

Amendment to the Commodities Act and the Tobacco and Tobacco Products Act in connection with adjustments primarily for improving supervision and enforcement and adjustments of a technical nature

Bill

We, Willem-Alexander, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear the following. Be it known:

We therefore, having taken into account that it is desirable to introduce a notification obligation for undertakings producing raw milk or raw cream for direct human consumption, to regulate the recovery by enforcement order of the costs incurred for inspection and control activities, the easing of the prohibition on advertising tattoos and piercings and other adjustments to clarify and improve some of the requirements of the Commodities Act and the Tobacco and Tobacco Products Act;

We therefore, having heard the Advisory Division of the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Article I

The Commodities Act is amended as follows:

A

Article 5 is amended to read as follows:

1. In paragraph 1, introductory wording, the words 'to be traded' shall be inserted after 'to transport'.

2. Paragraph 1(c) shall be amended to read as follows:

c. Before Our Minister or a minister other than our Minister or other administrative body designated by the measure has been informed of the particulars specified in the measure concerning the composition or marketing of the goods.

B

Article 13 is amended to read as follows:

1. '1.' is included before the text.

2. A paragraph is added, reading as follows:

2. The rules laid down by general administrative order, as referred to in paragraph 1, may be amended by ministerial order relating to adjusting references to binding EU legal acts or parts thereof, provided that the adjustments are not substantive in nature.

C

Article 13b is amended as follows:

1. Paragraph 1 is amended as follows:

a. In the introductory phrase, 'the person' is replaced with 'the person or those'.

b. In subparagraph (b), the words 'inspection or check of goods' shall be replaced with 'inspections, checks or measures'.

c. In subparagraph (c), 'if required by a binding decision of the European Union' is added.

2. A paragraph is added, reading as follows:
3. Our Minister may recover the amounts for reimbursing the costs referred to in paragraph 1 by enforcement order.

D

Article 18a is amended as follows:

1. Paragraph 2 now reads:
2. By regulation, Our Minister shall designate standards transposing European standards, the references of which have been published by the European Commission in the Official Journal of the European Union.
2. A paragraph is added, reading as follows:
3. By regulation, Our Minister may designate standards other than those referred to in paragraph 2.

E

Article 24 is amended to read as follows:

1. The full stop at the end of paragraph 3(c) is replaced with a semicolon and a new subparagraph is added, reading:
 - d. requirements for the expertise of persons using tattoo or piercing equipment.
2. Paragraph 5 shall read as follows:
5. Advertising the application of a tattoo or piercing shall be prohibited unless:
 - a. the advertising is in accordance with the rules laid down by or pursuant to this Act for the application of a tattoo or piercing; and
 - b. the natural or legal person for whom it is advertised has a valid licence if a permit is required for the use of tattoo or piercing material under this Act.

F

Article 32 reads as follows:

Article 32

Our Minister is authorised to impose an order under administrative coercion to enforce the provisions by or by virtue of this Act.

G

In Article 32(a)(3), introductory wording, 'the offence on the basis of the Economic Offences Act may be subject to a fine greater than the administrative fine provided for in the Annex in respect of the offence; and'.

H

Article 33 is amended to read as follows:

1. In paragraph 1, introductory wording, 'the person' is replaced with 'the person or persons'.
2. A paragraph is added, reading as follows:
3. Our Minister may recover the amounts for reimbursing the costs referred to in paragraph 1 by enforcement order.

Article II

The Tobacco and Smoking Products Act is amended as follows:

A

In Article 9(a)(1), after 'domestic distance selling or cross-border distance selling of tobacco products and related products to consumers' shall be inserted 'or the offering of tobacco products and related products to consumers for domestic distance selling or cross-border distance selling'.

B

A paragraph is added to Article 19, reading as follows:

3. Our Minister may recover the amounts for reimbursing the costs referred to in paragraph 1 by enforcement order.

Article III

The Collection Act VWS 2018 shall be amended as follows:

A

In Article I, subparagraph F is replaced with the following:

F

An article is inserted after Article 12, reading as follows:

Article 12a.

1. Those who take goods outside the Netherlands other than in transit may request Our Minister to issue a declaration in relation to requirements imposed by countries of destination.

2. Our Minister may lay down detailed rules on the execution of the issuing of declarations with regard to the content of the declarations and the grounds on which declarations may be refused. Different rules may be laid down for different categories of tobacco products and related products.

B

In Article II, subparagraph B is replaced with the following:

B

An article is inserted after Article 21(c) of the Commodities Act, reading as follows:

Article 21(d)

1. Those who take goods outside the Netherlands other than in transit may request Our Minister to issue a declaration in relation to requirements imposed by countries of destination.

2. By way of derogation from paragraph 1, a declaration as referred to in paragraph 1 may also be issued by persons employed by a legal person governed by private law

designated pursuant to Article 25(a)(3), insofar as this relates to goods over which those persons are subject to supervision.

3. Our Minister may lay down detailed rules regarding the execution of the issuance of declarations referred to in paragraphs 1 and 2 with regard to the content of the declarations, and the grounds on which declarations may be refused. Different rules may be laid down for different categories.

Article IV

This Act shall come into force at a time to be decided by Royal Decree, which may differ for the various articles or subparagraphs thereof.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees, and that all ministerial departments, authorities, bodies and officials whom it may concern shall diligently implement it.

The Minister of Health,
Welfare and Sport,

The State Secretary for Health,
Welfare and Sport,