

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## Poland

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

### FAIRS Country Report

**See also EU-27 FAIRS from USEU Brussels**

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**Report Highlights:**

All sections were updated. Poland applies EU directives and regulations with but a few exceptions. In 2009 and 2010 implementation of the EU system led to frequent shipment detentions due to outdated Polish forms. 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 released by the US Mission to the EU in Brussels, available at [www.fas.usda.gov/posthome/useu/fairs.html](http://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 2009 and 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 dairy, almonds, and 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 No 21, pos 105). The text of that law (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/ustawa\\_nr\\_21\\_poz\\_105.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/ustawa_nr_21_poz_105.pdf)

The 2010 modification to the Polish Food Safety Law made necessary adjustments to bring 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 employ and to be available on request of 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.

On June 20, 2007, the Polish Minister of Health's regulation on products entering the Polish market for the first time: *Rozporządzenie Ministra Zdrowia w sprawie rejestru produktów wprowadzanych po raz pierwszy do obrotu na terenie Rzeczypospolitej Polskiej z dnia 20 czerwca 2007 r.*, was published (Polish Journal of Law Nr 120, pos. 830). The text of that law (link in Polish only) can be found at:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawne\\_2/Pierwsze\\_powiadomienie\\_DzU\\_2007\\_120\\_830.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawne_2/Pierwsze_powiadomienie_DzU_2007_120_830.pdf)

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 z zagranicy oraz ich minimalnych ilości podlegających kontroli jakości handlowej z dnia 8 października 2009r.*, was published (Polish Journal of Law, No. 176, pos. 1368). The text of that law (link in Polish only) can be located at:

[http://static1.money.pl/d/akty\\_prawne/pdf/DU/2009/176/DU20091761368.pdf](http://static1.money.pl/d/akty_prawne/pdf/DU/2009/176/DU20091761368.pdf)

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 (IHARS) 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 (IHARS) 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 IHARS is responsible to the Minister of Agriculture.

State Sanitary Inspection (PIS)	State Veterinary Inspection (PIW)	The Agricultural and Food Quality Inspection (IHARS)
Contact: Mr. Przemysław Biliński Chief Sanitary Inspector Tel: 48-22 635-1559  Main Inspectorate 38/40 Długa St. 00-238 Warsaw Poland Tel. 0 22 536 13 00 Email: <a href="mailto:inspektorat@gis.gov.pl">inspektorat@gis.gov.pl</a>	Contact: Mr. Janusz Związek, CVO General Veterinary Inspector Tel.: (22) 623 22 03 E-mail: <a href="mailto:janusz.zwiazek@wetgiw.gov.pl">janusz.zwiazek@wetgiw.gov.pl</a>  Main Inspectorate 30 Wspólna St. 00-930 Warszawa Poland Tel. 022 623 20 89 Fax. 022 623 14 08 Email: <a href="mailto:wet@wetgiw.gov.pl">wet@wetgiw.gov.pl</a>	Contact: Marzena Chacińska Tel. +48 022-623-29-02 E-mail : <a href="mailto:mchacinska@ijhars.gov.pl">mchacinska@ijhars.gov.pl</a>  Main Inspectorate 30 Wspólna St. 00-930 Warsaw Poland International Cooperation Department Tel. (048 22) 623-29-02 E-mail: <a href="mailto:integracja@ijhars.gov.pl">integracja@ijhars.gov.pl</a>

## 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.

**Use by Dates:** Poland strictly enforces the EU date format requirement of dd/mm/year. The dates must be stated as best before (“najlepiej spożyć przed dd/mm/year”). For very perishable foods, the last day

of consumption (“należy spożyć do dd/mm/year”) must be marked on the label. Storage and use instructions must also appear on the label, as necessary. For example, storage instructions would be required on the label of a product that appeared to need refrigeration but, in fact, did not.

### **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, 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>

On January 8, 2010, modification to the Polish Food Safety Law of 2006: *Ustawa z dnia 8 stycznia 2010 r. o zmianie ustawy o bezpieczeństwie żywności i żywienia oraz niektórych innych ustaw (Dz. U. Nr 21, poz. 105)* was published (Polish Journal of Law No 21, pos. 105). The text of that law (link in Polish only) can be found at:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/ustawa\\_nr\\_21\\_poz\\_105.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/ustawa_nr_21_poz_105.pdf)

This law was updated to comply with additional EU regulations.

### **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 wartościami odżywczymi* was published (Polish Journal of Law, No. 137, pos. 967). The text of that law (link in Polish only) can be found at:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/wartosc%20odzywczaz%20tj.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/wartosc%20odzywczaz%20tj.pdf)

### **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://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/rozporzadzenie\\_suplementy\\_diety\\_91\\_596.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/rozporzadzenie_suplementy_diety_91_596.pdf)

On October 17, 2007, the regulation on foodstuffs intended for special nutritional diet: *Rozporządzenie Ministra Zdrowia z dnia 17 października 2007 r. w sprawie środków spożywczych specjalnego przeznaczenia żywieniowego* was published (Polish Journal of Law, No. 209, pos. 1518). The text of that law (link in Polish only) can be found at:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/Dietetyczne\\_DzU\\_2007\\_209\\_1518.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/Dietetyczne_DzU_2007_209_1518.pdf)

Followed with adjustments:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2008\\_208\\_1313\\_dietetyczne.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2008_208_1313_dietetyczne.pdf)

### **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.

- ◆ 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.
- ◆ 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 phytanols and licorice.
- ◆ 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. 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](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: the shelf life is indicated by words "Best before..." when the date includes an indication of the day; "Best before end of..." in other cases. The date has to be given in order of - day- month-year. Text in Polish language: Best before - *najlepiej spożyć przed dd/mm/year*, the last day of consumption - *należy spożyć do dd/mm/year*.

- ◆ 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.
- ◆ 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 (see section 7).

Note: the use of the EAN (European Article Numbering) 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.

- ◆ 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.

## **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

## **Upcoming changes in labeling following EU regulations:**

Labeling on juices produced wholly or partly of concentrated juices - legislation will come into force on 1 January 2011.

Labeling on flavorings and certain food ingredients with flavoring properties – changes concerning the definition of flavors. This will cause change of current interpretation on the image of the fruit / vegetables in the labeling and food presentations.

## **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 (link in Polish only) can be found at:  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/1924\\_tj.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/1924_tj.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 (link in Polish only) can be found at:  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2008\\_353\\_pl\\_o%C5%9Bwiadczenia\\_zm%20.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2008_353_pl_o%C5%9Bwiadczenia_zm%20.pdf)

Followed with adjustment: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-1169\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-1169_pl_o%C5%9Bwiadcz.pdf)

Commission Regulation 983/2009 concerning the authorization of health claims in foodstuffs and referring to the reduction of disease risk and children's health: published on April 18, 2008. The text of that law (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-983\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-983_pl_o%C5%9Bwiadcz.pdf)

Followed with adjustments:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-984\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-984_pl_o%C5%9Bwiadcz.pdf)  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-1025\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-1025_pl_o%C5%9Bwiadcz.pdf)  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-1167\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-1167_pl_o%C5%9Bwiadcz.pdf)  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-1168\\_pl\\_o%C5%9Bwiadcz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-1168_pl_o%C5%9Bwiadcz.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:**

The list of substances intended for food contact and permitted in manufacturing or processing of materials and products from other materials than plastics: published on January 15, 2008. The text of that law (Polish link translated) can be found at:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/17\\_113.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/17_113.pdf)

List of added substances, possible to use, permitted 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: published on October 18, 2009. The text of that law (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009\\_975.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009_975.pdf)

With adjustment: published on July 2, 2010. The text of that law (Polish link translated) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/mat\\_i\\_wyr\\_2010.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/mat_i_wyr_2010.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 (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2008-282\\_pl\\_mat\\_i\\_wyr.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2008-282_pl_mat_i_wyr.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 (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-450\\_pl\\_mat\\_i\\_wyr.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-450_pl_mat_i_wyr.pdf)

Commission Regulation 558/2010 – 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.

Commission Regulation 975/2009 - on new monomers, other starting substances, and additives that can be used to produce materials and plastic products.

2, 4, 4'-trichloro-2'-hydroksydifenylöeteru is not included in the EU list of additives which may be used to produce materials and plastic products.

#### Section IV. Food Additives Regulations:

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, Wine-like fruit drinks, including	E 100	Curcumin	200 mg/l
	E 102	Tartrazine	
	E 104	Quinoline	

flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks		yellow	
	E 110	Sunset yellow FCF, Sunset yellow F	
	E 120	<u>Cochineal</u> , <u>Carminic acid</u> , Carmines	
	E 122	<u>Carmoisine</u> , <u>Azorubine</u>	
	E 124	<u>Cochineal Red A</u> , <u>Ponceau 4R</u>	
	E 129	<u>Allura red AC</u>	
	E 131	<u>Patent Blue V</u>	
	E 132	<u>Indigotine</u> , <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	<u>Lutein</u>	

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

<b>Foodstuff</b>	<b>Substance number according to the European Union coding system</b>	<b>Substance name</b>	<b>Maximum acceptable levels</b>
Wine-like fruit drinks, including flavored wine-like fruit drinks, 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	<u>Aspartame</u>	600 mg/l
	E 954	<u>Saccharin</u> and its sodium, potassium and calcium salts	80 mg/l

	E 959	Neohesperidine DC	20 mg/l
	E 955	Sucralose	50 mg/l
	E 962 <sup>1)</sup>	Aspartame-acesulfame salt	350 mg/l <sup>2)</sup>

<sup>1)</sup> 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.

<sup>2)</sup> 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	Calcium carbonate	<i>quantum satis</i>
	E 500ii	Sodium bicarbonate	<i>quantum satis</i> (applicable only to cheese from sour milk)
	E 504	Magnesium carbonates	<i>quantum satis</i>
	E 509	Calcium chloride	
	E 575	Glucono delta-lactone	
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 <sup>1)</sup>	12.5 mg/kg
Ripened cheese analogues (cheese-like products), onto the surface only	E235	Natamycin	1 mg/dm <sup>2</sup> 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	<a href="#">Dimethyl dicarbonate</a>	200 g/l, quantity added to the drink, residue: not detectable
Polish wine, Flavored Polish wine, Wine-like fruit drinks, including flavored wine-like fruit drinks, 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 ( <a href="#">Sulfur dioxide</a> )	200 mg/l
	E 221	Sodium sulfite	
	E 222	Sodium bisulphite	
	E 223	Sodium metabisulphite	
	E 224	Potassium metabisulphite	
	E 226	<a href="#">Calcium sulphite</a>	
	E 227	Calcium hydrogen sulphite	
	E 228	<a href="#">Potassium hydrogen sulphite</a>	
Polish wine, Flavored Polish wine	E 353	<a href="#">Metatartaric acid</a>	100mg/l

<sup>1)</sup> 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 <sup>1)</sup>	Ba <sup>1)</sup>	PHB <sup>1)</sup>	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, Wine-like fruit drinks, including flavored wine-like fruit drinks, Low-alcohol content drinks, including flavored low-alcohol content drinks Flavored fruit wine	200					

<sup>1)</sup> 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:

Maximum levels of all the aforementioned substances are given as per the free acid.

The acronyms used in the table have the following meaning:

Sa + Ba: Sa and Ba used individually or combined.

Sa and PHB used individually or combined.

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.

Tables all included in polish link:

[http://www.gis.gov.pl/userfiles/file/akty\\_prawane\\_2/substancje\\_dodatkowe\\_art\\_11.pdf](http://www.gis.gov.pl/userfiles/file/akty_prawane_2/substancje_dodatkowe_art_11.pdf)

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.

Commission Regulation 1170/2009 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: published on December 1, 2009.

Regulation of the Minister of Health on permitted additives: *Rozporządzenie Ministra Zdrowia z dnia 18 września 2008 r. w sprawie dozwolonych substancji dodatkowych*, was published on September 18, 2008 in Polish Journal of Law No. 177, pos 1094, polish link:

<http://www.infor.pl/dziennik-ustaw,rok,2008,nr,177/poz,1094,rozporzadzenie-ministra-zdrowia-w-sprawie-dozwolonych-substancji-dodatkowych.html>

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* was published on October 12, 2007 (Polish Journal of Law No. 199, pos. 1441). The text of that law (link in Polish only) can be found at:

[http://www.gis.gov.pl/userfiles/file/akty\\_prawane\\_2/Kryteria\\_czystosci\\_DzU\\_07\\_199\\_1441.pdf](http://www.gis.gov.pl/userfiles/file/akty_prawane_2/Kryteria_czystosci_DzU_07_199_1441.pdf)

With adjustment:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/Kryteria\\_czysto%C5%9Bci\\_DzU\\_2010\\_23\\_120.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/Kryteria_czysto%C5%9Bci_DzU_2010_23_120.pdf)

**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* was published on September 4th, 2008 (Polish Journal of Law No 177, pos.1093). The text of that law (link in Polish only) can be found at:

[http://www.gis.gov.pl/userfiles/file/akty\\_prawane\\_2/Rozpuszczalniki\\_DzU\\_2008\\_177\\_1093.pdf](http://www.gis.gov.pl/userfiles/file/akty_prawane_2/Rozpuszczalniki_DzU_2008_177_1093.pdf)

**Aromas:** Regulation of the Minister of Health on using and labeling aroma, which can be used in the production of food: *Rozporządzenie Ministra Zdrowia z dnia 4 września 2008 r. w sprawie stosowania i oznakowania aromatów, które mogą być stosowane w produkcji żywności* was published on September 4, 2008 (Polish Journal of Law No. 177, pos.1093). The text of that law (link in Polish only) can be found at: [http://www.gis.gov.pl/userfiles/file/akty\\_prawane\\_2/Aromaty\\_2008\\_177\\_1092.pdf](http://www.gis.gov.pl/userfiles/file/akty_prawane_2/Aromaty_2008_177_1092.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 text of that law (link in Polish only) can be found at:  
[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/Substancje\\_wzbogacaj%C4%85ce\\_DzU\\_03\\_27\\_23\\_7%20.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/Substancje_wzbogacaj%C4%85ce_DzU_03_27_23_7%20.pdf)

With adjustments:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/1925\\_tj.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/1925_tj.pdf)

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2009-953\\_pl\\_dietetyczne.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2009-953_pl_dietetyczne.pdf)

**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. It is still not possible to use it in the EU. This will be possible only after the European Commission's decision of including it in the current list of sweeteners.

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 draft of the new Regulation of the Minister of Health on specifications and criteria of the purity of additives - the project implements the provisions of Community directives (such as No: 2008/60/EC, 2008/84/EC, 2008/128/EC, 2010/37/UE) replacing regulation from October 12, 2007.

Regulation of the Minister of Health of August 9, 2010 is changing the regulation on the specific additives entering the polish market - correcting the error unit (g / l for actual - mg / l) in relation to the limit quantities – dimethyldicarbonate (E 242).

Modification in national legislation on additives from 18 September 2008. The list of permitted additives has been extended by one sweetener - neotame, which can be used in food (including soft drinks, desserts, and pastries) from 12 October 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 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 concerning set of maximum levels for certain contaminants in foodstuffs: published on December 19, 2006. The text of that regulation (link in Polish only) can be found at: [http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/1881.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/1881.pdf) (polish link)

With adjustments:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2010-105\\_pl\\_zaniecz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2010-105_pl_zaniecz.pdf)

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2010\\_165\\_pl\\_zaniecz.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2010_165_pl_zaniecz.pdf)

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/2010-304\\_pl\\_pestycyd.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/2010-304_pl_pestycyd.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](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)

Imported products must have excise tax stickers on them before entering Poland. Once the product enters the country, the remainder of the tax must be paid.

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 bans 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.

Directives of excise duty will probably not change in the near future. The main act, which defines excise tax is in force since January 2009:

[http://www.mf.gov.pl/files/podatki/podatek\\_akcyzowy/nowa\\_ustawa.pdf](http://www.mf.gov.pl/files/podatki/podatek_akcyzowy/nowa_ustawa.pdf)

No	CN Code	Product	Tax value
1	ex 15.93.11,	Wine	158.00 PLN/hl
	ex 15.93.12,		
	ex 15.95.10		
2	ex 15.93.11,	Fermented drinks	158.00 PLN/hl
	ex 15.93.12,		
	ex 15.94.10,		
	ex 15.95.10		
3	ex 15.93.11,	Intermediate products, such as vermouth	318.00 PLN/hl
	ex 15.93.12,		
	ex 15.94.10,		

	ex 15.95.10		
4	15.92.11	Non-denatured ethyl alcohol with an alcohol strength of 80% or more (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
5	15.92.12	Ethyl alcohol and other denatured alcohols with any strength (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
6	15.91.10	Vodkas, liqueurs, other alcoholic drinks; composite alcoholic products for drink manufacturing (from 1 hl of 100% vol. ethyl alcohol), except for pharmaceutical herbal compositions based on ethyl alcohol	4,960.00 PLN
7	ex 15.33.25	Other preserved fruit which contains ethyl alcohol from ethyl alcohol content (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
8	ex 15.87.12-70	Sauces and sauce products, mixed seasonings and mixed spices not listed elsewhere which contain ethyl alcohol from ethyl alcohol content (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
9	15.89.14-90.92	Isoglucose syrups which do not contain any flavoring or dyeing agents and which contain ethyl alcohol from ethyl alcohol content (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
10	ex 24.63.10	Aromatic oils, mixtures of fragrance substances which contain ethyl alcohol from ethyl alcohol content (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
11	Irrespective of the Polish Classification of Products and Services code	Other alcoholic drinks with alcohol content above 1.2% of their volume (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN

No	CN Code	Product	Tax value
1	ex 2204,	Wine	158.00 PLN/hl
	ex 2205		
2	ex 2204,	Fermented drinks	158.00 PLN/hl
	ex 2205,		
	ex 2206 00		
3	ex 2204,	Intermediate products	318.00 PLN/hl
	ex 2205,		
	ex 2206 00		

4	2207 10 00	Non-denatured ethyl alcohol with a volume alcohol strength of 80% vol. or more (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
5	2207 20 00	Ethyl alcohol and other alcoholic products with any strength (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
6	2208	Non-denatured ethyl alcohol with a volume alcohol strength lower than 80% vol.; vodkas, liqueurs and other spirits (from 1 hl of 100% vol. ethyl alcohol), except for ready-to-use pharmaceutical herbal compositions based on ethyl alcohol CN 2208 90 69	4,960.00 PLN
7	ex 2008	Fruit, nuts and other edible plant parts processed or preserved otherwise, even if they contain added sugar or another sweetening agent or alcohol, not listed or included elsewhere, which contain ethyl alcohol (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
8	2103 90 30	Bitter, aromatic condiments with a volume alcohol strength of 44.2% to 49.2% vol. which contain from 1.5% to 6% weight of the bitter substance, seasonings and various ingredients and from 4% to 10% weight of sugar in containers with a volume of 0.5 liter or smaller (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
9	2106 90 20	Composite alcoholic products other than those based on fragrance substances, such as types used for drink manufacturing (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
10	ex 3302	Mixtures of fragrance substances and mixtures (including alcoholic solutions) based on one or more than one such substance, such as types used as raw materials in industry; other products based on fragrance substances, such as types used for drink manufacturing which contain ethyl alcohol (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
11	irrespective of the CN code	Other alcoholic drinks with alcohol content above 1.2% vol. (from 1 hl of 100% vol. ethyl alcohol)	4,960.00 PLN
12	2203 00 01	Beer	7,79 PLN/hl for each plato measure

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 was published on October 24, 2008 (Polish Journal of Law, 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 – IHARS. Information about falsified food products is published on website of Chief Inspector for The Agricultural and Food Quality Inspection.

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)

## **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 safeness determination by the European Food Safety Authority (EFSA).

The Ministry of Environment, Ministry of Agriculture, and the Polish Parliament currently are working on a new biotechnology regulation, inclusive of coexistence rules. The new regulation is expected to be completed by mid2011.

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](mailto: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.

Since May 1, registering a trademark in the European Union became less expensive and more direct. The Office for Harmonization in Alicante, Spain, no longer accepts money for registration. It only receives and processes applications for trademark protection.

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 (Gown Inspectorate Sanitary). [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
- Presentation of foreign documents legalized by the competent polish authorities operating in the country, polish diplomatic or consular offices.

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 application for food and the certificate of compliance with health requirements see:

[http://www.gis.gov.pl/userfiles/file/akty\\_prawane\\_2/Wzory\\_wniosk%C3%B3w\\_kontrola\\_graniczna\\_Dz\\_U\\_2007\\_44\\_286.pdf](http://www.gis.gov.pl/userfiles/file/akty_prawane_2/Wzory_wniosk%C3%B3w_kontrola_graniczna_Dz_U_2007_44_286.pdf) – polish link (translated)

For the list of goods liable to border sanitary control:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/wykaz\\_towarow.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/wykaz_towarow.pdf) – polish link

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:

[http://www.pis.gov.pl/userfiles/file/akty\\_prawane\\_2/196\\_1423.pdf](http://www.pis.gov.pl/userfiles/file/akty_prawane_2/196_1423.pdf) - polish link

#### **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](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](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](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](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 No. 20, pos. 106) Polish link to this regulation can be found at: <http://lex.pl/serwis/du/2009/0106.htm>

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

Ministry of Agriculture and Rural Development  
Office of the Minister  
Ul. Wspólna 30  
00-930 Warsaw  
Tel. 22 623 13 78; fax: 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  
Deputy Director, Wiesław Podyma  
Tel: 48-22 623-2554  
Fax: 48-22 628-8784  
<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: 48-22 623-2336  
Fax: 48-22 628-8784  
<http://www.bip.minrol.gov.pl/DesktopDefault.aspx?TabOrgId=579&LangId=0>

General Veterinary Inspector  
Office of the Chief Veterinary Officer  
Janusz Związek, CVO  
ul. Wspólna 30  
00-930 Warsaw  
Tel.: (22) 623 22 03  
Tel.: (22) 623 20 89  
Fax.:(22) 623 14 08  
E-mail: [janusz.zwiazek@wetgiw.gov.pl](mailto:janusz.zwiazek@wetgiw.gov.pl)  
Web page: [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. Tadeusz Kłos, Main Inspector  
Jana Pawła II 11  
00-828 Warsaw  
Tel. (+48-22) 652-92-90, (+48-22) 620-28-24  
E-mail: [gi@piorin.gov.pl](mailto:gi@piorin.gov.pl)

Z-ca Głównego Inspektora Jakości Handlowej Artykułów Rolno-Spożywczych

(Deputy Chief Inspector for Trade Quality Control of Agricultural Food Products)

Ms. Dorota Krzyżanowska

ul. Wspólna 30

00-930 Warsaw

Tel: 48-22 623-2900

Fax: 48-22 623-2998

Email: [kgz@ijhars.gov.pl](mailto:kgz@ijhars.gov.pl)

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

Main Sanitary Inspection (Główny Inspektorat Sanitarny - GIS)

Mr. Przemysław Biliński, Chief Sanitary Inspector

ul. Długa 38/40

00-238 Warsaw

Tel: 48-22 635-1559

Fax: 48-22 635-6194

Email: [inspektorat@gis.gov.pl](mailto:inspektorat@gis.gov.pl)

Web page: <http://www.pis.gov.pl/>

Ministry of Environment

Department of Environmental Protection

Director, Agnieszka Dalbiak

Senior specialist for GMO, Joanna Rybak

Tel: (0 22) 57-92-366

Fax: (0 22) 57-92-730

E-mail: [joanna.rybak@mos.gov.pl](mailto:joanna.rybak@mos.gov.pl)

E-mail: [agnieszka.dalbiak@mos.gov.pl](mailto:agnieszka.dalbiak@mos.gov.pl)

Web page: <http://www.mos.gov.pl/>

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

National Food and Nutrition Institute  
Prof. dr hab Mirosław Jarosz  
Director  
ul. Powsińska 61/63  
02-903 Warsaw  
Tel. (022) 842-21-71, (022) 55-09-677  
E-mail: [jarosz@izz.waw.pl](mailto:jarosz@izz.waw.pl)  
Web page: <http://www.izz.waw.pl/>

State Hygiene Office- (Państwowy Zakład Higieny) - PZH  
Prof. Jan Krzysztof Ludwicki, Vice Director of Environmental Health  
ul. Chocimska 24  
00 – 971 Warsaw  
Tel (22)54-21-328  
Fax (22)8497441  
E-mail - [k.ludwicki@pzh.gov.pl](mailto:k.ludwicki@pzh.gov.pl)  
Web page: <http://www.pzh.gov.pl/page/>

Voivodship Sanitary Station in Warsaw - SANEPID - actual tests & check ups  
Małgorzata Czerniawska-Ankiersztejn  
ul. Żelazna 79  
00-875 Warsaw  
Tel 0-22 620 37 19, 0-22 624 14 23  
E-mail : [sekretariat@wsse.waw.pl](mailto:sekretariat@wsse.waw.pl)  
Web page: <http://www.wsse.waw.pl/>

Polish Center for Research and Certification  
Dr Wojciech Henrykowski  
Main Director  
ul. Kłobucka 23A  
02-699 Warsaw  
Tel: (22) 46-45-201  
Fax: (22) 647-12-22  
Email: [pcbp@pcbp.gov.pl](mailto:pcbp@pcbp.gov.pl)  
Web page: [www.pcbc.gov.pl](http://www.pcbc.gov.pl)