Draft of 20 February 2025

**A C T**

of …… 2025

**amending the Public Health Act**[1)]

**Article 1.** The Public Health Act of 11 September 2015 (Journal of Laws [Dziennik Ustaw] of 2024, item 1670) is hereby amended as follows:

1) Chapter 3b is repealed.

2) The following Chapter 3c is added after Chapter 3b:

'Chapter 3c

Marketing and labelling of beverages with added caffeine or taurine

Article 12o. For the purpose of this Chapter, a beverage with added caffeine or taurine shall be defined as a beverage which is a foodstuff, listed in the Polish Classification of Products and Services under Class 10.89 and Title 11, which contains caffeine in a proportion exceeding 150 mg/l or taurine, excluding substances naturally present in these beverages.

Article 12p. 1. Marketing of beverages with added caffeine or taurine shall be prohibited:

1) to persons under 18 years of age;

2) on the premises of educational institutions referred to in Article 2 of the Education Act of 14 December 2016 (Journal of Laws 2024, items 737, 854, 1562, 1635 and 1933);

3) in vending machines.

2. In case of doubts as to the buyer's age, the seller may demand to see a document proving the age of the buyer.

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[1] )This Act was notified to the European Commission on […] under the No […], pursuant to § 4 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, item 2039, and Journal of Laws of 2004, item 597), which implements the provisions of 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 (harmonisation) (OJ L 241 of 17.9.2015, p. 1).

Article 12r. The producer or importer of a beverage with added caffeine or taurine shall mark the unit packaging of the product with the words ‘Energising drink’ or ‘Energy drink’ in a clear, legible and indelible manner.’

3) Chapter 4a is repealed.

4) The following Chapter 4b is added after Chapter 4a:

‘Chapter 4b

Penal provisions

‘Article 18d. 1. Anyone who sells beverages with added caffeine or taurine contrary to the provisions of Article 12p(1) shall be liable to a fine of up to PLN 2,000.

2. The same penalty shall be imposed on the manager of a commercial or catering establishment who fails to comply with the obligation of supervision and, thus, allows the offence referred to in paragraph 1 to be committed in that establishment.

3. In the event the offence referred to in paragraph 1 or 2 is committed, the court may order confiscation of beverages with added caffeine or taurine, even if they are not the property of the perpetrator.

Article 18e. 1. Any person who produces or imports prepackaged beverages with added caffeine or taurine which do not comply with the requirements referred to in Article 12r shall be liable to a fine of up to PLN 200,000 or a detention order, or both.

2. If the act referred to in paragraph 1 has been committed within the scope of the entrepreneur’s business activity, the person responsible for the production or import of beverages with added caffeine or taurine shall be regarded as the perpetrator of the offence.

Article 18f. 1. Adjudication in the proceedings concerning the acts referred to in Article 18d shall be made pursuant to the provisions of the Act of 24 August 2001 — Code for the proceedings in offence cases (Journal of Laws of 2024, item 977 and 1544).

2. Adjudication in the proceedings concerning the acts referred to in Article 18d shall be made pursuant to the provisions of the Act of 6 June 1997 — Code of Criminal Procedure (Journal of Laws 2025, item 46).’

**Article 2** The Act shall enter into force on 1 January 2026.