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Regulation of economic activity in the light of trade in alcoholic products - selected issues

(summary in english)

The basic aim of the thesis is to find an answer to the following questions: Do the legal regulations enforced in Poland concerning the marketing of alcoholic beverages fulfil their function of protecting public health and counteracting excessive alcohol consumption? Are the legal instruments enforced in Poland adequate to achieve these goals through their application? Restricting the availability of a specific product such as alcohol is, in the light of the Act on Upbringing in Sobriety and Counteracting Alcoholism, a means to achieve the primary objective, which is health protection resulting from Article 68 of the Polish Constitution. The analysis of this objective in the dissertation is particularly important from the point of view of the doubts which have arisen as to the compatibility of individual provisions of the Act with the Constitution.

I have also carried out an analysis of the effectiveness of the Polish alcoholism prevention system, which is presented in chapter four of the.

An important cognitive aspect presented in Chapter Five - is a comparative analysis of the permit for sale of alcoholic products and the marketing permit for medicinal products.

I hypothesise that the Polish legislator consistently ignores the changes taking place in the world in terms of new forms of sales and does not attempt to introduce appropriate regulations on the marketing of alcoholic products in a rational manner. At present, in the practice of business trading in Poland, there are illegal and inconsistent rules for distance and off-premises contracts for the sale of alcoholic beverages by shops operating on the Internet. In order to verify this hypothesis, in the sixth chapter I presented the legal problem of non-adjustment of the provisions of the Act on Upbringing in Sobriety and Counteracting Alcoholism, enforced since 1982, to the principles of modern economic turnover.

Chapter seven presents an analysis of the legal regulations on retail sales of alcoholic products in selected European Union countries and worldwide. It constitutes an important comparative aspect in the context of Polish legal regulations. A similar aspect is the analysis, presented in Chapter Eight, of legislative proposals from 2001-2022 submitted to the Parliament concerning the issue of permits for the sale of alcoholic beverages, and the analysis of the procedure for obtaining these permits in retail and wholesale trade, presented in Appendix 2.

The aim of the thesis concerning the verification of the hypothesis of inequality in defining the rules of business activity in the sale of alcoholic beverages in particular communes was verified by conducting a survey of resolutions of local government bodies. The results of the research are presented in Chapter Nine.

The study - after a detailed analysis of the data obtained and the legal, sociological, historical and cultural aspects presented in the dissertation - concluded with proposals for changes to the Polish model of rationing the sale of alcoholic products in retail contained in Chapter Ten. These proposals contain specific *de lege ferenda* conclusions.