

Advertising of Medicinal Products in Polish Law in The Light of Directive 2001/83/EC On the Community Code Relating to Medicinal Products for Human Use

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Abstract

The subject of the article is the advertising of medicinal products in Polish law in the light of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use. The objective of this study is to evaluate the implementation of the Directive in the field of advertising of medicinal products by the Polish legislator. The author, using the dogmatic research method, makes the linguistic-logical analysis of the provisions of the Polish Act - Pharmaceutical Law, referring at the same time to relevant provisions of the Directive. The author presents Polish regulations regarding both advertising to the public and advertising directed to persons authorized to issue prescriptions or persons trading in medicinal products. After analyzing the provisions of an administrative nature, the author analyzes the criminal law regulations regarding the violation of the provisions on the advertising of medicinal products. During the analysis, the author points out the shortcomings of Polish regulations and makes *de lege ferenda* postulates. In the final part of the study, the author makes a final assessment of the implementation of the Directive by the Polish legislator, as well as indicates an example of carelessness of the EU legislator.

Keywords: advertising of medicinal products, Community code relating to medicinal products for human use, liability for violation of regulations concerning advertising of medicinal products, Polish law