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## Poland

### Food and Agricultural Import Regulations and Standards - Narrative

### FAIRS Country Report

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**Report Highlights:**

Poland, as a European Union (EU) Member State, applies EU directives and regulations to its food and agricultural import regulatory regime, with only few exceptions. U.S. food and agricultural suppliers to Poland should verify with local importers and appropriate U.S. regulatory agencies for the most current local requirements prior to shipping. The following Food and Agricultural Import Regulations and Standards the following (FAIRS) Report should also read in conjunction with the [FAIRS](#) Report prepared by the U.S. Mission to the EU's Office of Agricultural Affairs in Brussels.

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### **Disclaimer**

This report was prepared by U.S. Embassy Warsaw's Office of Agricultural Affairs 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 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 point of entry and/or the time the product enters into commerce.

### **Section I. General Food Laws:**

Poland follows EU regulations governing agricultural imports, as per the EU's single market principle. Regulation EC/178/2002 (General Food Law) establishes general principles and requirements for the EU's harmonized food law. Although exporters should be aware that some variation exists vis-à-vis Member States applying EU-harmonized legislation, most relevant regulations for Polish food and agricultural imports have been harmonized with EU regulations.

In addition, Regulation EC/178/2002 protects consumers against fraudulent or deceptive commercial practices. This legislation also aims to protect animal health, animal welfare, plant health, and the environment. No foodstuff dangerous to health and/or unfit for human consumption may be placed on the market. To determine whether a food product is dangerous, the following criteria are considered:

- Normal conditions of use
- Information provided to the consumer
- Probable immediate or delayed effect on health
- Cumulative toxic effects
- Specific sensitivity of certain consumers

Whenever any food is part of a batch, lot, or consignment and is determined to be unsafe, it is assumed

that the whole batch, lot, or consignment is also unsafe. Animal feed deemed to be unsafe cannot be placed on the market or fed to any food-producing animals. Producers must apply the food legislation throughout the food chain, from the production, processing, transport and distribution stages through to the supply of food. Furthermore, producers are responsible for ensuring the traceability of products at all stages of the production, processing, and distribution, including with regard to substances incorporated into the foodstuffs.

Exceptions can occur when a Member State can substantiate a health concern about a product, said Member State can apply leeway (actual or perceived) in how to interpret an EU directive (*i.e.* 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.

The European Food Safety Authority (EFSA) provides scientific expertise and scientific and technical support in all areas impacting food safety. It constitutes an independent source of information on all matters in this field to build an integrated and effective food safety system across all member states, and disseminates changes in regulations to the general public. Participation in EFSA is open to EU Member States and to other countries applying EU food safety laws.

EFSA is also responsible for coordinating risk assessments and identifying emerging risks, providing scientific and technical advice to the European Commission, including crisis management, collecting and publishing scientific and technical data in areas relating to food safety, and establishing European networks of organizations operating in the field of food safety.

Additional detailed information on the EU procedures can be found in FAS USEU's [How the EU works – A guide to EU decision-making](#) and EU-28 (FAIRS).

### **Current Polish Food Laws**

On August 25, 2006, Poland published its Act on Food Safety and Nutrition (Polish Journal of Law 2006, No 171, pos. 1225). Law No. 171 has since been modified to reflect new EU and Polish regulations, including new regulations pertaining to food permitted for sales at schools. The consolidated version of the law was published on April 30, 2015 (Journal of Laws 2015 No. 594). This Act establishes the legislative framework on safety of food and nutrition, including sanitary requirements applicable to food, hygienic conditions applicable to food products, as well as materials and products intended to come into contact with food, properties of institutions responsible for the official control of food, pursuant to Regulation (EC) No. 882/2004, provisions on food inspection.

The Act is composed of the following Sections:

- (1) General provisions and definitions;
- (2) Sanitary and labeling requirements for food;
- (3) Materials and products intended to come into contact with food;
- (4) Hygienic requirements;
- (5) Official inspection on food;
- (6) Institutions and cooperation in the area of food safety;

- (7) Liability for harms caused by foodstuffs;
- (8) Criminal provisions and penalties; and
- (9) Amendments to provisions in force, transitional and final provisions.

In 2011, the Minister of Health issued a regulation regarding new products entering the Polish market, namely Regulation of the Minister of Health of 23 March 2011 (Polish Journal of Law 2011, No. 80, pos. 437). This regulation established standards for new-to-market products in Poland, including product registration and an approved list of national scientific bodies authorized to issue related opinions.

Once imported into Poland, food products are subject to quality control based on the Trade Quality of Food Products regulation from January 18, 2013 (Polish Journal of Law 2013, No. 0, pos. 174).

In July 2010, Regulation (EC) No. 258/97 was amended to prohibit the use of nanotechnology in food production until the new technology's safety could be fully confirmed. On December 18, 2013, the European Commission tabled a proposal on regulation on novel foods. It revised the existing Novel Food Regulation hoping to improve access of new and innovative food to the EU market, while still maintaining a high level of consumer protection.

## **Food Control in Poland**

Polish food regulators consist of the following authorities (see Appendix for contact information of the respective organizations):

The State Sanitary Inspection or *Państwowa Inspekcja Sanitarna* (PIS) holds responsibility for supervising food quality, materials, or products intended to come in contact with food. Food control (not including meat) is conducted appropriately by inspectors from Sanitary-Epidemiological Stations in districts of coverage,

The State Veterinary Inspection or *Państwowa Inspekcja Weterynaryjna* (PIW) is the authority that conducts controls of animal health and products of animal origin.

The Main Inspectorate of Plant Health and Seed Inspection or *Państwowa Inspekcja Ochrony Roślin i Nasiennictwa* (PIORIN) is responsible for monitoring plant health conditions, trade and use of plant protection remedies and their production, and verification and trade of seed material,

The Agricultural and Food Quality Inspection or *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 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;
- Evaluation 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, exchange of information and food samples;
- Coordination with the Office of Competition and Consumer Protection which also supervises the

- quality of food products in the retail trade; and
- Reporting infringements of EU food and feed legislation through the Rapid Alert System on Food and Feeds (RASFF).

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

## **Section II. Food Additive Regulations:**

The EU's "Packaged Food Improvement Agents" provision includes four regulations. Regulation 1331/2008 established a single common procedure for the approval of food additives, flavorings and enzymes. The benefits of this common approach include simplified legislation and more consistency in the procedures used to approve additives, flavorings and enzymes with an emphasis on the safety evaluations by EFSA on which the approval procedure is based.

Implementing rules were established under EC Regulation 234/2011 and Commission implementing Regulation 562/2012, which provide administrative and technical requirements to be submitted to the Commission. Upon submission, the Commission requests EFSA to verify the suitability of the data. An application consists of a letter, a technical dossier and a summary of the dossier.

Specific regulations following, including Regulation 1332/2008 on food enzymes, Regulation 1333/2008 on food additives, and Regulation 1334/2008 on flavorings. Additional details are provided below:

### **Regulation on Permitted Additives**

Additives authorized for use in food, and conditions of use, are listed in Annex II to the EU Food Additives Regulation 1333/2008. The regulation authorizes additives and lists them according to the category of foods to which they may be added. Annex I to Regulation 1333/2008 lists the definitions of 26 different categories of food additives. Only additives included in the EU's list are authorized under specific conditions. An important difference from U.S. legislation is that flour-beaching agents chlorine, bromates, and peroxides are not allowed in the EU.

Regulation 1333/2008, Annex III, contains a second list of food additives approved for the use in food ingredients such as other food additives, food enzymes, food flavorings and nutrients. Specifications for food additives listed in Annexes II and III are established in Commission Regulation 231/2012.

Annex IV lists traditional foods which certain EU Member States prohibit adding certain categories of food additives.

Annex V to Regulation 1333/2008 provides labeling information for six food colorings: Quinoline Yellow (E104), Sunset Yellow (E110), Ponceau 4R (E124), Tartrazine (E102), Azorubine/Carmoisine (E122) and Allura Red AC (E129). Foods containing these colors shall be labeled, "may have an adverse effect on activity and attention in children" (see also Section V – Labeling Requirements). The limits for these food colors were lowered by Commission Regulation 232/2012.

A reevaluation program set up by Commission Regulation 257/2010 requires a new risk assessment carried out by EFSA for additives which were approved before Food Additives Regulation 1333/2008 entered into force.

The Polish Ministry of Health issued a regulation regarding permitted additives on April 22, 2011, (Regulation of the Minister of Health of 22 April 2011) which amended a regulation on permitted additives (Polish Journal of Law 2011, No. 91, pos. 525).

### **Regulation on Specifications and Criteria of Purity of Additives**

The Polish Ministry of Health issued a regulation on specifications and criteria of purity of additives, namely Regulation of the Minister of Health of 12 October 2007. This regulation specifies purity criteria of additional substances (Regulation of the Minister of Health of 12 October 2007, Polish Journal of Law 2011, No. 2, pos. 3). It was amended on December 23, 2010 and changed again on April 22, 2011 in “Regulation of the Minister of Health of 22 April 2011, which amended specifications and purity criteria of additional substances (Polish Journal of Law 2011, No. 91, pos. 526).

### **Solvents**

The Polish Ministry of Health issued a regulation on solvent extractions for use in food products in February 18, 2011. The 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).

### **Aromas**

The EU regulates flavorings and certain food ingredients with flavoring properties on December 16, 2008. The law was EC Regulation No. 1334/2008.

### **Enriching Substances**

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

### **Dietary Supplements**

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

The Regulation applies without prejudice to the provisions relating to:

- Foods for particular nutritional uses ;

- Novel foods and novel food ingredients;
- Genetically modified foods ;
- Food additives and flavorings;
- Oenological practices and processes .

Nutritional labeling of products fortified with vitamins and minerals was added to the Regulation and is compulsory. Labels must contain the following information: the total amounts of vitamins and minerals when added to food, the amount of protein, carbohydrate, sugars, fat, saturates, fiber and sodium, and the energy value of the product in accordance with Directive 90/496/EEC.

The Regulation specifies that excessive intakes of vitamins and minerals may result in adverse health effects and establishes maximum quantities of vitamins and minerals added to foods. Maximum levels take into account of safe thresholds for vitamins and minerals following a scientific risk assessment, the potential intake of vitamins and minerals from other foods, and the reference intakes of vitamins and minerals recommended for the population. If necessary, it also takes account of the contribution of individual products to the overall diet of the population and of the nutrient profile established in accordance with Regulation (EC) No. 1924/2006.

Commission Regulation (EC) No. 1170/2009 of November 30, 2009, amended Directive 2002/46/EC, which lists the 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.

### **Specific Nutritional Purposes**

Commission Regulation (EC) No. 953/2009 identifies substances that may be added for specific nutritional purposes in foods for particular nutritional uses. It was published on October 13, 2009. Complete information concerning EU additive, enzymes, flavorings, extraction solvents regulations as well as authorization procedure can be located at:  
[https://ec.europa.eu/food/safety/food\\_improvement\\_agents\\_en](https://ec.europa.eu/food/safety/food_improvement_agents_en)

Interested parties should consult EFSA's website, as EFSA is the keystone of EU risk assessment regarding food and feed safety and EFSA independent scientific advice and clear communication on existing and emerging risks.

### **Section III. Pesticide and Other Contaminants:**

European Parliament and Council Regulation 1107/2009 establishes rules for the authorization of plant protection products (PPPs). PPPs (also referred to as 'pesticides') contain at least one approved active substance. Only PPPs containing active substances included in the list of approved active substances as established in Commission implementing Regulation 540/2011 may be authorized for use in the EU.

Rules for the marketing and use of the pesticides in Poland are regulated by Law on Plant Protection Products (Journal of Laws of 2013, pos. 455, Law on Plant Protection Products on 8 March 2013).

Basic rules for the protection of plants against harmful organisms are available in Law on Plant Protection of 18 December 2003 (Journal of Laws of 2004 No. 11, pos. 94), Act on plant protection of 18 December 2003. Consolidated text of the law was published on March 12, 2014 (Dz.U.2014 poz.

621).

## **Section IV. Packaging and Container Regulations:**

### **Size & Content**

The maximum margin of error between the actual content and the quantity indicated on the label, and methods to check this are fixed in Council Directive 76/211/EEC, as amended.

Directive 2007/45/EC abolished regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, and coffee. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC.

Detailed information on “Legal Metrology” is available on the European Commission’s [website](#).

### **Packaging Waste Management**

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

### **Materials in Contact with Foodstuffs**

European Parliament and Council Regulation 1935/2004 specifies the main requirements for all materials that come into contact with foodstuffs. It also establishes labeling and traceability requirements and the procedure for the authorization of substances through the European Food Safety Authority (EFSA). Annex I to regulation 1935/2004 lists the group of materials which may be covered by specific measures. Specific measures set out additional requirements and include lists of authorized substances and materials. To date, specific directives have been developed for plastic materials (Commission Regulation 10/2011), recycled plastic materials (Commission Regulation 282/2008), regenerated cellulose film (Commission 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.

Commission Implementing Regulation 321/2011, amending Regulation 10/2011 on plastic materials, bans the use of Bisphenol A in plastic infant feeding bottles.

A summary of EU and national legislation as well as guidance documents and contact information with regard to the submission of applications for authorization can be downloaded from the European Commission [website](#).

## **Plastic Materials**

The Polish Minister of Health regulation 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 was published on June 22, 2007 (Polish Journal of Law 2007, No 129, pos. 904). It was nullified and replaced on December 4, 2013, (“Regulation of the Minister of Health of 15 October 2013) with an updated list of substances permitted in the manufacture or processing of materials and plastic products, as well as compatibility of these materials and articles within established limits.

Commission Regulation EU/558/2010 concerning specific hygiene rules for food of animal origin was published on June 24, 2009. The Regulation specifies requirements in terms of temperature and microbiological criteria in the production of foie gras, meat from poultry and lagomorphs, 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.

## **Materials other than Plastics**

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

## **Section V. Labeling Requirements:**

### **General Requirements**

On December 13, 2014, the EU’s “Food Information to Consumers” (FIC) regulation 1169/2011 was implemented. This regulation introduced new obligations and changes to the existing rules set out in Directive 2000/13/EC.

Key changes introduced by the FIC regulation include:

- Nutrition labeling become mandatory on December 13, 2016
- Minimum font size for printing mandatory information is established,
- New format for allergen labeling is set out: allergens must be highlighted in the list of ingredients – “allergen boxes” are no longer allowed,
- Voluntary front-of-pack labeling must follow a new set format,
- Country of origin labeling is extended to more products (see “Checklist”),
- Durability date AND “frozen on” date must be indicated on frozen products,
- “Use by date” must be indicated on individual pre-packed portions,
- Specific treatments such as “refrozen”, “concentrated”, “smoked”, powdered” must be added to the product name,

- Presence of engineered nanomaterials must be indicated,
- Alcoholic strength by volume for beverages containing more than 1.2 percent of alcohol by volume must appear in the same field of vision as the product name,
- Proteins added to meat products that are of a different animal origin must be declared in the list of ingredients,
- Presence of added water must be declared on meat and fishery products if the added water makes up more than 5 percent of the finished product,
- Vegetable origin of oils and fats must be indicated in the list of ingredients.

The legislation update deals with the issues of label visibility, font size; font and background contrast, and regulates the obligation to inform about allergens, such as peanuts or dairy on product packaging. According to the new Regulation, the obligation of country of origin labeling is extended to fresh meat: pork, poultry, goat, and sheep. The Regulation additionally requires nutrition information for processed foodstuffs. The new Regulation will allow consumers to more easily distinguish products that are similar to other products but that are produced from different ingredients, e.g. cheese-like products.

Food products intended for retail, restaurants, hospitals, and caterers must comply with the labeling legislation. The labeling, presentation, and advertising of foodstuffs must not mislead the consumer about the foodstuff's characteristics or effects, or attribute properties for the prevention, treatment, or cure of a human illness to a foodstuff.

Flavorings: Annex III to the labeling directive describes the way of designating flavorings in the list of ingredients. Specific requirements for the use of the term "natural" to describe a flavoring are set out in Article 16 of European Parliament and Council Regulation 1334/2008. For more information see Section IV "Food Additive Regulations."

Additional information concerning new EU food labeling can be found in Brussels USEU report "How to Comply with the EU's New Food Labeling Rules" – available via "Attache Reports" link at [fas.usda.gov](http://fas.usda.gov)

### **Basic Laws on Food Labeling in Poland**

Polish labeling is regulated by the Ministry of Agriculture and Rural Development. On July 31, 2007, the basic law on food labeling, Regulation of the Minister of Agriculture and Rural Development dated July 10, 2007, regarding labeling of foodstuffs was published (Polish Journal of Law 2007, No. 137, pos. 966). It was amended on January 8, 2015 (Polish Journal of Law 2015, pos. 29).

Food labeling is also regulated by the Polish Food Safety Law (Polish Journal of Law 2006, No. 171, pos. 1225). EU Law was also amended to reflect European Council Regulation 1169/2011 on consumer information relating to food products.

### **Compulsory Information on Labels**

The standard U.S. label fails to comply with Polish labeling requirements as it is not in Polish. Compulsory information must appear in the Polish language on the pre-packaging or on a label attached to it with a sticker. The information must be marked in such a way that it is easily visible, clearly

legible, and indelible:

- **Product Name:** 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,
- **List of Ingredients,** in descending order of weight – 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: genetically modified organisms, packaging gases, sweeteners, certain food colorings, aspartame and polyols, quinine and caffeine, phytosterols and phyosteranols and licorice. Additionally, EU/1169/2011 requires listing the presence of nano-ingredients,
- **Nutritive Value:** 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 does not apply to some products, e.g. unprocessed food or foodstuffs containing low energy value (e.g. spices tea or coffee). On July 25, 2007, the Polish law on food labeling by nutritive value: Regulation of the Minister of Health dated July 25 2007 regarding labeling of nutritional value of food was published (Polish Journal of Law 2007, No 137, pos. 967) and was amended on January 8, 2010 (Polish Journal of Law 2010, No 9, pos. 63) with further revisions applied through Regulation of the Minister of Health of 26 July 2016 regarding groups of foodstuffs for sale to children and young people in the units of the education system and the requirements to be met by the foods used in the context of public nutrition of children and young people in those units. Please note that introduction of information about the nutritive value is enforced as of December 13, 2016,
- **Allergens:** On November 2014, the European Commission launched a public consultation on a Guidance Document on Allergen Labeling. The consultation closed on January 4, 2015. For more information please consult DG SANTE's [website](#).

## Other Labeling Requirements

- 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,
- **Date of minimum durability:** Poland strictly enforces the EU date format requirement of: dd/mm/yyyy. The shelf life is indicated by words "Best before..." (*Najlepiej spożyć przed* dd/mm/yyyy") when the date includes an indication of the day; "Best before end of..." (*Należy spożyć do* dd/mm/yyyy) in other cases. 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 EU Community,
- Details of the place of origin,
- 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,

- 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, for traceability. 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 case of meat products, raw meat products and fish products which may give an impression of being one piece of meat or fish, a statement "from blended pieces of meat" or "from blended pieces of fish" should be added,
- In case of frozen meat and fishery products, a date of freezing or date of first freezing in case of products frozen several times, must be placed on a label,
- In case of protein additive to the product, information about its presence and origin must be placed on a label.

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:

- Name of food product
- Date of minimum durability
- Net quantity or a number of foodstuff pieces packed

Note: The use of the European Article Number (EAN) product coding system, renamed International Article Number, is not regulated by EU law. However, this bar code system is commonly used in the EU to fulfill the traceability requirements and has been mandatory since January 1, 2005.

General principles of marketing and labeling of Organic products are determined in The Law on Organic Agriculture on 25 June 2009 (Journal of Laws No. 116, pos. 975). The Law is implementing the rules of the Council Regulation (EC) No 834/2007 of 28 June 2007 on the production and labeling of organic products.

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

## **Labeling Irregularities**

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

- Lack of complete identification of the manufacturer, *i.e* no address, no contact information;
- Providing 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";
- Providing 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 related to physical and chemical parameters or sensory evaluation.

## **Food Traceability**

Throughout the EU, traceability is compulsory by Regulation EC/178/2002. Traceability is defined as the ability to track food, feed, food-producing animal or substance that will be used for consumption, through all stages of production, processing and distribution. Traceability allows immediate response to potential risks that can arise in food and feed, to ensure that all food products in the EU are safe for consumption. It is vital that when national authorities or food businesses identify a risk they can trace it back to its source in order to swiftly isolate the problem and prevent contaminated products from reaching consumers. In addition, traceability allows targeted withdrawals and the provision of accurate information to the public, thereby minimizing disruption to trade.

All food and feed operators implement special traceability systems. The EU has published guidelines which require business operators to document the names and addresses of the supplier and customer in each case, as well as the nature of the product and date of delivery. Operators are also encouraged to keep information on the volume or quantity of a product, the batch number if there is one, and a more detailed description of the product, such as whether it is raw or processed.

## **Medical/Health/Nutrition Claims**

Commission Regulation (EC) No. 1924/2006 concerning the nutrition and health claims in foodstuffs was published on December 20, 2006. The following Regulation (EC) No 109/2008 was released on January 15, 2008.

In December 2011, the European Commission proposed a list of 222 functional health claims for substances other than botanicals. More than two years after the due date set by Regulation 1924/2006,

the list of EU-approved functional health claims and their conditions of use was finally adopted on May 25, 2012. Regulation 432/2012 establishing the EU positive list becomes applicable on December 14, 2012. Anyone will be able to use the permitted health claims provided the conditions set out in Regulation 432/2012 are met. The EU's online "Register of Nutrition and Health Claims" has been updated not only with the 222 authorized health claims but also with the more than 1600 rejected claims and the reasons for their non-authorization. Health claims referring to botanical substances have been put on hold because the Commission and the Member States are discussing the potential conflict of the Health Claims Regulation with the Traditional Herbal Medicinal Products Directive. All claims that are not authorized and not on hold or under consideration are prohibited as of December 14, 2012. Food products carrying claims must comply with the provisions of nutritional labeling are set out in Nutrition & Health Claims Regulation 1924/2006 and Regulation 432/2012.

### **Food Labeling for Dietary Supplements and Special Nutritional Products**

Poland takes a much stricter approach regarding dietary supplement labeling than other EU countries. Polish regulations require the wording "dietary 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, an amendment changed the composition and labeling of dietary supplements: Regulation of the Minister of Health dated May 18, 2010 (Polish Journal of Law, No. 91, pos. 596).

On September 16, 2010, a new regulation on foodstuffs for special nutritional 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 Agricultural Food Products**

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

## **Section VI. Other Specific Standards:**

### **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.

In addition to the EU regulations, exporters must follow Polish regulations on imported genetic material. The Polish regulation is based on the breeding law implemented in August 2007.

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

## **Genetically Engineered (GE) Foods**

Since 2006, Poland has officially opposed approval of any event of biotechnology at the EU level, and has taken steps to become “GMO-free.” In 2006, Poland passed legislation that banned 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 the use of GE feed ingredients was postponed by the Polish Parliament until January 1, 2019.

For more information about biotechnology in Poland refer to FAS/Warsaw Reports on plant and animal biotechnology available at [www.fas.usda.gov](http://www.fas.usda.gov) Attaché Reports link.

Additional information on agricultural biotechnology in the EU can be located at:

<http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/agricultural-biotechnology/>.

## **Novel Foods**

For detail information on novel foods please refer to the website of the [State Sanitary Inspection](#).

## **Traceability and Labeling of GE Foods**

Labeling regulations for GE food products are established by Regulation 1829/2003 (articles 12-13). These rules apply to products that have undergone varying degrees of processing. The regulation does not require labeling of food products that are not food ingredients, such as processing aids. Meat, milk or eggs obtained from animals fed with GE feed or treated with GE medicinal products do not require additional labeling.

The traceability rules require all business operators to transmit and retain information on GM products in order to identify both the supplier and the buyer of the GM product.

## **Low Level Presence**

On June 24 2011, the EU adopted Commission Regulation 619/2011 setting a tolerance of 0.1 percent - “Low Level Presence” (LLP) - for adventitious traces of non EU-authorized GEs in feed imports. For more information see the European Commission press release “Questions and Answers on the LLP of GEs in feed imports.” The Commission may come forward with proposals dealing with LLP in food imports.

For more information on biotechnology and biotech products consult the 2017 EU28 Agricultural Biotechnology Annual GAIN Report.

Regulation (EC) No 1829/2003 (articles 12-13) of the European Parliament and of the Council of September 22, 2003 concerning the traceability and labeling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amends Directive 2001/18/EC.

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

Regulation (EC) No. 1829/2003 includes:

All products which consist of or contain GE, including all products intended for human or animal consumption, products destined for industrial processing for uses other than consumption (e.g. in the production of biofuel) or even products destined to be used ornamentally (e.g. in the production of cut flowers); Foodstuffs and animal feed products made from GE.

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

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

Commission Regulation (EU) No. 619/2011 sets a tolerance of 0.1 percent for LLP of non EU-authorized biotech events in feed imports.

For more information on biotechnology and biotech products consult the 2017 EU28 Agricultural Biotechnology Annual GAIN Report.

## **Section VII. Facility and Product Registration Requirements:**

The EU approves establishments to ship products of animal origin based on submissions from U.S. government agencies. Only products processed in approved establishments may enter the EU. Detailed

information on approved U.S. establishments is available on our [website](#). Third-country lists per sector and per country are published on the European Commission's [website](#).

### **Section VIII. Other Regulations and Requirements:**

Value Added Tax (VAT) Poland applies a VAT for agricultural and food products either imported or produced domestically and ranges from 5 to 23 percent depending on level of processing of the product.

Five-percent VAT - applies to unprocessed food like fruits, vegetables, milk, meat, fish, flavorings and also processed food like dairy products, fish products, floury products, fruit preserves, ready-to-cook meals.

Eight-percent VAT - applies to all remaining unprocessed foods.

23-percent VAT - applies to highly processed food products.

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

Some excise products are subject to obligatory marking by excise strips, 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 strips 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.

A new law changing the Law on Excise Tax was published on October 29, 2010 (Polish Journal of Law 2010, No. 226, pos. 1477), which was amended and then published September 28, 2015 (Polish Journal of Law 2015, pos. 1479). 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.

A list of VAT rates applicable in the different Member States can be found [here](#).

A list of excise duties applicable on alcoholic beverages and tobacco can be found at [here](#).

### **Section IX. Import Procedures:**

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 (to speed up the clearance process);

- Draft Polish language label that includes all product ingredients.

On average, the pre-approval process takes about one month and can speed entry of a product to the Polish marketplace. 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 all documents in the Polish language.

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

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

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

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

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

### **Plant Products**

Regulation of the Minister of Health dated February 14, 2007 regarding the application form for the border inspection and certificate of compliance with health requirements (Polish Journal of Law 2007, No 44, pos. 286) provides an example of application for the border sanitary control and for certificate of compliance with health requirements for Poland.

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: Regulation of the Minister of Health of September 24, 2007 regarding the list of border crossings competent to carry out border sanitary control (Polish Journal of Law 2007, No 196, pos. 1423).

### **Products of Animal Origin**

The law on Veterinary border inspection was published on February 20, 2014 (<http://www.infor.pl/akt-prawny/DZU.2014.062.0000424,ustawa-o-weterynaryjnej-kontroli-granicznej.html>). General policies and procedures of veterinary border control in inspection posts are available at the web page of [http://old.wetgiw.gov.pl/index?action=szczegoly&m\\_id=33](http://old.wetgiw.gov.pl/index?action=szczegoly&m_id=33) the General Veterinary Inspectorate and are available at: . Current information on Veterinary Border Inspection Points is available at [here](#).

### **Chemical Substances and Preparations**

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

### **Section X. Copyright and/or Trademark Laws:**

In the EU, trademarks can be registered at the national, regional or EU level. Trademarks registered at the national level are protected in one EU Member State. Applications must be submitted directly to the relevant national IP-office. Currently, there is only one regional-level IP office in the EU, i.e. the Benelux Office which registers trademarks for three Member States: Belgium, the Netherlands and Luxembourg. Applications for the protection of a trademark in all EU Member States must be submitted to the European Union Intellectual Property Office (EUIPO). An online application costs 850 EUR. Full details on the registration process are available on the EUIPO website. Rules on the protection of trademarks in the EU are set in EU Directive 2015/2436.

## **Appendix I. Government Regulatory Agency Contacts:**

Ministry of Agriculture and Rural Development  
Krzysztof Jurgiel – Minister  
ul. Wspólna 30  
00-930 Warsaw  
Tel: (+48-22) 623 1510 Fax: (+48-22) 623 1788  
<http://www.minrol.gov.pl/eng/content/view/full/5927>

Ministry of Agriculture and Rural Development  
Department of Plant Breeding and Protection  
Bogusław Rzeznicki – Director  
Email: boguslaw.rzeznicki@minrol.gov.pl  
Tel: (+48-22) 623 1837 Fax: (+48-22) 623 1781  
<http://www.minrol.gov.pl/eng/content/view/full/11477>

Ministry of Agriculture and Rural Development  
Department of Plant Breeding and Protection  
Małgorzata Woźniak – GMO Specialist  
Email: malgorzata.wozniak@minrol.gov.pl  
Tel: (+48-22) 623 2336 Fax: (+48-22) 628 8784  
<http://www.bip.minrol.gov.pl/>

General Veterinary Inspectorate  
Office of the Chief Veterinary Officer  
Dr. Paweł Niemczuk – CVO  
E-mail: [pawel.niemczuk@wetgiw.gov.pl](mailto:pawel.niemczuk@wetgiw.gov.pl)  
Tel.: (+48-22) 623 2203/2089 Fax: (+48-22) 623 1408  
[http://www.wetgiw.gov.pl/index.php?action=art&a\\_id=1931](http://www.wetgiw.gov.pl/index.php?action=art&a_id=1931)

Main Inspectorate of Plant Health and Seed Inspection  
(Państwowa Inspekcja Ochrony Roslin i Nasiennictwa)  
Mr. Andrzej Chodkowski – Main Inspector  
Email: [a.chodkowski@piorin.gov.pl](mailto:a.chodkowski@piorin.gov.pl)  
11 Jana Pawła II  
00-828 Warsaw  
Tel: (+48-22) 652 9290/620 2824 Fax: (+48-22) 654 5221  
<http://piorin.gov.pl/>

Inspectorate for Trade Quality Control of Agricultural Food Products  
ul. Wspólna 30  
00-930 Warsaw  
Tel: (+48-22) 623 2900 Fax: (+48-22) 623 2998  
Email: [sekretariat@ijhars.gov.pl](mailto:sekretariat@ijhars.gov.pl)  
<http://www.ijhars.gov.pl/>

Main Sanitary Inspection  
(Główny Inspektorat Sanitarny - GIS)  
Mr. Marek Posobkiewicz – Chief Sanitary Inspector  
ul. Targowa 65  
03-729 Warsaw  
Tel: (+48-22) 536 1302 Fax: (+48-22) 635 9290  
Email: [inspektorat@gis.gov.pl](mailto:inspektorat@gis.gov.pl)  
<http://www.gis.gov.pl/?lang=en&go=news>

Ministry of Environment  
Department of Environmental Protection  
Senior specialist for GMO – Joanna Rybak  
Tel: (+48-22) 579 2723 Fax: (+48-22) 579 2730  
E-mail: [joanna.rybak@mos.gov.pl](mailto:joanna.rybak@mos.gov.pl)  
<http://www.mos.gov.pl/?j=en>

## **Appendix II. Other Import Specialist Contacts:**

National Food and Nutrition Institute  
(Instytut Żywności i Żywienia)  
Professor Mirosław Jarosz – Director  
ul. Powsińska 61/63  
02-903 Warsaw  
Tel. (+48-22) 842 2171/ 550 9677  
E-mail: [jarosz@izz.waw.pl](mailto:jarosz@izz.waw.pl)  
<http://www.izz.waw.pl/en/>

State Hygiene Office (Państwowy Zakład Higieny – PZH)  
Prof. Mirosław J. Wysocki – Director  
ul. Chocimska 24  
00-971 Warsaw

Tel: (+48-22) 542 1328      Fax: (+48-22) 849 7441  
E-mail: [k.ludwicki@pzh.gov.pl](mailto:k.ludwicki@pzh.gov.pl)  
<http://www.pzh.gov.pl/en/>

Voivodship Sanitary Station in Warsaw (SANEPID) - actual tests & check ups  
Małgorzata Czerniawska-Ankiersztejn  
ul. Żelazna 79  
00-875 Warsaw  
Tel: (+48-22) 620 3719      Fax: (+48-22) 624 1423  
E-mail : [sekretariat@wsse.waw.pl](mailto:sekretariat@wsse.waw.pl)  
<http://www.wsse.waw.pl/>

Polish Center for Research and Certification (Polskie Centrum Badan i Certyfikacji)  
Dr Wojciech Henrykowski – Main Director  
ul. Kłobucka 23A  
02-699 Warsaw  
Tel: (+48-22) 464 5201      Fax: (+48-22) 647 1222  
Email: [pcbp@pcbp.gov.pl](mailto:pcbp@pcbp.gov.pl)  
<https://www.pcbc.gov.pl/>

For additional information concerning market entry, other import requirements, and a current importer list, U.S. exporters of agricultural products and commodities can contact:

Embassy of the United States of America  
Office of Agricultural Affairs  
Warsaw, Poland  
Tel: (+48-22) 504 2336  
E-mail: [agwarsaw@fas.usda.gov](mailto:agwarsaw@fas.usda.gov)