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Report Highlights:

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

FAIRS Annual Country Report

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Disclaimer

This report was prepared by U.S. Embassy Warsaw’s Office of Agricultural Affairs (OAA) for U.S. exporters of domestic food and agricultural products. While every possible effort was taken to ensure accuracy, some information may not have been fully available during drafting or may have changed following publication. It is highly recommended that U.S. exporters verify the full set of import requirements with their international customers prior to shipping. The following Food and Agricultural Import Regulations and Standards (FAIRS) Report should also read in conjunction with the 2021 EU FAIRS report prepared by the U.S. Mission to the EU’s OAA. The EU FAIRS report is available on their [webpage](#).

FINAL IMPORT APPROVAL OF ANY PRODUCTS IS SUBJECT TO THE IMPORTING COUNTRY’S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Executive Summary

Poland is an EU Member State (MS) and applies all relevant EU regulations pertaining to food and feed imports. U.S. food and feed suppliers to Poland should verify with local importers and appropriate U.S. regulatory agencies regarding the most current local requirements prior to shipment. As of January 1, 2021, fees for border checks on the commercial quality of agri-food products were introduced. They cover documentation control, access to the inspection place, collection of samples for testing, sample shipment, laboratory tests, and other activities related to the inspection of an agri-food product. On January 1, 2021, Poland’s so-called “sugar tax” entered into force. The tax applies to sweetened beverages (drinks containing added sugar, sweeteners, caffeine, or taurine). Certain sugar-containing beverages, such as fruit juices and dairy-based drinks have been exempted.

Country Overview

Poland is one of the EU's fastest growing economies. Agricultural and food imports have risen quickly as Poland's growing middle class demands higher product variety, consistency, and quality. Nearly 70 percent of Polish food and agricultural imports and over 80 percent of exports are traded with other EU Member States (MSs). In 2020, as per Polish Customs data, total 2020 U.S. agricultural and related product exports to Poland were valued at \$506 million, a 1.4 percent decrease below 2019. Best prospects for U.S. agricultural products include seafood (pollock, salmon), livestock feed ingredients, such as soybean meal and feed preparations, and consumer-oriented products, including wine, distilled spirits, tree nuts (almonds and pistachios), dried fruit (cranberries and prunes) and hardwood lumber.

Section I. Food Laws:

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

The GFL establishes the European Food Safety Authority (EFSA) as an independent body that provides scientific analysis regarding food safety to the European Commission (EC). EFSA coordinates risk assessments and identifies emerging food safety risks in the EU, conducts crisis management, and collects and publishes food safety data within MSs. EFSA resources are available to all MSs and to other countries which apply EU food safety standards. See [here](#) for more information.

After conducting a '[fitness check](#)' of the GFL, the EC amended Regulation EC/178/2002 in June 2019 via Regulation [2019/1381](#) regarding the transparency of EU risk assessment procedures. The new Transparency Regulation became applicable on 27 March 2021.

Another result of the fitness check was to replace Directive EC/2000/29 of May 8, 2000, which regulated the introduction or dissemination of organisms deemed hazardous to plants or plant products, by the following EU regulations:

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

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

Current Polish Food Laws

On October 8, 2020, Poland announced the consolidated version of its 2006 Act on Food Safety and Nutrition (in Polish), which serves as the basis of Poland's regulatory framework for food safety and nutrition, including sanitation and hygiene, conditions applicable to food products, packaging and materials, products that have contact with food. The Act is composed as follows:

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

5. Official inspection on food
6. Institutional cooperation for food safety
7. Liability for harms caused by foods
8. Criminal provisions and penalties
9. Amendments to provisions in force, transitional, and final provisions

The Act implements the provision of the EU's General Food Law into the Polish legal system.

Food Authorities in Poland

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

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

The Veterinary Inspection (*Inspekcja Weterynaryjna* (IW) regulates animal health, food safety of products of animal origin, and international trade of food and feed products of animal origin.

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

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

- Quality control of food in production and sales, including exported products
- Quality control of imported food products, including border control of these articles
- Evaluates and issues certificates of food quality
- Regulates food storage and transportation conditions
- Coordinates with officials in other countries, exchanges information and food samples

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

Section II. Labeling Requirements:

General Requirements

The standard U.S. label fails to comply with EU labeling requirements. On December 13, 2014, the EU's "Food Information to Consumers (FIC)" Regulation 1169/2011 became applicable to all pre-packaged food and drink products marketed in the EU, including those imported from third countries. The mandatory nutrition declaration requirement introduced by the FIC regulation became applicable on December 13, 2016. updates on EU labeling rules can be found on the U.S. Mission to the EU's website at <http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/>.

In order to assist food business operators complying with the EU's food labeling rules, the European Commission as well as several Member State authorities and EU food federations have published guidance documents.

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

The objective of a “Regulation” is to set harmonized rules that apply throughout the EU. However, the FIC Regulation allows EU MSs to deviate from EU rules. Article 39 of the FIC Regulation sets conditions for MSs to adopt additional mandatory national measures, including measures for country-of-origin labeling. The FIC Regulation exempts alcoholic beverages from mandatory nutrition labeling and ingredient listing but Article 41 allows MSs to maintain national rules on the listing of ingredients until EU-harmonized provisions are adopted.

U.S. exporters are strongly advised to check for additional requirements with their importers.

In December 2020, the European Commission published a roadmap outlining its intention to advance a legislative proposal to revise Regulation (EU) 1169/2011. This revision will include:

- Harmonized mandatory front-of-pack nutrition labelling
- The setting of ‘nutrient profiles’ restricting the promotion (via nutrition and health claims) of foods that are high in fats, sugars, and/or salt
- The extension of mandatory origin or provenance indications to certain products
- A revision of the EU rules on date marking (‘use by’ and ‘best before’)

A legislative proposal is expected in the fourth quarter of 2022. For more information, please see the U.S. Mission to the EU's [GAIN Report Commission Publishes Roadmap on the Upcoming Revision of Food Labeling Requirements](#).

Basic Laws on Food Labeling in Poland

In Poland, food labeling requirements are defined by:

- the Act of August 25, 2006 on the Food Safety and Nutrition (consolidated text: Polish Journal of Law 2020, pos. 2021)
- the Act of December 21, 2000 on the Commercial Quality of Food Products (Polish Journal of Law 2001, pos. 5), and
- the Regulation of the Minister of Agriculture and Rural Development of 23 December 2014 on labeling of the specific types of foodstuffs (Polish Journal of Law 2015, pos. 29)

Compulsory Information on Labels

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

- Name of the food
- List of ingredients
- Allergens listed in Annex II

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

Poland follows the EU rules, with the specification that compulsory information must appear **in Polish on a label (stickers are permitted)**. The label information has to be in line with Article 9 of FIC regulation 1169/2011 and must be marked in such a way that it is easily visible and clearly legible. Article 13 of the FIC regulations specifies that the minimum font size for printing mandatory information on food and drink labels is 1.2 millimeters.

Examples of the labels containing compulsory information for pork sausage, cheese, honey, strawberry jam, apple juice, and bread are available (in Polish) on the website of [the Agricultural and Food Quality Inspection](#).

Labeling Irregularities

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

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

Voluntary Labeling

As of January 1, 2017, new regulations on voluntary marking of foodstuffs with the words "*Produkt Polski*" (Made in Poland) went into effect in Poland. Manufacturers are able to place logo "*Produkt*

Polski" on products produced in Poland with the use of Polish raw materials and containing no more than 25 percent of components derived from imported ingredients (this percent does not include water content). Meat marketed with the "*Produkt Polski*" label should be derived from animals born in Poland and whose breeding and slaughter took place on the Polish territory.

Lactose-Free Voluntary Labeling

Legal provisions in the area of food safety, both at the EU and national level, do not currently contain detailed requirements for labeling foodstuffs for general consumption with messages referring to the absence, low or reduced content of lactose (such as "lactose free", "does not contain lactose"). Such provisions with regard to allergens have been developed at European Union level only for the labeling of food with no or low gluten content. One of the important reasons for the lack of legal regulations on the lactose-free labeling is the high variability of individual lactose tolerances. Therefore, the use of the lactose-free claim should comply with the general food labeling requirements.

Following the guidance from the [State Sanitary Inspection](#), pursuant to Article 7 of the EU Regulation No 1169/2011, the information on the food shall not be misleading, in particular as to the properties and composition of the food, by ascribing to the food an activity or properties that it does not possess and by suggesting that the food has special properties when in fact, all similar foods have such properties, especially by specifically emphasizing the presence or absence of certain ingredients or nutrients. Therefore, highlighting the information about the absence of lactose in a food by using messages such as "lactose-free" is only justified if the final product does not contain lactose, and if the consumer could expect the presence of lactose in a given product (for example in milk and dairy products in which lactose is normally present).

Bearing in mind the safety of food labeled as "lactose-free", food business operators placing such information in the labels, advertising or presentation of foodstuffs should have documentation confirming the absence of lactose. Confirmation that a given food does not contain lactose may be the implemented internal control procedure established by the establishment based on a risk assessment, as well as the results of laboratory tests of raw materials and/or products performed with the frequency set in the internal control procedure by the manufacturer who is responsible for food safety.

Due to the lack of regulations regarding the maximum lactose content in products labeled as "lactose-free", for this type of product, the lowest and safest possible value for the consumer should be taken, specifically, the value of 0.01 percent (10 milligram of lactose per 100 gram of product).

Food Traceability

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

All food and feed operators implement special traceability systems. The EU publishes guidelines for business operators to document the names and addresses of suppliers and customers in each case, as

well as the nature of the product and date of delivery. Operators are also encouraged to keep records on product volumes/quantities, batch numbers (if any), and detailed product descriptions, such as whether the product is raw or processed.

Medical/Health/Nutrition Claims

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

Marketing Quality of Food Products

Marketing quality of food products is defined as the characteristics of a food product relating to its organoleptic, physicochemical, and microbiological properties in terms of production technology, size or weight, and requirements resulting from the method of production, packaging, presentation, labeling, not covered by sanitary, veterinary, or phytosanitary requirements. Pursuant to the Act of December 21, 2000 on the Commercial Quality of Food Products, the Agricultural and Food Quality Inspection (IJHARS) supervises the commercial quality of agri-food products.

At the import stage, the IJHARS checks the goods specified in the Regulation of the Minister of Agriculture and Rural Development of January 18, 2013 on the list of agricultural and food products imported from abroad and their minimum quantities subject to commercial quality control (consolidated text: Polish Journal of Laws of 2020, pos. 1934). Marketing quality control of agri-food products imported from a third country may be carried out at border crossings in accordance with the regulation of the Minister of Agriculture and Rural Development of April 8, 2015 on the list of border crossings at which commercial quality control of agri-food products imported from abroad is carried out.

Plant-based Meat and Dairy Alternatives

As regards the plant-based meat and dairy alternatives, Poland follows the EU rules. To date, there is no EU-harmonized definition of the terms "vegetarian" and "vegan" and no specific requirements for the labeling of plant-based meat and dairy alternatives. In July 2017, the European Court of Justice (ECJ) ruled that plant-based products cannot be labeled with dairy names such as "cheese," "butter" or "milk". The ECJ based its ruling on Regulation 1308/2013, which defines definitions and designations that may only be used for the marketing of dairy products. A list of exceptions for non-dairy products that may be labeled with reserved dairy names was established by Commission Decision 2010/791. For more information, please see 2021 EU FAIRS report prepared by the U.S. Mission to the EU's OAA, which is available on their [website](#).

Section III. Packaging and Container Regulations:

Size and Content

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

[Directive 2007/45/EC](#) abolished regulations on mandatory pack sizes at both EU and national levels. Under this Directive, only wine and spirits have defined package sizes, with the exception of *shochu* bottled in Japan. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC.

Packaging Waste Management

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

Reducing Packaging Related Waste

In May 2018, the European Commission proposed new rules to target the ten single use plastic products most often found on Europe's beaches and seas, as well as lost fishing gear. The ban of certain products could also affect food packaging. Some provisions of [Directive \(EU\) 2019/904](#) to reduce the impact of certain plastic products on the environment, such as the ban on single-use plastics, went into effect on July 3, 2021. This was the deadline for MSs to transpose the directive into national laws, regulations, and administrative provisions. Other provisions in the Directive, such as the extended producer responsibility, will take effect by the end of 2024. In Poland, the transpositions works are ongoing.

Materials in Contact with Food Products

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

A revision of the EU legislation on food contact materials (FCMs) was announced in May 2020 as part of the European Commission's Farm to Fork Strategy. The revision will be accompanied by an impact assessment, providing the opportunity to gather further information needed to address information gaps identified during the evaluation and to support the revision work. The starting point for the revision is a roadmap (inception impact assessment) which has been opened for feedback from all stakeholders until

29 January 2021. The European Commission announced its plan to undertake a further 12-week public consultation in 2021 and develop a full impact assessment for the revision. Further information on the revision process and results is published on the European Commission's [website](#).

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

Polish Regulations on Materials in Contact with Food Products

In Poland, the EU provisions are directly applied and no national legislation is currently in force. In 2021, the European Commission, in cooperation with MSs, has launched a control action on plastic materials and articles intended to come into contact with food, imported from third countries, focusing on a prohibited ingredient - ground or powdered bamboo. The control action started due to the numerous recent notifications under the Rapid Alert System for Food and Feed (RASFF) related to exceeding the limits for melamine and formaldehyde migration to food from products containing ground or powdered bamboo, especially intended for infants and children. These products came from third countries - mainly from China.

The bodies of the Polish State Sanitary Inspection are taking part in this European control operation. As part of the control activities, they pay special attention to the composition of the imported food contact materials made of plastic and bamboo, originating from third countries and placed on the market in Poland. The scope of administrative activities includes a thorough analysis of the documentation accompanying these goods, and in the event of non-compliance, withdrawal of the products from the market.

Section IV. Food Additive Regulations:

Summary of EU's import rules as pertaining to food additives can be viewed [here](#).

The EU's "Package on Food Improvement Agents" includes four Regulations: [Regulation 1331/2008](#) (amended by [Regulation \(EU\) 2019/1381](#) on the transparency and sustainability of the EU risk assessment in the food chain) establishes a common authorization procedure for food additives, food enzymes, and food flavorings, [Regulation 1332/2008 on food enzymes](#), [Regulation 1333/2008 on food additives](#) and [Regulation 1334/2008 on flavorings](#). Only additives included in the EU's positive list may be used in food products marketed in the EU. Inclusion in the EU positive list is based on a risk assessment by the European Food Safety Authority (EFSA).

[Commission Implementing Regulation 234/2011](#) explains in detail how applications to update the EU positive lists should be drafted (content, data requirements, and presentation). EFSA then verifies the suitability of the data. It has also been adjusted by [Commission Implementing Regulation \(EU\) 2020/1823](#) to accommodate the changes linked to [Regulation \(EU\) 2019/1381](#) on the transparency and sustainability of the EU risk assessment in the food chain. These new provisions went into effect on March 27, 2021.

Annex II to [Food Additives Regulation 1333/2008](#) lists all additives approved for use in foods and their conditions for use. The authorized uses of additives are listed according to the category of food 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 positive list are authorized under

specific conditions. An important difference from U.S. legislation is that the EU does not allow the use of flour bleaching agents chlorine, bromates, and peroxides.

Annex III to Regulation 1333/2008 contains a second list of food additives approved for use in food ingredients such as other food additives, food enzymes, food flavorings, and nutrients. [Commission Regulation 231/2012](#) sets out specifications for food additives listed in Annexes II and III. Member States may continue to prohibit the use of certain categories of food additives in traditional foods listed in Annex IV to regulation 1333/2008.

In 2016, EFSA completed a re-evaluation of EU-approved food colors. As a result, Annex V to Regulation 1333/2008 was amended to introduce mandatory labeling information for six food colors: Quinoline Yellow (E104), Sunset Yellow (E110), Ponceau 4R (E124), Tartrazine (E102), Azorubine/Carmoisine (E122), and Allura Red AC (E129). Foods containing these colors must be labeled “may have an adverse effect on activity and attention in children” (see also Section V – Labeling Requirements). [Commission Regulation 232/2012](#) lowered the limits for food colors Quinoline Yellow (E104), Sunset Yellow (E110), and Ponceau 4R (E124). Food color Red 2G (E 128) was removed from the EU’s positive list.

The Commission’s [food additives database](#), together with its [user guide](#), provides detailed information on the different food additives allowed in the EU. More information on the use of food additives can be obtained from the European Commission’s website at https://ec.europa.eu/food/safety/food_improvement_agents/additives_en.

Section V. Pesticide and Other Contaminants:

Plant Protection Products

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

Rules for marketing and using pesticides in Poland are regulated by the Law on Plant Protection Products of March 8, 2013 (consolidated text: Journal of Laws of 2020, pos. 2097). Basic rules for the protection of plants against harmful organisms are available in the Act on Protection of Plant against Harmful Organisms of 13 February 2020 (consolidated text: Journal of Laws of 2021, pos. 256).

Official Controls on Plant Protection Products and their Residues in Food

In Poland, the Plant Health and Seed Inspection (PIORIN) is the competent authority for supervision of marketing and use of PPPs in the field. As regards imported PPPs, National Revenue Administration in cooperation with PIORIN are responsible for controls of import of PPPs.

The State Sanitary Inspection (PIS) is responsible for official controls on residues of PPPs in food. A multi-annual residue control plan is in place. Samples are taken at all marketing stages, including at import. Pesticide residues form an integral part of the overall plan for official control of food. The plan specifies the number of samples to be taken by each district office of PIS, the commodities to be sampled, the scope of the laboratory analysis for the different commodities, and the analytical methods.

The district offices of PIS and, for imports, border officer of PIS, are responsible for inspections, sampling, and follow-up.

Official Controls on Contaminant Residues in Animal Products

The Polish Veterinary Inspection (VI) is the competent authority for the control of residues in live animals and animal products. The VI at central level is responsible for preparing (with the help of the National Veterinary Research Institute), issuing and supervising the annual National Residue Control Plan (NRCP). On the basis of the original NRCP, a more detailed plan, tailored to each region, is prepared and sent to the regional offices of VI. This plan contains details on the number of samples to be taken at district level, and the relevant matrix.

The border offices of VI are responsible for sampling food of animal origin imported from non-EU countries. They take official samples for residues and microbiological contamination. In 2020, there were 94 samples taken on imported products withing the National Residue Control Plan, including one which was non-compliant.

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

On January 1, 2021, Poland's so-called "sugar tax" entered into force. While both foreign-owned and domestic companies are subject to the tax, U.S. companies operating in Poland pay the majority of these taxes, because certain sugar-containing beverages, such as fruit juices and dairy-based drinks, produced primarily by Polish companies, have been exempted. The tax applies to sweetened beverages (drinks containing added sugar, sweeteners, caffeine, or taurine) and alcohol in small bottles not exceeding 300 ml. The tax ranges from \$0.14 to \$0.31 per liter of product. Dietary supplements and infant formula are also exempted.

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

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

A list of VAT rates applicable in Poland can be found [here](#).

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

Some excise products are subject to obligatory excise strips (*e.g.* bottle bandoliers), which need to be placed on individual product packaging. These regulations are obligatory for alcoholic beverages (except beer) and tobacco products. For bulk shipments of wine and spirits, excise bandoliers should be applied prior to entering the EU. Importers commonly supply U.S. shippers with excise bands to be put on products prior to shipping. Imported products must have excise tax stickers on them before entering

Poland (based on a partial pre-payment). Once the product enters the country, the remainder of the tax must be paid. Exception to the above procedure occurs when, upon arriving at EU destination, products are stored in Customs bonded warehouses. In such a situation, bottle bandoliers need to be applied before products can be released from Customs bonded warehouse.

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

Section VII. Other Specific Standards:

Food Labeling for Dietary Supplements and Special Nutritional Products

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

Detailed requirements regarding the composition and labeling of dietary supplements are specified in the Regulation of the Minister of Health of 9 October 2007 on the composition and labeling of dietary supplements (Polish Journal of Laws of 2018, pos. 1951). The provisions of this regulation state, inter alia, that dietary supplements placed on the market are labeled with the following information on the packaging:

- The name "dietary supplement"
- The names of the categories of nutrients or substances that characterize the product or an indication of the nature of these substances
- Recommended daily dose of the product
- A warning about not exceeding the recommended daily dose
- A statement that dietary supplements cannot be used as a substitute (replacement) for a varied diet

The content of vitamins and minerals as well as other substances with a nutritional or other physiological effect declared in the labeling is given in terms of the daily portion of the product recommended by the manufacturer. Information on the content of vitamins and minerals shall also be provided as a percentage of the nutrient reference values set out in point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers.

Food Labeling for Fortified Food Products

Pursuant to Article 28 of the Act of August 25, 2006 on Food Safety and Nutrition (consolidated text: Polish Journal of Law 2020, pos. 2021), vitamins, minerals or other substances with a nutritional or other physiological effect may be added to food products, for example breakfast cereal, in accordance with the requirements set out in Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and certain other substances to foods. Vitamins and minerals may not be added to unprocessed foods (including in particular fruit, vegetables, meat, poultry, and fish) and beverages containing more than 1.2% alcohol by volume (except for the certain derogated products).

In Poland, there is also the regulation of the Minister of Health of 16 September 2010 on enriching substances added to food (Journal of Laws of 2010, pos. 1184). It specifies foodstuffs to which vitamins

or minerals are obligatorily added and sets minimum and maximum levels of vitamins and minerals, however, if the fortified food product is marketed in another EU Member State, the requirements of this Regulation of the Minister of Health do not apply.

Labeling of foodstuffs enriched with vitamins and/or minerals shall include a nutrition declaration covering the following elements:

- Energy value
- Amount of fat
- Saturated fatty acids
- Carbohydrates
- Sugars
- Proteins
- Salt
- Total amount of vitamins and / or minerals present in the product after their addition

Imports of Bovine Genetics

Bovine genetic imports into Poland are based on requirements under European Parliament Animal Breeding [Regulation](#) 2016/1012, which establishes important requirements for zootechnical and genealogical conditions for breeding, international trade of EU breeding animals, hybrid breeding pigs and germinal products thereof. In addition to EU regulations, U.S. exporters must follow Polish regulations on imported genetic material. The Polish regulation is based on the breeding law implemented in August 2007. Following an update of the EU's Animal Health Law, which entered into force on April 21, 2021, the EU has updated all required certificates for animals and products of animal origin. Models of the new certificates for bovine genetics were set in [Commission Implementing Regulation 2021/403](#). As per Regulation 2021/403, veterinary certificates must accompany U.S. bovine semen shipments, along with documents confirming the breeding value of the bull. The transitional provisions of Regulation 2021/403 allow for the continued use of the old certificates until March 15, 2022, provided that the certificates are signed before January 15, 2022.

Genetically Engineered (GE) Feed and Food

Since 2006, Poland has officially opposed approving any biotechnology event at the EU level and has taken steps to make the country "GMO-free." In 2006, Poland passed legislation banning the sale and registration of biotech seeds, restricted Polish representatives to the European Parliament from supporting pro-biotech legislation, and prohibited the importation, production, and use of animal feed containing ingredients enhanced through biotechnology. In practice, the ban on GE feed ingredients was postponed by the Polish Parliament several times. In 2020, the GOP postponed provisions of the 2006 Feed Act banning the use of GE feed ingredients for livestock, including U.S. soybean meal, until January 1, 2023.

Poland follows the EU rules on GE food. According to EU Regulation No 1829/2003, genetically engineered food and/or feed cannot be placed on the market, unless they are covered by the EU authorization and the conditions specified in this authorization are met. Official controls of genetically modified food are carried out by the State Sanitary Inspection authorities during the entire calendar year. Controlled entities are mainly shops, wholesalers, production plants, as well as mass caterers which might use products that may be genetically engineered, for example establishments where soy protein is used. The tested products are mainly soybean, corn and rice and their products, vegetables, meat and

meat products, poultry, confectionery and pastries, and food concentrates. The scope of the control includes:

- Checking the correct labeling of foodstuffs
- Control of documentation accompanying foodstuffs
- Inspection of certificates attesting the absence of unauthorized GE products - the requirement specified by decisions of the European Commission with regard to emergency measures taken in the event of detection of unauthorized GMOs in foodstuffs.

Since 2004, the Chief Sanitary Inspectorate has created an annual "Food sampling plan for testing as part of official food control and monitoring". In terms of controlling the presence of GE food, more than 600 samples are taken for testing every year, of which only a few are disqualified (approximately one to two percent), mainly due to the lack of proper labeling of products containing authorized GE products or due to the presence of unauthorized GE products. For example, samples of products containing corn, soybean or their derivatives, products labeled with the information "GMO-free" and imported potatoes, fruit and vegetables (papaya, tomato, squash) are taken for testing. The non-compliances most often concern products from the group of confectionery products (wafers with filling, awning cookies) and grains and flour products (linseed, flax seeds, rice noodles).

For additional information regarding the GE foods please refer to related [GAIN Report](#).

Novel Foods

For more information on novel foods please see the State Sanitary Inspection's [website](#). Information is available in Polish and refers to the European Commission's [website](#).

Traceability and Labeling of GE Foods

Regulation 1829/2003 (articles 12-13) regulate GE labeling for processed food products. The regulation does not require labeling for food products that are not food ingredients, such as processing aids. Meat, milk, or eggs obtained from animals fed with GE feed or treated with GE medicinal products do not require additional labeling. For more information please see [here](#). Traceability rules require all business operators to keep detailed records for suppliers and buyers of GE products. Regulation (EC) No. 1829/2003 includes all products which consist of or contain GE, including all products intended for human or animal consumption, products destined for industrial processing not for consumption (*e.g.* feedstock for biofuels), ornamental products (*e.g.* cut flowers), and food and animal feed products made from GE.



Business stakeholders must provide in writing if products consist of or contain biotech-derived materials and the unique identifiers of the events. For stacked biotech events, stakeholders may submit a declaration of use of these products, together with a list of the unique traits of the stacked event. This information must also be saved for five years.

The operators who place pre-packaged products on the market consisting of or containing GE must ensure that the words "This product contains genetically modified organisms" or "Product produced from GM (name of organism)" appear on the product label. For bulk products which are not packaged, the operator must ensure that this information is transmitted along with the product. When placing a product on the market the operator must provide in writing to the receiver each food ingredient produced

from GE and each food processing raw material or ingredient derived from GE. If there is no list of ingredients, the product must bear an indication that it is produced from GE.

GE Voluntary Labeling

In 2019, the Polish Parliament issued new [Act of July 13, 2019](#) (in Polish) on voluntary biotech-free labeling, which was published in the Polish Journal of Laws item 1401. The Act introduces voluntary labeling standards for GE-free food products, including for products derived from livestock not fed with GE feeds and/or products. The standard includes a “non-GMO” label. The purpose of the Act is to standardize labels for food and feed produced without GE ingredients, as well as to standardize labeling rules for animal-origin products. According to the Ministry of Agriculture and Rural Development (MARD), the labeling scheme will raise the credibility of Polish labeling rules and increase the competitiveness of Polish foods in the domestic market.

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

Low-level Presence (LLP)

On June 24, 2011, the EU adopted Commission Regulation 619/2011 which established an LLP tolerance of 0.1 percent for adventitious traces of non-EU-authorized GEs in feed imports.

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

In the EU, trademarks can be registered at the national, regional, or EU levels. Trademarks registered at the national level are protected only in that MS. Applications must be submitted directly to the relevant national Intellectual Property (IP) office. For Poland it is the [Patent Office](#).

Applications for the protection of a trademark in all EU MSs must be submitted to the EU Intellectual Property Office ([EUIPO](#)).

Section IX. Import Procedures:

When products enter the EU, they need to be declared to Customs Service according to their classification in the Combined Nomenclature (CN). The CN document is updated and published every year, and the latest version can be found on the European Commission’s [website](#).

Upon its accession to the European Union on May 1, 2004, Poland became part of the EU customs union. This means that the same import duty rates are applicable in all MSs. Tariff rates are contained in the European Union's Common External Tariff. Information on customs duty rates is available from the Integrated Tariff of the European Community (TARIC) database. 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. A list of MS customs authorities can be found [here](#).

Following the guidance from Polish National Revenue Administration, when importing goods into the customs territory of the European Union, the release for free circulation procedure applies. Once goods are cleared under this procedure, they obtain the customs status of Union goods and can be further freely traded within the European Union. The release for free circulation procedure is initiated on the basis of a customs declaration. The following shall be attached to customs declarations in trade with countries outside the European Union:

- Commercial invoice
- Specification of goods or a goods list (if the invoice does not fulfill the role of a specification)
- Documents required for the application of preferential tariff arrangements in import (certificates of origin), if applicable
- Permits, licenses or other documents if required in connection with the import of special types of goods
- Transport documents (bill of lading, CMR, air waybill, railway transport documents)
- Certificates or other documents that will be required due to the type of goods

The compliance with the procedure is required from the EU importer. More information (in Polish) on import procedures is available [here](#).

Products Already on the EU Market

A Regulation on the mutual recognition of goods entered into force on April 19, 2020. [Regulation 2019/515](#) replaces Regulation 764/2008 and provides mutual recognition of lawful goods marketed in one MS across the EU. It introduced a voluntary 'mutual recognition declaration' to demonstrate that their products are lawfully marketed in another EU market. More detailed information can be found on the EC's [website](#).

Import Control Procedures on Agricultural Products and Food

EU legislation requires goods imported in the EU or exported outside the EU to comply with a number of safety, health, and environmental rules, which protect consumers and the planet. It is the role of Customs Services to check if goods entering or leaving the EU comply with all these rules. However, in particular for imported food and agricultural goods, also other competent authorities are involved.

Food of Plant Origin and Food Contact Materials

The sanitary border control, performed by the State Sanitary Inspection, covers foods of non-animal origin and food contact materials classified under CN codes specified in the annex to the regulation of the Minister of Health (MOH) of 8 December 2011 on the list of goods subject to sanitary border control ([Journal of Laws, pos. 1612](#)). Border sanitary controls are carried out at border crossings by state border sanitary inspectors and at the place of destination of goods (at the importer's or recipient's premises) by district state sanitary inspectors or state border sanitary inspectors. Regulation of the MOH of September 24, 2007 (consolidated text: Journal of Law 2015, pos. 546) provides a list of border

crossings through which food products and food packaging and contact materials (subject to the sanitary border control) may be introduced into the EU.

The manner and procedure of official food control by the State Sanitary Inspection (PIS) bodies are specified in Article 79-84 of the Act of August 25, 2006 on Food Safety and Nutrition and in Article 43-46 and 65-72 of EU Regulation 2017/625 of 15 March 2017 (Regulation on Official Controls). The person responsible for the import of the goods submits an application for inspection to the competent authority of PIS no later than 48 hours, and in the case of microbiologically unstable foodstuffs no later than 24 hours, before the planned import. The specimen of the application for the sanitary border control is specified in the Regulation of the Minister of Health of February 14, 2007 (Polish Journal of Law 2007, pos. 286) and available in bilingual (Polish-English) version [here](#).

During the border control, the official authorities check the documentation of the goods, and the identification of the goods, additionally physical control may be carried out, including visual inspection of the goods. As part of physical control, samples for laboratory tests may also be taken. During the documentation control, the application for border sanitary control, commercial and batch identification documents as well as other documents, including, for example, the results of laboratory tests, are checked. Physical checks are carried out in the event of suspected non-compliance with health requirements, or when there are doubts as to the identification of the goods. As a result of the inspection, the competent authority of the State Sanitary Inspection issues a certificate confirming compliance with health requirements by the controlled goods, and on the basis of the certificate, the customs authorities assign the relevant customs use.

Sanitary border control does not apply to goods that are imported in quantities that indicate their non-commercial nature, including in order to carry out research and experiments or for the purposes of promotion and advertising.

Products of Animal Origin

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

In accordance with Commission Implementing Regulation (EU) 2019/1013, the entity responsible for the consignment of animals or products, at least one working day in advance of the expected arrival of the consignment to the EU, pre-notifies the border veterinary officer at the border inspection post of first arrival to the EU. Importers shall give advance notification by completing and submitting the relevant part of the Common Health Entry Document (CHED) to the electronic system [TRACES](#). The model of CHED for Products is set out in Annex II, Part 2, Section B to Commission Implementing Regulation (EU) 2019/1715.

General policies and procedures of veterinary border controls are available [here](#) (in Polish).

Section X. Trade Facilitation:

Advance Ruling

Business operators can obtain Binding Tariff Information (BTI) from customs authorities to get the proper product classification and relevant import duty. A BTI decision is legally binding in all the MSs. A BTI is valid from six to three years. All BTI decisions issued by MS customs authorities are entered into an EBTI-database. The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

In Poland, applications for Binding Tariff Information (BTI) are submitted only in electronic form via the Platform for Electronic Tax and Customs Services (PUESC). In addition to the description of the goods in the application (box 9), sometimes it is necessary to attach additional documents containing supplementary information about the goods, allowing for unambiguous identification and determination of the appropriate code of the goods tariff nomenclature, and where possible, it will also be helpful to provide goods samples.

In the case of products from the group of agri-chemical goods, precise manufacturer's data on the raw material composition of the goods (up to 100 percent) and the technology of its production are necessary, as well as information on the use of the preparations, method of their dosing, type and size of packaging, value of the goods, test results, etc. If there is a need to conduct additional laboratory tests or expert opinions, the person applying for a BTI is required to pay (at the request of the Polish National Revenue Administration) a specific amount of an advance to the indicated account to cover the costs of the tests.

In case a Polish importer (registered in Poland's Customs EORI database) wants to obtain a binding tariff information (BTI) from the Polish Customs Office, the procedure can take up to 120 days.

More information (in Polish) can be found [here](#).

Other Trade Facilitation Measures

Poland's agricultural trade has been increasing over the years, supported by the 2004 EU accession, as well as partnership in free trade agreements the EU has [signed](#).

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

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

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

On May 1, 2019, Polish Customs Authorities activated the Automated Import System ([AIS](#)), which is an information system dedicated to handling customs declarations and statistical information. AIS involves the development of a paperless environment for handling operations related to goods brought into the customs territory of the EU. Documents required by the AIS system are specified in the Polish Regulation of the Minister of Finance of September 8, 2016 on Customs Declarations, the consolidated text of which was published in the [Polish Journal of Laws of 2021, pos. 1841](#) (in Polish) based on EU's regulations [\(EU\) 2015/2447](#), [\(EU\) 2016/341](#) and [\(EU\) 2013/952](#).

Poland's switch to electronic documentation for customs clearance has improved clearance efficiency. All leading Polish importers work with private Customs Clearance Agents who subscribe to the Polish Customs online network, making the clearance process efficient. In general, Polish importers do not inform Post about administrative delays or problems with inspection of shipments at the border inspection posts. The most frequent issue in the customs clearance procedure is the lack of the appropriate [HS](#) code on documentation.

Inspection Fees

MARD and MOH, respectively, set border inspection fees for food and agricultural products.

As of January 1, 2021, fees for border checks on the commercial quality of agri-food products were introduced. Currently, importers are required to pay fees for the border control of the commercial quality of agri-food products, regardless of the result of this control. Control costs are calculated on the basis of the Regulation of the Minister of Agriculture and Rural Development of October 26, 2016 on the rates of fees for activities carried out as part of the commercial quality control of agri-food products (last amended [Polish Journal of Laws of 2021, pos. 1226](#)). They include documentation control, access to the inspection place, collection of samples for testing, sample shipment, laboratory tests, and other activities related to the inspection of an agri-food product.

Fees related to veterinary border control are based on the following legal acts:

- Fee for activities related to veterinary border control - in accordance with the price list set out in the Regulation of the Minister of Agriculture and Rural Development of 15 December 2006 on the manner and amount of fees for activities performed by the Veterinary Inspection, the method and places of collection of these fees and the method of transferring information on this matter by the European Commission (consolidates text: [Polish Journal of Laws 2013, pos. 388](#))
- Stamp duty in accordance with the Act of November 16, 2006 on Stamp Duty:
 - for issuing an administrative decision - in the amount of PLN 10 (Article 1 (1) (1) (a) and item 53 of Part I of the Annex to the Act)
 - on the power of attorney (submission of a document confirming the power of attorney or proxy, or a copy, excerpt or copy thereof) - in the amount of PLN 17 (art. 1 section 1 point 2 and part IV of the Annex to the Act)

Fees related to plant health border control are based on the following legal act: Regulation of the Minister of Agriculture and Rural Development of September 21, 2020 on the rates of fees charged by

the State Plant Health and Seed Inspection Service for carrying out official controls, performing other official activities, and providing services in the field of plant protection against pests ([Polish Journal of Laws 2020, pos. 1771](#)).

Fees related to sanitary border control are based on the following legal acts: Regulation of the Minister of Health of 24 July 2019 amending the regulation on fees for activities performed by the State Sanitary Inspection authorities as part of official food controls ([Polish Journal of Laws 2019, pos. 1511](#)).

Appendix I: Government Regulatory Key Agency Contacts

Ministry of Agriculture and Rural Development

Tel: (+48-22) 623 1510

<https://www.gov.pl/web/rolnictwo>

E-mail: kancelaria@minrol.gov.pl

Office of the Chief Veterinary Officer, General Veterinary Inspectorate

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

Fax: (+48-22) 623 1408

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

E-mail: wet@wetgiw.gov.pl

Main Inspectorate of Plant Health and Seed Inspection

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

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

E-mail: gi@piorin.gov.pl

Inspectorate for Trade Quality Control of Agricultural Food Products

Tel: (+48-22) 623 2900

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

E-mail: sekretariat@ijhars.gov.pl

Chief Sanitary Inspectorate

Tel: (+48-22) 536 1302

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

E-mail: inspektorat@gis.gov.pl

National Food and Nutrition Institute

Tel. (+48-22) 842 2171

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

E-mail: zbzz@izz.waw.pl

State Hygiene Office

Tel: (+48-22) 542 1328

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

E-mail: pzh@pzh.gov.pl

For additional market access information and other related questions, please contact:
Office of Agricultural Affairs
Tel: (+48-22) 504 2336
E-mail: agwarsaw@fas.usda.gov

Attachments:

No Attachments