

A C T

of ... 2025,

**on amendments to the Act on Upbringing in Sobriety and Counteracting Alcoholism and
the Act on Radio and Television Broadcasting¹⁾**

Article 1. The Act on Upbringing in Sobriety and Counteracting Alcoholism of 26 October 1982 (Journal of Laws of 2023, item 2151) shall be amended as follows:

1) In Article 2¹, paragraph 1:

(a) points 2 and 3 shall read as follows:

- ‘2) promotion of alcoholic or non-alcoholic beverages – public tasting of alcoholic or non-alcoholic beverages, distribution of props related to alcoholic or non-alcoholic beverages, organisation of bonus sales of alcoholic or non-alcoholic beverages, sale of alcoholic or non-alcoholic beverages with discounts, rebates, deductions, packages and loyalty programmes, donations, prizes, trips, games of chance, mutual betting, all forms of lending, tie-in transactions, all kinds of vouchers and coupons, and granting other unnamed financial or personal benefits to the purchaser of alcoholic or non-alcoholic beverages, as well as other forms of public encouragement to purchase alcoholic or non-alcoholic beverages;
- 3) advertising of alcoholic or non-alcoholic beverages – public dissemination of trade marks of alcoholic or non-alcoholic beverages or graphic symbols associated with them, as well as names and graphic symbols of companies producing alcoholic or non-alcoholic beverages, which do not differ from the names and graphic symbols of alcoholic or non-alcoholic beverages, serving to popularise trade marks of alcoholic or non-alcoholic beverages; information used for commercial purposes between entrepreneurs involved in the

¹⁾ This Act was notified to the European Commission on ... under number ..., pursuant to § 4 of Regulation of the Council of Ministers of 23 December 2002 concerning the manner in which the national notification system of standards and legal acts functions (Journal of Laws, item 2039; and of 2004, item 597), which implements Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

production, wholesale and trade of alcoholic or non-alcoholic beverages shall not be considered advertising;’,

(b) in point 10, the full stop shall be replaced by a semicolon, and the following points 11 and 12 shall be inserted:

‘(11) an alcoholic beverage – a product intended for consumption containing ethyl alcohol of agricultural origin in a concentration exceeding 0.5 % by volume of alcohol;

(12) non-alcoholic beverage – a product intended for consumption containing ethyl alcohol of agricultural origin in a concentration of up to 0.5 % by volume of alcohol and another product intended for consumption which does not contain ethyl alcohol of agricultural origin and which, by its name, trade mark, graphic form or packaging, exploits similarity or identity with the designation of the alcoholic beverage or another symbol objectively related to the alcoholic beverage.’;

2) in Article 9², paragraphs 19, 20 and paragraph 24, items 1 and 2, the words ‘, the Sports Activities Fund for Students referred to in Article 13³’ shall be inserted after the words ‘the National Health Fund’;

3) In Article 9³, paragraph 3:

(a) in point 1, the words ‘50 % of income’ shall be replaced by ‘44 % of income’,

(b) after point (1), the following point (1a) shall be inserted:

“1a) 6% of the revenue of the Sports Activities Fund for Students referred to in Article 13³;’;

4) in Article 11¹:

(a) in paragraph 2:

– in points 1 and 2, the words ‘PLN 525’ shall be replaced by the words ‘PLN 1 050’,

– in point 3, the words ‘PLN 2 100’ shall be replaced by the words ‘PLN 4 200’,

(b) in paragraph 5:

– in points 1 and 2, the words ‘amounting to 1.4%’ shall be replaced by the words ‘amounting to 1.9%’,

– in point 3, the words ‘amounting to 2.7%’ shall be replaced by the words ‘amounting to 3.2%’;

5)in Article 12, paragraph 4 shall read as follows:

‘4. The municipal council may determine, by resolution, for the territory of the municipality or designated subsidiary bodies of the municipality, restrictions during the hours of sale of alcoholic beverages for consumption outside the place of sale. The restrictions may apply to sales taking place between 22⁰⁰ and 9⁰⁰.’;

6) paragraph 1a–1d shall be inserted after paragraph 1 in Article 13 and shall read as follows:

‘1a. The vessels referred to in paragraph 1 in which the nominal quantity of the alcoholic beverage does not exceed 300 ml shall be made exclusively of glass or metal.

1b. The appearance of the vessels referred to in paragraph 1 and the appearance and content of the information displayed on them shall not:

- 1) encourage the consumption of alcoholic beverages by persons under the age of 18;
- 2) combine alcohol consumption with physical fitness or driving;
- 3) contain statements that alcohol has medicinal properties, is a stimulant, a sedative or a means of resolving personal conflicts;
- 4) encourage excessive alcohol consumption;
- 5) present abstinence or moderate alcohol consumption in a negative light;
- 6) highlight the alcoholic strength of alcoholic beverages as a feature that positively affects the quality of the alcoholic beverage;
- 7) evoke associations of an alcoholic beverage with:
 - (a) sexual attractiveness,
 - (b) relaxing or relaxation,
 - (c) learning or work,
 - (d) professional or life success,
- 8) raise doubts or be misleading as regards the identification of alcoholic beverages;
- 9) make it impossible to distinguish alcoholic beverages from other foodstuffs, in particular from foodstuffs intended for children.

1c. Alcoholic beverages placed on the market in authorised packaging must bear graphical indications providing information on:

- 1) the harmful effects of alcohol on pregnant women;

- 2) the prohibition to operate vehicles after consuming alcohol;
- 3) the prohibition of alcohol consumption by minors.

1d. The minister responsible for health shall determine, by means of a regulation, the content and form of graphical indications containing the information referred to in paragraph 1c, with a view to reducing alcohol consumption and combating alcoholism.’;

7) in Article 13¹:

(a) paragraph 1 shall read as follows:

‘1. Advertising and promotion of alcoholic and non-alcoholic beverages is prohibited throughout the country.’,

(b) paragraph 2 is repealed,

(c) paragraph 3 shall read as follows:

‘3. Advertising and promotion of products and services whose name, trade mark, graphic shape, or packaging exploits similarity or identity with an alcoholic or non-alcoholic beverage, or any other symbol objectively referring to an alcoholic beverage, is prohibited.’,

(d) in paragraph 4, after the words ‘alcoholic beverage’, the words ‘or non-alcoholic beverage’ shall be inserted,

(e) the following paragraph 4a shall be inserted after paragraph 4:

‘4a. It is prohibited to promote alcoholic or non-alcoholic beverages in the form of a promotional lottery in which alcoholic or non-alcoholic beverages are offered as prizes.’,

(f) paragraph 11 is repealed;

8) Article 13² is repealed;

9) in Article 13³, paragraph 3 shall read as follows:

‘3. The revenue of the Fund shall be the proceeds referred to in paragraph 3(1a) of Article 9³.’;

10) in Article 14, in paragraph 1, the following point 3a shall be inserted after point 3:

‘(3a) at liquid fuel stations within the meaning of Article 3(8) of the Act of 10 January 2018 on Restrictions on Trade on Sundays and Public Holidays and on Certain Other Days (Journal of Laws of 2025, item 301);’,

11) the following Articles 14¹–14³ shall be inserted after Article 14:

‘Article 14¹. It shall be prohibited to place on the market, sell or serve food products whose name, trade mark, graphic shape or packaging exploits similarity or identity with the designation of an alcoholic beverage.

Article 14². It shall be prohibited to place on the market, sell or serve alcoholic beverages whose name, trade mark, graphic shape or packaging exploits similarity or identity with the designation of a food product not containing alcohol.

Article 14³. It shall be prohibited to sell alcoholic beverages in commercial promotions consisting of the offering of free packaging or packaging with an alcoholic beverage when purchasing any quantity of packaging with an alcoholic beverage;

12) in Article 15:

(a) paragraph 2 shall read as follows:

‘2. A seller or server of alcoholic beverages, in case of doubt as to whether the purchaser is over 18 years of age, is obliged to request the purchaser to present a document confirming their age.’,

(b) the following paragraph 3 shall be inserted:

‘3. If the purchaser fails to present the document referred to in paragraph 2, the seller or server shall refuse to sell or serve the alcoholic beverage.’;

13) in Article 45² in paragraph 1, after the words ‘alcoholic beverages’, the words ‘or non-alcoholic beverages’ shall be inserted;

14) the following Article 45⁴⁻⁴⁵⁷ shall be inserted after Article 45³:

‘Article 45⁴. 1. Any person who, contrary to the provisions of Article 14¹, places on the market, sells or serves food products whose name, trade mark, graphic shape or packaging exploits similarity or identity with the designation of an alcoholic beverage, is subject to a fine of between PLN 10,000 and PLN 500,000.

2. Judgements in cases concerning the act referred to in paragraph 1 are made on the basis of the regulations on penal proceedings.

Article 45⁵. 1. Any person who, contrary to the provisions of Article 14², places on the market, sells or serves alcoholic beverages whose name, trade mark, graphic shape or packaging exploits similarity or identity with the designation of a food product not containing alcohol,

is subject to a fine of between PLN 10,000 and PLN 500,000.

2. Judgements in cases concerning the act referred to in paragraph 1 are made on the basis of the regulations on penal proceedings.

Article 45⁶. 1. Whoever, contrary to the provisions of Article 14³, sells alcoholic beverages in commercial promotions consisting in offering free packaging or packages of alcoholic beverages with the purchase of any quantity of packages of alcoholic beverages,

is subject to a fine of between PLN 10,000 and PLN 500,000.

2. Judgements in cases concerning the act referred to in paragraph 1 are made on the basis of the regulations on penal proceedings.

3. If the act referred to in paragraph 1 was committed within the scope of the entrepreneur's activity, the person responsible for commissioning or conducting commercial promotions consisting in offering free packaging of alcoholic beverages when purchasing any amount of packaging of alcoholic beverages shall be considered to be the perpetrator of the prohibited act.

Article 45⁷. 1. Whoever places on the market, sells or serves alcoholic beverages in packaging which

1) do not comply with the requirement set out in Article 13(1a) or (1b) and contain or

2) do not contain the indications referred to in Article 13(1c),

is subject to a fine of between PLN 10,000 and PLN 500,000.

2. Judgements in cases concerning the act referred to in paragraph 1 are made on the basis of the regulations on penal proceedings.’;

15) In Article 46, paragraph 1 is repealed.

Article 2. In the Act of 29 December 1992 on Radio and Television Broadcasting (Journal of Laws of 2022, item 1722 and of 2024, items 96 and 1222), in Article 16b(1)(2), after the words ‘alcoholic beverages’, the words ‘and non-alcoholic beverages’ shall be inserted.

Article 3. Alcoholic beverages in packaging not complying with the requirements set out in Article 13(1a) to (1c) of the Act amended in Article 1 and produced before the date of entry into force of this Act may be sold within 12 months of the date of entry into force of this Act.

Article 4. For determining the amount of fees for the use of licences for the sale of alcoholic beverages referred to in Article 18 of the Act amended in Article 1, in cases initiated and not completed before the date of entry into force of this Act, Article 11¹ paragraphs 2 and 5 of the Act amended in Article 1 in its current wording shall apply.

Article 5. 1. The existing provisions shall apply to the fees referred to in Article 13² of the Act amended in Article 1, for which the obligation to pay arose before the date of entry into force of this Act.

2. The Head of the First Tax Office in Bydgoszcz shall make the first distribution of the proceeds from the fees referred to in Article 9² paragraph 11, and the additional fee referred to in Article 9² paragraph 21 of the Act amended in Article 1, for the first half of the year following the half-year in which this Act entered into force.

Article 6. The sale of alcoholic beverages at liquid fuel stations within the meaning of Article 3(8) of the Act of 10 January 2018 on Restrictions on Trade on Sundays and Public Holidays and on Certain Other Days may be carried out on the basis of alcohol sales licences issued before the date of entry into force of this Act until the expiry of the period for which they were issued, but not longer than 2 years from the date of entry into force of this Act, provided that such sales may not be conducted between 22⁰⁰ and 6⁰⁰.

Article 7. The Act shall enter into force six months after the day of announcement.