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Poland

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

All sections were updated. Poland applies EU directives and regulations with but a few exceptions. U.S. suppliers should verify with the respective FSIS or APHIS Inspection offices or the importer for latest EU/Polish import requirements prior to export. The EU Food and Agricultural Import Regulations and Standards (FAIRS) report for EU-27, prepared by the US Mission to the EU in Brussels, available at www.fas.usda.gov/posthome/useu/fairs.html, should be reviewed in conjunction with this report.

Section I. Food Laws:

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

Attention Exporters: In 2010 there have been increasingly frequent situations where exporters have had cargos stopped at the borders of Poland because past practices and forms have been overtaken by imposition of the EU system. This occurred with transshipments of beef, pork, and poultry across Poland to non-EU destinations, direct exports to Poland of bovine genetics. Exporters should be aware and check with the FSIS & APHIS Export Libraries or be in contact with your importer for the most recent EU regulations.

Based on the EU single market principle, Poland, as a member of the EU, mostly adheres to EU regulations governing agro-food imports. [Regulation \(EC\) 178/2002](#) (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation.

Exceptions can occur when a member state can substantiate a health concern about a product; a member state can apply leeway (actual or perceived) in how to interpret an EU directive; and when harmonized EU legislation is lacking, for example, for vitamins, minerals, and pesticide residues. Wide variations in inspection fees, in registration fees and in the time required to evaluate ingredients also exist between member countries. For these reasons, exporters are strongly encouraged to work closely with local importers.

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

Current polish food laws:

On August 25, 2006, the regulation governing food products contained in the Polish Food Safety Law (*Ustawa o bezpieczeństwie żywności i żywienia*) was published (Polish Journal of Law 2006, No 171, pos. 1225). The text of that law (link in Polish only) can be found at:
<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20061711225&min=1>

On January 8, 2010, modifications to the 2006 Polish Food Safety Law were published (Polish Journal of Law 2010, No 21, pos 105). The text of that law (link in Polish only) can be found at:
<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20100210105+2010%2403%2411&min=1>

The act came into force on January 20, 2011.

The 2010 modification to the Polish Food Safety Law made necessary brought Poland into compliance with current European Union regulations (Official Journal of the European Communities, 8 February 2010). Removed was the obligation for catering outlets to keep food samples and separate records for sanitary control checkups. Expanded was the list of entities for which registration was sufficient without further approval of the establishment. Registration was only needed (without approval of the establishment) for farmhouses, entities producing grape wine with their own crop of less than 1000 hl / year, pharmacies, pharmaceutical outlets, pharmaceutical wholesalers, herbal shops or businesses engaged in sales of products other than food and producing microbiologically stable packaged foods. Required was documentation confirming the health of people working in contact with food to be kept at the place of employment and to be available on request from official organs of control. Entrepreneurs who wished to notify the Chief Sanitary Inspector on the introduction of certain foods (including dietary supplements and enriched food) would have to notify via hard copy and electronic forms. Finally, expanded was the list of foodstuffs intended for particular nutritional uses. The 2010 modification introduced a definition of aroma (aroma substance). The definition is in line with the EU definition (Regulation (EC) 1334/2008).

New regulation of Minister of Health on products entering the polish market for the first time:

“Rozporządzenie Ministra Zdrowia z dnia 23 marca 2011 r. w sprawie wzoru formularza powiadomienia o produktach wprowadzonych po raz pierwszy do obrotu na terytorium Rzeczypospolitej Polskiej, rejestru produktów objętych powiadomieniem oraz wykazu krajowych jednostek naukowych właściwych do wydawania opinii” (Polish Journal of Law 2011, No. 80, pos. 437) was published on March 23, 2011. The text of that law (link in Polish only) can be found at:

<http://isip.sejm.gov.pl/DetailsServlet?id=WDU20110800437+2011%2404%2430&min=1>

On October 8, 2009, the basic law on imported food products and their minimum amount which must be subjected to quality control: *Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi w sprawie wykazu artykułów rolno-spożywczych przywożonych zza granicy oraz ich minimalnych ilości podlegających kontroli jakości handlowej z dnia 8 października 2009r*, was published (Polish Journal of Law 2009, No. 176, pos. 1368). The text of that law (link in Polish only) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20091761368>

In July 2010, Regulation (EC) No 258/97 was amended to prohibit use of nanotechnology in food production until the new technology's safeness could be fully confirmed.

Food control in Poland:

The official food control in Poland is related to the following authorities:

- Agricultural and Food Quality Inspection
- State Sanitary Inspection
- Office of Competition and Consumer Protection
- State Veterinary Inspection
- Main Inspectorate of Plant Health and Seed Inspection

State Sanitary Inspection - Państwowa Inspekcja Sanitarna (PIS) holds responsibility for supervising the quality of food, materials, or products intended to come in contact with food. If products are of animal

origin – controls are conducted by the authorities of the State Veterinary Inspection – Państwowa Inspekcja Weterynaryjna (PIW). Food control (no meat included) is conducted appropriately by inspectors from Sanitary-Epidemiological Stations in districts of coverage.

The Agricultural and Food Quality Inspection (IJHARS) performs all tasks specified in the Act of Commercial Quality of Agricultural Food Products and up to 150 national and European Community regulations. The Agricultural and Food Quality Inspection (IJHARS) activities are aimed at protection of domestic products (for example inspection on organic farming and regional or traditional products), at facilitation of exports, at quality control (fresh fruit and vegetables, meat, hop products, genetically modified products, wine, fertilizers) and at national cooperation with the international organizations dealing with food standards. The IJHARS is responsible to the Minister of Agriculture.

The Agricultural and Food Quality Inspection tasks include:

- quality control of food in production and sales, including exported products
- quality control of imported food products, including border control of these articles,
- evaluating and issuance of certificates in terms of quality of food articles
- controlling conditions of storage and transport of food
- cooperating with official control units in other countries, including exchange of information and food samples
- working with The Office of Competition and Consumer Protection which also supervises the quality of food products in the retail trade
- reporting Infringements of EU food and feed legislation through the Rapid Alert System on Food and Feeds (RASFF)

Main Sanitary Inspection (GIS)	State Veterinary Inspection (PIW)	The Agricultural and Food Quality Inspection (IJHARS)
Contact: Mr. Przemysław Biliński Chief Sanitary Inspector Tel: +48 22 536 13 02 Main Inspectorate Tel. +48 22 536 13 00 65 Targowa St. 03-729 Warsaw Poland Email: inspektorat@gis.gov.pl	Contact: Mr. Janusz Związek, CVO General Veterinary Inspector Tel.: +48 22 623 22 03 Email: janusz.zwiazek@wetgiw.gov.pl Main Inspectorate 30 Wspólna St. 00-930 Warsaw Poland Tel. +48 22 623 20 89 Fax. +48 22 623 14 08 Email: wet@wetgiw.gov.pl	Contact: Mrs. Marzena Chacińska Director of International Cooperation Department Tel. +48 22 623 29 02 Email: mchacinska@ijhars.gov.pl Main Inspectorate 30 Wspólna St. 00-930 Warsaw Poland Tel. +48 22 623 29 00 Fax. +48 22 623 29 98 Email: sekretariat@ijhars.gov.pl

In 2011, works on the project of the new law on National Food and Veterinary Safety Inspection were initiated. The law is a result of planned consolidation of State Veterinary Inspection, Main Inspectorate of Plant Health and Seed Inspection and Agricultural and Food Quality Inspection. The Inspection is to maintain complex supervision and establish transparent rules of control. It is yet unknown as to when the new Inspection will come into being. Similar initiative has already appeared in the past and was not

enforced.

Section II. Labeling Requirements:

General Requirements

Poland adheres to the EU regulation on the composition and labeling of dietary supplements. During May 2010 Poland implemented provisions of Regulation No. 1170/2009 of 30 November 2009.

Implementation included a temporary period for dietary supplements labeled in accordance with the previous RDA values. Upon completion of this period, products holding older labels must be removed from the market.

General provisions for labeling, presenting, and advertising of pre-packaged foodstuffs marketed in the EU are laid down in [European Parliament and Council Directive 2000/13/EC](#). Foodstuffs intended for sale to the ultimate consumer, for restaurants, hospitals and other mass caterers must comply. The standard U.S. label fails to comply with EU labeling requirements.

The EU new regulation on food labeling ([Regulation \(EU\) No 1169/2011](#)) was adopted on 29 September 2011 and published in the Official Journal on 22 November 2011 and came into force on 12 December 2011. The Regulation can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

The Regulation shall apply and become effective from December 13, 2014 (with an exception of the new mandatory nutrition labeling requirement which shall apply from December 13, 2016).

The Regulation 1169/2011 deals with the issues of label visibility, font size, font and background contrast. It also regulates the obligation to additionally inform about allergens (additionally in relation to the ingredients list). According to the new Regulation, the obligation of country of origin labeling was extended to fresh meat: pork, poultry meat, goat meat and lamb. However, it will not apply to processed food and dairy products. The new Regulation introduces the obligation to inform about nutritive value. Due to the new Regulation it will be easier to distinguish products that are similar to other products but that are produced from different ingredients, eg. cheese-like products.

Basic law on food labeling in Poland:

Polish labeling regulations follow EU labeling standards. On July 31, 2007, the basic law on food labeling: *Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 10 lipca 2007 r. w sprawie znakowania środków spożywczych* was published (Polish Journal of Law 2007, No. 137, pos. 966). The text of that law (link in Polish only) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20071370966&min=1>

Law on food labeling in Poland is also regulated by the [Polish Food Safety Law](#) (Polish Journal of Law 2006, No 171, pos. 1225). Amendments from January 8, 2010: [Modification to the Polish Food Safety Law](#) of 2006: (Polish Journal of Law 2010, No 21, pos. 105).

Food labeling by nutritive value:

On July 25, 2007, the law on food labeling by nutritive value: *Rozporządzenie Ministra Zdrowia z dnia*

25 lipca 2007 r. w sprawie znakowania żywności wartością odżywczą was published (Polish Journal of Law 2007, No 137, pos. 967) was published. The text of that law (link in Polish only) can be found at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20071370967>

Amendment was published on January 8, 2010 to the Polish law on food labeling by nutritive value (Polish Journal of Law 2010, No 21, pos. 105) and can be found at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20100090063+2010%2401%2422&min=1>

Food labeling of supplements and foodstuffs for particular, nutritional use:

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

On May 18, 2010, the regulation changing the composition and labeling of dietary supplements: *Rozporządzenie Ministra Zdrowia z dnia 18 maja 2010 r. zmieniające rozporządzenie w sprawie składu oraz oznakowania suplementów diety* was published (Polish Journal of Law, No. 91, pos. 596). The text of that law (link in Polish only) can be found at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20100910596>

On September 16, 2010, a new regulation on foodstuffs for special nutritional diet: *Rozporządzenie Ministra Zdrowia z dnia 16 września 2010 r. w sprawie środków spożywczych specjalnego przeznaczenia żywieniowego* (Polish Journal of Law 2010, No. 180, pos. 1214) was published. The text of that law (link in Polish only) can be found at: <http://isip.sejm.gov.pl/DetailsServlet?id=WDU20101801214&min=1>

The 2010 regulation changed the previous regulation on foodstuffs intended for special nutritional diet from 2007.

Compulsory Information:

Compulsory **information must appear in Polish language** on the pre-packaging or on a label attached to it (sticker). The information must be marked in such a way that it is easily visible, clearly legible, and indelible. The Regulation 1169/2011 emphasizes the visibility of information on label was introduced on December 12, 2011. The information must be presented in a visible and legible way. The aspects of contrast with the background and minimal font size were also regulated.

- ◆ Product name - should clearly inform the buyer about the type of foodstuff, should clearly differentiate it from other similar foods, and should clearly contain information on the form of food or processes used in production. The upcoming Regulation 1169/2011 pays special attention to differentiation foodstuff from other similar foods.
- ◆ List of ingredients, in descending order of weight – should include permitted additional substances and allergenic ingredients present in the product, even in modified form (i.e., soy lecithin). The following ingredients require a specific statement on the label: GMO's, packaging gases, sweeteners, certain food colorings, aspartame and polyols, quinine and caffeine, phytosterols and phyostanols and

licorice. According to the upcoming Regulation, the presence of nano-ingredients must be included on the ingredients list.

◆ Nutritive value – The Regulation 1169/2011 introduces the obligation to inform about nutritive value of the product. The information must include: energy value, fat, saturated fatty acids, carbohydrates, sugars, protein and salt. The information must be presented as calculated per 100 g or 100 ml and additionally it can be presented as a Recommended Daily Intake (RDI). The obligation to inform about nutritive value will not apply to some products, e.g. unprocessed food or foodstuffs containing low energy value (e.g. spices, tea or coffee).

◆ Allergens: Annex IIIa to Directive 2000/13/EC lists the groups of potential allergenic ingredients which must be indicated on food labels: cereals containing gluten, crustaceans, eggs, fish, peanuts, soybeans, milk and dairy products (including lactose), nuts and nut products, sesame seeds, lupine and products thereof, mollusks and products thereof and sulfite at concentrations of at least 10 mg per kg or 10 mg/l, celery, and mustard. Allergen labeling also applies to alcoholic beverages. [GAIN report E36066](#) lists the different languages that the EU member states will accept for the purpose of allergen labeling of wine. New EU Wine Labeling Rules (2009) can be located at: [GAIN Report E49061](#).

The Regulation 1169/2011 takes stricter approach towards informing consumer about allergens and some substances which may not be tolerated. The obligation to inform about allergens will concern the goods sold in bulk as well. The information about allergens is to be clearly visible on the label.

In line with [Commission Regulation \(EU\) No 1266/2010 of 22 December 2010 amending Directive 2007/68/EC as regards labeling requirements for wines](#), since January 1, 2011, wines fined with egg and milk derivatives must be labeled for allergens.

The text of that regulation can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:347:0027:0028:EN:PDF>

Guidelines for the implementation of the allergen labeling rules are available on the European Commission's website at:

http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/guidelines_6_10.pdf.

These guidelines also specify in which cases derogations may be accepted: for foodstuffs for which no ingredients list is required, for sub ingredients of certain compound ingredients, for ingredients which belong to well defined categories and for substances that are not regarded as ingredients. Commission [Directive 2007/68/EC](#) (amended by [Commission Regulation 415/2009](#)) establishes a list of ingredients and substances which are permanently exempted from the mandatory allergen labeling requirement (for more information see [GAIN report E47105](#)).

◆ Certain ingredients may be designated by the name of the category rather than the specific name (Annex I to Directive 2000/13/EC). These include fats, oils (note that peanut oil is also subject to the new allergen rules), starch, fish, cheese, spices, herbs, gum bases, crumbs, sugar, dextrose, glucose syrup, milk proteins, cocoa butter, crystallized fruit, vegetables and wine. Directive 2001/101/EC adds meat as a category and defines the term "meat" for the labeling of pre-packed meat-based products (for

more information see [GAIN report E23004](#)).

- ◆ Date of minimum durability: Poland strictly enforces the EU date format requirement of: dd/mm/year. The shelf life is indicated by words "Best before..." ("*Najlepiej spożyć przed dd/mm/year*") when the date includes an indication of the day; "Best before end of..." ("*Należy spożyć do dd/mm/year*") in other cases (e.g. for very perishable foods). Storage and use instructions must also appear on the label, as necessary.
- ◆ Name or business name and address of the manufacturer, packager, or the seller established within the Community.
- ◆ Details of the place of origin; the absence of such information might mislead the consumer. The new Regulation extended the obligation of country of origin labeling to fresh meat: pork, poultry meat, goat meat, and lamb.
- ◆ Net quantity of prepackaged foodstuffs expressed in metric units (liter, centiliter, milliliter, kilogram, or gram).
- ◆ Special storage conditions or conditions of use - if the food label contains information about the date and shelf-life and also when the quality of the food significantly depends on the conditions of storage;
- ◆ Instructions for use.
- ◆ The actual alcoholic strength for beverages containing more than 1.2 percent alcohol by volume.
- ◆ A mark to identify the lot to which a foodstuff belongs, determined by the producer, manufacturer or packager or by the first seller in the EU. The marking must be preceded by the letter "L," except in cases when it is clearly distinguishable from other indications on the label. The lot identification is not necessary if the date (day and month) of minimum durability or "use by" date, appears in un-coded form on the label.
- ◆ Treatments undergone, with specific indications for irradiated foods and deep-frozen foods
- ◆ Description how to prepare or use, if there is no information here, it could result in inappropriate conduct with the foodstuff, such as "eat cooked".
- ◆ Batch designation - information about the batch, certain quantity of the products manufactured, processed, or packaged having a uniform quality.
- ◆ Quality grade - if it was fixed in the regulations on the detailed requirements for the quality of food products or their groups.

In addition, it is permitted to label the packaged foodstuff, with a surface area of less than 10 cm, by giving, at the minimum, the following information:

- 1) name of food product
- 2) date of minimum durability
- 3) a net quantity or a number of foodstuff pieces packed

Beside the manufacturer's name or business name the address is required for a complete identification of the manufacturer.

Note: the use of the EAN (**European Article Number** - renamed **International Article Number**) product coding system is not regulated by EU law. However, this bar code system is commonly used in the EU to fulfill the traceability requirement, which became mandatory on January 1, 2005.

Labeling irregularities

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

- Lack of complete identification of the manufacturer, for example: no address, no contact information
- Giving incorrect information on the composition of the foodstuff, such as 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"
- Giving misleading information in the matter of composition, nature and source of the foodstuff, such as inscription: "Bio ..." on non-organic product, suggesting that the product is environmentally friendly
- Using graphic signs suggesting that the product is a different product than it is, for example, the image of ham and sausages on the offal packaging
- 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
- In the case of fruit and vegetables - lack of qualitative characteristics of products (grade, size, if sorted by plurality) as well as type name
- Another type of incompatibility relate to physical and chemical parameters or sensory evaluation

Recent changes in labeling following EU regulations:

The regulation from 2003 (Polish Journal of Law 2003, No 177, pos. 1735) concerning labeling of

juices produced wholly or partly from concentrated juices was changed in 2010 by the “*Rozporządzenie Ministra Rolnictwa i Rozwoju Wsi z dnia 21 kwietnia 2010 r. zmieniające rozporządzenie w sprawie szczegółowych wymagań w zakresie jakości handlowej soków i nektarów owocowych*” (Polish Journal of Law 2010, No 88, pos. 579). The text of the regulation (in Polish) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20100880579>

The legislation came into force on 1 January 2011.

B. Medical / Health / Nutrition Claims

Commission Regulation 1924/2006 concerning the nutrition and health claims in foodstuffs: published on December 20, 2006. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0009:0025:EN:PDF>

Commission Regulation 353/2008 concerning the implementing rules in authorization of health claims in foodstuffs: published on April 18, 2008. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:109:0011:0016:EN:PDF>

Regulation was amended - (Commission Regulation (EC) No 1169/2009 of 30 November 2009):

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:314:0034:0035:EN:PDF>

Commission Regulation 983/2009 on the authorization and refusal of authorization of certain health claims made on food and referring to the reduction of disease risk and to children's development and health: published on October 21, 2009. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:277:0003:0012:EN:PDF>

Followed with amendment:

Commission Regulation (EU) No 376/2010 of May 3, 2010

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:111:0003:0004:EN:PDF>

Examples of health claims rejected by the Polish authorities:

“Lactobacillus plantarum 299v (DSM 9843) enhances iron absorption”;

“This product reduces feeling of hunger (for the milk product which is high in fiber and protein)”;

“Periobalance gum combined with proper oral hygiene helps to restore the microbial balance in your mouth and improve oral health”;

“Black tea helps to focus attention”;

“Lactoral is recommended to improve the overall immunity by maintaining the microbial balance”;

“Mum omega contains nutrients that support healthy development of the central nervous system”;

Examples of approved health claims:

“Chewing gum sweetened with xylitol in 100% - reduces dental plaque”;

“Phosphorus is needed for proper growth and bone development for children”;

Section III. Packaging and Container Regulations:

Materials other than plastics

Regulation of Minister of Health concerning the list of substances intended for food contact and permitted in manufacturing or processing of materials and products from other materials than plastics (*“Rozporządzenie Ministra Zdrowia z dnia 15 stycznia 2008 r. w sprawie wykazu substancji, których stosowanie jest dozwolone w procesie wytwarzania lub przetwarzania materiałów i wyrobów z innych tworzyw niż tworzywa sztuczne przeznaczonych do kontaktu z żywnością”*) was published on January 15, 2008 (Polish Journal of Law 2008, No. 17, pos. 113). The text of that law (Polish link translated) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20080170113>

Plastic materials

Regulation of Minister of Health concerning the list of substances intended for food contact and permitted in manufacturing or processing of plastic materials and the methods of checking of compliance of those products within the set limits, published on June 22, 2007 (Polish Journal of Law 2007, No 129, pos. 904) was amended on April 12, 2011 (*“Rozporządzenie Ministra Zdrowia z dnia 12 kwietnia 2011 r. zmieniające rozporządzenie w sprawie wykazu substancji, których stosowanie jest dozwolone w procesie wytwarzania lub przetwarzania materiałów i wyrobów z tworzyw sztucznych, a także sposobu sprawdzania zgodności tych materiałów i wyrobów z ustalonymi limitami”*) (Polish Journal of Law 2011, No 85, pos. 467). The text of that law (Polish link translated) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20110850467>

List of added substances, permitted for use in the manufacturing or processing of materials and plastic products, as well as determining the compatibility of these materials and products with the specified limits was published on October 18, 2009 (Commission Regulation (EC) No 975/2009). The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:274:0003:0008:EN:PDF>

Commission Regulation 282/2008 concerning materials and plastic products recycled designed for the contact with food: published on March 27, 2008. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:086:0009:0018:EN:PDF>

Commission Regulation 450/2009 concerning active and intelligent materials and products designed for the contact with food: published on May 29, 2009. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:135:0003:0011:EN:PDF>

Commission Regulation 558/2010 concerning specific hygiene rules for food of animal origin was published on June 24, 2009. The Regulation specifies new requirements in terms of temperature and microbiological criteria in the production of foie gras, meat from poultry and lagomorphs, 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. The requirements for the transport of live bivalve mollusks in containers are tightened and the specification of raw materials used for gelatin production is changed.

The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:159:0018:0021:EN:PDF>

Commission Regulation (UE) 10/2011 on plastic materials and articles intended to come into contact with food published on January 14, 2011 was amended by Commission Regulation (UE) 1282/2011 of November 28, 2011. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:328:0022:0029:EN:PDF>

Section IV. Food Additives Regulations:

Additives perform certain functions for the final product in consumption and must be mentioned on the label in the product composition, while substances helping in processing are just to facilitate manufacture and are not required to be mentioned on the label.

Regulation on permitted additives

Regulation of the Minister of Health on permitted additives was published on April 22, 2011 (*Rozporządzenie Ministra Zdrowia z dnia 22 kwietnia 2011 r. zmieniające rozporządzenie w sprawie dozwolonych substancji dodatkowych*) in Polish Journal of Law 2011, No. 91, pos. 525, available via Polish language link:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20110910525>

Regulation on specifications and criteria of purity of additives

Regulation of the Minister of Health on specifications and criteria of purity of additives: *Rozporządzenie Ministra Zdrowia z dnia 12 października 2007 r. w sprawie specyfikacji i kryteriów czystości substancji dodatkowych* which was published on October 12, 2007 was amended on December 23, 2010 (Polish Journal of Law 2011, No. 2, pos. 3) and changed on April 22, 2011 (*“Rozporządzenie Ministra Zdrowia z dnia 22 kwietnia 2011 r. zmieniające rozporządzenie w sprawie specyfikacji i kryteriów czystości substancji dodatkowych”*) (Polish Journal of Law 2011, No. 91, pos. 526). The text of that law (link in Polish language only) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20110910526>

Solvents:

Regulation of the Minister of Health on solvent extraction, which can be used in the production of food: *Rozporządzenie Ministra Zdrowia z dnia 4 września 2008 r. w sprawie rozpuszczalników ekstrakcyjnych, które mogą być stosowane w produkcji żywności*, published on September 4, 2008 (Polish Journal of Law 2008, No 177, pos.1093) was changed by the Regulation of the Minister of Health of February 18, 2011 (*“Rozporządzenie Ministra Zdrowia z dnia 18 lutego 2011 r. zmieniające rozporządzenie w sprawie rozpuszczalników ekstrakcyjnych, które mogą być stosowane w produkcji żywności”*) (Polish Journal of Law 2011, No 52, pos.272). The text of that law (link in Polish language)

can be found at:

<http://isip.sejm.gov.pl/DetailsServlet?id=WDU20110520272&min=1>

Aromas:

Regulation of the European Parliament and of the Council (EC) No 1334/2008 on flavorings and certain food ingredients with flavoring properties for use in and on foods was published on December 16, 2008.

The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0034:0050:en:PDF>

Enriching substances

Regulation of the Minister of Health on enriching substances added to food: *Rozporządzenia Ministra Zdrowia z dnia 19 grudnia 2002 r. w sprawie substancji wzbogacających dodawanych do żywności i warunków ich stosowania* was published on December 19, 2002 (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). The text of that law (link in Polish language) can be found at:

<http://isip.sejm.gov.pl/DetailsServlet?id=WDU20101741184&min=1>

Dietary supplements

Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods was published on December 20, 2006.

The text can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0026:0038:EN:PDF>

Commission Regulation No. 1170/2009 of November 30, 2009 concerning the list of vitamins, minerals and their chemical forms that can be used in the manufacture of dietary supplements, as well as the chemical forms of vitamins and minerals that can be added to food; The text of that regulation can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:314:0036:0042:EN:PDF>

Specific nutritional purposes

Commission Regulation (EC) No 953/2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses was published on October 13, 2009. The text of the regulation can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:269:0009:0019:EN:PDF>

Additives

The Regulation of the Minister of Health of 18 September 2008 concerning the allowed additives (*“Rozporządzenie Ministra Zdrowia z dnia 14 stycznia 2009 r. w sprawie wprowadzenia do obrotu i stosowania w żywności na terytorium Rzeczypospolitej Polskiej określonych substancji dodatkowych”*) (Journal of Laws 2009, No. 17, Item 96) with amendment from August 9, 2010 specifies the list of additives which can be used in Poland under other conditions than in the EU.

Tables all included in polish link:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20090170096>

Using or introducing dyes for maturing cheese analogues and fermented wine in the territory of Poland, the conditions other than those in the EU:

Foodstuff	Substance number according to the European Union coding system	Substance name	Maximum acceptable levels
Ripened cheese analogues (cheese-like products)	E160a	Carotenes	<i>quantum satis</i>
	E 160c	Paprika extract	
	E 160b	Annatto, bixin, norbixin	15 mg/kg
Flavored Polish wine, Wine-like fruit drinks, including flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks	E 100	Curcumin	200 mg/l
	E 102	<u>Tartrazine</u>	
	E 104	Quinoline yellow	
	E 110	Sunset yellow FCF, Sunset yellow F	
	E 120	Cochineal, <u>Carminic acid</u> , Carmines	
	E 122	<u>Carmoisine</u> , <u>Azorubine</u>	
	E 124	Cochineal Red A, <u>Ponceau 4R</u>	
	E 129	Allura red AC	
	E 131	<u>Patent Blue V</u>	
	E 132	Indigotine, <u>Indigo carmine</u>	
	E 133	<u>Brilliant Blue FCF</u>	
	E 142	<u>Green S</u>	
	E 151	<u>Brilliant Black BN</u> , Black PN	
	E 155	<u>Brown HT</u>	
	E 160d	<u>Lycopene</u>	
	E 160e	<u>Beta-apo-8'-carotenal</u>	
	E 160f	<u>Ethyl ester of beta-apo-8'-carotenic acid</u>	
	E 161b	Lutein	

Conditions (other than those in the EU) for using sweeteners to certain fermented wine:

Foodstuff	Substance number according to the European Union coding system	Substance name	Maximum acceptable levels
Wine-like fruit drinks, including flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks	E 950	<u>Acesulfame potassium</u>	350 mg/l
	E 951	Aspartame	600 mg/l
	E 954	<u>Saccharin</u> and its sodium, potassium and calcium salts	80 mg/l
	E 959	<u>Neohesperidine DC</u>	20 mg/l
	E 955	<u>Sucralose</u>	50 mg/l
	E 962 ¹⁾	<u>Aspartame-acesulfame salt</u>	350 mg/l ²⁾

¹⁾ Specific maximum acceptable levels of aspartame-acesulfame salts are derived from specific maximum acceptable levels of its components: aspartame (E 951) and acesulfame K (E 950). The maximum acceptable levels specified for aspartame (E 951) and acesulfame K (E 950) may not be exceeded as a result of the use of aspartame and acesulfame salts individually or combined with E 950 or with E 951.

²⁾ Maximum acceptable level as per acesulfame K.

Conditions (other than those in the EU) for using certain food additives other than those in EU:

Foodstuff	Substance number according to the European Union coding system	Substance name	Maximum acceptable levels
Ripened cheese analogues (cheese-like products)	E 170	<u>Calcium carbonate</u>	<i>quantum satis</i>
	E 500ii	<u>Sodium bicarbonate</u>	<i>quantum satis</i> (applicable only to cheese from sour milk)
	E 504	<u>Magnesium carbonates</u>	<i>quantum satis</i>
	E 509	Calcium chloride	
	E 575	<u>Glucono delta-lactone</u>	
Sliced and grated ripened cheese analogues (cheese-like products)	E 170	Calcium carbonate	<i>quantum satis</i>
	E 460	Cellulose	
	E 504	Magnesium carbonates	

	E 509	Calcium chloride	
	E 575	Glucono delta-lactone	
Ripened cheese analogues (cheese-like products)	E 234	Nisin ¹⁾	12.5 mg/kg
Ripened cheese analogues (cheese-like products), onto the surface only	E235	Natamycin	1 mg/dm ² surface (none in the 5 mm surface product layer)
Ripened cheese analogues (cheese-like products)	E 1105	Lysosyme	<i>quantum satis</i>
Fermented wine products with sugar content not lower than 5 g/l	E 242	Dimethyl dicarbonate	200 mg/l, quantity added to the drink, residue: not detectable
Polish wine, Flavored Polish wine, Wine-like fruit drinks, including flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks, Alcohol-free fruit wine, Flavored fruit wine	E 220	Sulfurous acid anhydride (Sulfur dioxide)	200 mg/l
	E 221	Sodium sulfite	
	E 222	Sodium bisulphite	
	E 223	Sodium metabisulphite	
	E 224	Potassium metabisulphite	
	E 226	Calcium sulphite	
	E 227	Calcium hydrogen sulphite	
	E 228	Potassium hydrogen sulphite	
Polish wine, Flavored Polish wine	E 353	Metatartaric acid	100mg/l

¹⁾ Nisin may be naturally present in certain cheese products as a result of fermentation processes.

Conditions (other than those in the EU) for using preservatives:

Foodstuff	Maximum level (mg/kg or mg/l, respectively)					
	Sa ¹⁾	Ba ¹⁾	PHB ¹⁾	Sa+Ba	Sa + PHB	Sa + Ba + PHB
Packaged, sliced ripened cheese analogues (cheese-like products)	1000					
Ripened cheese analogues (cheese-like products), sandwiched and with foodstuffs added	1000					

Polish wine, Flavored Polish wine, Wine-like fruit drinks, including flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks Flavored fruit wine	200					
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¹⁾ Acronyms according to table 3 of Appendix 4 to the Regulation of the Minister of Health of 18 September 2008 concerning the allowed additives (Journal of Laws No. 177, Item 1094).

Notes:

1. Maximum levels of all the aforementioned substances are given as per the free acid.
2. The acronyms used in the table have the following meaning:
 - a. Sa + Ba: Sa and Ba used individually or combined.
 - b. Sa and PHB used individually or combined.
 - c. Sa + Ba + PHB: Sa, Ba and PHB used individually or combined.
- 3) Maximum levels of the use indicated refer to foodstuffs ready for consumption, prepared according to manufacturers' instructions.

These commonly used colorants are approved in EU and in Poland:

E100	Curcumin/Turmeric
E102	Yellow # Tartrazine
E110	Yellow #6 Sunset Yellow
E129	Red #40 Allura Red
E132	Blue #2 Indigo Carmine
E133	Blue #1 Brilliant Blue
E150	Caramel color Caramel
E171	Titanium Dioxide Titanium Dioxide

Approved/disapproved additives:

Erythritol sweetener (E 968) is currently approved for use in foods in the EU, with exception for use in drinks.

Commission's Decision (2010/228/EU) authorizes introduction of concentrate of the morinda citrifolia fruits. It can be in the market in the EU as a new food ingredient in certain types of foods, including dietary supplements.

Monometylsilanetriol (MSS) - organic silica - in specific nutritional purposes for food supplements remains still prohibited.

EFSA decided to reduce up to half of the current ADI (acceptable daily intake) for the bronze HT (E 155) - (up to 1.5 mg / kilo m. c). The ADI for the BN (E 151) has not changed (5 mg / kilo).
A breakthrough in the market of sweeteners in EU - Stevia extracts received positive opinion by the EFSA. The evaluation was made for the whole family of steviol glycosides derived from stevia, except for Rebaudiozyd A, which was recently approved by the U.S. FDA (Food and Drug Administration) as a positive. Steviol glycosides extracted from the stevia plant have been approved for use as non-caloric sweeteners in the European Union, according to the Official Journal of the European Union on November 12, 2011. As a result, products sweetened by steviol glycosides may be available to

European consumers since December 2, 2011, according to the International Stevia Council.

The specifications and criteria changing for such additives: mannitol sweetener, riboflavin, nisin, sodium and potassium alginate, carrageenan, guar gum, beeswax. In addition, the criteria for the biphenyl and thiabendazole were repealed - these are no longer permitted. Polish Journal of Law No. 23 of 12 February 2010, Pos no. 120, in accordance with Community directives - (No 2008/60/EC, 2008/84/EC, 2008/128/EC, 2009/10/EC).

Regulation of the Minister of Health - according to [Directive 2009/39/EC](#) – on the adding requirements in terms of quality protein used in preparations for the infant and to extend the list of nutrients used in preparations for the initial and continued feeding of infants with L-arginine and its hydrochloride. The regulation entered into force on February 17, 2010.

The information about positive and negative list of additives can be located at The European Food Safety Authority's web page <http://www.efsa.europa.eu/>. EFSA is the keystone of European Union (EU) risk assessment regarding food and feed safety. In close collaboration with national authorities and in open consultation with its stakeholders, EFSA provides independent scientific advice and clear communication on existing and emerging risks.

Section V. Pesticides and Other Contaminants:

Regulation of the Minister of Health on the permitted additives in Poland: *Rejestr środków ochrony roślin dopuszczonych do obrotu i stosowania* was published on September 18, 2008 (Polish Journal of Law 2008, No. 177, pos. 1094). Excel version.

<http://www.bip.minrol.gov.pl/strona/DesktopDefault.aspx?TabOrgId=647>

Permits regarding usage of pesticides for certain plant protection products (2 tables in polish).

<http://www.bip.minrol.gov.pl/strona/DesktopDefault.aspx?TabOrgId=647>

Commission Regulation 1881/2006 of December 19, 2006, concerning set of maximum levels for certain contaminants in foodstuffs, was changed on April 29, 2011 by Commission Regulation 420/2011. The text of that law can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:111:0003:0006:PL:PDF>

Section VI. Other Regulations and Requirements:

Poland applies a Value Added Tax (VAT) for agricultural and food products. The VAT is applied to both imported and domestically produced products and it ranges from 5 to 23 percent depending on the product. The quoted rates will be applicable from January 1, 2011 till December 31, 2013. VAT rate is different for processed and unprocessed food.

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

VAT rates for individual products (polish link):

http://www.epodatnik.pl/index.php?option=com_content&view=article&id=424%3Anowe-stawki-vat&catid=111%3Astawka-vat-stawki-vat&Itemid=310&limitstart=2

Poland has also Excise tax - indirect tax levied on certain goods such as: beer, wine, vodka, cigarettes, tobacco, gasoline, diesel oil, fuel oil, gas, electricity and cars. In Poland, excise tax is harmonized with the EU levied on every product. The excise tax rates on certain products can be determined by individual EU country but must not be lower than the levels found in EU directives, please refer to the web link to the table below.

Some excise products are subject to obligatory marking by excise bands, which need to be placed on individual product packaging. These regulations are obligatory for alcoholic beverages (except beer) and tobacco products. In case of bulk shipments of wine and alcoholic beverages (other than beer) the excise bands need to be placed on products prior to entering the EU. It is a standard procedure for the importer to supply the exporter 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 new law changing the Law on Excise Tax was published on October 29, 2010 ([Polish Journal of Law 2010, No. 226, pos. 1477](#)), after amendments it was published uniformed on April 29, 2011 ([Polish Journal of Law 2011, No. 108, pos. 626](#)). The text of the law can be found at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20111080626>

The new Law is in line with Council Directive 2010/12/EU from February 16, 2010 concerning the structure and tax values on tobacco products.

The table below presents assessed excise duty tax on wine and alcoholic beverages; The data is based on Polish Excise Duty Law ([Polish Journal of Law 2011, No. 108, pos. 626](#)).

No	CN Code	Product	Tax value
1	2204	Wine from fresh grapes, including strengthened wines; grape must other than that specified under the heading 2009	158.00 PLN/hl
2	2205	Vermouth and other remaining wines from fresh grapes flavored by plants or aroma substances	158.00 PLN/hl
3	2206 00	Cider and drinking honey and other fermented beverages and mixtures of fermented beverages not listed elsewhere	318.00 PLN/hl
4	2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol. Or higher; ethyl alcohol and other spirits.	4,960.00 PLN ¹⁾ (for 1 hl of 100% vol. ethyl alcohol)
5	2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other	4,960.00 PLN ¹⁾ (for 1 hl of 100% vol. ethyl

		spirituous, beverages	alcohol)
6	2203 00	Beer	7,79 PLN/hl for each Plato measure

Note: The basis for tax levied on ethyl alcohol is number of hectoliters of 100% vol. ethyl alcohol (in the temperature of 20 Celsius degrees) contained in the final product.

1. Other regulations and standards covered under this section have been harmonized with European Union requirements.

Marketing Quality of Agricultural Food Products

The basic law on market quality of food agricultural products ("*Ustawa z dnia 24 października 2008 r. o zmianie ustawy o jakości handlowej artykułów rolno-spożywczych oraz niektórych innych ustaw*") was published on October 24, 2008 (Polish Journal of Law 2008, Nr. 214, pos. 1346). The text of that law (link in Polish only) can be found at:

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20082141346>

Supervision on commercial quality of agricultural food products in the retail trade is The Agricultural and Food Quality Inspection (*Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych* – IJHARS). Information about falsified food products is published on website of Chief Inspector for The Agricultural and Food Quality Inspection.

Section VII. Other Specific Standards:

Genetically Modified Organisms

In 2006, Poland banned the sale and registration of biotech seeds. In July 2008, the Senate (upper house of the Polish Parliament) intervened to prevent the Polish government from implementing on August 12 a ban on biotechnology events in animal feeds. After the Polish President signed the regulation, the measure was suspended until December 31, 2012.

Polish officials oppose application of biotechnology in agriculture and typically vote against biotechnology events submitted to the EU Commission for approval, even despite a positive safety determination by the European Food Safety Authority (EFSA).

On July 24, 2011, President Komorowski of Poland vetoed the proposed Seed Act submitted by the Polish Parliament. The President highlighted the Acts' non-compliance with European law as the primary concern behind his veto action. Revisions to the existing Seed Act were promulgated by the European Court of Justice's finding this past spring that Poland was not in compliance with European Union law with regards to the marketing of genetically modified (GM) seed approved by the European Union. The proposed revised Seed Act would allow for registration of GM seed in the country's national seed register, a requirement before commercial development can occur, but maintained onerous language that prohibited commercial marketing of GM seed. Work on the new seed act will be continued in the new Polish Parliament elected on October 9, 2011. Work on the new Seed Act is expected to be completed by the end of 2012.

Otherwise, Poland adheres to EU directives regulating biotechnology, especially those governing food

products produced from biotechnology enhanced crops.

For more information about biotechnology in Poland refer to FAS/Warsaw GAIN reports on biotechnology available at: <http://www.fas.usda.gov/scriptsw/AttacheRep/default.asp>

Imports of Bovine Genetics

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

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

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0063:0082:EN:PDF>

In addition to the EU regulations, suppliers must follow Polish regulation on imported genetic material. The Polish regulation is based on the breeding law implemented in August 2007. Bovine semen of US origin must be accompanied by a veterinary health certificate (see above) and a set of documents confirming breeding value of the bull from which the semen derives. The pedigree from the bull needs to be on official paper and needs an authorized signature from the issuing authority.

The breeding value of the bull and semen quality is reviewed by the Animal Breeding Institute in Balice near Krakow based on the European system of bull evaluation, "Interbull." Once all the requirements are met, the Polish Breeders Federation issues a certificate that is transmitted to the Ministry of Agriculture for final approval. It takes four weeks for approval of the first shipment of semen from a particular bull. Approval for that bull is valid for all subsequent shipments for two years. No further approval is required. This regulation applies only to non-EU countries. Poland cannot require these documents from other EU nations, and this policy clearly discriminates against non-EU genetics.

USDA continues to object to this regulation. Any problems in obtaining certification should be sent to FAS/Warsaw at agwarsaw@fas.usda.gov.

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

Section VIII. Copyright and/or Trademark Laws:

Council Regulation 207/2009 lays down rules for the registration of Community trademarks. It creates a single, unitary registration system covering the whole Community.

In practice, a Community trademark must meet two conditions: it must be a sign which can be represented in graphic form, and it must make it possible to distinguish goods and services from those

of another company. It is valid for a period of 10 years. Applications for registering Community trademarks under these regulations may be filed with the Alicante, Spain, based Office of Harmonization for the Internal Market, subject to fees defined under Commission Regulation 2869/95, or at a national industrial property office in a Member State of the EU.

For detailed information on trademark registry procedure and fees, please visit the Website:
<http://oami.europa.eu/ows/rw/pages/index.en.do>

On completion of the registration procedure, the trademark is registered in the Register of Community trademarks.

The Community Trademark did not replace the existing trademark laws of the member states but co-exists alongside national trademarks. [Directive 2008/95/EC](#) approximates the laws of the Member States relating to trademarks.

Range of registered names protection of regional products in Poland is enclosed in EU Community law (Article 13 of Council Regulation (EC) 510/2006: published March 20, 2006).

Section IX. Import Procedures:

Novel food products must undergo a different registration procedure with health authorities (Main Sanitary Inspection). [Note: Novel foods are foods, and food ingredients, that have not been used for human consumption to a significant degree within the Community before May 15, 1997.]

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

The following 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 (used to speed the clearance process)
- Draft Polish language label that includes all product ingredients

On average, the pre-approval process takes about one month and can speed entry of a product.

If pre-approval clearance is not requested, full product testing may be implemented and the product held at the border until testing is completed.

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

- Importer’s request for sanitary inspection (3 copies)
- Invoice - on its basis the customs value of goods is declared
- Specification of goods or the list of goods, if the invoice does not meet the role of specification
- Documents from which the tax determination on the goods can be ascertained, if the invoice or

other document used to determine the customs value of goods does not contain the necessary 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%) and the information required in the notes to individual chapters of the Customs Tariff, if such document is necessary to determine the tariff classification of goods; 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 documents into the Polish language

On the matter of the customs application authorities may require transport documents or, as the case may be, documents relating to the preceding customs procedure. Where a single item is presented in two or more packages, they may also require the packing list or equivalent document indicating the contents of each package.

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

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

Products Already in the EU Market

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

Vegetable products:

For an example of the border control inspection for food and the certificate of compliance with health requirements see: *Rozporządzenie Ministra Zdrowia z dnia 14 lutego 2007 r. w sprawie wzorów wniosku o dokonanie granicznej kontroli sanitarnej oraz świadectwa spełniania wymagań zdrowotnych* (Polish Journal of Law 2007, No 44, pos. 286):

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20070440286>

For the list of goods under border sanitary control see: *Rozporządzenie Ministra Zdrowia z dnia 4 września 2008 r. zmieniające rozporządzenie w sprawie wykazu towarów, które podlegają granicznej kontroli sanitarnej* (Polish Journal of Law 2008, No 169, pos. 1048):

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20081691048>

For a list of border crossings through which foodstuffs and materials meant to be in contact with food (subjected to the border sanitary control) may be introduced into the European Community see: *Rozporządzenie Ministra Zdrowia z dnia 24 września 2007 r. w sprawie wykazu przejść granicznych właściwych dla przeprowadzania granicznej kontroli sanitarnej* (Polish Journal of Law 2007, No 196, pos. 1423):

<http://isap.sejm.gov.pl/DetailsServlet?id=WDU20071961423>

Products of animal origin:

The basic regulation of the Polish Ministry of Agriculture on the detailed terms and procedures of veterinary border shipments and consignments of animal products control was published on February 2, 2004. The text of that law (link in Polish only) can be found at:

http://www.wetgiw.gov.pl/files/3747_Dz-U-2004-Nr31-poz-270.pdf

General regulation GIWbip-600/3/2010 on the scope and mean of the national screening program of prohibited substances, chemical residues in products of animal origin imported from third countries, was published on January 19, 2010. Classic forms can be found at:

http://www.wetgiw.gov.pl/index.php?action=art&a_id=3099

General regulation GLW Nr GIWbip.600-2/2010 on the policies and procedures for veterinary border control in inspection posts was published on January 19, 2010. The text of that law (link in Polish only) can be found at:

http://www.wetgiw.gov.pl/index.php?action=art&a_id=3922

General regulation GIWbip-601/1b/09 on the approval and supervision of bonded warehouses destined for products of animal origin, which not meet import requirements of the EU, was published on April 29, 2009. Classic forms can be found at:

http://www.wetgiw.gov.pl/index.php?action=art&a_id=3100

Chemical substances and preparations:

Regulation concerning chemical substances and preparations introduced into Poland, changing regulations from 2001: *Ustawa o zmianie ustawy o substancjach i preparatach chemicznych z dnia 9 stycznia*, was published on January 9, 2009 (Polish Journal of Law 2009, No. 20, pos. 106) Polish link to this regulation can be found at: <http://isap.sejm.gov.pl/DetailsServlet?id=WDU20090200106>

Appendix I. Government Regulatory Agency Contacts:

Ministry of Agriculture and Rural Development

Office of the Minister

ul. Wspólna 30

00-930 Warsaw

Tel: 48 22 623 13 78

Fax: 48 22 623 13 80

<http://bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=573&LangId=0>

Ministry of Agriculture and Rural Development

Department of Plant Breeding and Protection

Director, Malgorzata Surawska

Tel: 48 22 623-18-37

Fax: 48 22 623-17-81

<http://www.bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=579&LangId=0>

Ministry of Agriculture and Rural Development

Department of Plant Breeding and Protection

GMO specialist, Malgorzata Wozniak

Tel: 48-22 623-23-36

Fax: 48-22 628-87-84

<http://www.bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=579&LangId=0>

General Veterinary Inspector

Office of the Chief Veterinary Officer

Janusz Związek, CVO

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00-930 Warsaw

Tel.: 48 22 623 22 03

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Voivodship Sanitary Station in Warsaw (SANEPID) - actual tests & check ups

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