

Title: Legal aspects of genetically modified organisms in Poland

The present thesis is devoted to the legal aspects of genetically modified organisms (GMOs) in Poland. The analysis of scientific research and legal provisions regarding GMOs (both in the Polish and EU law) is essential to the central argument of this thesis, according to which, in light of the current scientific knowledge about genetic engineering, Polish regulations regarding GMOs are to be viewed as strict. To this extent, the present author has made certain *de lege lata* and *de lege ferenda* proposals.

The topic of the present thesis was chosen for a number of reasons. First of all – despite the rapid advances in the field of GMO research – the lack of synthetic studies on this subject has been observed. It may seem surprising that, in spite of the fact that both Poland and the European Union have legal provisions governing GMOs, there are very few publications analysing or discussing these regulations. Another reason for choosing this particular subject is that practically every person is in some way affected by this issue. Therefore, it seems important to provide an analysis for those interested in the subject. Also, the present author decided that it is in everyone's best interest to dispel stereotypes according to which GMOs are invariably harmful and detrimental to human well-being, which can be achieved by means of analysing the applicable law. Moreover, the author believes that scientific determinants are crucial to the process of creating provisions of law and that the decision about how strict these provisions should be may only be made based on the facts.

Therefore, the aim of the present thesis is to analyse the provisions of law regulating GMOs. Moreover, it should also provide an answer to the questions about the quality of the laws governing the issue under consideration, and about how comprehensive, logical and helpful they are. Analysed herein are predominantly legal acts of varying importance, mainly Polish acts and regulations, as well as examples of international law.

The present thesis consists of four chapters. The first chapter is the necessary introduction to the subjects of biotechnology and genetic engineering. It contains definitions of GMOs and describes the process of creating them. Since the thesis was intended to be somewhat interdisciplinary in its nature, the chapter discusses scientific studies on the safety of GMOs (e.g. their effects on non-target organisms). A separate subchapter has been devoted

to the analysis of economic and scientific foundations of utilising GMO fodder in agriculture, in the context of a potential ban on using them in Poland.

The second chapter focuses on the analysis of selected legal acts from the international (EU) law. The legal models of three different countries have been analysed in this chapter. It is divided into the following subchapters: “Convention on Biological Diversity and the Cartagena Protocol on Biosafety”, “Issues of genetically modified organisms within the legal system of World Trade Organisation”, “The law of the European Union”, “GMO issues in the CJEU case law”, “Codex Alimentarius” and “The overview and comparison of GMO regulations in selected countries”. In the context of the second chapter, it is noteworthy that the case law of the Court of Justice of the European Union – according to which, Polish GMO laws seem to be flawed – has had a significant impact on the process of forming Poland’s regulatory system in this regard.

The third chapter presents the history of Polish GMO laws, from the first attempts at regulating this issue, to the enactment of the Act on Genetically Modified Organisms and Microorganisms (which is analysed in the fourth chapter). The first attempts at regulating the issue date back to 1997, although until the enactment of the aforementioned act, no comprehensive regulations were in force. Over the years, various legal acts had created an inconsistent system of laws.

The fourth chapter (which, along with the previous one, provides a comprehensive picture of how the issue is regulated in Poland) analyses the newest Act on Genetically Modified Organisms and Microorganisms. Herein, a comparison with the previous regulations is drawn. Noteworthy, in this chapter the author interprets the aforementioned comprehensive act in a way that makes the cultivation of GMOs effectively illegal due to demands which are impossible to meet in practice.

At the end of each chapter, there are conclusions including *de lege ferenda* postulates.