newest amendment to the Feed Act postponed these provisions until January 01, 2023. Poland is the EU’s largest poultry producer and imported soybean meal provides Polish poultry and other livestock producers with an efficient, low-cost, and nutritious plant protein. The GOP postponed the ban following strong opposition from Poland’s feed processing, livestock, and poultry sectors. Poland currently imports upwards of 2.5 MMT of GE soybean meal from Argentina, Brazil, and the United States.

#### e) Food Aid

Poland is not a food aid recipient or commodity donor. Poland is traditionally a cash donor.

#### f) Trade Barriers

Poland imposes all EU-legislated trade barriers on imported biotech products. If the 2006 Feed Act ban on feed ingredients derived from biotech crops enters into force on January 01, 2023, it would present a significant trade barrier to U.S. soybean meal exports to Poland.

### PART B: POLICY

#### a) Regulatory Framework

The June 2001 *Law on Microorganisms and Genetically Modified Organisms* (O.J. 2007, No 36,

pos.233, 2009n No 18 pos. 97, 2015 pos. 277) provides the regulatory basis for requirements applicable to GE products/research, and regulates:

- a) containment of GE crops;
- b) deliberate release of GE into the environment; and
- c) introduction of GE products into the market.

On March 22, 2018, the abovementioned *2001 Law on Microorganisms and Genetically Modified Organisms (Law on GMOs)* was amended (O.J. 2018, pos.810) to harmonize Polish law with EU legislation and to provide the legal basis for the National Strategy for Biological Security. This amendment entered into force on July 28, 2018. The amendment enforces the EU directive regulating the "deliberate release of genetically modified organisms (GMOs) into the environment". It also enforces the European Court of Justice's 2014 ruling regarding certain provisions regulating reporting, registration, and notification of GE cultivation to the public. This regulation theoretically allows for GE cultivation, but its onerous and bureaucratic procedures prevents it on any practical level:

- d) To register a GE crop, all landowners within a 30-kilometer radius of the field where cultivation is planned must consent.
- e) Documentation which confirms that the cultivation would not negatively affect the environment is required.
- f) The consent of the local civic council, the county council, and the provincial council (three levels of regional government) are required.
- g) The area of cultivation cannot be located within 30 km of an established nature conservatory.
- h) Other details which create additional barriers for GE cultivation.
- i) The amendment introduces fines and imprisonment sentences from three months to 12 years, depending on the offenses.

The Ministry of Environment (MOE) is the competent authority for regulating and handling notification of any GE cultivation in Poland. The MOE is advised by the Opinion and Advisory Commission of the Minister of Environment, which is an expert advisory panel of scientists, governmental regulators, and non-governmental organizations. The MOE cooperates with the Ministry of Health (MOH) regarding address of potential risks to human health. The MOE is Poland's competent authority regarding the Cartagena Protocol.

MinAg is responsible for animal health, crops, livestock feed, and agricultural risks associated with biotechnology. MinAg is Poland's competent authority regarding food and feed enhanced through biotechnology and on rules for coexistence. There are numerous specific acts and regulations regarding GE legislation which build on the basic 2001 '*Law on GMOs*' including:

- The Act of July 22, 2006, on Feed (OJ 2006 No. 144, item. 1045), along with later amendments, harmonizes Polish law with EU regulations and implements the EU directives; regulates medicated feed production and marketing, establishes feed quality and hygiene requirements, and regulates feed supervision and official control, including for entering into commerce.
- The Act of August 25, 2006, On Food Safety and Nutrition (Journal of Laws 2006 No. 171, item. 1225), and amendments. The Act defines, among others, health requirements of food, compliance

requirements according to food hygiene principles, regulatory competencies, and official basic procedures and requirements for food controls.

- Act of November 2012, Seed (OJ 2012 pos. 1512), and amendments. The Act regulates the issues related to seed variety examination and assessment, crop variety production and record keeping, and seed-related trade, assessment, and regulatory control.

Regulations to the Seed Law are as follows:

- Council of Ministers of January 02, 2013. Prohibits Amflora seed potato (OJ 2013 pos. 27)
- Council of Ministers of 2 January 2013. Prohibits maize seed MON 810 (OJ 2013 pos. 39)
- Council of Ministers of 8 May 2013. Amends the Regulation on the Prohibition of Seed Maize MON 810 (OJ 2013 pos. 590)
- Council of Ministers of 30 April 2014. Amends the regulation on the prohibition of seed maize MON 810 (OJ 2014 pos. 641)

On November 18, 2008, the Council of Ministers adopted the Framework for Poland's Position on agricultural biotechnology. The GOP's position opposed allowing GE food and feed into the EU. The GOP opposes marketing products under Directive 2001/18/ EC. While the GOP opposes GE cultivation and GE field trials, it recognizes the need to obtain environmental risk assessment data by research institutions and universities.

#### **b) Approvals**

Approval of GE products for food, feed, and cultivation is subject to EU procedures. A list of GE products approved by the EU can be found [here](#). However, as noted above, Poland does not cultivate GE products.

#### **c) Stacked or Pyramided Event Approvals**

Poland implements EU legislation for stacked events, for more information please refer to U.S. Mission to the European Union's (USEU) Office of Agricultural Affairs' [Agricultural Biotechnology Annual EU Report](#).

#### **d) Field Testing**

Poland has not conducted any GE field trials since 2015.

#### **e) Innovative Biotechnologies**

There is no specific, current legislation regarding new breeding techniques in Poland. To date, these techniques are treated as more traditional biotechnology crops and products. While Polish scientists are interested in genome editing and other innovative technologies, the GOP is reluctant to make meaningful regulatory changes to encourage the research and development of these technologies in Poland.

#### **f) Coexistence**

MinAg implemented the coexistence regulations into the national law with the Act of March 22, 2018 (O.J.2018, pos.810), amending the *2001 Law on GMMs and GMOs*. The new Act requires isolation zones between GE crops of 500 and 1,000 meters between conventional and organic crops, respectively.

### g) Labeling and Traceability

Poland implements EU regulations for GE food labeling. Packaged foods and feeds derived from and/or containing GE enhanced ingredients must be labeled when GE ingredients are present at over 0.9 percent per ingredient. “Contains GMOs” is a typical example of a product label statement found on the Polish market. Labeling is enforced by local authorities and follows EU labeling standards. For more information on EU biotechnology, labeling requirements see FAS USEU’s [Agricultural Biotechnology EU Report](#). To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

In 2019, the Polish Parliament issued the [Act of July 13, 2019 on GMO Free Product Labelling \(in Polish\)](#), published in the Polish Journal of Laws, Item 1401. The Act introduces labeling voluntary standards for food products free from GE, including for animal products derived from livestock not fed with GE feeds and/or products. The standard includes a “non-GMO” label. The purpose of the Act is to standardize the labels for food and feed produced without GE ingredients, as well as to standardize the rules for labeling products of animal origin. According to MinAg, the labeling scheme will raise the credibility of Polish labeling rules and increase the competitiveness of Polish foods in the domestic market.

1. Draft label for GE-free plant origin foods, single or multi-component, and for GE-free feeds:



2. Graphic Template for labeling food products of animal origin, certifying that no GE feed or other GE ingredients were used during production:



### h) Monitoring and Testing

Poland implements EU legislation regarding monitoring and testing. For more information please refer to see FAS USEU’s [Agricultural Biotechnology EU Report](#). The GOP allows imports of GE food only when it is clearly labeled and without any further processing in Poland. The MOH and MinAg are the competent authorities regarding food and feed enhanced through biotechnology and on rules for coexistence. Poland actively tests for GE traits in imports on risk assessment basis. The competent authority for imports of food is Polish Sanitary Inspectorate. If an unapproved product is detected, further procedures depend on the specific nature of the situation. Sometimes providing additional and/or completing documentation may be enough to obtain market access.

Since 2005, annual audits have been conducted to monitor conventional rapeseed, maize, and mustard seed (2010) for the presence of GE. Seed samples marketed and produced in Poland, other EU Member States, or in third countries are collected by the State Inspectorate for Plant and Seed Protection (SIPSP) in accordance with the methodology of the International Seed Testing Association (ISTA). The audits are conducted in the Central Laboratory of the Main Inspectorate for SIPSP in Toruń. The tests are performed using polymerase chain reaction (PCR) qualitative

analysis and real-time PCR quantitative analyzes. SIPSP also audits fields for compliance with the ban on MON 810 corn. To date, there are no indications of GE crop production in Polish fields.

**i) Low Level Presence (LLP) Policy**

Although the EU does not have an LLP Policy, it does have a “technical solution” of a 0.1 percent allowance (a definition of zero) for products with applications submitted to the EU. Poland has been open to imports of commodities meeting the technical solution threshold. Despite its official anti-GE position, Poland supports an EU-level resolution to LLP.

**j) Additional Regulatory Requirements**

None

**k) Intellectual Property Rights (IPR)**

Polish IPR legislation follows EU requirements. For more information on EU biotech-related IPR see FAS USEU’s [Agricultural Biotechnology EU Report](#). The main national IPR legislation related to plant breeding is Act of 26 June 2003 on the Legal Protection of Plant Varieties.

**l) Cartagena Protocol Ratification**

Poland signed the Cartagena Protocol in May 2000 and ratified it on December 10, 2003.

**m) International Treaties and Forums**

Poland is a member of the International Plant Protection Convention, and actively participates in its discussions related to phytosanitary issues. Poland opposes GE technology in agriculture, both in internal policy and in international fora.

**n) Related Issues**

None

**PART C: MARKETING**

**a) Public/Private Opinions**

According to national polls, nearly 70 percent of Poles opposes the use or cultivation of GE crops and products. Studies also indicate low general awareness about the science in support of agricultural biotechnology among Polish society.

Anti-GE organizations are active in Poland and include Greenpeace, International Coalition to Protect the Polish Countryside, Stop GMO, Friends of the Polish Countryside, the Greens/European Free Alliance in the European Parliament, Friends of the Earth, and Association of Ecological Farmers. These groups are very vocal and employ Polish celebrities as a means of attracting media coverage. Consistent with their marketing strategy in other countries, these organizations rely on nonscientific innuendos, debunked and/or pseudoscientific studies, and other forms of propaganda.

**b) Market Acceptance/Studies**

Recent retail studies show that most Polish customers tend to make food purchases based on price of the product versus ingredient lists. Public opinion polls indicate that 70 percent of respondents oppose buying/eating food derived from GE crops. Feeds containing GE-derived ingredients are not

generally called into question, mostly due to lack of awareness.

## **CHAPTER 2: ANIMAL BIOTECHNOLOGY**

### **PART D: PRODUCTION AND TRADE**

#### **a) Product Development**

Research on GE farm animals remains limited. Three research centers in Poland, chiefly the Institute of Animal Breeding in Balice (Krakow), the Institute of Animal Genetics in Jastrzebiec (Warsaw), and the Agricultural University (Poznan) conduct some research. Each research project must be approved by the MOE. While Polish scientists are interested in genome editing and other innovative technologies, Polish authorities are cautious vis-à-vis their current position.

The main objectives of research on GE animals are:

- The production of proteins, enzymes, and other substances in the pharmaceutical industry;
- Immunization of livestock for diseases;
- Increase productivity and efficiency of animals and thus obtain the desired animal traits for breeding; and
- Production of material for xenotransplantation, which produces organs used for transplants from cloned animals. This is the only use of animal cloning currently authorized apart from research projects.

Information about cloned animals in laboratory research is very limited.

#### **b) Commercial Production**

There are no commercial applications of animal cloning or GE animals.

#### **c) Exports**

Not applicable

#### **d) Imports**

According to information from the Polish Federation of Dairy Cattle Breeders and Milk Producers (PFDCBMP), which evaluates imported bovine semen, occasionally semen imported from the United States originates from cloned bulls. They recognize those bulls by the extension of their name containing ETS, ETN, or ETM. According to information received from the Ministry of Agriculture and Rural Development, currently there are no regulations banning genetic imports derived from cloned animals or offspring of cloned animals.

#### **e) Trade Barriers**

There are no additional trade barriers beyond EU legislation on animal biotech and cloned products.

### **PART E: POLICY**



#### **a) Regulatory Framework**

As noted above the legislation on GE animals is based on the June 2001 *Law on Microorganisms and Genetically Modified Organisms* (O.J. 2007, No 36). This legislation mainly addresses GE plants. There is no legislation regarding cloning of animals.

The Polish Parliament is working on a new biotechnology law (see Plant Section of the report).

The MOE is responsible for oversight of existing biotechnology regulations.

The MOH is responsible for regulation of food originating from GE animals. These foods are considered 'novel foods'.

According to the General Veterinary Inspectorate of the Ministry of Agriculture there are no regulations in Poland which are specific to GE animals.

#### **b) Approvals**

As throughout the EU, cloned animals are not allowed for human consumption. There are no GE animals approved for import or production in the EU.

#### **c) Innovative Biotechnologies**

There is currently no special legislation on innovative biotechnologies in Poland. To date, these techniques are treated as GE. While Polish scientists are interested in genome editing and other innovative technologies, Poland remains cautious vis-à-vis its current policies.

#### **d) Labeling and Traceability**

Poland follows EU regulations in this area. To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

#### **e) IPR**

Not applicable

#### **f) International Treaties and Forums**

Poland is a member of IPPC, the World Organization for Animal Health, and the UN's Food and Agriculture Organization and actively participates in all discussions related to animal breeding and sanitary issues. Currently, Poland does not have an active public policy for or against cloning technology in animal breeding.

#### **g) Related Issues**

None

### **PART F: MARKETING**

#### **a) Public/Private Opinions**

To date, there have been discussions on the topic of GE animals or cloning that would divide the public into two distinct opinion groups, those for genetic engineering, or against the use and

development of GE products. Biotechnology in general in Poland remains a highly politicized issue.

**b) Market Acceptance/Studies**

FAS Warsaw is not aware of any market studies or activities related to the marketing of products derived from cloning or GE animals.

## **CHAPTER 3: MICROBIAL BIOTECHNOLOGY**

### **PART G: PRODUCTION AND TRADE**

**a) Commercial Production**

Information regarding the commercial production of food ingredients derived from microbial biotechnology is not available.

**b) Exports**

Information regarding exports of food ingredients derived from microbial biotechnology is not available.

**c) Imports**

Information regarding imports of food ingredients derived from microbial biotechnology is not available.

**d) Trade Barriers**

Poland applies the EU legislation. Also see FAS USEU's [Agricultural Biotechnology EU Report](#).

### **PART H: POLICY**

**a) Regulatory Framework**

As noted above the legislation on GE plants and animals is based on the June 2001 Law on Microorganisms and Genetically Modified Organisms (O.J. 2007, No 36). This legislation mainly addresses GE plants.

**b) Approvals**

Please refer to the Chapter 1 of Plant Section.

**c) Labeling and Traceability**

Please refer to the Chapter 1 of Plant Section.

**d) Monitoring and Testing**

Please refer to the Chapter 1 of Plant Section.

**e) Additional Regulatory Requirements**

Please refer to the Chapter 1 of Plant Section.

**f) IPR**

Not applicable

**g) Related Issues**

Not applicable

**PART I: MARKETING**

**a) Public/Private Opinions**

Polish society is not widely informed about the role of microbial biotech for food ingredients or nutritional purposes. It is hard to assess the public or private perception.

**b) Market Acceptance/Studies**

FAS/Warsaw is not aware of market acceptance studies.

**Attachments:**

No Attachments