

Legal Alert

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The nicotine market revolution continues

On 11 June 2025, the long-awaited draft act amending the Act on the Protection of Health Against the Consequences of Tobacco and Tobacco Product Use (“**Draft**”) was published on the website of the Government Legislation Centre (“**RCL**”). Below is a summary of the most important changes.

One Amendment After Another:

In recent months, the tobacco and nicotine product market has undergone significant changes. Currently, the Act of 21 May 2025 on amending the Act on the Protection of Health Against the Consequences of Tobacco and Tobacco Product Use (“**May Amendment**”) is awaiting the President’s signature.

Further, on 11 June, a new Draft was published on the RCL website which already amends the new provisions introduced by the May Amendment!

Key Proposed Changes:

1. **introducing a definition for disposable electronic cigarettes** – according to the proposed definition, a disposable electronic cigarette is “*a device that can be used to consume vapour containing nicotine or not containing nicotine via a mouthpiece, or all components of such a device, and which is not intended to be refilled using a refill container or tank, or to be recharged using disposable cartridges*”,
2. **banning the marketing of disposable electronic cigarettes** – this ban will apply to both nicotine and non-nicotine versions. Violating the ban is included in the list of prohibited acts punishable by a fine of up to PLN 200,000, restriction of liberty, or both,
3. **banning the marketing of nicotine-containing products that are not tobacco products or related products** – exemptions from the ban include: (a) medicinal products, (b) medical devices (including in vitro diagnostics), and

(c) products subject to food law requirements – this applies to products where the nicotine content results from its natural occurrence in plants. Violations will also be punishable by a fine of up to PLN 200,000, restriction of liberty, or both,

4. **new mandatory labelling requirements for e-cigarettes and nicotine pouches:**
 - i. **E-cigarettes and refill containers** – unit and collective packaging must include a new mandatory identifier (EP-ID) for the e-cigarette. This change aims to identify the notification documentation of the electronic cigarette and refill container. The identifier is a number assigned by the manufacturer or importer in the EU-CEG system, and
 - ii. **Nicotine pouches** – unit and collective packaging must include a list of all ingredients in descending order by mass, and a tobacco (nicotine) product identifier (TP-ID). The packaging must not contain any elements or features referring to flavour, scent, or flavouring agents,
5. **banning flavoured nicotine pouches** – nicotine pouches must not contain ingredients that give a scent or flavour other than tobacco. Marketing flavoured pouches will be punishable by a fine of up to PLN 200,000, restriction of liberty, or both, and
6. **an obligation to provide product samples pouches** – sampling for testing may be carried out by the entrepreneur upon request from the President of the Bureau for Chemical Substance or by the competent authority of the Sanitary Inspection. Failing to provide or obstructing the collection of samples may result in an administrative fine ranging from PLN 1,000 to PLN 100,000 imposed by a decision of the President of the Bureau for Chemical Substance.

When Will the Provisions Come into Force?

Public consultations and opinions on the Draft are currently underway. Comments can be submitted within 21 days of receiving information/the publication of the Draft on the RCL website.

Nevertheless, the Draft requires notification due to both technical regulations and the special procedure specified by Directive 2014/40/EU¹ – particularly regarding the ban on marketing disposable nicotine e-cigarettes.

The Draft will enter into force 6 months after the promulgation of the amended act. However, both disposable electronic cigarettes and flavoured nicotine pouches may remain on the market for an additional 6 months.

Contact us!



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¹ Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC