

Draft name Draft Regulation on detailed requirements for the commercial quality of packaging of certain spirit drinks Lead ministry and cooperating ministries Ministry of Agriculture and Rural Development Person responsible for the draft at the level of Minister, Secretary of State or Undersecretary of State Stefan Krajewski — Secretary of State at the Ministry of Agriculture and Rural Development Contact details for the draft supervisor Grzegorz Sobczyński, Deputy Director of the Department of Organic Agriculture and Food Quality phone (22) 623 22 11; email: grzegorz.sobczynski@minrol.gov.pl	Drafted on 03 October 2024 Source: Statutory authorisation — Article 15(2) of the Act on Commercial Quality of Agri-Food Products of 21 December 2000 (Journal of Laws of 2023, item 1980) Number on the list of legislative work of the Minister for Agriculture and Rural Development — 104
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REGULATORY IMPACT ASSESSMENT

1. What issue is being addressed?

Public demands and signals from organisations fighting alcoholism point to the easy availability of spirit drinks in small packages as an important factor in promoting and increasing alcohol consumption. Due to the appearance of spirit drinks in pouches confusingly resembling children's food packaging on the market, it is necessary to lay down requirements for the packaging of certain spirit drinks in such a manner that consumers shall not be misled as to the content of the packaging.

2. The recommended solution, including planned intervention tools, and expected impact

In order to supplement the commercial quality rules on the packaging of certain spirit drinks, it is necessary to regulate, by means of a regulation, the packaging of a nominal size of up to 200 millilitres used for certain spirit drinks.

It is therefore necessary to take legislative action to eliminate the use of packaging for spirit drinks that bears a striking resemblance to the packaging of food products intended for children (fruit mousses).

It is not possible to achieve the objective of the draft Regulation through non-legislative measures.

3. How has this problem been solved in other countries, in particular OECD/EU Member States?

The problem has not been identified in other EU Member States.

4. Entities affected by the draft			
Group	Size	Data source	Impact
Number of outlets selling alcoholic drinks for consumption outside the point of sales (stores)	80,789 retail outlets selling alcoholic drinks	National Centre for Addiction Prevention (as of 31.12.2022)	Direct. Improvement of IJHARS's supervision of commercial establishments selling alcoholic drinks.
Agricultural and Food Quality Inspection (Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych [IJHARS])	The Main Inspectorate of Agricultural and Food Quality and 16 Provincial Inspectorates of Agricultural and Food Quality	Act on Commercial Quality of Agri-Food Products of 21 December 2000	Direct. Imposing an obligation on the IJHARS to verify the correctness of packaging used for spirit drinks.
Food consumers	Population of the country: 37,571,000	Statistics Poland (GUS) Statistical Bulletin No 6/2024 of 23 July 2024	Indirect. Ensuring better protection against misleading consumer practices.
5. Information on the scope and duration of consultations, and summary of consultation results			
Pursuant to Article 5 of the Act of 7 July 2005 on Lobbying Activities in the Lawmaking Process (Journal of Laws of 2017, item 248), the draft Regulation was placed in the Public Information Bulletin of the Ministry of Agriculture and Rural Development, as well as in the Public Information Bulletin of the Government Legislation Centre, pursuant to § 52(1) of Resolution No 190 of the Council of Ministers of 29 October 2013 — Regulations of the Council of Ministers (Polish Gazette [MP] of 2024, item. 806). The draft Regulation was sent to the following social partners for their opinion: 1) pursuant to Article 19 of the Trade Unions Act of 23 May 1991 (Journal of Laws of 2022, item 854) to: 1. Forum of Trade Unions (Forum Związków Zawodowych); 2. Independent Self-Governing Trade Union 'Solidarność' (Secretariat of Agriculture of the National Commission of the NSZZ 'Solidarność') (Niezależny Samorządny Związek Zawodowy „Solidarność” (Sekretariat Rolnictw Komisji Krajowej NSZZ „Solidarność”)); 3. All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych). 2) pursuant to Article 16 of the Employers' Organisations Act of 23 May 1991 (Journal of Laws of 2022, item 97) to: 1. Federation of Polish Entrepreneurs (Federacja Przedsiębiorców Polskich); 2. Lewiatan Confederation (Konfederacja Lewiatan); 3. Employers of Poland (Pracodawców Rzeczypospolitej Polskiej);			

4. Business Centre Club Union of Employers (Związek Pracodawców Business Centre Club);
 5. Polish Craft Association (Związek Rzemiosła Polskiego).
- 3) pursuant to Article 5 of the Act of 24 July 2015 on the Council of Social Dialogue and Other Institutions of Social Dialogue (Journal of Laws of 2018, item 2232, as amended), to the Social Dialogue Council.
 - 4) pursuant to Article 38(2) of the Act of 14 December 1995 on Agricultural Chambers (Journal of Laws 2022, item 183) to the National Council of Agricultural Chambers.
 - 5) pursuant to Article 259(2)(3) of the Cooperative Law Act of 16 September 1982 (Journal of Laws 2024, item 593) to the National Cooperative Council.

Pursuant to § 36 of the Regulations of the Council of Ministers, the draft Regulation was submitted for public consultation with social organisations, stakeholders, and such institutions as:

SME Ombudsman Office (Biuro Rzecznika Małych i Średnich Przedsiębiorców); Federation of Agricultural Producer Trade Associations (Federacja Branżowych Związków Producentów Rolnych); Federation of the Polish Food Industry (Federacja Gospodarki Żywnościowej RP); Consumer Federation (Federacja Konsumentów); Polish Federation of Unions of Cooperatives and Agricultural Organisations (Federacja Związków Kółek i Organizacji Rolniczych RP); Federation of Employers' Unions of Farm Lessees and Owners (Federacja Związków Pracodawców- Dzierżawców i Właścicieli Rolnych); 'Agrounia' Foundation (Fundacja „Agrounia”); Prof. Waław Dąbrowski Institute of Agricultural and Food Biotechnology — State Research Institute (Instytut Biotechnologii Przemysłu Rolno-Spożywczego im. prof. Waław Dąbrowskiego – Państwowy Instytut Badawczy); Institute of Agricultural Management (Instytut Gospodarki Rolnej); Polish Chamber of Commerce (Krajowa Izba Gospodarcza); National Chamber of Commerce 'Bottling Industry' (Krajowa Izba Gospodarcza „Przemysł Rozlewniczy”); Polish Chamber of Food Industry and Packaging (Krajowa Izba Gospodarcza Przemysłu Spożywczego i Opakowań); National Secretariat of the Food Industry NSZZ 'Solidarność' (Krajowy Sekretariat Przemysłu Spożywczego NSZZ „Solidarność”); National Association of Agricultural Producers Groups – Chamber of Commerce (Krajowy Związek Grup Producentów Rolnych - Izba Gospodarcza); 'Polsus' National Association of Employers — Pig Producers (Krajowy Związek Pracodawców-Producentów Trzody Chlewnej „Polsus”); National Agricultural Production Cooperative Reform Association (Krajowy Związek Rewizyjny Rolniczych Spółdzielni Produkcyjnych); National Audit Association of 'Samopomoc Chłopska' Cooperative (Krajowy Związek Rewizyjny Spółdzielni „Samopomoc Chłopska”); National Audit Association of 'Społem' Cooperative (Krajowy Związek Rewizyjny Spółdzielni „ Społem ”); National Union of Farmers Cooperatives and Agricultural Organisations (Krajowy Związek Rolników, Kółek i Organizacji Rolniczych); National Secretariat of the Agricultural and Food Agriculture and Industry NSZZ Solidarność '80 (Krajowy Sekretariat Rolnictwa i Przemysłu Rolno-Spożywczego NSZZ Solidarność '80); NSZZ 'Solidarność' National Commission (NSZZ „Solidarność” Komisja Krajowa); NSZZ 'Solidarność' of Individual Farmers (NSZZ Rolników Indywidualnych „Solidarność”); Supreme Council of Trade and Service Associations (Naczelna Rada Zrzeszeń Handlu i Usług); National Agreement of Farmers' Trade Unions and Agricultural Organisations (Ogólnopolskie Porozumienie Związków Zawodowych Rolników i Organizacji Rolniczych); National Agreement of Farmers' Trade Unions and Agricultural Organisations (Ogólnopolskie Porozumienie Związków Zawodowych Rolników i Organizacji Rolniczych); The Polish Federation of Food Industry — Union of Employers (Polska Federacja Producentów Żywności – Związek Pracodawców); Polska Izba

A table containing the comments submitted on the draft Regulation and a reference to these comments has been attached to the public consultation report (§ 51 of the Regulations of the Council of Ministers).

1. General Counsel to the Republic of Poland, (Prokuratoria Generalna Rzeczypospolitej Polskiej);
2. President of the Office of Competition and Consumer Protection (Prezes Urzędu Ochrony Konkurencji i Konsumentów);
3. President of the Personal Data Protection Office (Prezes Ochrony Danych Osobowych);
4. Chief Inspector of Agricultural and Food Quality (Główny Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych);
5. Agency for the Restructuring and Modernisation of Agriculture (Agencja Restrukturyzacji i Modernizacji Rolnictwa).

[illegible]

local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
Total expenditure	0	0	0	0	0	0	0	0	0	0	0	0
state budget	0	0	0	0	0	0	0	0	0	0	0	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
Total balance	0	0	0	0	0	0	0	0	0	0	0	0
state budget	0	0	0	0	0	0	0	0	0	0	0	0
local government units	0	0	0	0	0	0	0	0	0	0	0	0
other units (separately)	0	0	0	0	0	0	0	0	0	0	0	0
Source of financing	The draft Regulation will not cause additional financial consequences for the public finance sector entities, including the state budget and budgets of local government units, consisting in increasing expenditures or decreasing revenues of these entities.											
Additional information, including the identification of data sources and assumptions made for the calculation												
7. Impact on the competitiveness of the economy and enterprise, including the functioning of enterprises, and impact on families, citizens and households												
Impact												
Time (in years) since entry into force of the amendments			0	1	2	3	5	10	Total (0–10)			
In monetary terms (in PLN millions, fixed prices for [year])	large enterprises	0	0	0	0	0	0	0	0			
	micro-, small- and medium-sized enterprises	0	0	0	0	0	0	0	0			
	families, citizens and households	0	0	0	0	0	0	0	0			
	(add/remove)											
In non-monetary	large	The Regulation is not relevant to the competitiveness of the economy and										

terms	enterprises	entrepreneurship.
	micro-, small- and medium-sized enterprises	The Regulation shall not affect micro-, small- and medium-sized enterprises.
	families, citizens and households	The Regulation shall not affect citizens and households, or the elderly and persons with disabilities.
	(add/remove)	
Unmeasurable	(add/remove)	Not applicable
	(add/remove)	Not applicable
Additional information, including the identification of data sources and assumptions made for the calculation		
8. Change in the regulatory burdens (including disclosure obligations) resulting from the draft		
☐ X not applicable		
Burdens are placed outside those strictly required by the EU (for details, see reverse side of the correlation table).	☐ yes ☐ no ☒ X not applicable	
☐ Reduction in the number of documents ☐ Reduction in the number of procedures ☐ Shortening of the time to settle the matter ☐ Other:	☐ Increase in the number of documents ☐ Increase in the number of procedures ☐ Extension of the time to settle the matter ☐ Other:	
The introduced burdens are suitable for digitisation.	☐ Yes ☐ No ☒ X not applicable	
The Draft shall not cause any additional regulatory burden including information obligations.		
9. Impact on the labour market		
No impact		
10. Impact on other aspects		
☐ natural environment ☐ regional standing and development ☐ common, administrative, or military courts	☐ demographics ☐ state property ☐ other:	☐ computerisation ☐ health

Discussion of the impact	No impact
11. Planned implementation of the provisions of the act	
It is planned that the provisions of the draft Regulation shall be implemented on the day following the date of publication of the Regulation.	
12. How and when shall the impact of the draft Regulation be assessed and what action shall be taken?	
Due to the nature of the introduced provisions, the draft shall not require evaluation.	
13. Annexes (important source documents, research, analyses, etc.)	
None	