

ACT

of ... 2025,

amending the Act on Upbringing in Sobriety and Alcoholism Prevention and the Act on Publicly Funded Healthcare Services

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

- 1) In Article 2¹, (1):
 - a) (2) 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;”
 - b) (6) shall be amended to read as follows:

“6) a separate stand – separated from the rest of the self-service area of a retail outlet with a sales area of over 200 m, a shopping arcade or a counter;”
- 2) Article 9³(4) is amended to read as follows:

“4. The Municipality shall allocate the funds referred to in item 3 point 1 for:

 - 1) actions to implement local cross-sectoral anti-addiction policies;
 - 2) costs of the participation of a doctor, paramedic or nurse in the activities referred to in Article 12a(3) and (4a) of the Act of 25 July 2005 on combating domestic violence (Journal of Laws of 2024, item 1673).”
- 3) Article 9⁶(1) is amended to read as follows:

“1. Retail sales of alcoholic beverages intended for consumption outside the place of sale shall be carried out at points of sale, which are:

- 1) specialised shops selling alcoholic beverages;
- 2) separate stands;
- 3) other self-service outlets and other commercial outlets where the seller conducts direct sales of alcoholic beverages, excluding alcoholic beverages with an alcohol content of up to 4.5% and beer.”;
- 4) Article 12(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. Restrictions may apply to sales between 9 p.m. and 9 a.m.
- 5) In Article 13¹:
 - a) (1) shall read as follows:

“1. Advertising and promotion of alcoholic and non-alcoholic beverages is prohibited throughout the country.”,
 - b) (2) is repealed,
 - c) (9) shall be amended to read as follows:

“9. The prohibitions referred to in (1-8) shall not apply to the promotion of alcoholic beverages inside wholesale outlets, outlets exclusively engaged in the sale of alcoholic beverages and outlets engaged in the sale of alcoholic beverages for consumption at the place of sale.”,
 - d) (11) shall be repealed;
- 6) Article 13² shall be repealed;
- 7) Article 13³(3) shall be amended to read as follows:

“3. “The Fund's revenues shall consist of funds constituting costs of the National Health Fund, as referred to in Article 117(1)(4d) of the Act of 27 August 2004 on Healthcare Services Financed from Public Funds.”;
- 8) In Article 14:
 - a) In (1):
 - after (1), the following (1a) shall be inserted:

”(1a) on the premises of medical facilities belonging to healthcare providers and in the rooms of other facilities where healthcare services are provided;”,
 - In (6), the full stop shall be replaced by a semi-colon and (7) shall be added and read as follows:

“(7) at service stations.”;

- b) After (1a), (1b) is added which shall read as follows:
“(1b). It is prohibited to sell alcoholic beverages intended for consumption outside the place of sale between 10 p.m. and 6 a.m. throughout the country.
- 9) Article 14¹ shall be inserted after Article 14 which shall read as follows:
“Article 14¹. Retail sale of ethyl alcohol in a form other than liquid, intended for human consumption, shall be prohibited.”;
- 10) In Article 15:
- a) (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 his/her age.’,
- b) (3) shall be inserted as follows:
“3. If the purchaser fails to present the document referred to in (2), the seller or server shall refuse to sell or serve the alcoholic beverage.”;
- 11) Article 15¹ shall be inserted after Article 15:
“Article 15¹ Retail sales of alcoholic beverages intended for consumption outside the place of sale at a price not exceeding the amount of excise duty and VAT payable on them shall be prohibited.”;
- 12) In Article 18:
- a) (6) in (7) shall be amended to read as follows:
6) the performance of an economic activity in the scope covered by the authorisation only by the undertaking identified therein and only in the place mentioned in the authorisation, taking into account item 15;”,
- b) (15-17) are added as follows:
“15. The remote sale of alcoholic beverages for consumption outside the place of sale may be carried out by an entrepreneur holding the licence referred to in (1), exclusively with collection at a point of sale of alcoholic beverages, including one operated by another entrepreneur, hereinafter referred to as the “collection point”.
16. Alcoholic beverages in connection with the sale referred to in (15) which are delivered to a receiving point shall be marked in such a way that they can be identified and the name and surname of the purchaser indicated.

17. Only the purchaser shall be entitled to receive alcoholic beverages in the context of the sale referred to in (15).

18. The seller at the point of collection is obliged to verify the identity and age of the purchaser at the time of collection of the alcoholic beverage as part of the sale referred to in (15), including the right to request the presentation of a document confirming the identity and age of the purchaser. “In the event that the purchaser fails to present the document referred to in the first sentence, the seller shall be obliged to refuse the sale of the alcoholic beverage.”;

13) The words “in this Chapter” shall be added in Article 21(1), after the words “hereinafter referred to as”;

14) In Article 45, the introduction to the enumeration shall have the following wording: “Whoever, contrary to Article 13(1-2):”;

15) (1) in Article 45² is amended to read as follows:

“1. Whoever, contrary to Article 13¹:

- 1) conducts advertising or promotion activities of alcoholic beverages,
- 2) conducts advertising or promotion of products and services whose name, trademark, graphic design, or packaging uses a similarity to, or is identical with, the designation of an alcoholic beverage or any other symbol objectively relating to an alcoholic beverage,
- 3) conducts advertising or promotion of entrepreneurs and other entities which, in their advertising image, use a name, trademark, graphic design, or packaging associated with an alcoholic beverage, its producer, or its distributor,
- 4) informs about the sponsorship of a mass event, subject to Article 13¹ (5) and (6), shall be liable to a fine of between PLN 30000 and PLN 1000000 or a custodial sentence, or both.”;

16) The following Article 45⁴ shall be inserted after Article 45³:

“Article 45⁴. 1. Any person who, contrary to the prohibition referred to in Article 14¹, retails ethyl alcohol in a form other than liquid intended for human consumption shall be liable to a fine.

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

17) (1) in Article 46 shall read as follows:

“1. An alcoholic beverage within the meaning of this Act is a liquid intended for human consumption containing ethyl alcohol of agricultural origin with an alcoholic strength by volume exceeding 0.5%.”.

Article 2. The following amendments are hereby introduced to the Act of 27 August 2004 on Healthcare Services Financed from Public Funds (Journal of Laws of 2024, (146), as amended¹):

1) In Article 97:

a) in (3):

– (17) shall read as follows:

“17) supporting public health tasks related to the prevention and resolution of problems associated with addiction, implemented using funds from the Gambling Problem Resolution Fund referred to in Article 88 of the Act of 19 November 2009 on gambling;”.

– after (17, the following (17a) shall be inserted:

“17a) supporting tasks carried out with funds from the Sports Activities Fund for Students, referred to in Article 133(1) of the Act of 26 October 1982 on upbringing in sobriety and counteracting alcoholism;”;

b) After (3h), there is inserted the following (3ha):

“3ha. In order to carry out the task referred to in (3)(17a), the Fund shall transfer PLN 22 million to the Sports Activities Fund for Students from the funds obtained by the Fund in accordance with Article 12c(1)(1) of the Act of 11 September 2015 on public health (Journal of Laws of 2024 (1670) and of 2025 (340)), included in the Fund’s financial plan approved in accordance with the procedure referred to in Article 121(4), or determined in accordance with the procedure referred to in Article 121(5), or in accordance with the procedure referred to in Article 123(3).”;

2) In Article 117(1), (4d) shall be added after (4c) with the following wording:

“4d) costs of the task referred to in Article 97(3)(17a);”.

Article 3. Alcoholic beverages that were placed on the market before the date of entry into force of this Act in packaging that does not meet the requirements specified in Article

¹ Amendments to the consolidated text of the referred to Act were published in the Journal of Laws of 2024, (858), (1222), (1593), (1615), and (1915), and of 2025, (129), (304), (620), (637), and (779).

13(1)(a) and (b) of the Act amended in Article 1, as amended by this Act, may remain on the market until 31 January 2026.

Article 4. 1. Proceedings for the issue of authorisations for the sale of alcoholic beverages at points of sale located on the premises of medicinal establishments of medical entities and on the premises of other facilities in which health services are provided, as well as on the premises of service stations, initiated and not completed before the date of entry into force of this Act, shall be governed by the existing provisions.

2. Permits referred to in Article 18(1) of the Act amended in Article 1, issued before the date of entry into force of this Act, for points of sale located on the premises of medical facilities of medical entities and on the premises of other facilities where health services are provided, and on the premises of service stations, as well as those issued in the proceedings referred to in (1), shall remain valid for the period for which they were issued, but not longer than for a period of 5 years from the date of entry into force of this Act.

Article 5. 1. The advertising of beer referred to in Article 13¹ (1) of the Act amended in Article 1, as currently worded, shall be permitted under the existing rules until no later than 31 December 2026.

2. Advertising of alcoholic beverages referred to in Article 13¹ item 9 of the Act amended in Article 1 in its current wording may be conducted no longer than until 31 December 2026.

Article 6. 1. For December 2026, the collective monthly declaration referred to in Article 13²(2) of the Act amended in Article 1 in its current form shall be drawn up and submitted by 20 January 2027 by the entities providing services relating to the advertising of alcoholic beverages.

2. The fee referred to in Article 13² (1) of the Act amended in Article 1 in its current wording shall be paid by 31 January 2027, in accordance with the existing rules.

3. The head of the tax office referred to in Article 13²(5) of the Act, as amended in Article 1, in its current wording, shall transfer the amounts of paid fees referred to in (2) to the account of the Fund for Sports Activities for Schoolchildren, referred to in Article 13³ of the Act, as amended in Article 1, within 14 days from their payment.

4. The refund of the amount of overpayments for the fee referred to in Article 13⁽²⁾(1) of the Act amended in Article 1, in its previous wording, and in item 2, shall be covered in accordance with the previous rules.

5. The fees referred to in item 1 constitute the revenue of the Sports Activities Fund for Students referred to in Article 133 of the Act amended in Article 1.

Article 7. The funds referred to in Article 97(3h) of the Act amended in Article 2 shall be included in the financial plan of the National Health Fund for the first time in the plan drawn up for 2027.

Article 8. The Act shall enter into force on 1 January 2026, with the exception of Article 1(12) which shall enter into force on 1 January 2027.

Justification

The draft Act amending the Act on Upbringing in Sobriety and Counteracting Alcoholism and the Act on Healthcare Services Financed from Public Funds is a response to the growing challenges related to the availability, promotion and consumption of alcoholic beverages in Poland. In recent years, new forms of alcohol (e.g. powders, gels, sachets) and packaging strikingly similar to children's food products have appeared on the market. At the same time, there has been a dynamic development of marketing practices in the form of discounts, loyalty programmes and package sales, which encourage impulsive alcohol purchases. These phenomena pose a significant threat to public health, particularly for children and young people, and require decisive legislative action.

The aim of the draft law is to limit the excessive availability of alcohol and to counteract its promotion. The draft provides for, among other things: a total ban on advertising and promotion of all alcoholic beverages, including beer; a ban on the sale of alcohol at service stations, in medical facilities and at night throughout the country (10 p.m. to 6 a.m.); the introduction of mandatory age verification at the point of purchase; a ban on the sale of alcohol below the sum of excise duty and VAT; regulation of online sales exclusively with personal collection upon presentation of identification.

The proposed solutions are consistent with the recommendations of the World Health Organization, which identifies restricting the availability of alcohol and banning advertising as the most effective tools in health prevention. Similar instruments have already been introduced in many European countries and their effectiveness has been confirmed by studies in many countries.

At the same time, the draft organises a system for financing preventive and educational activities. Funds from fees for licences for the retail sale of alcohol in municipalities may also be used for the participation of medical staff in procedures to combat domestic violence, and the National Health Fund will be required to contribute PLN 22 million annually to the Fund for Sports Events for Students, which will provide stable support for sport and prevention activities among children and young people.

The proposed regulation remains consistent with the Constitution of the Republic of Poland, in particular Article 68(1), which imposes an obligation on the State to protect public health. Restrictions on economic freedom shall be proportionate and justified by the protection of the life and health of citizens.

The law is expected to enter into force on 1 January 2026, with the exception of the provision on the minimum price for alcoholic beverages, for which a longer *vacatio legis* is foreseen (until 1 January 2027) so that traders can adjust their pricing policy.

The draft does not presuppose the adoption of implementing acts.

The draft complies with European Union law.

The draft act does not contain technical regulations within the meaning of the Cabinet Regulation of 23 December 2002 on the functioning of the national system for notification of standards and legal acts (Journal of Laws 2002, (2039); 2004, (597)) and is therefore not subject to notification.

The draft does not require submission to the relevant institutions and bodies of the European Union, including the European Central Bank, for the purpose of obtaining an opinion, notification, consultation, or coordination.

The draft Act does not contain regulatory provisions or provisions specifying requirements for the provision of cross-border services within the meaning of the Act of 22 December 2015 on the Rules for the Recognition of Professional Qualifications Acquired in European Union Member States (Journal of Laws of 2023, (334)).

DECLARED REGULATORY IMPACTS (DRI) Draft Act

Draft information

a) Draft title:

amending the Act on Upbringing in Sobriety and Alcoholism Prevention and the Act on Publicly Funded Healthcare Services

b) The applicant's representative:

Joanna Wicha

I. Introductory part

[1] Concise description of the identified problem and proposed solutions.

The draft law addresses the problem of an excessive availability and promotion of alcoholic beverages. One of the most effective ways of reducing alcohol consumption, and the problems associated with it, is to reduce its availability. New forms of alcohol (powders, gels, sachets) are constantly appearing on the market, which may mislead consumers and increase health risks. Another significant problem is the promotion of alcohol through discounts, packages, rebates and loyalty programmes, which increase impulsive consumption.

According to information from the Minister of Health in 2024, an effective anti-alcohol policy is characterised by the use of tools in various areas of influence. According to the World Health Organization, reducing the physical availability of alcohol is one of the most effective measures to reduce alcohol consumption. Accessibility restriction has been assessed as a highly cost-effective best-buy intervention for the prevention of non-communicable diseases. Countries are advised to adopt and enforce regulations concerning the physical availability of alcohol, e.g. reducing sales hours (this is a highly cost-effective solution), setting an appropriate minimum age for purchasing or consuming alcoholic beverages, and reducing the density of sales outlets. Governments should regulate the density of alcohol sales points and limit it where this causes unjustified harm².

The authors propose the following amendments in the draft bill:

1. In Article 1, the proposed amendments concern the Act of 26 October 1982 on upbringing in sobriety and combating alcoholism (Journal of Laws 2023, (2151)).

1) (as amended in Article 2¹(1) – promotion of alcohol and a dedicated sales post).

The catalogue of activities considered as promotion of alcoholic beverages has been expanded. It includes, among other things: tastings, discounts, rebates, packages, loyalty programmes and other unnamed financial or personal benefits that could previously be used as a way of circumventing the advertising ban. The aim of the amendment is to reduce sales marketing encouraging greater and more compulsive consumption. The definition of a separate stand has also been clarified, extending it to include shopping arcades and counters in self-service establishments larger than 200 m². This solution reduces the freedom of interpretation of the rules by sellers and control authorities. The purpose of harmonising the concept is to better enforce the rules on the sale of alcohol.

2) (As amended in Article 9³ (4) – municipal funds).

The list of tasks for which the municipality may allocate funds from licence fees for the sale of alcohol has been extended. In addition to preventive measures, it will also cover the costs of participation of medical staff in procedures related to the prevention of domestic violence. This facilitates the integration of anti-alcohol policy with anti-violence policy.

² Response of the Minister of Health of 7 August 2024 to interpellation No 3934

3) (As amended in Article 9⁶⁽¹⁾ – retail outlets).

Regulations concerning retail outlets of alcoholic beverages have been amended. It was clearly stated that these could be specialist shops, separate stalls, and other retail outlets, but excluding beverages containing up to 4.5% alcohol and beer in some of them. This solution restricts the freedom to trade with alcohol and strengthens the supervision of sales.

4) (amended by Article 12(4) – sale hours determined by the municipalities).

A time period has been specified during which the local council may restrict the sale of alcohol – between 9 p.m. and 9 a.m. Previous regulations indicated the range of hours from 10:00 p.m. to 6:00 a.m., specifying it as night sales. The specification of the time of day has been abandoned, extending the indicated range.

5) (amendment in Article 13¹ and Article 13² – alcohol advertising).

A total ban on alcohol advertising and promotion has been introduced throughout the country. Exceptions that until now allowed advertising of beer have been removed and Article 13² on advertising fees has been repealed. The only exception is promotion conducted within wholesalers, specialist shops, and points of consumption.

6) (amendment in Article 13³(3) – Fund revenues).

The rules governing the financing of the Sports Activities Fund for Students have been modified – it will be now financed from the National Health Fund. The amendment reorganises the system of financing tasks in the area of prevention and public health.

7) (amendment in Article 14 – prohibitions on the sale of alcoholic beverages).

The list of places where the sale of alcohol is prohibited has been expanded to include medical facilities, healthcare facilities and service stations. In addition, a nationwide ban on the sale of alcoholic beverages intended for consumption outside the place of sale between 10 p.m. and 6 a.m. has been introduced. This is one of the most significant changes in the draft, which significantly restricts the availability of alcohol at night.

8) (amendment in Article 14¹ – prohibition of alcohol in a form other than liquid).

The retail sale of ethyl alcohol in forms other than liquids (e.g. powders, gels) is prohibited. The amendment responds to the emergence of new forms of alcoholic products, which can be particularly confusing and dangerous.

9) (amendment in Article 15 – obligation to present ID documents).

The obligations of sellers regarding age verification of buyers have been strengthened. In case of doubt, an ID document must be requested and in the case of a refusal, the seller must refuse the sale. The amendment strengthens the protection of minors from their access to alcoholic beverages.

10) (amendment in Article 15¹ – prohibition of sale below the tax price).

A ban has been introduced on the sale of alcoholic beverages at a price lower than the sum of the excise duty and VAT due. This is to eliminate price dumping and ensure a minimum price threshold for alcohol.

11) (amendment in Article 18 – distance selling with personal delivery).

The rules for distance selling of alcoholic beverages have been regulated. It is only permitted for collection at the point of sale, with mandatory verification of the purchaser's age and identity. This solution organises the development of online commerce while maintaining control over access to alcohol by minors.

12) (amendment in Article 21(1) – clarification of references).

Minor editorial change adding "in this chapter". The purpose is to clarify the scope of application of the terms defined in the law.

13) (amendment in Article 45 – criminal liability).

An editorial amendment introducing consistency between prohibitions and criminal liability. It was indicated that the infringements relate to Article 13(1) and (2).

14) (amendment in Article 45²(1) – penalties for alcohol advertising).

The rules on penalties for advertising and promoting alcohol and on activities related to the use of similarities with alcoholic beverages have been tightened. High fines ranging from PLN 30,000 to PLN 1 million have been introduced, as well as the possibility of imposing a restriction of liberty penalty.

15) (amendment in Article 45⁴ – penalties for the sale of alcohol in a form other than liquid).

A new type of offence was introduced – the retail sale of ethyl alcohol in a form other than liquid. This is punishable by a fine and proceedings will be carried out in accordance with criminal law.

16) (amendment in Article 46(1) – definition of alcoholic beverage).

The legal definition of an alcoholic beverage has been clarified. From now on, it is only liquid intended for human consumption that contains more than 0.5% alcohol. The amendment closes the

possibility of circumventing the law through new forms of products.

2. In Article 2, the proposed amendments concern the Act on Healthcare Services Financed from Public Funds (Journal of Laws 2024, (146)).

1) (amendment in Article 97 – Fund for Sports Events for Students)

The tasks of the National Health Fund have been expanded to include financing tasks carried out with funds from the Sports Activities Fund for Students. The obligation to transfer an amount of PLN 22 million annually from the Public Health Fund was introduced. This ensures stable funding for sports activities for children and young people as a means of promoting health and preventing addiction.

2) (amendment in Article 117 – financial obligation of the NFZ)

A new 4d has been added, indicating the costs of tasks carried out under the Sports Activities Fund for Students as National Health Fund expenditure.

3. In Articles 3 to 6, the proposed provisions are transitional provisions.

1) Article 3 of the draft law

It has been agreed that alcoholic beverages placed on the market before the Act came into force which do not meet the new packaging requirements (material and label content) may remain on sale until 31 January 2026. This solution is intended to ensure market liquidity and avoid sudden product withdrawals.

2) Article 4 of the draft law

A transitional regulation has been adopted with regard to licences for the sale of alcoholic beverages in medical facilities and service stations. Existing authorisations shall be valid for a maximum of five years from the date of entry into force of the Act, and proceedings initiated previously shall be conducted in accordance with the old rules. This allows businesses to gradually adapt to the new regulations.

3) Article 5 of the draft law

A transitional period for beer advertising and exceptions to the promotion ban are provided for. Advertising of beer and advertising conducted under the existing exemption (Article 131(9)) will be permitted until 31 December 2026. This solution mitigates the effects of sudden changes in the law on economic operators.

4) Article 6 of the draft law

Rules for settling alcohol advertising fees applicable until the end of 2026 have been specified. The last monthly declaration will be submitted for December 2026, and the fee must be paid by 31 January 2027. These funds will be transferred to the Fund for Sports Events for Students, ensuring a smooth transition between the old and new systems.

4. Article 7 of the draft law specifies that the funds transferred annually to the Fund for Sports Events for Students will be included for the first time in the financial plan of the National Health Fund for 2027. This regulation ensures that the financing mechanism is consistent with the Fund's planning cycle.

5. In Article 8, the draft law specifies the date of entry into force of the Act as 1 January 2026, with the exception of Article 1(12) (prohibition on selling alcohol below the price of taxes), which will come into force on 1 January 2027. The longer vacatio legis for this provision allows businesses to adjust their pricing policies to the new regulations.

[2] Have alternatives been considered?

- Yes
- No

Alternative solutions were not analysed, as it was assumed that effectively limiting the availability and promotion of alcoholic beverages would require comprehensive legislative changes. Partial solutions, e.g. restrictions only through acts of local law, would not guarantee a uniform and coherent system at national level. Furthermore, as pointed out by the World Health Organization, the most effective measures in alcohol policy are statutory regulations that include restrictions on physical availability, time of sale and advertising bans, which militate in favour of adopting solutions in the form of a nationwide amendment to the Act.



II. Requirements specified in Article 34(2)(3–5) of the Rules of Procedure of the Sejm

[3] What are anticipated legal consequences of the proposed solutions?

The proposed amendment substantially changes the current legal situation, introducing, inter alia, a total ban on advertising and promotion of alcoholic beverages, new restrictions on hours and places of sale, additional obligations on sellers and precise packaging regulations. Compared to the current rules, the exceptions for beer advertising are removed and the legal definitions are clarified, which increases legal certainty and facilitates the enforcement of the prohibitions.

The solutions remain consistent with the existing legal system, as the changes were made without affecting the basic constructions of the Act on upbringing in sobriety and combating alcoholism. The terminology has been harmonised and the additional transitional provisions (Articles 3 - 6 of the draft) ensure a smooth adaptation of the market to the new statutory rules.

The draft is consistent with the Polish Constitution, in particular with Article 31(3) and Article 68(1), which stipulate the state's obligation to protect public health. Restrictions on economic freedom and the freedom of advertising are proportionate and justified by an important public interest – the protection of the health and life of citizens.

In the light of international and EU law, the draft is in line with the recommendations of the World Health Organization and EU policies on reducing alcohol-related harm. The regulations governing the advertising, sale and marking of products are in line with the *acquis* and do not affect the rules of the internal market. The draft does not contain technical regulations (e.g. packaging requirements), therefore, in accordance with Directive (EU) 2015/1535, it will not require a notification procedure *vis-à-vis* the European Commission (see (8) of the form).

The date set for the Act to come into force (1 January 2026, and in part 1 January 2027) is justified by the scale and nature of the changes, which require businesses to adapt and the administration to prepare. Transitional arrangements limit the risk of sudden economic consequences and provide legal certainty.

[4] What are expected social impacts of the proposed measures?

The draft affects broad social groups: children and young people, who are most vulnerable to the effects of alcohol promotion and easy availability; families raising children, where alcohol consumption can generate additional social risks; adults who abuse alcohol; as well as healthcare workers and non-governmental organisations involved in prevention and assistance. The impact also extends to local communities, where the sale of alcohol at night will be limited.

The change affects the whole of society. Poland has a population of over 37 million, of which, according to the Central Statistical Office (GUS), approximately 6.6 million are children and young people under the age of 18. According to the National Centre for Addiction Prevention, the problem of harmful alcohol consumption affects several hundred thousand people, and nearly 2.5 million people drink at risky levels. The impact of regulation therefore affects millions of citizens, both directly and indirectly. The impact of the regulation also extends to all municipalities (2,477 units), which may decide to restrict sales over a longer period than before (9 p.m. to 9 a.m.), and the nationwide restriction on the sale of alcoholic beverages (10 p.m.–6 a.m.) applies throughout the country.

The draft will have a positive impact on reducing the availability of alcohol at night, which should reduce the number of incidents of domestic violence and public order disturbances. Restrictions on advertising and promotion will reduce the attractiveness of alcohol in the eyes of young people. For families, this means greater safety and a lower risk of children coming into contact with alcohol. For addicts, on the other hand, regulation creates additional barriers that hinder impulsive buying.

The most important positive effect will be a reduction in alcohol consumption and the associated enormous social costs, i.e. illness, accidents and violence. The WHO points out that any restriction on the availability and advertising of alcohol translates into measurable health and social benefits. The financial value of the benefits is difficult to estimate accurately, but according to data of the National Centre for Addiction Prevention (KCPU - Krajowe Centrum Przeciwdziałania Uzależnieniom), the social costs of alcoholism in Poland are calculated in billions of zlotys annually, so even a few percent reduction in these costs will bring savings in the hundreds of millions of zlotys. A potential negative effect may be initial resistance from some consumers and businesses to sales restrictions, but in the long term, the change should improve social cohesion and the sense of security.

According to estimates by the Ministry of Health, based on information provided by Deputy Minister Wojciech Konieczny during a joint meeting of the Sejm's Health and Economy and Development Committees on 8 January 2025 in 2023, there were over 119,000 alcohol sales outlets, which means that there is one sales outlet per 303 residents. We have one alcohol shop per 303 inhabitants. This compares to an average of 2,900 people per pharmacy. Alcohol is ten times more physically accessible than medicines. However, no details of the opening hours of the alcohol sales outlets are available, which makes it difficult to estimate to what extent the proceeds from the sales will decrease.

The sources of data include the Central Statistical Office (GUS), reports by the National Centre for Addiction Prevention (2023–2024) and WHO recommendations, which indicate that limiting the availability and advertising of alcohol is the most effective prevention tool.

[5] What are legal consequences anticipated of the proposed solutions?

The proposed solutions interfere with the freedom of economic activity and limit the potential profits of entrepreneurs involved in the production, trade and promotion of alcohol. However, in accordance with Article 31(3)⁽¹⁾ of the Polish Constitution, freedoms and rights may be subject to restrictions if this is necessary, inter alia, for public order or the protection of health. Acting pursuant to Article 68(1) of the Constitution, the state has a duty to protect the health of its citizens and to take measures to prevent addiction, disease and social phenomena related to alcohol consumption.

It is worth noting that the social costs of alcohol abuse, i.e. illness, accidents, domestic violence and reduced productivity, amount to billions of zlotys annually. The gains achieved by the alcohol sector do not offset these losses for society as a whole, in both financial and intangible dimensions such as family safety or social cohesion. Therefore, the economic interest, while important, must give way to the protection of public health.

The draft law is thus consistent with the principle of proportionality: restrictions on the marketing and promotion of alcohol are justified, necessary and proportionate to the objective of reducing alcohol consumption and protecting the lives and health of millions of citizens, in particular children and adolescents.

The draft targets distributors and retail trade (including self-service stores, separate stands, trade shops), fuel stations (prohibition of sales), distance selling in the "online order" model (new rules for age and identity verification at reception), the marketing/advertising sector (total prohibition of advertising/promotion), municipalities (a broader hourly framework for local restrictions and extension of the catalogue of tasks financed from fees), as well as the National Health Fund (new financial task of PLN 22 million per year for the Fund for Sports Events for Students) and the Fund for Solving Gambling Problems (maintaining and targeting expenditure on addictions).

The impact covers all municipalities (2,479 units) as of 1 January 2025. (Central Statistical Office) – which may apply a wider time frame for restrictions than before (9 p.m. to 9 a.m.), with a nationwide ban on the sale of alcoholic beverages intended for consumption outside the place of sale between 10 p.m. and 6 a.m.

Due to its properties, alcohol is treated as a special commodity in all European countries, which is not subject to free market rules, and therefore its sale is subject to specific legal restrictions that limit free trade, emphasises Katarzyna Łukowska, deputy director of the National Centre for Addiction Prevention. In the report “The Strong Alcohol and Wine Market in Poland” by Katarzyna Jurkitewicz for the industry portal Food News, it is stated that according to the data provided by NielsenIQ Poles spent around PLN 50.5 billion on alcohol in total between August 2023 and May 2024. It is not possible to define how the volume of sales will decrease following the restriction of certain distribution channels.

The Act will affect the retail and industry sector (alcohol) by:

- restrictions on the night-time sale of alcoholic beverages intended for consumption outside the place of sale (10 p.m. to 6 a.m. nationwide),
- strengthening of the obligation to verify age and the obligation to refuse without a document,
- clarification of the catalogue of points of sale and the definition of “separated stand”,
- a ban on sales at service stations,
- maintaining distance sales exclusively with collection at a point of sale with mandatory age verification. This reduces exposure to impulsive purchases and regulatory risk costs, but can reduce revenue from night hours and from channels that are no longer available.

The advertising/marketing sector will lose revenue from alcohol advertising/promotion (after a transition period ending on 31 December 2026), but the predictability of the law will increase (removal of exceptions and clarification of the definition of promotion).

Municipalities gain a stronger tool for local policy-making (wider hourly ranges from 9:00 p.m. to 9:00 a.m.) and clarification of the allocation of funds from “alcohol fees” to cross-sectoral activities on addiction (including financing the participation of medical staff in anti-violence procedures), which can improve the efficiency of spending and reduce social costs in the longer term.

However, there is no data that would allow for a reliable estimate of changes in excise duty/VAT resulting from a decline in consumption. The Ministry of Finance signals a trend of declining excise duty revenues from 2022 onwards with further increases (reducing economic accessibility leads to a decline in consumption), but there is no numerical balance that can be attributed solely to this amendment.

On the other hand, we may indicate the planned expenses resulting from the provisions of: PLN 22 million per year – a fixed transfer from the Public Health Fund to the Sports Activities Fund for Students (Article 97(3ha) of the Act on Benefits; included in the National Health Fund plan from 2027).

As far as adjustment costs are concerned (traders), expenditure is expected on compliance processes in the e-commerce channel (implementation and enforcement of personal receipts with age verification) and, in trade, a potential decrease in revenues from night sales of alcoholic beverages for consumption outside the place of purchase and at service stations.

We explicitly point out that it is impossible to estimate (ex ante) a decrease in alcohol consumption and the derived fiscal effects, which is why the principle has been adopted that amounts should not be added to the values indicated in the source documents.

[6] What are the expected financial implications of the proposed measures, in particular the impact on the public finance sector, including the state budget and the budgets of local authorities?

The impact concerns the state budget (revenue and expenditure related to indirect taxes and health policies), the National Health Fund (new, permanent financial task), local government units, in particular municipalities (revenue from “alcohol” fees and spending on local policies), as well as the Gambling Problem Solving Fund and the Sports Activities Fund for Students.

The addressee of the regulations on the local government side are all municipalities in Poland (2,479 units). On the State side – the State budget, the National Health Fund and the earmarked

funds indicated in the draft.

On the part of the state and the National Health Fund, the impact is both financial and organisational: the need to plan and execute a constant transfer of funds for health-promoting tasks and to adjust financial planning. Municipalities maintain a stream of revenue from "alcohol" charges, while clarifying the directions of spending on cross-sectoral activities related to addiction; the introduction of a nationwide ban on night sales and wider local hourly ranges may reduce demand in the long run and change the structure of municipal expenditure (more on prevention, less on interventions). As far as the state budget is concerned, there is a potential downward trend in excise duty and VAT revenues due to lower consumption, partially offset by long-term savings in the healthcare and public order systems; however, at the draft stage, there is no reliable data to separate the effect of the amendment itself from other market and fiscal factors. In accordance with estimates

In terms of financial benefits for the public sector and households, a reduction in the costs of alcohol-related harm (health, public order, accidents) is expected, but the RIA (Regulatory Impact Analysis) notes that these costs cannot be reliably estimated at the draft stage; the direction of the effects is positive and in line with WHO recommendations (restricting availability and advertising as "best-buy" interventions).

The Deputy Minister of Health, Wojciech Konieczny, cited a number of data as arguments for implementing solutions that would limit the sale and consumption of alcohol in Poland. He pointed out, among other things, that alcohol consumption is responsible for the risk of approximately 200 diseases, and that our country ranks third in the EU in terms of deaths due to mental illnesses caused by excessive alcohol consumption. He also pointed out that the costs of addiction treatment services rose from PLN 330 million in 2020 to PLN 816 million in 2023, as well as the 10 per cent share of accidents involving drunk drivers in the overall statistics.

According to the Deputy Minister for Health, drinking costs in Poland amounted to PLN 93 billion in 2020. These include the cost of health services, social benefits, alcohol-related crimes and lost GDP. In 2023, the revenue from excise duty amounted to PLN 14 billion.

Quantitative impact (in PLN million)

- an annual transfer of PLN 22 million to the Fund for Sports Events for Students, financed from public health funds and included in the financial plan of the National Health Fund since 2027;
- revenues of municipalities from shares in the fee on individual packaging units up to 300 ml in 2024 amounted to PLN 283.5 million; the draft does not abolish this fee.

With regard to excise duty and VAT revenues, it is not possible to present reliable numerical forecasts attributable solely to this amendment. Additional adjustment costs incurred by businesses, such as adapting distance selling processes to the requirement of personal collection with age verification, the effects of the ban on night-time sales and sales at service stations, have not been estimated due to the lack of data on the structure of turnover by hour and channel. As far as the public finances are concerned, long-term cost benefits are expected to result from the reduction of alcohol-related harm (including fewer hospitalisations and public order interventions), the value of which cannot be reliably estimated at the draft stage.

The amounts indicated are certain and result from the draft and applicable legislation on the financing of public tasks and from planning and reporting data (transfer of PLN 22 million per year, PLN 283.5 million of municipal revenue from the small packaging fee). Other effects are described in a descriptive manner, due to the lack of data allowing for the separation of revenues and costs attributed exclusively to this amendment and the lack of reliable information on the share of night sales and the structure of distribution channels in the value of alcohol turnover.

[7] List of sources of financing if the draft law entails a burden on the state budget or the budgets of local government units.

The draft law does not require an acquisition of new funds beyond those already secured under existing funds and financing mechanisms. A fixed transfer of PLN 22 million per year to the Fund for Sports Events for Students will be financed from the Public Health Fund and will be included in the financial plan of the National Health Fund starting in 2027. This means that the source of financing of the task was foreseen within the existing revenue and expenditure of the public health sector, without the need for any additional funding to the State budget.

The budgets of local government units will not incur any new financial burdens. The revenues of municipalities from fees for licences to sell alcoholic beverages and from fees on so-called small packaging remain unchanged, but the legislator has clarified the rules for their allocation. These changes are of an organisational nature and do not require additional sources of funding.

The methodology is based on an analysis of financial flows resulting from the draft legislation: the indicated transfer of PLN 22 million per year was explicitly specified in the Act, while the volume of revenue for municipalities from the small packaging fee (PLN 283.5 million in 2024) is derived from data from the Ministry of Finance. As the draft does not involve any new expenditure or reduction in budget revenue beyond those balanced within existing funds, there is no need to identify additional sources of funding.

[8] Is the draft law subject to a notification procedure?

➤ No

III. Requirements specified in Article 34(2a) and (2b) of the Rules of Procedure of the Sejm

[9] Does the draft law contain provisions specifying the rules for undertaking, conducting or terminating economic activity (Article 34(2a) of the Rules of Procedure of the Sejm)?

➤ No

➤ Yes

The purpose of the Act is to limit the social damage associated with excessive alcohol consumption. This objective could be achieved in part through soft measures such as educational campaigns, preventive measures and industry self-regulation. However, national and international experience shows that these measures are ineffective unless accompanied by statutory regulations restricting the availability of alcohol. The World Health Organization recommends legal measures in the form of sales restrictions and advertising bans as the most effective actions in this area. For this reason, the adoption of legislative measures was considered necessary.

2. Assessment of the anticipated socio-economic impacts

The draft law will affect alcohol producers, distributors, and retailers (ban on night-time sales, ban on sales at service stations, new requirements for online sales), as well as the advertising and marketing industry (total ban on advertising and promotion). Some businesses will incur adjustment costs, but this impact is temporary and does not threaten the stability of the sector. At the same time, the regulation will reduce the social costs of alcohol abuse, which currently amount to tens of billions of zlotys annually, and in the long term will have a positive economic effect by reducing sick leave, accidents and public expenditure.

3. Impact on micro, small, and medium-sized enterprises

The new sales requirements will cover all categories of traders, regardless of their size. Small 24-hour shops selling alcohol at night and service stations, which will lose the ability to sell alcohol, will be most affected. Micro and small businesses operating in this segment will have to adapt their business model to the new conditions. On the other hand, a uniform ban on night sales throughout the country will reduce the phenomenon of unfair competition between municipalities where different regulations were in force.

4. The analysis of the compatibility of the draft provisions with the Entrepreneurs' Law is in line with the principle of proportionality provided for in the Entrepreneurs' Law. Restrictions on economic activity are justified by the overriding public interest of protecting the health and lives of citizens, and comply with constitutional standards for the admissibility of restrictions on economic

freedom.

[10] Will the implementation of the draft provisions create any administrative burdens for micro, small and medium-sized enterprises (Article 34(2a) of the Rules of Procedure of the Sejm)?

- No
- Yes

The draft introduces new obligations that will affect entrepreneurs, including micro, small and medium-sized enterprises.

1. Character of administrative burdens

Traders selling alcohol will have to apply new age verification procedures – in case of doubt, it will be necessary to require the production of an identity document and if the sale is refused, the sale will not take place. In online commerce, there will be an additional organisational obligation – in-person reception combined with age verification.

2. Proportionality of the regulation

The new burdens have been limited to the minimum necessary to achieve the purpose of the Act. The age verification requirements are proportionate and consistent with the current practice of selling alcohol – the legislator only strengthens the obligations that already exist. Restrictions on online sales are justified by the need to prevent the purchase of alcohol by minors. Packaging requirements are designed to protect consumers from misleading products.

3. Scale of impact

The burdens will be felt by several thousand retail entrepreneurs across the country, including in particular 24-hour stores and service stations. For some manufacturers, it will mean having to adapt their production processes to new material and labelling requirements. At the same time, transitional rules (e.g. the possibility to sell stocks until 31 January 2026) limit the risk of cost spikes.

4. Impact assessment for SMEs

The smallest entities selling alcohol at night will suffer a decrease in revenues, and some micro-entrepreneurs may be forced to change their business model. However, the introduction of uniform rules at national level reduces the risk of unequal competition and ensures a predictable business environment for all businesses. In the long term, another positive effect will be a reduction in social and health costs borne by the public system, which will stabilise the conditions for doing business in the economic environment.

[11] Does the draft law contain regulatory provisions or lay down requirements for the provision of cross-border services within the meaning of the Act of 22 December 2015 on the rules governing the recognition of professional qualifications acquired in the Member States of the European Union (Article 34(2b) of the Rules of Procedure of the Sejm)?

- No
- Yes