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Report Highlights:

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

FAIRS Annual Country Report

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Disclaimer

This report was prepared by U.S. Embassy Warsaw’s Office of Agricultural Affairs (OAA) for U.S. exporters of domestic food and agricultural products. While every possible effort was taken to ensure accuracy, some information may not have been fully available during drafting or may have changed following publication. It is highly recommended that U.S. exporters verify the full set of 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 FAIRS report prepared by the U.S. Mission to the EU’s OAA. The EU FAIRS report is available on their [webpage](#). FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Executive Summary

Poland is an EU Member State (MS) and applies all relevant EU regulations pertaining to food and feed imports. U.S. food and feed suppliers to Poland should verify with local importers and appropriate U.S. regulatory agencies regarding the most current local requirements prior to shipment. On October 8, 2020, 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. On December 3, 2020, the Government of Poland (GOP) officially postponed enforcing provisions under the 2006 Feed Act banning feed ingredients derived from biotechnology for two years. As a result, genetically engineered (GE) feed ingredients for livestock, including U.S. soybean meal, will maintain uninterrupted market access in Poland through until January 1, 2023.

Country Overview

Poland is one of the EU's fastest growing economies. Agricultural and food imports have risen quickly as Poland's growing middle class demands higher product variety, consistency, and quality. Nearly 70 percent of Polish food and agricultural imports and over 80 percent of exports are traded with other EU Member States (MSs). In 2019, U.S. food and agricultural exports to Poland surpassed \$500 million for the first time. U.S. products have strong long-term market potential in Poland's food processing, hospitality, restaurant, and retail sectors, particularly fish and seafood, tree and ground nuts, distilled spirits, wine, dried fruit, and innovative food-processing ingredients.

Section I. Food Laws:

Poland follows EU regulations governing food and agricultural imports specified within [General Food Law EC/178/2002](#). The EU's General Food Law (GFL) establishes general standards and requirements which are harmonized by MSs at the national level. The GOP is responsible for ensuring that the entire food and agricultural value chain is compliant with EU regulations.

The GFL establishes the European Food Safety Authority (EFSA) as an independent body that provides scientific analysis regarding food safety to 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 MSs. EFSA resources are available to all MSs and to other countries which apply EU food safety standards. See [here](#) for more information.

After conducting a '[fitness check](#)' of the GFL, the EC amended Regulation EC/178/2002 in June 2019 via Regulation [2019/1381](#) regarding the transparency of EU 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:

- 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.

These regulations are enforceable in all MSs without any MS-level implementing regulations.

Current Polish Food Laws

On October 8, 2020, Poland [updated](#) its 2006 Consolidated Act on Food Safety and Nutrition (in Polish language), 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 touch food. The Act is composed as follows:

1. General provisions and definitions
2. Sanitary and labeling requirements for food
3. Materials and products intended to touch food
4. Hygienic requirements
5. Official inspection on food

6. Institutional cooperation for 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 touch 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, food safety of products of animal origin, and international trade of food and feed 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 of plants and plant products, the application and production of agrochemicals, other plant-protection inputs, and the seed trade.

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 after two year 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 labeling requirements](#)
- Food Drink Europe (EU Food and Drink Industry Confederation): [Guidance on the Provision of Food Information](#)
- FoodDrink Europe (EU Food and Drink Industry Confederation): [Guidance on the Provision of Food Information to Consumers](#)

Although the objective of a “regulation” is to harmonize rules throughout the EU, the FIC regulation allows MSs 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. 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 maximum 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

Annex III to FIC Regulation 1169/2011 establishes a list of products that require a special warning on the label:

- Foods whose durability has been extended by means of **packaging gases**
- Foods containing sweeteners authorized under [Food Additives Regulation 1333/2008](#)
- Foods containing **added sugar and sweeteners** authorized under [Food Additives Regulation 1333/2008](#)
- Foods containing **aspartame** authorized under [Food Additives Regulation 1333/2008](#)

- Foods containing **more than ten percent added polyols** authorized under [Food Additives Regulation 1333/2008](#)
- Confectionery and beverages containing **licorice** (glycyrrhizinic acid or its ammonium salt)
- Beverages containing more than 150mg/l of **caffeine** and foods with added caffeine
- Foods or food ingredients with added **phytosterols, phytosterol esters, phytostanols or phytostanol esters**

Annex V to [Food Additives Regulation 1333/2008](#) requires food products containing coloring agents sunset yellow (E110), quinoline yellow (E104), carmoisine (E122), allura red (E129), tartrazine (E102), and ponceau 4R (E124) to be labeled “may have an adverse effect on activity and attention in children.”

Any non-edible parts of a packaging system that consumers could mistake for food must be labeled with the words “DO NOT EAT” and wherever possible to display a warning symbol.

Basic Laws on Food Labeling in Poland

The Ministry of Agriculture and Rural Development (MARD) regulates food product 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 food product labeling was published (Polish Journal of Law 2007, No. 137, pos. 966). The law was further amended on November 16, 2020 (Polish Journal of Law 2020, pos. 2021).

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 marketed with the “*Produkt Polski*” label should be derived from animals born in Poland 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:

- Mandatory label information presented using smaller font than those specified in applicable regulations
- Lacking complete manufacturer identification, including physical 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 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, and other consumed substances through all stages of production, processing, and distribution. Traceability allows an immediate response to potential food and feed safety risks and ensures product safety. National authorities or food businesses must identify and disclose any risks which can be traced back to its source to isolate 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 suppliers and customers in each case, as well as the nature of the product and date of delivery. Operators are also encouraged to keep records on product volumes/quantities, batch numbers (if any), and detailed product descriptions, such as whether the product 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 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 EC and MSs 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 have been prohibited since December 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 Act of October 24, 2008 amending the Act on the Commercial Quality of Food Products, which is the basic law on market quality of food products, was published on October 24, 2008 in the 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, with amendments, 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. Commission Decision 97/129/EC regulates collection, reuse, and recovery, including recycling, a voluntary identification system for packaging. 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 which touch food products. It also establishes labeling and traceability requirements and the EFSA's authorization procedures. Annex I to Regulation 1935/2004 lists the group of materials which may be subject to specific measures, which may require additional steps 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. The EC did a regulatory fitness and performance check ([REFIT](#)) of the EU's [Food Contact Material's \(FCM\) legislation](#). The evaluation process consisted of different steps and the [final report](#) was published on July 3, 2020.

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

Regulation of the Minister of Health of 15 October 2013 establishes the authorized list of substances which can touch food, the types of plastic materials permitted in food processing, and the procedures for related compliance checks.

Regulation EU/558/2010 concerning specific hygiene rules for food of animal origin was published on June 24, 2009. The Regulation specifies 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

Regulation of the Minister of Health of 15 January 2008 regulates non-plastic substances intended to touch food during food processing.

Section IV. Food Additive Regulations:

The EU's 'Package on Food Improvement Agents' includes four Regulations (1) [Regulation 1331/2008](#) which establishes a common approval process for food additives, food enzymes and food flavorings, (2) [Regulation 1332/2008 on Food Enzymes](#), (3) [Regulation 1333/2008 on Food Additives](#), and (4) [Regulation 1334/2008 on Food 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 lists (*e.g.* content, data, 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 approved additives and conditions for use in foods. Authorized additives and uses are listed according to which food categories 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, flavoring agents, 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

On May 5, 2011, the Ministry of Health (MOH) issued Polish Journal of Law 2011, No. 91, pos. 526 which regulates specific criteria on food additive purity.

Solvents

The MOH issued a regulation on solvent extractions for use in food products in February 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 September 16, 2010 which limits enriching agents, as well as conditions of use (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 (PPPs). PPPs (*e.g.* pesticides) must contain active substances approved on the active substances list as established under Commission Implementing Regulation (EU) No 540/2011 of May 25, 2011 and authorized for use in the EU.

Rules for marketing and using pesticides in Poland are regulated by the Law on PPPs (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/or 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 and without considering exposure. [Commission Regulation 2018/605](#), identifies endocrine disrupting properties under Regulation 1107/2009 on plant protection products. 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:

Poland applies a Value Added Tax (VAT) for agricultural and food products either imported or produced domestically. Poland's VAT ranges from five to 23 percent depending on the product's level of processing. There is no VAT applied related to air and sea transportation, international logistic services, and other services related to importing and exporting goods.

Poland published new VAT rates entered into force on July 1, 2020. VAT rates for breads, tropical fruits, tree nuts, groundnuts, and hops were reduced. Higher rates were applied to lobsters, oysters, and other shellfish, octopus, cumin, and saffron.

Poland also applies an excise tax, which is an indirect tax levied on certain goods including 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 MSs but cannot be lower than EU minimum levels.

Some excise products are subject to obligatory 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 November 21, 2019 (in Polish language). Poland's excise laws are in line with [Council Directive 2020/1151/EU](#) on the harmonization of the structures of excise duties on alcohol and alcoholic beverages.

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, which establishes important requirements for zootechnical and genealogical conditions for breeding, international trade of EU breeding animals, hybrid breeding pigs and germinal products thereof. In addition to EU regulations, U.S. exporters must follow Polish

regulations on imported genetic material. The Polish regulation is based on the breeding law implemented in August 2007. As per 2008/120/EC Regulation, veterinary certificates must accompany U.S. bovine semen shipments, along with documents confirming the breeding value of the bull.

Genetically Engineered (GE) Foods

Since 2006, Poland has officially opposed approving any biotechnology event at the EU level and has taken steps to make the country “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 several times. Most recently, the GOP postponed provisions of the 2006 Feed Act banning the use of GE feed ingredients for livestock, including U.S. soybean meal, until January 1, 2023. The previous postponement was scheduled to expire on January 1, 2021. For additional information regarding the GE foods please refer to related [GAIN Report](#).

Novel Foods

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

Traceability and Labeling of GE Foods



Regulation 1829/2003 (articles 12-13) regulate GE labeling for processed food products. The regulation does not require labeling for 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 keep detailed records for suppliers and buyers of GE products. 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 not for consumption (*e.g.* feedstock for biofuels), ornamental products (*e.g.* cut flowers), and food and animal feed products made from GE.

Business stakeholders must provide in writing if products consist of or contain biotech-derived materials and the unique identifiers of the events. For stacked biotech events, stakeholders 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 ensure that the words "This product contains genetically modified organisms" or "Product produced from GM (name of organism)" appear on the product label. For bulk products which are not packaged, the operator must ensure that this information is transmitted along with the product. When placing a product on the market the operator must provide in writing to the receiver each food ingredient produced from GE and each food processing raw material or ingredient derived from GE. If there is no list of ingredients, the product must bear an indication that it is produced from GE.

GE Voluntary Labeling

In 2019 Polish Parliament issued new [Act of July 13, 2019](#) (in Polish) on voluntary biotech-free labeling, which was published in the Polish Journal of Laws item 1401. The Act introduces voluntary labeling standards for GE-free food products, including for 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 labels for food and feed produced without GE ingredients, as well as to standardize labeling rules for animal-origin products. According to the MARD, the labeling scheme will raise the credibility of Polish labeling rules and increase the competitiveness of Polish foods in the domestic market.

<p>1. Draft label for GE-free plant origin foods, single or multi-component, and for GE-free feeds:</p> 	<p>2. Graphic Template for labeling food products of animal origin, certifying that no GE feed or other GE ingredients were used during production:</p> 
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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.

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](#). Applications for the protection of a trademark in all EU MSs must be submitted to the EU Intellectual Property Office ([EUIPO](#)).**Error! Hyperlink reference not valid.**

Section IX. Import Procedures:

An importer can request pre-approval prior to shipping for new-to market products by sending 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 (the COVID-19 pandemic is delaying pre-approval times) and can expedite product entry. If pre-approval clearance is not requested, full product

testing may be required which could result in product held at the border until testing is complete. Pre-approved products can be cleared at the Polish border with the following routine 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 (*e.g.* 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, while the last two digits refer to 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 customs authorities to get the proper product classification and relevant import duty. A BTI decision is legally binding in all the MSs. A BTI is valid from six to three years. 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 process 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 1997.

Products Already on 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 entered into force on April 19, 2020. [Regulation 2019/515](#) replaces Regulation 764/2008 and provides mutual recognition of lawful goods marketed in

one MS across the EU. It introduced a voluntary ‘mutual recognition declaration’ to demonstrate that their products are lawfully marketed in another EU market. More detailed information can be found on the EC’s [website](#).

Plant Products

Regulation of the MOH 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 MOH 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

Veterinary border inspection is based on the [Regulation](#) (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and PPPs. Commission Implementing [Regulation](#) (EU) 2019/1014 of 12 June 2019 details minimum requirements for border control posts. General policies and procedures of veterinary border controls are available [here](#) (in Polish language).

Chemical Substances and Preparations

The regulation concerning chemical substances and preparations introduced into Poland was published on January 9, 2009 (Polish Journal of Law 2009, No. 20, pos. 106). It amended the January 9, 2009, Act on Chemical Substances and Preparations.

Section X. Trade Facilitation:

Poland’s agricultural trade has been increasing over the years, supported by 2004 EU accession, as well as partnership to Free Trade Agreements the EU has [signed](#).

Poland, within an overall EU acceptance process, [ratified](#) the World Trade Organization’s Trade Facilitation Agreement (TFA) on October 5, 2015. In 2021, the TFA’s most noticeable EU-level affect will be smoother electronic customs clearance correspondence between customs office, importers, exporters other MSs.

Commission Implementing [Regulation](#) (EU) 2019/1715 of 30 September 2019 establishes rules for the information management system for official controls and border inspection systems components for products imported from non-EU countries. Since December 14, 2019, the TRACES system has used Common Health Entry Document (CAHD) for pre-notification and border inspection of imported products. Due to the lack of an agreement on electronic signatures, documents accompanying consignments via TRACES must also be printed on paper and signed by relevant U.S. authorities.

In Poland, border inspection should be completed within 24 hours from the moment of declaring the shipment for inspection. The duration of inspection may be extended pending any need to take and analyze product samples. MARD sets border inspection fees for food and agricultural products.

On May 1, 2019, Polish Customs Authorities activated Automated Import System ([AIS](#)), which is an information system dedicated to handling customs declarations and statistical information. AIS involves the development of a paperless environment for handling operations related to goods brought into the customs territory of the EU. Documents required by the AIS system are specified in the Polish Journal of Law [Dz.U. 2018 poz. 2262](#) (in Polish language) based on EU's regulations [\(EU\) 2015/2447](#) and [\(EU\) 2015/2446](#).

Poland's switch to electronic documentation for customs clearance has improved clearance efficiency. All leading Polish importers work with private Customs Clearance Agents who subscribe to Polish Customs on-line network, making the clearance process efficient. In general, Polish importers do not inform Post about administrative delays or problems with inspection of shipments at the border inspection posts. The most frequent issue in the customs clearance procedure is the lack of appropriate [HS](#) code in documentation. In case a Polish importer (registered in Poland's Customs [EORI database](#)) would want to obtain a binding tariff information ([BTI](#)) from Polish Customs office the procedure can take up to 120 days.

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