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## **Poland**

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### **Draft GMO Cultivation Law moves to the Parliament**

#### **Report Categories:**

Biotechnology

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#### **Report Highlights:**

In October 2009, after nearly a year of back and forth, the Polish government formally sent a draft GMO cultivation law to the Parliament. The draft law was prepared by the Ministry of the Environment; which released a note addressing Greenpeace's call for a ban on GMO's in Poland. The note is attached in translation to this report. The new law aims to adapt the Polish cultivation law to EU regulations, but envisages the creation of GMO-free zones by vote of individual Polish farmers. The law provides for the Ministry to conduct an environmental impact statement that will help them retain control and possibly prohibit planting. Most importantly, and in a discrimination against farm groups, the Ministry only allows environmental NGOs and organic farmers to be part of the expert panels that will review GM technology – a clear bias. Many farm groups are talking about GM benefits, in Poland, in particular about energy and climate change uses. The new GMO law replaces the existing GMO Act from 2001, and changes seed sales procedures that made selling GM seeds illegal in 2006, and is expected to be worked on by the Polish Parliament and implemented by the end of 2009.

**General Information:**

The Polish interministerial Council on October 13, 2009 approved a draft GMO cultivation law prepared by the Ministry of Environment, and formally sent the draft to the Parliament for approval. The process of creating a new cultivation law lasted more than a year, as a radical, unscientifically supported, initial proposal from the Ministry of Environment was slowly toned down during the year. While some EU member states can claim a ban on GMOs, none has been able to present scientific evidence to support their view. The new proposal aims to adapt Polish law to EU regulations, but also envisages the possibility of creation of GMO-free zones by individual Polish farmers. The new rules are intended to organize the supervision and control of GMOs in Poland, and replace the existing GMO Act from 2001. After a law is approved by the Parliament and signed by the President, the ministries will get busy drafting implementing regulations. Work on implementation regulations (including coexistence rules) will be a complicated one, but is likely to be concluded by the end of 2009.

Following are some of other important parts of proposed law:

To deliberately release GMOs for laboratories there will need to be a permit for "experimental release to the environment." The possibility of such a release will depend on the assessment of the impact of GMOs on the soil, flora and fauna, protected species and climate. Also required will be consent of all owners of parcels adjacent to the area where the GMOs are to be used.

The coordinator of the monitoring and control of GMOs in Poland will be the Minister for the Environment. The Minister will be responsible for exchange of information concerning the safety of humans and the environment, making available information about GMOs, and keeping records. The Ministry will also issue permits: to conduct plant genetic engineering, on the contained use of micro-organisms and genetically modified organisms and their release into the environment, and on the marketing of genetically modified organisms. The Minister will also be responsible for the registration of varieties, seed and transgenic crops.

The Minister for Health, in turn, will issue decisions on the marketing of medicinal products from GMOs, and the Chief Sanitary Inspector will be responsible for the marketing of genetically modified food.

The law proposes to block any science on a gene expression that contains genes that block antibiotic resistance.

The Committee on GMOs, which is to issue opinions on proposals concerning genetically modified organisms, in addition to representatives of the Ministers (Health, Agriculture, Environment, Home Affairs and Administration, National Defense, Science and Higher Education) will include seven members of the science community - experts in the field of ecology. The Commission will consist of representatives of environmental NGOs, associations of agricultural producers and consumer organizations to be determined by the Minister. Panels are heavily weighed with negative information holders.

Greenpeace representatives continue to hold protests against GMOs in Poland demanding that the Ministry of Environment and Ministry of Agriculture in Poland ban genetically modified maize.

Ministries continue to explain that they cannot do so; as such regulation would not be allowed under the EU regulations. Attached please find an official comment by the Ministry of Environment to Greenpeace's call to ban GMOs in Poland.

**Author Defined:**

**Official comment by the Ministry of Environment to Greenpeace's call to ban GMOs in Poland:**

“Ministry of the Environment in cooperation with the Ministry of Agriculture and Rural Development prepared a Law (Act) on Genetically Modified Organisms, which regulates the overall issues related to genetically modified plants in Poland and adjusts Polish law to EU requirements.

The Act provides for a possibility of creation GMO-free zones. Such zone would be created by group of owners of farms, at their own initiative. This creates a transparent framework to ensure farmers the freedom of conducting economic activities, which also allows one to disable certain areas from the cultivation of GM crops. In addition, the Act will allow for operation of facilities for professional research in the field of GMOs in en-closed systems, ensure a greater level of security associated with the use of GMO's and facilitate access to comprehensive information on this topic.

Subject to the so-called *technical bill* notification, the Act was submitted for approval and an approval of the Commission of the European Communities was obtained. Thus, the project is fully consistent with Community law. In addition, the new law on GMO's identified cases in, which Minister of Agriculture will have the possibility of imposing a temporary restriction or prohibition of growing certain varieties of genetically modified plants, which are genetically modified organisms, and have been marketed with the possibility of cultivation.

**A complete ban on the use of GMOs in Poland is not possible due to European Union law in this area.** Directive 2001/18/EC on the deliberate release of GMO's into the environment allows for temporary restriction or prohibition of use of various genetically modified organisms, where the results indicate the adverse impacts of genetically modified organism and its risk to human health or the environment.

According to the Office of the Committee for European Integration "deliberate release of genetically modified organisms into the environment within the meaning of Directive 2001/18/EC can not be equated with the commercial cultivation of GM crops." This means that the provisions contained in Part B and the relevant Annexes to Directive 2001/18/WE do not apply to genetically modified crops. Consequently, provisions of the Act of 22 June 2001 on Genetically Modified Organisms, implementing part B of Directive 2001/18/EC, can not constitute grounds to ban or restrict the cultivation of genetically modified plants in Poland.

So it is not true that the Polish government ignores the voices of part of Polish society, which is opposed to GMO's. Prepared regulations in accordance with Government strategy on GMO's, will ensure an adequate level of safety of GMOs (eg in the event of specific threats will prohibit the use of a product or a GM crop-growing), while allowing more reliable research in this area.

In Poland the law of 22 June 2001 on genetically modified organisms (Journal of Laws of 2007 No 36, pos. 233), and the Law of 26 June 2003, the seed industry (Journal of Laws of 2007 r . No. 41, pos. 271) are in place.

Currently, the European Community can grow several varieties of maize MON810 (this is the only GM product put on the market with the possibility of cultivation). Under European Community law, genetically modified plants may be grown, if they are approved for trading with the possibility of cultivating based on a decision of the competent authority of the European Union. Such crops need not be formally notified.”