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Prepared By: Piotr Rucinski, Mira Kobuszynska, Agricultural Specialists and Jolanta Figurska,
Marketing Specialist

Approved By: Jonn Slette

Report Highlights:

Poland is a European Union (EU) Member State (MS) and applies all relevant EU regulations pertaining to food and agricultural imports. U.S. food and agricultural suppliers to Poland should verify with local importers and appropriate U.S. regulatory agencies regarding the most current local requirements prior to shipment.

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Disclaimer

This report was prepared by U.S. Embassy Warsaw’s Office of Agricultural Affairs (OAA) for exporters of U.S.-origin food and agricultural products. While every effort was taken to ensure accuracy, some information may not have been fully available during drafting or may have changed following publication. Post recommends that U.S. exporters verify all import requirements with their international customers prior to shipping. Final import approval of any product is subject to the importing country’s rules and regulations, as interpreted by border officials at the point of entry and/or when the product enters commerce. The following Food and Agricultural Import Regulations and Standards (FAIRS) Report should also read in conjunction with the 2020 EU-28 FAIRS report prepared by the U.S. Mission to the EU’s OAA. The EU-28 FAIRS report is available on their [webpage](#).

Section I. Food Laws:

Poland follows EU regulations governing food and agricultural imports, chiefly Regulation EC/178/2002, or the General Food Law. The General Food Law establishes general principles and requirements throughout the EU, which are harmonized at the MS level. The Government of Poland (GOP) is responsible for ensuring that that the entire food and agricultural value chain is compliant with EU food and agricultural regulations.

The General Food Law establishes the European Food Safety Authority (EFSA) as an independent body that provides scientific analysis for food safety in the European Commission (EC). EFSA coordinates risk assessments and identifies emerging food safety risks in the EU, conducts crisis management, and

collects and publishes food-safety data within MS's. EFSA resources are available to all MS's and to other countries which apply EU food safety standards. See [here](#) for more information.

After conducting a 'fitness check' of the General Food Law, the EC amended Regulation EC/178/2002 in June 2019 via Regulation 2019/1381 regarding the transparency the EU's risk assessment procedures. Another result of the fitness check was to replace Directive EC/2000/29 of May 8, 2000, which regulated the introduction or dissemination of organisms deemed hazardous to plants or plant products, by the following EU regulations. These regulations are enforceable in all MS's without the need any MS-level implementing regulations:

- Regulation (EC) No 2016/2031 of 26 October 2016 on plant pest protection measures.
- Regulation (EC) No 2017/625 of 15 March 2017 on official controls and enforcement of food and feed laws, and animal health and welfare requirements, plant health and plant protection products. The Regulation supersedes former Regulation 882/2004.

Current Polish Food Laws

On June 6, 2019, Poland [updated](#) its 2006 Consolidated Act on Food Safety and Nutrition, which serves as the basis of Poland's regulatory framework for food safety and nutrition, including sanitation and hygiene, conditions applicable to food products, packaging and materials, products that come into contact with food, and others. The Act is composed as follows:

1. General provisions and definitions
2. Sanitary and labeling requirements for food
3. Materials and products intended to come into contact with food
4. Hygienic requirements
5. Official inspection on food
6. Institutions and cooperation in the area of food safety
7. Liability for harms caused by foods
8. Criminal provisions and penalties
9. Amendments to provisions in force, transitional, and final provisions

Food Authorities in Poland

Poland's primary food safety and related regulatory bodies include:

The State Sanitary Inspectorate (*Państwowa Inspekcja Sanitarna (PIS)*) supervises food quality, materials, or products intended to come in contact with food. Food safety oversight (not including meat) is managed by inspectors from Sanitary Epidemiological Stations in their respective districts.

The State Veterinary Inspection (*Państwowa Inspekcja Weterynaryjna (PIW)*) regulates animal health and products of animal origin.

The Main Inspectorate of Plant Health and Seed Inspection (*Państwowa Inspekcja Ochrony Roślin i Nasiennictwa* (PIORIN)) regulates plant health, international trade, the application and production of agrochemicals, other plant-protection inputs, and regulates trade of seeds.

The Agricultural and Food Quality Inspection (*Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych* (IJHARS)) reports to the Minister of Agriculture and performs all tasks specified in the Act of Commercial Quality of Agricultural Food Products, and other national and EU regulations including:

- Quality control of food in production and sales, including exported products
- Quality control of imported food products, including border control of these articles
- Evaluates and issues certificates food quality certificates
- Regulates food storage and transportation conditions
- Coordinates with officials in other countries, exchanges information and food samples
- Coordinates with the Office of Competition and Consumer Protection which also supervises the quality of food products in the retail trade
- Reports violations of EU food and feed legislation through the Rapid Alert System on Food and Feeds (RASFF)

The Office of Competition and Consumer Protection (*Urząd Ochrony Konkurencji i Konsumentów* (UOKiK)) is the central antitrust and consumer protection authority. UOKiK regulates mergers to prevent monopolistic situations or similarly, to dissolve cartels that negatively affect consumers.

Section II. Labeling Requirements:

General Requirements

The standard U.S. label does not comply with EU labeling requirements. On December 13, 2014, the EU's "[Food Information to Consumers \(FIC\) regulation 1169/2011](#)" came into force for all pre-packaged food and drink products marketed in the EU, including those imported from non-EU countries. The FIC's mandatory nutritional declaration came into force two years later on December 13, 2016. Detailed information on the FIC's food labeling requirements is available at FAS USEU's [website](#).

To assist stakeholders to comply with the EU's food labeling rules, the EC, as well as several MS authorities and EU food federations, have published the following documents:

- EC: [Notice on questions and answers on the application of Regulation 1169/2011 on the Provision of Food Information to Consumers](#) (June 2018)
- EC: [Infographic on the labeling rules](#)
- Food Drink Europe (EU Food and Drink Industry Confederation): [Guidance on the Provision of Food Information](#)

The objective of a "regulation" is to harmonize rules throughout the EU. However, the FIC regulation allows MS's to deviate from EU rules. Article 39 of the FIC regulation sets conditions for MSs to adopt

additional mandatory national measures, including measures for country of origin labeling. The FIC regulation exempts alcoholic beverages from mandatory nutrition labeling and ingredient listing but Article 41 allows MSs to maintain national rules on the listing of ingredients until EU-harmonized provisions are adopted. U.S. exporters are strongly advised to check for additional national requirements with their importers.

Article 9 of FIC Regulation 1169/2011 sets out the list of mandatory declarations for food and beverage labels:

- Name of product
- List of ingredients
- Allergens listed in Annex II
- Quantity of certain ingredients or category of ingredients
- Net quantity of product
- Date of minimum durability or “use by date”
- Any special storage conditions and/or conditions of use
- Name of business name and address of the food business operator under whose name the food is marketed. If that operator is not established in the EU, the name and address of the importer
- Country of origin or place of provenance as per provisions of Article 26
- Instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions
- Alcohol percentage by volume for beverages with more than 1.2 percent of alcohol
- Nutrition declaration

Basic Laws on Food Labeling in Poland

The Ministry of Agriculture and Rural Development regulates labeling in Poland. On July 31, 2007, the basic law on food labeling, Regulation of the Minister of Agriculture and Rural Development dated July 10, 2007, regarding labeling of foodstuffs was published (Polish Journal of Law 2007, No. 137, pos. 966). It was amended on January 3, 2017 (Polish Journal of Law 2017, pos. 149) within the Food safety and Nutrition regulation.

Compulsory Information on Labels

Compulsory information must appear in the Polish language on a label attached with a sticker. The information is in line with Article 9 of FIC regulation 1169/2011 which sets out the list of mandatory declarations and must be marked in such a way that it is easily visible and clearly legible. Article 13 of the FIC regulations specifies that the minimum font size for printing mandatory information on food and drink labels is 1.2 millimeters.

As of January 1, 2017, new regulations on voluntary marking of foodstuffs with the words "*Produkt Polski*" (Made in Poland) went into effect in Poland. Manufacturers are able to place logo "*Produkt Polski*" on products produced in Poland with the use of Polish raw materials and containing no more than 25 percent of components derived from imported ingredients (this percent does not include water content). Meat used in products marked with logo "*Produkt Polski*" should be derived from animals born on the Polish territory and whose breeding and slaughter took place on Polish territory.

Labeling Irregularities

The most frequent and common irregularities, found during store inspections, in labeling found by Polish inspections include:

- Lacking complete manufacturer identification, including address or contact information
- Incorrect ingredient information, including incomplete list of ingredients, lack of information on allergenic ingredients, food additives, overstatements in meat content, or the ingredients are not indicated in descending order
- No percentage of ingredients specification used in production, such as lack of hazelnuts content in "milk chocolate with hazelnuts"
- Providing misleading claims or information regarding composition or product method, such as using the term 'Bio' on non-organic products, or unsubstantiated claims that the product is environmentally friendly
- Using label graphic to suggest that a product is somehow different than it actually is
- No additional substance and no technological function provided in description, such as lack of technological features used in citric acid
- Improper use of the product name, such as "wine" in relation to fermented wine
- Lacking the name and qualitative characteristics (grade, size, sorting information) for horticultural products

Food Traceability

Throughout the EU, traceability is compulsory under Regulation EC/178/2002. Traceability is defined as the ability to track food, feed, food-producing animals, or other substances used for consumption, through all stages of production, processing and distribution. Traceability allows immediate response to potential food and feed safety risks and to ensure that food products are safe for consumption. National authorities or food businesses must identify and disclose any risks so it can be traced back to its source to isolate the contamination and prevent contaminated products from reaching consumers. Traceability also allows targeted withdrawals and provides accurate public information, thereby minimizing disruption to trade.

All food and feed operators implement special traceability systems. The EU publishes guidelines for business operators to document the names and addresses of the supplier and customer in each case, as well as the nature of the product and date of delivery. Operators are also encouraged to keep

information on product volumes/quantities, batch numbers (if any), and detailed product descriptions, such as whether it is raw or processed.

Medical/Health/Nutrition Claims

Regulation (EC) No. 1924/2006 concerning nutrition and health claims in food products was published on December 20, 2006, although it was not implemented until May 2012. In December 2011, the EC proposed a list of 222 functional health claims for substances other than botanicals. Regulation 432/2012 established the EU's positive list for permitted health claims provided the conditions. The EU's online "Register of Nutrition and Health Claims has been updated with the 222 approved health claims as well as over 1,600 approved claims and the reasons for their lack of approval. Health claim approvals referring to botanical substances are currently on hold as the Commission and MS's discuss potential conflicts of the Health Claims Regulation with the Traditional Herbal Medicinal Products Directive. All claims that are not authorized, not on hold, and/or under consideration are prohibited as of December 14, 2012. Food products carrying claims must comply with the provisions of nutritional labeling are set out in Nutrition and Health Claims Regulation 1924/2006 and Regulation 432/2012.

Food Labeling for Dietary Supplements and Special Nutritional Products

Poland takes a stricter approach regarding dietary supplement labeling than other EU countries. Polish regulations require the term "dietary supplement" (*suplement diety*) to be used along with the brand name wherever the brand name is mentioned on the product label.

An amendment to Regulation of the Minister of Health dated May 18, 2010 (Polish Journal of Law, No. 91, pos. 596) changed the labeling requirements for dietary supplements. On September 16, 2010, a new regulation for special diets was issued, Regulation of the Minister of Health of dated September 16, 2010 (Polish Journal of Law 2010, No. 180, pos. 1214).

Marketing Quality of Food Products

The basic law on market quality of food products the Act of October 24, 2008 amending the Act on the commercial quality of food products and some other acts were published on October 24, 2008 (Polish Journal of Law 2008, No. 214, pos. 1346).

Section III. Packaging and Container Regulations:

Size and Content

[Council Directive 76/211/EEC](#) of January 20, 1976 on the approximation of the laws of the MSs relating to the making-up by weight or by volume of certain prepackaged products specifies the maximum tolerable error between the actual content weight and the quantity indicated on the label.

Packaging Waste Management

MS's are required to reduce packaging waste and must introduce systems for reuse, recovery, and recycling of packaging materials. Council Directive 94/62/EC harmonizes national measures concerning the management of packaging and packaging waste and its impact on the environment. To facilitate collection, reuse and recovery, including recycling, a voluntary identification system for packaging has been drawn up (Commission Decision 97/129/EC). An overview of current EU packaging and related waste regulations is available on the EC's [website](#).

Materials in Contact with Food Products

Regulation 1935/2004 specifies the main requirements for all materials that come into contact with food products. It also establishes labeling and traceability requirements and the procedure for the authorization of substances through the EFSA. Annex I to regulation 1935/2004 lists the group of materials which may be covered by specific measures. Specific measures set out additional requirements and include lists of authorized substances and materials. To date, specific directives have been developed for plastic materials (Regulation 10/2011), recycled plastic materials (Regulation 282/2008), regenerated cellulose film (Directive 2007/42/EC) and ceramics (Council Directive 84/500/EC). In the case of ceramics, migration limits have been established for lead and cadmium. Materials must indicate "for food contact" or the symbol reproduced in Annex II to Regulation 1935/2004.

Implementing Regulation 321/2011, amending Regulation 10/2011 on plastic materials, bans the use of Bisphenol A in plastic infant feeding bottles. A summary of EU and national legislation as well as guidance documents and contact information with regard to the submission of applications for authorization can be downloaded from the EC's [website](#).

Plastic Materials

The Ministry of Health (MOH) regulation concerning the list of substances intended for food contact and permitted in manufacturing or processing of plastic materials and the methods of checking compliance of those products within the set limits was published on June 22, 2007 (Polish Journal of Law 2007, No 129, pos. 904). It was nullified and replaced on December 4, 2013, (Regulation of the Minister of Health of 15 October 2013) with an updated list of substances permitted in the manufacturing materials and plastic products, as well as compatibility of these materials and articles within established limits.

Regulation EU/558/2010 concerning specific hygiene rules for food of animal origin was published on June 24, 2009. The Regulation specifies requirements in terms of temperature and microbiological criteria in the production of *foie gras*, meat from poultry and lagomorphs, and frozen fish in brine. In addition, sea snails are excluded from the legislation of classifying production areas. This classification

is necessary for bivalve mollusks, live echinoderms, and tunicates. Requirements for the transportation of live bivalve mollusks in containers and the specification of raw materials used for gelatin production has been updated.

Materials other than Plastics

The MOH regulation concerning the list of substances intended for food contact and permitted in manufacturing or processing of materials and products from materials other than plastics ("Regulation of the Minister of Health of 15 January 2008) regarding the list of substances whose use is permitted in the manufacture or processing of materials and products from other materials than plastics intended to come into contact with food was published on January 15, 2008 (Polish Journal of Law 2008, No. 17, pos. 113).

Section IV. Food Additive Regulations:

The EU's 'Package on Food Improvement Agents' includes four Regulations: [Regulation 1331/2008](#) which establishes a common approval process for food additives, food enzymes and food flavorings, [Regulation 1332/2008 on food enzymes](#), [Regulation 1333/2008 on food additives](#) and [Regulation 1334/2008 on flavorings](#). Only additives included in the EU's positive list may be used in food products marketed in the EU. Inclusion in the EU positive list is based on a risk assessment by EFSA. [Commission Implementing Regulation 234/2011](#) explains how to request updates to the positive lists (*e.g.* content, data requirements and presentation). EFSA will then review and determine the suitability of the data.

Regulation on Permitted Additives

Annex II to [Food Additives Regulation 1333/2008](#) lists additives approved for use in foods and conditions of use. The authorized additives and uses are listed according to the food category to which they may be added. An important difference from U.S. legislation is that the EU does not allow chlorine, bromates, and peroxides to be used as flour-bleaching agents. Annex I to regulation 1333/2008 defines 26 different categories of food additives. Annex III contains a second list of food additives approved for use in food ingredients such as other food additives, food enzymes, food flavoring, and nutrients. [Commission Regulation 231/2012](#) sets out specifications for food additives listed in Annexes II and III.

Regulation on Specifications and Criteria of Purity of Additives

The MOH issued a regulation on specifications and criteria on the purity of additives. This regulation specifies purity criteria of additional substances (Regulation of the Minister of Health of 12 October 2007, Polish Journal of Law 2011, No. 2, pos. 3). This regulation was amended on December 23, 2010

and changed again on April 22, 2011 in 'Regulation of the Minister of Health of 22 April 2011', which amended the criteria of additional substances (Polish Journal of Law 2011, No. 91, pos. 526).

Solvents

The MOH issued a regulation on solvent extractions for use in food products in February 18, 2011. Regulation of the Minister of Health of 22 April 2011 amended specifications and purity criteria of additional substances (Regulation of the Minister of Health of 18 February 2011, Polish Journal of Law 2011, No 52, pos.272).

Flavorings

The EU regulates flavorings and certain ingredients with flavoring properties via EC Regulation No. 1334/2008. An [online database](#) allows consumers, food businesses, and food control authorities to verify which flavoring substances are authorized in food with the EU.

Enriching Agents

The MOH issued a regulation regarding enriching agents, namely, Regulation of the Minister of Health of 19 December 2002, which limits enriching agents, as well as conditions of use (Polish Journal of Law No. 27, pos. 237). The Regulation was amended on September 16, 2010 (Polish Journal of Law 2010, No. 174, pos. 1184).

Dietary Supplements

Regulation (EC) No 1925/2006 of the European Parliament and the EC established standards for vitamins, minerals, and other substances to foods which was published on December 20, 2006. Regulation (EC) no 609/2013 and 2019 /649 supplemented this regulation.

The Regulation applies without prejudice to provisions related to:

- [Foods for specific groups](#)
- [Trans fat, other than trans fat naturally occurring in fat of animal origin](#)
- [Novel foods and novel food ingredients](#)
- [Genetically modified foods](#)
- [Food additives and flavorings](#)

Section V. Pesticide and Other Contaminants:

Regulation 1107/2009 establishes rules for the authorization of plant protection products (PPP's). PPP's (e.g. pesticides) must contain active substances included in the list of approved active substances as established in the Commission Implementing Regulation (EU) No 540/2011 of May 25, 2011 and may be authorized for use in the EU.

Rules for marketing and using pesticides in Poland are regulated by the Law on PPP's (Journal of Laws of 2013, pos. 455, Law on Plant Protection Products of March 8, 2013). Basic rules for the protection of plants against harmful organisms are available in the Law on Plant Protection of December 18, 2003 (Journal of Laws of 2004 No. 11, pos. 94), Act on Plant Protection of 18 December 2003. A consolidated text of the law was published on June 14, 2018 (Dz.U.2018 pos. 1310).

Endocrine Disruptors

The term 'endocrine disruptors' refers to substances with the potential to alter and cause unintentional adverse health effects to the endocrine systems of humans and wildlife. Both the Plant Protection Products Regulation 1107/2009 (pesticides) and the Biocidal Products Regulation 528/2012 (biocides) introduced "endocrine disrupting properties" as one of the categories of hazard-based cut-off criteria. This allows the EU to ban certain products from the market based on hazard identification rather than risk assessment without taking exposure into account. [Commission Regulation 2018/605](#), identifying endocrine disrupting properties under Regulation 1107/2009 on plant protection products, in the Official Journal. The criteria to identify endocrine disruptors was applied on November 10, 2018, to all on-going and future evaluations of active substances used in plant protection products. In June 2018, the European Chemicals Agency and the EFSA published a [technical guidance document](#) to implement the criteria for both biocides and pesticides.

Section VI. Other Requirements, Regulations, and Registration Measures:

Value Added Tax (VAT) Poland applies a VAT for agricultural and food products either imported or produced domestically and ranges from five to 23 percent depending on level of processing of the product.

- Five-percent VAT applies to unprocessed food like fruits, vegetables, milk, meat, fish, flavorings and processed food like dairy products, fish products, floury products, fruit preserves, ready-to-cook meals.
- Eight-percent VAT applies to all remaining unprocessed foods.
- 23-percent VAT applies to highly processed food products.

Poland also applies an excise tax, which is an indirect tax levied on certain goods such as: beer, wine, liquor, tobacco products, fuel, electricity, and cars. In Poland, the excise tax is harmonized with the EU tax levied on each product. Excise tax rates for certain products can be determined by individual MS but cannot be lower than EU minimum levels.

Some excise products are subject to obligatory marking by excise strips (*e.g.* bottle bandoliers), which need to be placed on individual product packaging. These regulations are obligatory for alcoholic beverages (except beer) and tobacco products. For bulk shipments of wine and spirits, excise

bandoliers should be applied prior to entering the EU. Importers commonly supply U.S. shippers with excise bands to be put on products prior to shipping. Imported products must have excise tax stickers on them before entering Poland (based on a partial pre-payment). Once the product enters the country, the remainder of the tax must be paid.

The Law on Excise Taxes was published on October 29, 2010 (Polish Journal of Law 2010, No. 226, pos. 1477) and was amended on September 28, 2015 (Polish Journal of Law 2015, pos. 1479). Poland's excise laws are in line with Council Directive 2010/12/EU concerning the structure and tax rates for tobacco products. The Polish Parliament is currently working on an increase of excise tax expected to come in force in February 2020.

A list of VAT rates applicable in the different MSs can be found [here](#). A list of excise duties applicable on alcoholic beverages and tobacco can be found [here](#).

Section VII. Other Specific Standards:

Imports of Bovine Genetics

Bovine genetic imports into Poland are based on requirements under European Parliament Animal Breeding [Regulation](#) 2016/1012 laying down the importation conditions on zootechnical and genealogical conditions for the breeding, trade in and entry into the EU of purebred breeding animals, hybrid breeding pigs and the germinal products thereof. In addition to the EU regulations, exporters must follow Polish regulations on imported genetic material. The Polish regulation is based on the breeding law implemented in August 2007.

Bovine semen of U.S. origin must be accompanied by a veterinary health certificate, included in 2008/120/EC Regulation, and documents confirming the breeding value of the bull, from which the semen derives.

Genetically Engineered (GE) Foods

Since 2006, Poland has officially opposed approval of any event of biotechnology at the EU level and has taken steps to become "GMO-free." In 2006, Poland passed legislation banning the sale and registration of biotech seeds, restricted Polish representatives to the European Parliament from supporting pro-biotech legislation, and prohibited the importation, production, and use of animal feed containing ingredients enhanced through biotechnology. In practice, the ban on GE feed ingredients was postponed by the Polish Parliament until January 1, 2019. Poland's lower and upper Chambers of Parliament (*Sejm and Senate*) approved a draft amendment to the 2006 Feed Act to postpone the Act's ban on GE feeds and GE-derived ingredients for another two years until January 1, 2021. After

ratification by the *Sejm* and *Senat*, it is waiting for final approval from the President of Poland. For additional information regarding the GE foods please refer to related [Post GAIN Reports](#).

Novel Foods

For more information on novel foods please see the State Sanitary Inspectorate's [website](#).

Traceability and Labeling of GE Foods

Labeling regulations for GE food products are established by Regulation 1829/2003 (articles 12-13). These rules apply to products that have undergone varying degrees of processing. The regulation does not require labeling of food products that are not food ingredients, such as processing aids. Meat, milk or eggs obtained from animals fed with GE feed or treated with GE medicinal products do not require additional labeling. For more information please see [here](#). Traceability rules require all business operators to transmit and retain information on GE products in order to identify both the supplier and the buyer of the GE product. Regulation (EC) No. 1829/2003 includes: all products which consist of or contain GE, including all products intended for human or animal consumption, products destined for industrial processing for uses other than consumption (e.g. in the production of biofuel) or even products destined to be used ornamentally (e.g. cut flowers) and foodstuffs and animal feed products made from GE.

Operators must transmit the following information in writing: an indication that the products consist of or contain biotech-derived materials, and the unique identifiers of the events. For stacked biotech events, the industrial operator may submit a declaration of use of these products, together with a list of the unique traits of the stacked event. This information must also be saved for five years.

The operators who place pre-packaged products on the market consisting of or containing GE must, at all stages of the production and distribution chain, ensure that the words "This product contains genetically modified organisms" or "Product produced from GM (name of organism)" appear on a label of the product. In the case of products, including in large quantities, which are not packaged and if the use of a label is impossible, the operator must ensure that this information is transmitted with the product. When placing a product on the market the operator must transmit the following information in writing to the operator receiving the product: an indication of each food ingredient produced from GE, an indication of each raw material or additive for feeding stuffs produced from GE, and if there is no list of ingredients, the product must bear an indication that it is produced from GE.

Low-level Presence (LLP)

On June 24, 2011, the EU adopted Commission Regulation 619/2011 which established an LLP tolerance of 0.1 percent for adventitious traces of non-EU-authorized GEs in feed imports. The Regulation is laying down the methods of sampling and analysis for the official control of feed for the

presence of genetically modified material. For more information see the EC press release “Questions and Answers on the LLP of GE in feed imports.” The Commission may come forward with proposals dealing with LLP in food imports.

The EU regulatory framework for guaranteeing the traceability of GE throughout the food chain, including in processed foods in which the production methods have destroyed or altered the genetically modified DNA (e.g. in oils). These rules apply not only to GEs to be used in food, but also those intended to be used in crops (e.g. seeds). The EU has two main objectives: to inform consumers through compulsory labeling, giving them the freedom to choose, and to create a "safety net" based on the traceability of GEs at all stages of production and emergence on the market. This "safety net" will facilitate the monitoring of labeling, the surveillance of the potential effects on human health or the environment, and the withdrawal of products in cases of risk to human health or the environment and is like the system used for conventional food products. For meat, producers must tag each carcass with origin, slaughter date information, and the traceability code of the slaughter plant. Animal traceability methods, including ear tags, passports, or bar codes, vary across countries but must include the same information.

Section VIII. Trademarks, Brand Names, and Intellectual Property Rights:

In the EU, trademarks can be registered at the national, regional, or EU levels. Trademarks registered at the national level are protected only in that MS. Applications must be submitted directly to the relevant national Intellectual Property (IP) office. Currently, the only EU regional-level IP office is the Benelux Office, which registers trademarks for Belgium, the Netherlands, and Luxembourg. Applications for the protection of a trademark in all EU MSs must be submitted to the EU Intellectual Property Office (EUIPO).

Section IX. Import Procedures:

An importer can request pre-approval (i.e., prior to export) of a new-to market product by submitting a letter to health authorities requesting a permit for product entry (*powiadomienie*). The following documentations are 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 (to speed up the clearance process)
- Draft Polish language label that includes all product ingredients

On average, the pre-approval process takes about one month and can expedite product entry. If pre-approval clearance is not requested, full product testing may be required, 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 (three copies)
- Invoice on its basis the customs value of goods is declared
- List of specific goods, particularly if the invoice does not match
- Documents which tax authorities can use to determine any applicable taxes, particularly if the invoice and/or other documents do not contain enough data to determine the tax base
- Transportation document (i.e. airway bill)
- Certificate issued by the manufacturer or an authorized research facility containing the chemical composition of raw materials and goods (up to 100 percent) and any information required in the notes to individual chapters of the customs tariff, if such document is necessary to determine the tariff classification of goods (*e.g.* health certificate/phytosanitary certificate/microbiological certificate).
- Additional documentation from producer confirming products production standards (laboratory tests, certificates etc.) the license, permit or other documents, if required in connection with the import
- Official translation of all documents in the Polish language

The EU uses the combined nomenclature (CN) for the customs classification of goods. The CN eight-digit code numbers are based on the harmonized system (HS) nomenclature: the first six digits refer to the HS headings; the two following digits represent the CN subheadings. The EU's on-line "Taric" customs database can be consulted to look up commodity codes and relevant import duties. Taric is a multilingual database covering all measures relating to tariff and trade legislation. The EU's 2017 Tariff Schedule was published on October 28, 2016, in the Official Journal L 294. A list of MS customs authorities can be found [here](#).

Business operators can obtain Binding Tariff Information (BTI) from a MS's customs authority in order to get the proper product classification and relevant import duty. A BTI decision is legally binding in all the MS's. A BTI used to be valid for six years but the new UCC reduces the validity from six to three years. U.S. exporters should be aware that the new UCC makes the declaration of a BTI decision mandatory when completing customs formalities where before the BTI declaration was not legally required. All BTI decisions issued by MS customs authorities are entered into an EBTI-database. The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Novel food products must undergo a different registration procedure with health authorities (Main Sanitary Inspection). Novel foods are foods, and food ingredients, that were not used for human consumption to a significant degree within the EU prior to May 15, 1997.

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. There is no special format for such a letter, except that it must be in the Polish language.

A new Regulation on the mutual recognition of goods will apply as of April 19, 2020. [Regulation 2019/515](#) on the mutual recognition of goods lawfully marketed in another MS will replace Regulation 764/2008. It introduces a voluntary 'mutual recognition declaration', which businesses can use to demonstrate that their products are lawfully marketed in another EU country. Detailed information about the new rules can be found on the EC's [website](#).

Plant Products

Regulation of the Minister of Health dated February 14, 2007 regarding the application form for the border inspection and certificate of compliance with health requirements (Polish Journal of Law 2007, No 44, pos. 286) provides an example of the application for the border sanitary control and for the certificate of compliance with health requirements for Poland. Regulation of the Minister of Health of September 24, 2007 (Polish Journal of Law 2007, No 196, pos. 1423) provides a list of border crossings through which food products and food packaging and contact materials (subject to the border sanitary control) may be introduced into the EU.

Products of Animal Origin

The [law](#) on Veterinary border inspection was published on February 20, 2014. General policies and procedures of veterinary border control in inspection posts are available [here](#).

Chemical Substances and Preparations

The regulation concerning chemical substances and preparations introduced into Poland, changing regulations from 2001: Act amending the Act on chemical substances and preparations dated January 9, 2009, was published on January 9, 2009 (Polish Journal of Law 2009, No. 20, pos. 106).

Appendix I: Government Regulatory Key Agency Contacts

Ministry of Agriculture and Rural Development

Tel: (+48-22) 623 1510

<http://www.minrol.gov.pl/eng/content/view/full/5927>

E-mail: kancelaria@minrol.gov.pl

Office of the Chief Veterinary Officer, General Veterinary Inspectorate

Tel.: (+48-22) 623 2203/2089

Fax: (+48-22) 623 1408

<https://www.wetgiw.gov.pl/>

E-mail: wet@wetgiw.gov.pl

Main Inspectorate of Plant Health and Seed Inspection

Tel: (+48-22) 652 9290/620 2824

<http://piorin.gov.pl/>

E-mail: gi@piorin.gov.pl

Inspectorate for Trade Quality Control of Agricultural Food Products

Tel: (+48-22) 623 2900

<http://www.ijhars.gov.pl/>

E-mail: sekretariat@ijhars.gov.pl

Main Sanitary Inspection

Tel: (+48-22) 536 1302

<http://www.gis.gov.pl/?lang=en&go=news>

E-mail: inspektorat@gis.gov.pl

National Food and Nutrition Institute

Tel. (+48-22) 842 2171

<http://www.izz.waw.pl/en/>

E-mail: zbzz@izz.waw.pl

State Hygiene Office

Tel: (+48-22) 542 1328

<http://www.pzh.gov.pl/en/>

E-mail: pzh@pzh.gov.pl

For additional market access information and other related questions, please contact:

Office of Agricultural Affairs

Tel: (+48-22) 504 2336

E-mail: agwarsaw@fas.usda.gov

Attachments:

No Attachments