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Report Highlights:
Poland currently opposes of the use of genetic engineering (GE) in agriculture and Polish law prohibits the cultivation of GE crops. On January 01, 2019, a ban on imported feed derived from GE crops is scheduled to enter into force. However, there is strong pressure from Poland's livestock industry on the Government of Poland (GOP) to provide an additional suspension of the ban and allow local poultry and livestock producers to continue using imported soybean meal. Public consultations are underway regarding non-GE product labeling.

Executive Summary:
Poland is a major European agricultural producer and a European Union (EU) Member State (MS). According to the EU's Principle of Primacy, EU regulations supersede national law. While a majority of Polish scientists and many commercial farmers understand the benefits of advanced agricultural technologies, biotechnology remains highly politicized in Poland. According to public opinion studies, 70 percent of Poles oppose the presence of agricultural biotechnology in Poland. Studies also indicate that general awareness about biotechnology in Polish society remains limited. Polish environmental activists and consumer groups actively spread nonscientific disinformation about biotechnology, as well as regularly protest its use in agriculture.

On January 28, 2013, Poland issued two regulations which officially banned the cultivation 235 GE maize varieties, including MON 810, and the (currently unapproved for cultivation in the EU) potato Amflora, respectively. Both regulations were subsequent to the adoption of the November 2012 Seed Act, which entered into force January 28, 2013. Although the current regulatory framework technically allows GE seed to enter into commerce, the seeds cannot be planted or used for cultivation in any practical way.

Poland's Feed Act of July 22, 2006 (OJ 2006 No. 144, item.1045), includes prohibition on the processing, marketing, and using GE feed for animal nutrition or feed. In practice, the ban was postponed by the Polish Parliament until January 1, 2019. On November 4, 2016, Parliament voted in favor of the Act, but extended the ban's suspension until January 1st, 2019. Polish poultry and livestock producers are currently exerting significant pressure on the GOP to once again extend the suspension for banning GE livestock feed past the current January 2019 deadline. Poland remains a major consumer of GE feed ingredients and annually imports over 2.0 million metric tons of soybeans, soy meal, and corn for the livestock sector.

Excepting for feed ingredients, the Polish public perceives GE crop cultivation in Poland as generally negative. Currently, the issue of GE animal production is not part of Poland's political or civil discourse. Media coverage and public awareness on GE animals remains low. GE animals are used only for research.

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CHAPTER 1: PLANT BIOTECHNOLOGY

PART A: PRODUCTION AND TRADE

a) Product Development

There are no commercial GE crops produced in Poland. Several research institutions are conducting research projects under confined conditions. These research programs consist of basic research, plant breeding (in few cases in conjunction with foreign companies or laboratories), and experiments measuring the impact of GE plants on the environment.

b) Commercial Production

Poland has approved the "opt-out" EU legislation regarding GE cultivation. On January 28, 2013, the ban on cultivation of GE crops entered into force along with the amended 2006 Seed Act. The ban on GE cultivation in Poland has been enforced since January 28, 2013, when 235 maize varieties, including MON 810, and the potato Amflora were prohibited. However, GE seeds are still technically allowed to enter into legal commerce, but cannot be used for cultivation or any practical way.

c) Exports

Not applicable.

d) Imports

Poland imports biotech-derived livestock feed, although the 2006 Feed Act, (OJ 2006 No. 144, item.1045) bans biotech livestock feed. The ban was postponed by the Polish Parliament until January 1st, 2019, following strong opposition by Poland's livestock and poultry sectors. Poland currently imports upwards of 2.0 million metric tons (MMT) of GE soybean meal from Argentina, Brazil, and the United States, most of which is transshipped through Germany and the Netherlands.

e) Food Aid Poland is not a food aid recipient or commodity donor. Poland is traditionally a cash donor.

f) Trade Barriers

Trade barriers imposed by the EU legislation on biotech products apply to Poland. Additionally Poland opted out of GE crops cultivation, even those which were accepted by the EU Parliament. The ban on biotech livestock feed was entered into the 2006 Feed Act, and it is only suspended until 2019.

PART B: POLICY

a) Regulatory Framework

The June 22, 2001, Law on Genetically Modified Organisms (O.J. 2007, No 36, pos.233, 2009n No 18 pos. 97, 2015 pos. 277) provides the regulatory basis for new requirements applicable to GE products/research. This Law harmonizes Polish law with EU law and provides the background for The National Strategy for the Biological Security.

The 2001 Law regulates:

- the contained use of GE organisms;

- deliberate release of GE into the environment;
- introducing GE products in to the market.

The Ministry of Environment (MOE) is the competent authority handling the notification and regulation of agricultural biotechnology use in Poland. The MOE is advised by the Polish Commission for the use of GE products, an expert advisory body consisting of scientists, representatives from administrative authorities and non-governmental organizations. MOE cooperates with the Ministry of Health (MOH) regarding address of potential risks to human health. The MOE is the Competent Authority in reference to the Cartagena Protocol on Biosafety.

The Ministry of Agriculture (MOA) is responsible for animal health, crops, feeds, and agricultural risks associated with biotechnology. The MOA is the Competent Authority in reference to food and feed enhanced through biotechnology and on rules for co-existence.

There are numerous specific acts and regulations on GE legislation which build on the basic 2001 Law on Genetically Modified Organisms:

• The Act of July 22, 2006, on Feed (OJ 2006 No. 144, item. 1045), along with later amendments, harmonizes Polish law with EU regulations and implements the EU directives; regulates the production and use of medicated feed and marketing; establishes quality and hygiene requirements for feed, and establishes the means for entering into commerce; and regulates supervision and official control of feed.

• The Act of August 25, 2006, On Food Safety and Nutrition (Journal of Laws 2006 No. 171, item. 1225), and amendments. The Act defines, among others, health requirements of food, requirements for compliance with the principles of food hygiene, materials and articles intended to come into contact with food and the competences of authorities and basic procedures and requirements of official food controls.

• Act of November 2012, Seed (OJ 2012 pos. 1512), and amendments. The Act regulates the issues related to the examination and assessment of varieties for registration, record keeping crop varieties and production, trade, assessment and control of seed.

Regulations to the Seed Law are as follows:

• Council of Ministers of January 02, 2013. Prohibits seed potato Amflora (OJ 2013 pos. 27).

• Council of Ministers of 2 January 2013. Prohibits maize seed MON 810 (OJ 2013 pos. 39)

• Council of Ministers of 8 May 2013. Amends the Regulation on the Prohibition of Seed Maize MON 810 (OJ 2013 pos. 590)

• Council of Ministers of 30 April 2014. Amends the regulation on the prohibition of seed maize MON 810 (OJ 2014 pos. 641)

On November 18, 2008, the Council of Ministers adopted the Framework for Poland's Position on Genetically Modified Organisms. The GOP's position opposed allowing GE food and feed into the EU Community. The GOP opposes marketing of products under Directive 2001/18/ EC. The GOP also

opposes GE for cultivation and release of GE into the environment for experimental purposes. However, it recognizes the need to perform experiments aimed at obtaining data on GE's effect on the environment in the Polish climatic conditions, carried out by research institutions and universities.

b) Approvals

Poland bans all GE crops, approved by the EU Commission, for cultivation, except for scientific research. Poland adopted the EU "opt-out" for cultivation legislation.

c) Stacked or Pyramided Event Approvals

Poland implements EU legislation regarding stacked events, for more information please refer to the EU-28 Biotechnology Report available at Attaché Report

d) Field-Testing

In 2015, two GE plants underwent field tests in Poland, namely poplar and flax.

e) Innovative Biotechnologies

There is currently no special legislation on Innovative Biotechnologies in Poland. To date, these techniques are treated as GE. While Polish scientists are interested in innovative technologies (genomic editing, etc.,) Polish authorities are cautious vis-à-vis their current position.

f) Coexistence

The MOA drafted coexistence implementing regulations that require isolation zones between GE crops of 500 and 1,000 meters between conventional and organic crops, respectively.

g) Labeling

Poland implements EU regulations for GE food labeling. Packaged foods and feeds derived from and/or containing GE enhanced ingredients must be labeled when GE-derived ingredients exceed 0.9 percent of ingredients. "Contains GMOs" is a typical example of a product label statement found on the Polish market. Labeling is enforced by local authorities and follows EU labeling standards. For more information on EU biotechnology, labeling requirements see the EU 28 Biotechnology Report available at Attaché Report. To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

Public consultations are underway on the government's bill on the labeling of products without the use of genetically modified organisms (GMOs). "GMO-free" labeling will likely be a voluntary label, which will most likely be used by food manufacturers and processors, feed manufacturers and traders of food products.

h) Monitoring and Testing

Poland implements EU legislation regarding monitoring and testing, for more information please refer to the EU 28 Biotechnology Report available at Attaché Report. The GOP allows imports of GE food only when it clearly marked and without any possibility of further processing in Poland. The MOH and MOA are the Competent Authorities in reference to food and feed enhanced through biotechnology and on rules for co-existence. Poland actively tests for GE traits in imports. The competent Authorities for imports of food are border points of Sanitary Inspectorate in Poland. Tests are conducted on risk assessment basis. If a product is unapproved the further procedure depends on the nature of unlawfulness. Sometimes completing documentation is enough to obtain entrance permission.

Every year since 2005, audits have been conducted to monitor studies of conventional rapeseed, maize, and mustard seed (2010) for the presence of admixtures of genetically modified seeds. Samples of seed marketed in Poland, produced in Poland, other EU Member States or in third countries are collected by PIORiN inspectors in accordance with the methodology of the International Seed Assessment Association (ISTA). The research is carried out in the Laboratory of Identity Identification and Analysis of "GMO" Central Laboratory GIORiN in Toruń. The tests are performed using PCR (qualitative analysis) and Real-Time PCR (quantitative analyzes).

i) Low level Presence (LLP) Policy
Poland follows EU regulations. Although the EU does not have an LLP Policy, it does have a "technical solution" of at 0.1 percent allowance (a definition of zero) for products with applications submitted to the EU. Poland has been open to imports of commodities holding a low-level presence of bioengineered events in general. Despite its official anti-GE position, at the EU level Poland supports resolution of the issue.

j) Additional Regulatory Requirements
Not applicable

k) Intellectual Property Rights (IPR)
There is IPR legislation in Poland and Poland adheres to EU-based IPR requirements. For more information on EU biotech-related IPR see the EU 28 Biotechnology Report available at Attaché Report. The main national IPR legislation related to plants breeding is Act of 26 June 2003 on the legal protection of plant varieties.

l) Cartagena Protocol Ratification
Poland signed the Cartagena Protocol in May, 2000, and ratified it on December 10, 2003.

m) International Treaties and Forums
Poland has not taken any significant position in international fora, (*e.g.* at the Codex Alimentarius). Under the current government, the MOA and MOE openly oppose GE plants and products. On January 2, 2013, the Polish Council of Ministers, at the request of the MOA, re-authorized its 2008 framework position on biotechnology and permitted the Ministry to ban cultivation of GE crops by applying the EU safeguard clause.

n) Related Issues
none

PART C: MARKETING

a) Public/Private Opinions
According to national polls, nearly 70 percent of Polish society opposes the use or cultivation of GE crops and products. Studies also indicate that the general awareness in Poland about science in support of genetic engineering is low.

Anti-GE organizations are active in Poland and include Greenpeace, International Coalition to Protect the Polish Countryside, Stop GMO, Friends of the Polish Countryside, the Greens/European Free

Alliance in the European Parliament, Friends of the Earth, and Association of Ecological Farmers. These groups are very vocal and employ Polish celebrities as a means of attracting media coverage. Consistent with their marketing strategy in other countries, these organizations rely on nonscientific innuendos, debunked and/or pseudoscientific studies, and other forms or propaganda.

b) Market Acceptance/Studies

Recent retail studies show that purchase decisions of the majority of Polish customers are determined by price of the product versus ingredient lists.

Promotional media campaigns sometimes include "GMO" free mozzarella and eggs.
Public opinion studies show that 70 percent of respondents oppose buying/eating food derived from GE crops. Usage of feeds containing GE content is not being questioned, mostly due to lack of awareness.

CHAPTER 2: ANIMAL BIOTECHNOLOGY

PART D: PRODUCTION AND TRADE

a) Product Development

In Poland GE animals are used for basic research and pharmaceutical studies. As in any EU countries, Poland does not allow GE animals for human consumption.

Research on GE animals remains limited. Three research centers in Poland, chiefly the Institute of Animal Breeding in Balice (Krakow), the Institute of Animal Genetics in Jastrzebiec (Warsaw), and the Agricultural University (Poznan) conduct some research. Each research project must be approved by the MOE. While Polish scientists are interested in innovative technologies (genomic editing, etc.,) Polish authorities are cautious vis-à-vis their current position.

The main objectives of research on GE animals are:

- Use in the production of proteins, enzymes and other substances in the pharmaceutical industry;
- Immunization of livestock for diseases;
- Increase productivity and efficiency of animals and thus obtain the desired animals traits for breeding;
- Production of material for xenotransplantation. This technology uses cloning for multiplication of animals with organs used for transplantations. It is the only use of animal cloning currently implemented apart from research projects.

b) Commercial Production

In Poland GE animals are used for basic research and pharmaceutical studies. Likewise, there are no commercial applications of animal cloning.

c) Exports

Not applicable

d) Imports

Not applicable

e) Trade Barriers
There are no additional trade barriers beyond EU legislation on biotech and cloned products.

PART E: POLICY

a) Regulatory Framework
As noted above the legislation on GE animals is based on the 2001 Polish Law on Genetically Modified Organisms (updated May 21, 2003). This legislation mainly addresses GE plants. There is no legislation regarding cloning of animals.

The Polish Parliament is working on a new biotechnology law (see Plant Section of the report).

The MOE is responsible for oversight of existing biotechnology regulations.

The MOH is responsible for regulation of food originating from GE animals. These foods are considered "novel foods."

According to the General Veterinary Inspectorate of the Ministry of Agriculture there are no regulations in Poland which are specific to GE animals.

b) Innovative Biotechnologies
There is currently no special legislation on innovative biotechnologies in Poland. To date, these techniques are treated as GE. While Polish scientists are interested in innovative technologies (genomic editing, etc.,), they remain cautious vis-à-vis their current position.

c) Labeling and Traceability
Poland has been following the EU regulations in this area. To date, no national labeling requirements exist for products derived from GE animals, or products produced from animals fed with GE feed.

d) Intellectual Property Rights
Not applicable

e) International Treaties and Forums
Not applicable

f) Related Issues
none

PART F: MARKETING

a) Public/Private Opinions
To date, there have been discussions on the topic that would divide the general public into two distinct opinion groups**.** Biotechnology in general in Poland remains a much politicized issue.

b) Market Acceptance/Studies
FAS Warsaw is not aware of any market studies or activities related to the marketing of products

derived from cloning, or GE animals.