



## PRESS RELEASE No 71/25

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Judgment of the Court in Case C-200/24 | Commission v Poland (Advertising for pharmacies)

### The prohibition on advertising for pharmacies in force in Poland is contrary to EU law

A Polish law, which entered into force in 2012, prohibits advertising for pharmacies, pharmaceutical outlets and the activities thereof, on pain of a fine. Under that law, pharmacies may communicate to the public limited information on their location and opening hours only.

Taking the view that that prohibition is contrary to EU law, <sup>1</sup> the European Commission brought an action against Poland before the Court of Justice. <sup>2</sup>

**The Court upholds the action in its entirety and finds that Poland has failed to fulfil its obligations under EU law.**

**The Directive on electronic commerce** allows members of a regulated profession, such as pharmacists in Poland, to use online commercial communications to promote their activities. **While the content and form of such communications are to comply with certain professional rules, the latter may not, however, give rise to a general and absolute prohibition on all advertising,** as is the case in Poland.

The fact that that prohibition applies only to pharmacists who work at pharmacies (that is, more than two thirds of pharmacists in Poland) alters nothing. The directive authorises all pharmacists to advertise. Accordingly, it cannot be circumvented by prohibitions aimed solely at certain pharmacists or certain activities in which they engage.

**The prohibition in question also infringes the freedom to provide services and the freedom of establishment,** in so far as concerns the forms of advertising which do not fall within the scope of the directive. That prohibition in fact restricts the possibility for pharmacists – in particular those established in other Member States – of making themselves known to their potential clientèle and promoting the services that they intend to offer to that clientèle. Similarly, the prohibition makes access to the market more difficult for persons who wish to open a pharmacy in Poland, particularly where such persons are established in other Member States.

Poland has failed to demonstrate that the restriction of those two fundamental freedoms may be justified on grounds of protection of public health, more specifically by combating the overconsumption of medicinal products and by preserving the professional independence of pharmacists.

**NOTE:** An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay. Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose

penalties at the stage of the initial judgment.

Unofficial document for media use, not binding on the Court of Justice.

The full [text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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<sup>1</sup> [Directive 2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce), and under Articles 49 and 56 TFEU.

<sup>2</sup> See also the Commission press release of 14 July 2023, [IP/23/3528](#).