

Message 001

Communication from the Commission - TRIS/(2025) 0679

Directive (EU) 2015/1535

Notification: 2025/0135/PL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20250679.EN

1. MSG 001 IND 2025 0135 PL EN 11-03-2025 PL NOTIF

2. Poland

3A. Ministerstwo Rozwoju i Technologii, Departament Obrotu Towarami Wrażliwymi i Bezpieczeństwa Technicznego,

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3B. Ministerstwo Zdrowia Departament Prawny

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4. 2025/0135/PL - S00S - HEALTH, MEDICAL EQUIPMENT

5. Draft Act amending the Public Health Act

6. Beverages with added caffeine or taurine. Health protection.

7.

8. The draft is technical in nature, i.e. it repeals the provisions of Chapter 3b on the sale and labelling of beverages with added caffeine or taurine and Chapter 4a on the penal law provisions of the Public Health Act of 11 September 2015 (Journal of Laws [Dziennik Ustaw] of 2024, item 1670), and introduces them, in identical wording, in the draft's Chapter 3c and Chapter 4b respectively.

The purpose of the above-mentioned legislative procedure included in the proposed Act is solely to notify the above-mentioned provisions, which were originally introduced by the Act of 17 August 2023 amending the Public Health Act and certain other acts (Journal of Laws, item 1718). The Act originally introduced a ban on the sale of these beverages to persons under the age of 18, at the premises of educational entities and in vending machines, as well as an obligation to label these products with the words 'Energising drink' or 'Energy drink' in a clearly visible, legible and indelible manner.

9. The notification will serve to ensure transparency in the adoption of the regulations by the Republic of Poland, as well as to testify to the willingness of the Polish administration to co-operate with the European Commission and individual WTO countries in order to clarify the existing doubts regarding the introduced regulations.

Currently, failure to notify provisions makes it impossible to conduct proceedings on the basis thereof and the court declares there is no need to adjudicate the proceedings, as per the relevant case-law of the Court of Justice of the European Union. The penal provisions repealed by this draft Act cannot be the basis for effective criminal investigations and offence proceedings.

10. References to basic texts:

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects:

The draft is a technical regulation or a conformity assessment

SPS aspects: No

European Commission

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