

Quest for GMO Free Poland

Paweł Połanecki
Coalition GMO Free Poland

Food and Democracy Conference Lucern April 2009

60% of Poles believe that eating GMO foods can be harmful for your health. Two in three Poles wouldn't buy GMO foods even if they were significantly cheaper than traditional products.

More than one in two would support a ban on the cultivation of GM plants even if it meant higher food prices.

66% believes that none of the strict legal rules will be observed, scientists and the tech industry will do what they want (source: PBS DGA for Gazeta Wyborcza, 2008-2009)

.2 Political background for „GMO free Poland“

All the 16 Regional Selfgovernment Assemblies adopted position to obtain the status of GMO free territory of Poland became a GMO free zone on 5 Feb. 2006

Government Position of the Government of Poland regarding GMO ; 3 April 2006

The Government of Poland seeks that Poland acquired the status of "GMO free country", therefore, pronounces :

against a deliberate release of GMO into the environment for experimental purposes on the territory of the Republic of Poland.

against the introduction of GMO approved on the base of Dir 2001/18/EC into the territory or in products into the market.

against the introduction of genetically modified plants into the market for the purpose of cultivation."

During the authorization procedure for introduction of new genetically modified organisms

Violence of Polish GMO Act.

The Seed Regulation Act of 27 April 2006 Art. 57 point 3, ascertains literally that "Seed material of genetically modified crops is prohibited for turnover on the territory of Poland."

The term "turnover", which was intentionally considered by the legislative bodies to cover "importing and handling" and also "operating with or using and applying" - has been publicly reduced by industry' lobbyists to the meaning of "placing on the market" (as defined in reg no 1829/2003). Presently this has created a gap in the strict prohibition legal regulation. Erroneous interpretation, particularly for individual farmers the "legal" conditions to deal with and cultivate transgenic crops "for their own use". Meanwhile Monsanto, which controls the Polish Association of Maize Producers, together with numerous scientists, has been promoting among the corn farmers a campaign to smuggle Mon 810 seeds, which is the only panaceum for the 'corn borer' which, surprisingly, expanded widely in recent years. The farmers are exactly instructed how to explain their "own use."

Violence of Polish GMO Act.

Despite recent efforts to introduce a new Polish GMO Law initiative, which has since been rejected by the European Commission, (**Case T-69/08**) the so called "old" GMO regulation adopted in 22nd June 2001 still remains valid. This act comprises rigorous procedures for internal notification and penal consequences in case of unauthorised application of GMOs, especially in an open field.

Farmers are not entitled to operate with GMO on Polish territory without prior and appropriate acceptance of the Ministry of Environment.

In Chapter 7, numerous civil and penal code responsibilities are prerequisite, including imprisonment for unauthorized use of GMO materials.

Furthermore, following the requirements of that law, the Ministry of Environment keeps a "Public Register of GMOs", in which all of the written applications placed by potential GMO operators are specified. In 2007 and 2008 no permissions for any GMO materials for commercial cultivation were issued.

cultivations of GMO plants in Poland are illegal and as such

Article 39

No one shall be subjected to scientific experimentation, including medical experimentation, without his voluntary consent.

Position : GMO in food and feed are potentially hazardous. This is a world wide experience. Modern science is not able to prove the absolute safety of GMOs. As well as other European citizens are unconsciously exposed both to food and to dangerous Bt transgens spread in the environment. With the lack of proper labeling and on sites information, we are subjects of a hidden experiment.

Article 74

Public authorities shall pursue policies ensuring the ecological security of the environment and future generations.

Position : Illegal , unregistered plantations of Bt MON 810 create biological contamination of natural biosafety systems and cause unreversible damages to the environment.

Article 64

Everyone shall have the right to ownership, other property rights and the right of succession.

Position : The property rights of conventional and organic producers are not protected due to disqualification of yields. The value of their land and buildings is significantly

Required Report - public distribution

Date: 9/22/2008

GAIN Report Number: PL8029

Poland

Biotechnology

Update: Introduction of Feed Ban Extended; GM Cultivation Law

2008

Approved by:

Eric Wenberg
U.S. Embassy

Prepared by:

Pawel Flakiewicz/Natalia Koniuszewska/Kacie Fritz

Report Highlights:

Top Polish decision makers, industry, scientists, producers, and regional political leaders worked together to prevent biotechnology crops in animal feeds from being outlawed. Their work had a direct impact on the repeal of a feed ban in Poland, which was to prohibit import, production and use of animal feed derived from biotech crops by August 12, 2008. Introduction of the feed ban has now been extended until the end of 2012, which effectively has killed this legislation. However, Poland's Ministry of Environment is pushing forward on their anti-GMO position with a new draft of a cultivation law, which legislators hope to put into effect by the beginning of 2009. The draft cultivation law is the longest draft law published in Polish history. The law is long, complicated and designed to prevent planting of GM seeds. This point is made in the printed justification as an appendix to the law.

Includes PSD Changes: No
Includes Trade Matrix: No
Quarterly Report
Warsaw [PL1]
[PL]

Introduction of the
feed ban has now been
extended until the end
of 2012, which
effectively

**has killed this
legislation.**

Since 2006, Poland has generally maintained an anti-biotech position, consistently has opposed approval of new biotech products in the EU, and has announced that Poland should be a "GM-Free" country. The government banned the sale and registration of biotech seeds in mid-2006 and passed legislation that was to prohibit import, production, and use of animal feed derived from biotech crops by August 12, 2008. Lobbying hard for the ban on biotechnology-derived animal feed were organic farmers and environmental groups. However, on July 27, 2008, just two weeks before a ban would have gone into effect, Poland's president signed a law pushing back the introduction of a ban to 2013. The GM feed ban was defeated by a coalition of Polish and U.S. trade associations, led by the American Soybean Association, Polish importers, feed manufacturers, meat producers, and diplomatic representations including the Governments of the United States, Argentina, and Canada.

The American Soybean Association, supported by FAS Warsaw, played a key role in defeating the ban. Avoiding this ban prevented disruption of U.S. soybean exports to the EU generally and exports of U.S. feed to Poland, worth \$100 million. The educational activities of ASA and FAS Warsaw helped Polish industry get the ammunition they needed to beat the feed ban and has left in place a coalition of contacts working hard to improve EU biotechnology policy, generally. The American Soybean Association's work in Poland, and across the EU, to get EU approval of new biotechnology soybean varieties will prevent the loss of an \$800 million market for American soybeans in 2009; delayed EU approval means the United States may no longer be authorized to export to EU member states. The Polish feed ban would have jeopardized roughly \$6.4 billion in Polish pork or poultry production, not including losses for feed compounders.

Defeating the ban benefitted major U.S.-based multinationals with investments in Polish agriculture that might have imploded without access to quality, cost-competitive feeds. This success has also triggered great appreciation in Poland's farm sector for starting a healthy, progressive debate on biotechnology, a key U.S. objective in the European Union.

It should be noted, however, that while this legislation is still on the books in Poland, imports are not totally safe. The law that pushed back the ban can still be changed. FAS Warsaw is monitoring the situation closely. Past FAS Warsaw initiatives to stop a GM ban have included, continuous coverage of the situation - monitoring the press, translation and presentation of materials on biotechnology to Polish decision makers, industry associations, scientists, producers and regional political leaders. FAS also provided training in the U.S. on biotechnology to producers and decision makers, invited U.S. and Spanish farmers who cultivate Bt corn to Poland to speak to Ministry representatives, industry associations, scientist, producers and regional political leaders, and finally aided the work of the American Soybean Association to educate Polish importers on the asynchronous approval problem in the EU. Further initiatives directed by FAS Warsaw will continue as needed until this situation is fully resolved.

opposed approval of new biotech products in the EU, and has announced that
nd should be a “GM-Free” country. The government banned the sale and
tration of biotech seeds in mid-2006 and passed legislation that was to
bit import, production, and use of animal feed derived from biotech crops by
ust 12, 2008. Lobbying hard for the ban on biotechnology-derived animal
were organic farmers and environmental groups. However, on July 27, 2008,
wo weeks before a ban would have gone into effect, Poland’s president
ed a law pushing back the introduction of a ban to 2013. **The GM feed ban**
defeated by a coalition of Polish and U.S. trade associations, led
the American Soybean Association, Polish importers, feed
manufacturers, meat producers, and diplomatic representations
including the Governments of the United States, Argentina, and
Canada.

American Soybean Association, supported by FAS Warsaw,
played a key role in defeating the ban. Avoiding this ban prevented
disruption of U.S. Soybean exports to the EU generally and exports
of feed to Poland, worth \$100 million.

educational activities of ASA and FAS Warsaw helped Polish industry get the
unition they needed to beat the feed ban and has left in place a coalition of cont

ASA Plays Key Role in Protecting U.S. Soy Exports to Europe

September 11, 2008... Saint Louis, Missouri... The American Soybean Association (ASA) is being credited with playing a key role in defeating a ban in Poland that was to prohibit import, production and use of animal feed derived from biotech crops by August 12, 2008. Avoiding this ban prevented the disruption of U.S. soybean exports to the European Union (EU) generally, and exports of U.S. manufactured feed to Poland, worth \$100 million annually. **"The GM feed ban was defeated by a coalition of the Polish Feed Millers, Poultry Association, and Pork Association, and U.S. trade associations, led by the American Soybean Association, and diplomatic representations including the Governments of the United States, Argentina, and Canada,"** reports Eric Wenberg, Agricultural Counselor in the U.S. Department of Agriculture's (USDA) Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the American Embassy in Warsaw.

"This success has also triggered a greater appreciation in Poland's farm sector for starting a healthy, progressive debate on biotechnology, a key ASA objective in Europe," said ASA President John Hoffman, a soybean producer from Waterloo, Iowa. "Poland's negative voting record in Brussels has contributed to the delays in approving new U.S. biotechnology crops for export."

The ASA, supported by FAS Warsaw, played a key role in defeating the ban as a spillover effect from the ASA's work to highlight the problem of delayed EU approval of new biotechnology soybean varieties for use in animal feeds, the so-called "asynchronous approval problem."

"The educational activities of the **American Soybean Association and FAS Warsaw helped Polish industry get the ammunition they needed to beat the feed ban** and has left in place a coalition of contacts working hard to improve EU biotechnology policy generally," said Wenberg. "The feed ban would have jeopardized roughly \$6.4 billion in Polish pork or poultry production, not including losses for feed compounders."

.. "The feed ban would have jeopardized roughly \$6.4 billion in Polish pork or poultry production, not including losses for feed compounders.,,....

.1 Scientific studies increasingly expose the fact that GMO are harmful to human, animal and environmental health. It has been unequivocally established that it is simply not possible to have 'co-existence' between GM and GM-Free crops and plants.

.2 GMO are hazardous no doubts, no discussions. EU law states clearly. That is why it is so restricted.

.3 We need that those legal regimes are fully implemented in Poland - with provision to forbid GMO in food, feed and cultivation **if we decide to do so.**

.4 In this critical situation we demand immediate ban for cultivation of MON 810 before the seeding season starts.

Let's not let ourselves be GMO-Free People

Thank you for your attention

**© Paweł Połanecki
Warsaw, Lucern 2009 r.**