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Item 799

ACT

of May 21, 2025

amending the Act on the protection of health against the consequences of tobacco and tobacco product use¹⁾

Article 1. The Act of November 9, 1995 on the protection of health against the consequences of tobacco and tobacco product use (Journal of Laws of 2024, item 1162 and of 2025, item 427) is amended as follows:

1) in Article 2:

a) points 17 and 18 shall read as follows:

"17) smoking electronic cigarettes – consumption of nicotine-containing vapor or nicotine-free vapor emitted by an electronic cigarette;

18) refill container – a container with a liquid containing nicotine that can be used to refill an electronic cigarette, or a container with a liquid not containing nicotine that is intended for use in electronic cigarettes;"

b) Point 20 shall read as follows:

"20) electronic cigarette – a product that can be used for consumption through a mouthpiece containing nicotine or nicotine-free vapor, or all components of such a product, including cartridges, containers, and devices without cartridges or containers; electronic cigarettes may be disposable or refillable using a refill container or reservoir, or rechargeable using disposable cartridges;"

c) point 21 is replaced by the following:

"21) related product – an electronic cigarette, a refill container, an herbal product for smoking, and a nicotine pouch; "

d) points 23–25 shall read as follows:

"23) promotion of tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia:

a) public distribution of tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia,

b) organizing tastings of tobacco products, nicotine pouches, electronic cigarettes, or refill containers,

¹ This Act was notified to the European Commission on January 27, 2025, under number 2025/0055/PL, in accordance with § 4 of the Regulation of the Council of Ministers of December 23, 2002, on the functioning of the national system for the notification of standards and legal acts (Journal of Laws item 2039 and item 597 of 2004), which implements the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council of September 9, 2015, laying down a procedure for the provision of information in the field of technical regulations and rules on information society services (codification) (OJ EU L 241 of September 17, 2015, p. 1).

- c) organizing prize promotions for tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia, or contests based on the purchase of such products, and other forms of public encouragement to purchase or use such products, regardless of the form of communication with the addressee,
 - d) offering tobacco products or nicotine pouches to consumers at a reduced price compared to the price printed on the unit packaging;
- 24) retail outlet – a place where tobacco products, nicotine pouches, electronic cigarettes or refill containers are placed on the market, including by a natural person;
- 25) advertising of tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia:
 - a) dissemination of messages, images of tobacco product brands, nicotine pouches, electronic cigarettes, refill containers, tobacco paraphernalia or symbols associated with them,
 - b) dissemination of names or graphic symbols of entities manufacturing tobacco products, nicotine pouches, electronic cigarettes, refill containers, or tobacco paraphernalia that are indistinguishable from the names and graphic symbols of tobacco products, nicotine pouches, electronic cigarettes, refill containers, tobacco paraphernalia, or symbols associated with them

– intended to promote tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia, excluding information used for commercial purposes in relations between entities involved in the manufacture, distribution and sale of tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia;”,
- e) point 28 is replaced by the following:

"28) sponsorship – supporting, in financial or material form, the activities of natural persons, legal persons or organizational units without legal personality related to the display of the names of tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco accessories and the entities manufacturing such products, as well as their graphic symbols;”,
- f) after point 44, the following point 44a is added:

"44a) nicotine pouch – all products for oral use, except those intended for inhalation, not containing tobacco but containing nicotine, mixed or unmixed with other ingredients, which are portioned in pouches or available in pouches;”,
- 2) in Article 3a, paragraphs 4 and 5, the words "and Article 11h, paragraphs 1 and 2" are replaced by the words "Article 11h, paragraphs 1 and 2, and Article 11ha, paragraphs 1 and 2";
- 3) Article 6 shall read as follows:

"Article 6. 1. It is prohibited to make tobacco products, nicotine pouches, electronic cigarettes or refill containers available to persons under 18 years of age. A visible and legible notice shall be displayed at the point of sale with the following text: "Prohibition on the sale of tobacco products, nicotine pouches, electronic cigarettes or refill containers to persons under 18 years of age (Article 6(1) of the Act of November 9, 1995, on the protection of health against the consequences of tobacco and tobacco product use)."

2. In case of doubt as to the age of the purchaser of tobacco products, nicotine pouches, electronic cigarettes or refill containers, the seller may request proof of age.

3. It is prohibited to market tobacco products, nicotine pouches, electronic cigarettes, or refill containers on the premises of entities providing medical services within the meaning of the provisions on medical services, educational institutions referred to in the provisions on the education system, and sports and recreation facilities.

4. It is prohibited to market tobacco products, nicotine pouches, electronic cigarettes or refill containers and their parts in vending machines.

5. It is prohibited to sell cigarettes in packs containing less than twenty cigarettes and loose cigarettes without packaging.

6. It is prohibited to market tobacco products, nicotine pouches, electronic cigarettes or refill containers and their parts in a self-service system, with the exception of duty-free shops.

7. Only the following may be marketed in the territory of the Republic of Poland:
- 1) tobacco products and related products that meet the requirements set out in the Act and delegated acts;
 - 2) tobacco products and related products for which the reporting and information obligations specified in the Act have been fulfilled.";
- 4) Article 7f shall read as follows:
- "Article 7f. The distance selling, including cross-border distance selling, of the following is prohibited:
- 1) tobacco products;
 - 2) electronic cigarettes and refill containers and their parts;
 - 3) nicotine pouches.";
- 5) in Article 8:
- a) in paragraph 1, the introduction to the list shall read as follows:
"It is prohibited to advertise tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia, and to promote tobacco products, nicotine pouches, electronic cigarettes, refill containers or tobacco paraphernalia, and the advertising and promotion of products imitating these products, or symbols associated with the use of tobacco, tobacco products, nicotine pouches, electronic cigarettes or refill containers, in particular:";
 - b) paragraph 3 shall read as follows:
"3. It shall be prohibited to display at a retail outlet items that imitate the packaging of tobacco products and items that imitate the packaging of nicotine pouches, electronic cigarettes or refill containers.";
- 6) in Article 8a(4)(1), after the words "(OJ EU L 353 of 31.12.2008, p. 1, as amended)" the words "hereinafter referred to as 'Regulation No. 1272/2008'" shall be added;
- 7) in Article 11c:
- a) in paragraph 1:
 - a) point 1 shall read as follows:
"1) liquids containing nicotine and liquids not containing nicotine should be placed only in specially designated refill containers with a capacity not exceeding 10 ml, and in the case of single-use electronic cigarettes or single-use cartridges, the capacity of the single-use cartridges or reservoirs shall not exceed 2 ml; ",
 - b) points 3–5 are replaced by the following:
 - "3) nicotine-containing liquid and nicotine-free liquid shall not contain the additives listed in Article 7c(3);
 - 4) only high-purity ingredients shall be used in the manufacture of nicotine-containing liquid and nicotine-free liquid, and substances other than the ingredients referred to in Article 11b(5)(2) may be present in nicotine-containing liquid and nicotine-free liquid in trace amounts if it is not technically possible to eliminate such trace amounts during production;
 - 5) in nicotine-containing liquids, apart from nicotine, and in nicotine-free liquids, only ingredients which, in heated or unheated form, do not pose a risk to human health shall be used; ",
 - b) paragraph 2 shall read as follows:
"2. Technical standards for refill mechanisms for electronic cigarettes that can be used to consume nicotine-containing vapor, and for refill containers containing nicotine-containing liquid, are laid down in Commission Implementing Decision (EU) 2016/586 of April 14, 2016, on technical standards for refill mechanisms for electronic cigarettes that can be used to consume nicotine-containing vapor, and for refill containers containing nicotine-containing liquid (Official Journal of the European Union L 101 of April 16, 2016, p. 15). This Decision shall apply mutatis mutandis to the determination of technical standards for refill mechanisms for electronic cigarettes that can be used to consume nicotine-free vapor and refill containers with nicotine-free liquid.

- c) paragraph 7 is replaced by the following:

"7. The packaging referred to in paragraph 6 shall bear the following health warning in the case of electronic cigarettes that can be used to consume nicotine-containing vapor and refill containers with nicotine-containing liquid:

"This product contains nicotine, which is highly addictive."
 - d) after paragraph 7, paragraph 7a is added, which reads as follows:

"7a. On the packaging referred to in paragraph 6, in the case of electronic cigarettes that can only be used to consume nicotine-free vapor, and refill containers containing nicotine-free liquid, the following health warning shall be printed:

"This product is harmful to your health.";
- 8) in Article 11f:
- a) paragraph 1 shall read as follows:

"1. Where the President of the Office finds or has reasonable grounds to find that specific electronic cigarettes that can be used for the consumption of nicotine-containing vapor, or refill containers with nicotine-containing liquid, or a specific type of electronic cigarettes that can be used for the consumption of nicotine-containing vapor, or refill containers with nicotine-containing liquid, may pose serious risks to human health, he shall, by way of a decision, suspend their manufacture or placing on the market or order their withdrawal from the market for the time necessary for the European Commission to carry out an assessment.";
 - b) in paragraph 3, point 2 is replaced by the following:

"2) issue a decision on the complete suspension of the manufacture or placing on the market of specific electronic cigarettes that can be used for the consumption of nicotine-containing vapor, or refill containers with nicotine-containing liquid, or a specific type of electronic cigarette that can be used to consume nicotine-containing vapor, or refill containers with nicotine-containing liquid, where the European Commission considers the measures taken to be justified.";
 - c) paragraph 5 is replaced by the following:

"5. Delegated acts shall prohibit the placing on the market of specific electronic cigarettes that can be used to consume nicotine-containing vapor, or refill containers with nicotine-containing liquid, or a specific type of electronic cigarette that can be used to consume nicotine-containing vapor, or refill containers containing nicotine-containing liquid.";
- 9) after Article 11h, Articles 11ha–11hc are added as follows:
- "Article 11ha. 1. The manufacturer or importer of nicotine pouches shall provide the President of the Office with a list of all ingredients used in the manufacture of these products, broken down by brand and type, specifying their quantities.
2. The manufacturer or importer of nicotine pouches shall inform the President of the Office of any change in the composition of the product affecting the information provided pursuant to paragraph 1.
3. The information referred to in paragraphs 1 and 2 shall be provided to the President of the Office at least six months before the date of placing new or modified nicotine pouches on the market.
4. The information referred to in paragraphs 1 and 2 shall be published in the Public Information Bulletin on the website of the office serving the President of the Office, taking into account the protection of trade secrets.
5. When submitting the information referred to in paragraphs 1 to 3, the manufacturer or importer of nicotine pouches shall indicate the information which it considers to be a trade secret.
6. The manufacturer or importer shall pay an annual fee for the receipt, storage, processing, analysis, and publication of information on nicotine pouches provided pursuant to paragraphs 1 and 2, in the amount of the average monthly salary in the enterprise sector, storage, processing, analysis, and publication of information on nicotine pouches provided pursuant to paragraphs 1 and 2, in the amount of the average monthly remuneration in the enterprise sector without profit-sharing bonuses for the previous year, as announced by the President of the Central Statistical Office, to the bank account indicated by the President of the Office within 14 days of receiving the request for payment. The fee shall constitute revenue for the state budget.
7. The format for the transmission and making available of information on nicotine pouches shall be laid down in Commission Implementing Decision (EU) 2015/2186.

Art. 11hb. 1. Nicotine pouches shall meet the following requirements:

- 1) the nicotine content in a nicotine pouch shall not exceed 20 mg/g;
- 2) nicotine pouches shall not contain any additives listed in Article 7c(3);
- 3) no ingredients that increase nicotine addiction shall be used in the production of nicotine pouches.

2. The following health warning shall appear on the unit packaging and collective packaging of nicotine pouches:

"This product is harmful to your health and causes addiction."

3. The health warning referred to in paragraph 2 shall be:

- 1) printed in black, bold Helvetica font on a white background;
- 2) centered in the area designated for its placement, and on unit packaging in the shape of a cuboid and on collective packaging, it shall be placed parallel to the side edges of the unit packaging or collective packaging.

4. The text of the health warning referred to in paragraph 2 shall be parallel to the main text on the surface reserved for that warning.

5. The health warning referred to in paragraph 2 shall:

- 1) be visible on the two largest surfaces of the unit packaging and collective packaging;
- 2) occupy 30% of the surface of the unit packaging and the collective packaging.

6. Unit packaging and collective packaging of nicotine pouches shall not have any of the elements or characteristics referred to in Article 8(4) to (6), with the exception of Article 8(4)(1) as regards information on nicotine content and Article 8(4)(3) as regards information on flavorings.

Art. 11hc. 1. The provisions of the Act concerning nicotine pouches shall not apply to nicotine pouches for which a marketing authorization must be obtained under the provisions of the Pharmaceutical Law or which are subject to the requirements laid down in the provisions on medical devices.

2. Regulation No. 1907/2006 and Regulation No. 1272/2008 shall apply to nicotine pouches.

10) in Article 11i(1), the words "and Article 10(8)" are replaced by the words "Article 10(8) and Article 11ha(6)";

11) after Article 11i, the following Article 11j is added:

"Art. 11j. Control of compliance by entrepreneurs with the provisions of the Act in matters not reserved for other authorities shall be carried out by the Trade Inspection Authority, acting on the basis of the Act of December 15, 2000, on Trade Inspection (Journal of Laws of 2025, item 229).";

12) in Article 12, points 3 and 4 shall read as follows:

- "3) displays items imitating tobacco product packaging, nicotine pouches, electronic cigarettes or refill containers at a retail outlet contrary to the provisions of Article 8(3),
- 4) places on the unit packaging or collective packaging of tobacco products or nicotine pouches any elements or features that suggest the economic benefits referred to in Article 8(5),";

13) in Article 12c, after point 12, points 13 and 14 are added as follows:

- "13) makes available for the first time for further sale or makes available for the first time for placing on the market nicotine pouches without complying with the obligation to provide a list of ingredients referred to in Article 11ha(1) regarding their type or brand,
- 14) manufactures or imports for the purpose of placing on the market nicotine pouches that do not comply with the requirements laid down in Article 11hb,";

14) in Article 13(1), point 1 is replaced by the following:

- "1) places tobacco products, nicotine pouches, electronic cigarettes or refill containers on the market or fails to provide information on the prohibition of their sale contrary to the provisions of Article 6(1), (3) to (6),";

15) Article 15 shall read as follows:

"Article 15. 1. In the event of an act specified in Article 12(5)-(8), Articles 12a-12c or Article 13(1)(1), the court may order the confiscation of tobacco products or nicotine pouches constituting the subject of the prohibited act, even if they are not the property of the perpetrator.

2. In the event of committing an act specified in Article 12(3), the court may order the forfeiture of items imitating tobacco product packaging, nicotine pouches, electronic cigarettes or refill containers that are the subject of the prohibited act, even if they are not the property of the perpetrator.

3. The court may order the forfeiture of tobacco products, nicotine pouches, items imitating tobacco product packaging, nicotine pouches, electronic cigarettes or refill containers not owned by the perpetrator if their owner or other authorized person, failing to exercise the caution required in the circumstances, foresaw or could have foreseen that they could be used or intended to be used to commit a crime.";

16) In Article 15a, paragraph 1, point 7, the full stop shall be replaced by a semicolon and the following point 8 shall be added:

"8) fails to submit or fails to submit within the time limit the list of ingredients referred to in Article 11ha(2)."

Article 2. In the case of electronic cigarettes that can only be used for the consumption of nicotine-free vapor, and refill containers with nicotine-free liquid, placed on the market before the date of entry into force of this Act, the notification and designation referred to in Article 11b(1) of the Act amended in Article 1 shall be made within 6 months of the date of entry into force of this Act.

Article 3. Electronic cigarettes that can only be used for the consumption of nicotine-free vapor, and refill containers with nicotine-free liquid which do not meet the requirements referred to in Article 11c of the Act amended in Article 1, as amended by this Act, may remain on the market for no longer than 6 months from the date of entry into force of this Act.

Art. 4. The content of the information referred to in Art. 6 sec. 1 of the Act amended in Art. 1, placed at the point of sale before the date of entry into force of this Act, shall be adapted to the content of the information referred to in Art. 6 sec. 1 of the Act amended in Art. 1, as amended by this Act, within 6 months of the date of entry into force of this Act.

Article 5. Nicotine pouches may remain on sale in vending machines or in a self-service system for no longer than 6 months from the date of entry into force of this Act.

Article 6. The manufacturer or importer of nicotine pouches placed on the market before the date of entry into force of this Act shall submit to the President of the Office for Chemical Substances the list referred to in Article 11ha(1) of the Act amended in Article 1, within 6 months from the date of entry into force of this Act.

Art. 7. Nicotine pouches that do not meet the requirements specified in Art. 11hb of the Act amended in Art. 1 may remain on the market for no longer than 6 months from the date of entry into force of this Act.

Article 8. This Act shall enter into force 14 days after its publication.

President of the Republic of Poland: *A. Duda*