



**Regulation of the State Secretary for Health, Welfare and Sport, of TBC,
No TBC, amending the Tobacco and Smoking Products Regulation in
connection with the introduction of standard packaging for cigars and
electronic vapour products (KetenID WGK27361)**

The State Secretary for Health, Welfare and Sport,

Having regard to Article 2(2) of the Tobacco and Smoking Products Act and Articles 3.3 and 3.4 of the Tobacco and Smoking Products Decree;

Hereby decrees the following:

Article I

The Tobacco and Smoking Products Regulation is amended as follows:

A

The following paragraphs are added to Article 3.6:

3. A package or outer packaging of cigars:

- a. shall not contain any products other than cigars, whether or not wrapped with a band around them, except as provided for in subparagraphs f, g, h, i and j;
- b. is made of contiguous material;
- c. does not contain any ingredients which contain scents or flavours or which, by means of technical elements, are capable of altering the smell, taste or smoke intensity of the cigar concerned;
- d. does not contain transparent components or sound effects;
- e. has on the inside the colour Pantone 448C, white or the unmodified colour of the packaging material, with a matt and smooth finish;
- f. may contain on the inside cardboard protective bands in unmodified colour;
- g. may contain, on the inside, rolling paper or foil paper, provided that it:
 - 1°. is unprinted;
 - 2°. has a matt and smooth finish, unless texture forms are a necessary consequence of the automated production process, provided that they are equidistant from each other, of the same size and do not form an image, design, motif or symbol; and
 - 3°. is fully white or fully transparent or has the unmodified colour of the rolling paper or foil paper;
- h. may contain on the inside unprinted, uncoloured and transparent cellophane with a smooth finish that surrounds the cigar, where the cellophane may contain a cellophane strip, provided that the cellophane strip:
 - 1°. is not more than three millimetres wide;
 - 2°. is placed along the shortest circumference around the cigar;
 - 3°. is transparent or black, of which no more than a section of fifteen millimetres in length may be a contrasting transparent or black;
- i. may contain unprinted, uncoloured and transparent cellophane with a smooth finish on the outside, where the cellophane may contain a sticker with a barcode or QR code and may contain a cellophane strip, provided that the cellophane strip:
 - 1°. is not more than three millimetres wide;
and
 - 2°. is transparent or black, of which no more than a section of fifteen millimetres in length may be a contrasting transparent or black;

- j. may contain tube packets for individual cigars.

4. The part of the package or outer packaging for cigars that is not taken up by the health warning has on the outside the colour Pantone 448C with a matt and smooth finish, and may:

- a. contain the brand name and brand variant on the outside, provided that the text:
 - 1°. appears on the front, top and bottom of the package or outer packaging not more than once;
 - 2°. is rendered in standard Helvetica font, without formatting variants;
 - 3°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 4°. contains only the letters of the alphabet, digits, the ampersand or an apostrophe;
 - 5°. contains uppercase letters for at most the first letter of each word;
 - 6°. is rendered in a maximum font size of 14 for the brand name and a maximum font size of 10 for the brand variant;
 - 7°. of the brand variant is included directly under the brand name and is centred together with the brand name and runs in the same reading direction as the warning text of the health warning;
 - 8°. of the brand name is not longer than one line, each time using at most one space between the words, numbers and ampersands;
 - 9°. of the brand variant is not longer than one line, each time using at most one space between the words, numbers and ampersands;
- b. on the outside, contain not more than one representation of the number of cigars contained in the package, provided that the text:
 - 1°. is rendered in standard Helvetica font, without formatting variants;
 - 2°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 3°. is rendered on the package in a maximum font size of 10;
 - 4°. is rendered on the outer packaging in a maximum font size of 14;
 - 5°. runs in the same reading direction as the warning text in the health warning;
 - 6°. indicates the number of cigars with digits, which may be followed by at most one space and the word 'cigars' or 'cigarillos', the first letter of which may be an uppercase letter;
- c. contains the name, address, email address and telephone number of the manufacturer, provided that the text:
 - 1°. appears at most once and, if included on the outside, does not appear on the front of the package or the outer packaging;
 - 2°. is rendered in standard Helvetica font, without formatting variants;
 - 3°. if included on the outside, is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 4°. if included on the inside, is rendered in the colour Pantone Cool Gray 2C, Pantone 448C or black with a matt and smooth finish;
 - 5°. is rendered in a maximum font size of 10;
 - 6°. contains only the letters of the alphabet, digits, the ampersand or an apostrophe or, in the case of an e-mail address, an @ sign, using at most one space between the words, numbers and signs;
 - 7°. contains uppercase letters for at most the first letter of each word;
- d. contains a calibration mark which is as inconspicuous as possible on the outside;
- e. contains either a barcode or a QR code at most once on the outside, provided that the code:

- 1°. appears neither on the front of the package nor on the outer packaging;
- 2°. is rendered in black and white or Pantone 448C and white with a matt and smooth finish; and
- 3°. does not form a design, pattern, image or symbol that is recognisable as anything other than a bar code.

5. In the case where the package is a tube packet, then in addition to paragraphs 3 and 4, it shall be cylindrical and rigid and the opening shall be at least 15 millimetres in diameter. If the tube packet contains the brand name and brand variant referred to in paragraph 4 (a), the following shall apply:

- a. notwithstanding paragraph 4(a)(1°), the brand name and variant shall be included on the package no more than once; and
- b. notwithstanding paragraph 4(a)(7°), the brand variant does not need to be centred together with the brand name.

6. Notwithstanding the fourth paragraph, in the case that the outer packaging or package of cigars is made of metal or wood, a sticker in the colour Pantone 448C may be used on the outside, containing both the health warning and the texts referred to in the fourth paragraph, provided that this sticker cannot be removed.

7. Notwithstanding paragraph 4(a)(1°), where the outer packaging or package of cigars is a bag, the brand name and brand variant may not be included more than once on the front and back of the packaging.

8. This Article shall apply without prejudice to the requirements laid down by or pursuant to Articles 4a and 4h of the Act for placing a unique identification mark and a safety feature on a package and outer packaging and, in the case of a cigar with a filter containing plastic, the marking requirements referred to in Article 3(2) of the Decree on single-use plastic products.

B

Article 3.7a.(7) is amended to read:

7. This Article shall not apply to cigarettes, roll-your-own tobacco and cigars.

C

After Article 3.10, a new article shall be inserted, reading:

Article 3.10a

1. A package or outer packaging of electronic vapour products shall:
 - a. shall not contain products other than electronic vapour products with accessories and necessary packaging material;
 - b. is made of contiguous material;
 - c. shall not contain any components which contain flavourings or which may, by technical elements, alter the scent, taste or intensity of the vapour;
 - d. does not contain external transparent components;
 - e. does not contain sound effects;
 - f. shall have the colour Pantone 448C, white, black or the unmodified colour of the packaging material, with a matt and smooth finish, on the inside;
2. The part of the package or outer packaging for electronic vaping products that is not taken up by the health warning contains no sound effects and on the outside has the colour Pantone 448C with a matt and smooth finish, and:
 - a. may contain the brand name and brand variant on the outside, provided that the text:
 - 1°. appears on the front, top and bottom of the package or outer packaging not more than once;
 - 2°. is rendered in standard Helvetica font, without formatting variants;

- 3°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
- 4°. contains only the letters of the alphabet, digits and ampersands;
- 5°. has uppercase letters for at most the first letter of each word;
- 6°. is rendered in a maximum font size of 14 for the brand name and a maximum font size of 10 for the brand variant;
- 7°. of the brand variant is included directly under the brand name and is centred together with the brand name and runs in the same reading direction as the text of the health warning;
- 8°. of the brand name is not longer than one line, each time using at most one space between the words, numbers and ampersands;
- 9°. of the brand variant is not longer than one line, each time using at most one space between the words, numbers and ampersands;
- b. may contain on the outside not more than once the capacity of the battery expressed in mAh, or the power expressed in the amount of watts, and the resistance expressed in Ohm, provided that the text:
 - 1°. is rendered in standard Helvetica font, without formatting variants;
 - 2°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 3°. is rendered on the package in a font size of 10;
 - 4°. is rendered on the outer packaging in a maximum font size of 14;
 - 5°. runs in the same reading direction as the warning text of the health warning;
 - 6°. contains only digits, commas, and text "mAh", "watt", "W", "Ohm" or "Ω";
- c. on the outside, shall contain once the indication that the electronic cigarette is a disposable product, refillable or rechargeable with a single-use cartridge, where the text:
 - 1°. is rendered in standard Helvetica font, without formatting variants;
 - 2°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 3°. is rendered on the package in a font size of 10;
 - 4°. is rendered on the outer packaging in a maximum font size of 14;
 - 5°. runs in the same reading direction as the warning text of the health warning;
 - 6°. contains uppercase letters for at most the first letter of each word, with at most one space between them;
- d. may include the name, address, email address and telephone number of the manufacturer, provided that the text:
 - 1°. appears at most once and, if included on the outside, does not appear on the front of the package or the outer packaging;
 - 2°. is rendered in standard Helvetica font, without formatting variants;
 - 3°. if included on the outside, is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 4°. if included on the inside, is rendered in the colour Pantone Cool Gray 2C, Pantone 448C or black with a matt and smooth finish;
 - 5°. is rendered in a maximum font size of 10;
 - 6°. contains only the letters of the alphabet, digits and the amber character or, in the case of an email address, a @ character, using at most one space between the words, numbers and characters;
 - 7°. contains uppercase letters for at most the first letter of each word, where at most one space may be used for each;
- e. may include on the outside a calibration mark which is as inconspicuous as possible;
- f. may contain at most one barcode or one QR code on the outside, provided that the code:
 - 1°. appears neither on the front of the package nor on the outer packaging;
 - 2°. is rendered in black and white or Pantone 448C and white with a matt and smooth finish; and

- 3°. does not form a design, pattern, image or symbol that is recognisable as anything other than a bar code or QR code.
- g. may contain, on the inside, foil paper covering the product, provided that the foil paper:
 - 1°. is unprinted;
 - 2°. has a matt and smooth finish, unless texture shapes are a necessary consequence of the automated production process, provided that they are equidistant from each other, of the same size and do not represent an image, model, motif or symbol reminiscent of anything else; and
 - 3°. is completely white, completely silver-coloured or completely transparent.
- h. may contain factual information relevant for the correct and safe use and product information necessary for the correct understanding of the product, provided that the text:
 - 1°. appears not more than once and is not on the front of the package or outer packaging;
 - 2°. is rendered in standard Helvetica font, without formatting variants;
 - 3°. is rendered in the colour Pantone Cool Gray 2C with a matt and smooth finish;
 - 4°. is rendered on the package in a font size of 10;
 - 5°. is rendered on the outer packaging in a maximum font size of 14;
 - 6°. runs in the same reading direction as the warning text of the health warning;
 - 7°. contains uppercase letters for at most the first letter of each word, with at most one space between them;

3. The information referred to in paragraph 2 may appear on a sticker on a refill container, provided that this sticker cannot be removed.

4. This Article shall apply without prejudice to the requirements applicable to the package and outer packaging of electronic vapour products pursuant to Articles 3.9 and 3.10 and to Regulation (EC) No 1272/2008. Where Article 3.10 or Regulation (EC) No 1272/2008 require the placing of a text, pictogram, sign or any other imprint on a package or outer packaging of electronic vapour products, such imprint shall appear in the colour Pantone Cool Gray 2C, unless Regulation (EC) No 1272/2008 requires the use of a different colour.

D

Article 6.11 is amended as follows:

1. In paragraph 2, 'cigars,' is deleted.
2. In paragraph 3, ', cigars, as well as' is deleted.

E

Article 7.3 is amended as follows:

1. Paragraph 2 now reads:

2. A package or outer packaging of cigarillos and electronic vapour products that complies with the Tobacco and Smoking Products Decree and the Tobacco and Smoking Products Regulation in the versions in force on **TBC DATE DAY BEFORE ENTRY INTO FORCE** and that is produced or released for free circulation before **TBC DATE ENTRY INTO FORCE** may be placed on the market until **TBC DATE 1 YEAR LATER**.

2. Paragraph 3 now reads:

3. A package or outer packaging of cigars other than cigarillos that complies with the Tobacco and Smoking Products Decree and the Tobacco

and Smoking Products Regulation as they were in force on **TBC DATE DAY BEFORE ENTRY INTO FORCE** and which was manufactured or released for free circulation before **TBC DATE ENTRY INTO FORCE + 6 MONTHS** may be placed on the market until **TBC DATE 2 YEARS LATER**.

3. Paragraphs 4 and 5 are deleted.

Article II

This Regulation shall enter into force from **TBC DATE ABOUT 6 MONTHS AFTER PUBLICATION.**

This Regulation and the explanatory note will be published in the Official Gazette.

The State Secretary for Health,
Welfare and Sport,

Explanatory Note

I General section

1. Introduction

Nicotine addiction is a serious form of addiction with very harmful health consequences, and is the main avoidable cause of illness and death. Every half an hour a person dies from the consequences of smoking¹. The National Prevention Agreement (2018) sets the objective of achieving a smoke-free generation by 2040². It includes effective measures needed to ensure that by 2040 young people will no longer smoke and up to 5% of adults will still smoke.

A smoke-free generation also means that children do not come into contact with electronic vapour products (below: e-cigarettes).³ RIVM has concluded that a coherent set of legal measures, including standard packaging for cigars and e-cigarettes, is needed to achieve the objective of a smoke-free generation.⁴ The Vaping Action Plan launched in March 2025 announced a standard packaging for cigars and e-cigarettes as one of the legislative measures to be introduced.⁵

The Tobacco and Smoking Products Decree (below: 'the Decree') has been amended to create a basis for including requirements for packages and outer packaging of cigars and e-cigarettes in the Tobacco and Smoking Products Regulation (below: 'the Regulation'). This amendment to the Regulation is intended to make standard packaging for cigars and e-cigarettes mandatory. The Explanatory Note to the Decision on the introduction of standard packaging for cigars and electronic vapour products⁶ elaborates on the objectives, backgrounds and arguments for the introduction of standard packaging. The main elements of this measure will be briefly discussed below.

2. Background

2.1 Standard packaging for e-cigarettes

In recent years, the use of e-cigarettes, also called vaping, has become enormously popular among young people in the Netherlands⁷. The government is concerned about the use of e-cigarettes (also known as vapes) and the impact on the health of young people (aged 12-25). E-cigarettes are harmful to health, and young people are particularly vulnerable. For more information on the harmfulness of e-cigarettes, see paragraph 2.3 of the explanatory note to the above-mentioned amendment of the Decision. The packaging of e-cigarettes plays an important role in the perception and (experimental) use of e-cigarettes.⁸ The way that e-cigarettes are packaged is used as a marketing tool for e-cigarettes. Research shows that young people are sensitive to the marketing of e-cigarettes and that

¹ 'Volksgezondheid Toekomst Verkenning 2018, een gezond vooruitzicht', RIVM, June 2018. See also: [Externe link:www.rivm.nl](http://www.rivm.nl), search term: 'volksgezondheid toekomstverkenning 2018' en [Externe link: www.volksgezondheidenzorg.info](http://www.volksgezondheidenzorg.info), search term: 'smoking and figures'.

² Parliamentary Papers II 2018/19, 32793, No 339, Annex 863921, National Prevention Agreement, p. 11.

³ Electronic vapour products are defined in Article 1(1) of the Tobacco and Smoking Products Act as: electronic cigarette, refill packaging, electronic cigarette without nicotine, refill packaging without nicotine and cartridge without nicotine.

⁴ Parliamentary documents II 2018/19, 32793, No 339, Annex 863922, RIVM Quickscan possible impact National Prevention Agreement, p3.

⁵ Annex to Parliamentary papers II 2024/25, 32011, no 119.

⁶ Official Gazette 2025, 8.

⁷ Youth Monitor Tobacco and Nicotine Products. Trimbos Institute (2023).

⁸ Nottage MK, Taylor EV, East KA, McNeill A, Thrasher JF, Reid JL, et al. Packaging of disposable vaping products and e-liquids in England, Canada and the United States: A content analysis. Addiction. 2024.

exposure to them is associated with experimental e-cigarette use, reduced perception of health risks (such as addiction) and an increase in the perceived attractiveness of e-cigarettes.^{9 10} Distinctive images are an important part of e-cigarette packaging. Research shows that packaging with images is more attractive for young people than standardised packaging without images.^{11 12 13}

2.2 Standard packaging of cigars

Cigars' packaging occurs in a variety of shapes, colours and types. The packaging materials vary from cardboard, tin, wood to plastic. Cigar packaging has a variety of colours and attractive designs to express the taste and aroma of the cigar. The marketing of the cigar contributes to the attractiveness of the tobacco product, for example by associating its use with a luxurious and successful lifestyle.¹⁴

Furthermore, specific thinner cigars, known as cigarillos, are very popular among young people in other countries. In the Netherlands, the use of cigarillos is still low.¹⁵ In the United States, for example, cigarillos are used almost as much as cigarettes among secondary school pupils.¹⁶ The packaging of cigarillos has also become increasingly attractive in appearance. There are cigarillos on the market that are packaged in the same way as cigarettes with attractive colours and designs that were common for cigarettes before standard packaging was made mandatory for cigarettes. This attractive appearance may encourage young people to purchase them.¹⁷ Given this potential popularity of cigarillos, it is necessary to also lay down standard rules on the packages and outer packaging of cigarillos, but also of other cigars. If these cigars are excluded, there is a good chance that the tobacco industry will also make the packaging of these thicker cigars attractive to young people. Among students, smoking thick cigars is already not unusual. By introducing a standard packaging for all cigars, it is prevented that the tobacco industry makes cigars, including cigarillos, more attractive via the packaging, which could allow young people to start smoking this tobacco product. The popularity of cigarillos in the United States among young people shows that the tobacco industry is using every opportunity to tempt young people to do so. Cigarillos are legally a subcategory of cigars, namely a cigar weighing less than 3 grams. Thus, where cigars are referred to in this explanatory note, they are also referred to as cigarillos.

In particular, attractive packaging plays a role in specialty shops that are exempt from the display ban, the so-called exempted specialty shops.¹⁸ Because the

⁹ Collins L, Glasser AM, Abudayyeh H, Pearson JL, Villanti AC. E-Cigarette Marketing and Communication: how E-Cigarette Companies Market E-Cigarettes and the Public Engages with E-Cigarette Information. *Nicotine Tob Res.* 21(1): 14-24.

¹⁰ Camenga D, Gutierrez KM, Kong G, Cavallo D, Simon P, Krishnan-Sarin S. E-cigarette advertising exposure in e-cigarette naïve adolescents and subsequent e-cigarette use: a longitudinal cohort study.

¹¹ Taylor E, Arnott D, Cheeseman H, Hammond D, Reid JL, McNeill A, et al. Association of Fully Branded and Standardized e-cigarette packaging with interest in trying products among youths and adults in Great Britain. *JAMA Netw Open.* 2023; 6(3): e231799.

¹² Laverty AA, Vardavas CI, Filippidis FT. Design and marketing features influencing choice of e-cigarettes and tobacco in the EU. *Eur J Public Health.* 2016; 26(5): 838-841.

¹³ Simonavicius E, East K, Taylor E, Nottage M, Reid JL, Arnott D, et al. Impact of E-liquid Packaging on Vaping Product Perceptions Among Youth in England, Canada, and the United States: A Randomized Online Experiment. *Nicotine Tob Res.* 2023; 26(3): 370-379.

¹⁴ 'National Cancer Institute. Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9. Smoking and Tobacco Control Monograph No. 9. Bethesda (MD): National Institutes of Health, National Cancer Institute, 1998, p. 3.

¹⁵ Trimbos.nl/kennis/roken-tabak/sigaar/. Trimbos Institute website. Retrieved 16 April 2024.

¹⁶ Youth and Tobacco Use. CDC, 2023. Retrieved 10-1-2024 at

https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

¹⁷ Campaign for Tobacco Free Kids. 'Not Your Grandfathers Cigar.' Rutgers University, 2023.

¹⁸ Article 5.9 of the Decision.

display ban does not apply there, e-cigarettes and cigars may be placed in their attractive packaging in the sight of all customers. Packaging can also attract attention outside points of sale, for example by smokers who show this packaging during use. The introduction of standard packaging for cigars and e-cigarettes will also significantly reduce the attractiveness of packaging of these products and thus of the products themselves.

3. Outline of the proposal

3.1 General

This amendment imposes further requirements on the packaging of cigars and e-cigarettes. It prescribes what packaging of cigars and e-cigarettes must look like. This includes the components of e-cigarettes. The rules for these standard packagings will apply to both packages and outer packagings. These rules shall be without prejudice to the rules applicable to the informational message, the health warning and, where applicable, the combined health warning on these packages. The same applies to the rules laid down on the indications on the packaging of e-cigarettes pursuant to Articles 3.10 and 3.11 of the regulation.

Rules on standard packaging for cigarettes and roll-your-own tobacco entered into force on 1 October 2020.¹⁹ In order to promote coherence and consistency of tobacco use discouragement policies, it is important that this standard packaging, also referred to as neutral packaging and plain packaging, should also apply to cigars and e-cigarettes. The requirements laid down in this amendment for a standard packaging of cigars and e-cigarettes are therefore largely in line with the requirements laid down for standard packaging for cigarettes and roll-your-own tobacco. After the entry into force of this amendment to the Regulation, cigars packaging and all components of electronic vaping products shall be given the same standard appearance, but without prejudice to the possibility of indicating the brand name, the brand variant, the product details, a bar code or QR code and for e-cigarettes, the flavourings. The indication of the flavouring additives listed in Article 2.12 and also the nicotine content shall remain, where applicable, on the package and outer packaging. In addition, the safety feature and the track and trace code continue to apply to cigars. Sellers and consumers can still read on the packaging which (brand) cigar or which (brand) electronic cigarette, cartridge or reservoir is in the packaging. The packaging requirements for the different types of cigars and types of e-cigarettes are different, because the packaging of these products looks different. For this, see Section 4 and the article-by-article explanation.

3.2 Scope of the measure for cigars

Pursuant to Article 3.2(2) and Article 3.4(3) of the Decree, cigars marketed immediately before 20 May 2016 are exempt from the obligation to include a deterrent image (part of the combined health warning) on the outer packaging and on the package²⁰ and from the so-called 'anti-glitter and glamour' rules.²⁷ These

¹⁹ Decree of 14 March 2020 amending the Tobacco and Smoking Products Decree in connection with the introduction of standard packaging for cigarettes and roll-your-own tobacco (Official Gazette 2020, 109) and the Regulation of the State Secretary for Health, Welfare and Sport of 20 April 2020 amending the Tobacco and Smoking Products Regulation in connection with the introduction of standard packaging for cigarettes and roll-your-own tobacco (Official Gazette 2020, 24728).

²⁰ Decree of 4 May 2016 amending the Tobacco Act (Implementation) Decree and the Annex to the Tobacco and Smoking Products Act in connection with the implementation of Directive 2014/40/EU, on the production, presentation and sale of tobacco and related products (Bulletin of Acts and Decrees 2016,176). ²⁷ Decree of 19 September 2017 amending the Tobacco and Smoking Products Decree as regards further requirements for packaging of tobacco products for smoking in order to prevent the packaging of tobacco products for smoking from leading to special attention being paid to those products (Bulletin of Acts and Decrees 2017, 358).

packages must contain a general warning, a warning text and a reference to the smoking cessation information. This exception does not apply to cigarillos. The combined health warning and the anti-glitter and glamour rules do apply to cigars that have come on the market after 20 May 2016. With this Regulation, the packaging of all cigars, regardless of when they were placed on the market, will receive a standardised appearance. In terms of the interest of public health there is no reason to exclude cigars that were on the market before 20 May 2016 from the standard packaging rules. The requirements for standard packaging are without prejudice to requirements for the (combined) health warning for cigars. This means that cigars that were on the market before 20 May 2016 at the latest and have been notified in the common entry gate in accordance with Article 4.1 of the Decree, will pursuant to Article 3.2(2) of the Decree remain exempt from the deterrent image on the packaging. However, as mentioned above, these packages must bear a general warning, a warning text and a reference to the smoking cessation information. For cigars placed on the market after 20 May 2016, pursuant to Article 3.2(1) of the Decree, the packaging must contain a general warning, an informational message and a combined health warning.

3.3 Scope of the measure for electronic vapour products

The standard packaging requirements also apply to electronic vapour products.²¹ This means that packs of e-cigarettes with and without nicotine are covered, as well as packs of refill packs with and without nicotine. Parts sold separately from the appliance itself should also receive standard packaging under this regulation.

4. Packaging requirements

1. General requirements

This regulation prescribes the colour of the package and outer packaging of cigars and e-cigarettes: Pantone 448C with a matt and smooth finish. This colour is a mixture of dark brown, olive green and grey and, according to a study conducted in Australia by academics and commercial market researchers, is experienced as somewhat unappealing as compared with other colours.²² This colour has proven to be so unappealing that it increases the awareness of the harmfulness of a product. So far, all other countries where standard packaging has been imported, like the Netherlands when importing a standard packaging for cigarettes and roll-your-own tobacco, have also opted for this colour of the package and the outer packaging. Moreover, it is prohibited to place brand images on the package and outer packaging of cigars and e-cigarettes. This is the main reference of the standard packaging. A smooth finish means that relief on the packaging is not permitted. The object of these requirements is to limit any marketing opportunities with regard to the product.

Cigars

The colour of the inside of the packaging of the package of cigars may be only white, Pantone 448C or the unmodified colour of the package and the inside of the packaging also has a matt and smooth finish. The unmodified colour of the package refers to the colour of the unprocessed packaging material, for example the colour of unprocessed cardboard, metal or the unprocessed wood colour of a cigar box. The same applies to the inside of the outer packaging of cigars. These requirements are identical to the requirements for standard packaging of cigars as introduced in Australia and New Zealand and also correspond to the requirements for packaging of cigarettes and roll-your-own tobacco set in the Netherlands.

²¹See footnote 3.

²² Pre-Market Testing of Plain Pack. Campaign for Tobacco-Free Kids.

Furthermore, any paper on the inside of the package and outer packaging of cigars may only have the colours white or the unmodified colour of the packaging material. This will be discussed in greater detail in the article-specific explanatory notes. The choice of these specific colours is based on the fact that tobacco manufacturers are already using this set of colours at the moment.

If cellophane is used, e.g. in a tube packet or on the outside of the package or outer packaging, the cellophane must be transparent only: it may not be coloured or printed. However, the cellophane may contain a transparent or black cellophane strip.

E-cigarettes

The colour of the inside of the packaging of the package of e-cigarettes shall be exclusively white, black or Pantone 448C and the inside of the packaging shall have a matt and smooth finish. The same applies to the inside of the outer packaging of e-cigarettes. These requirements have been taken over from the standard packaging for cigarettes and roll-your-own tobacco. The colour black has been added, as it has been shown to be common in current practice.

II. Requirements for content information

Cigars

To prevent the information about the content of the packaging from attracting attention, this regulation also lays down rules concerning how the content information is presented. The number of cigars contained in the package may be printed on the outer packaging or package at the front no more than once, followed, where appropriate, by the word 'cigars'. Other additions or indications, such as 'Duty Free', 'Made in EU' and 'Cigars', are not permitted. Furthermore, for both the indication of the number of cigars and the word 'cigars', only the standard Helvetica font, in the colour Pantone Cool Gray 2C, may be used, and only the first letter of the word cigars may be an uppercase letter. The text shall be in the same reading direction as the (combined) health warning and the font size on the package shall not exceed the font size 10. The text on the outer packaging must not be larger than font size 14. These requirements are also in line with legislation in other countries. Thus, it is ensured that the package and the outer packaging look as neutral and uniform as possible, thus attracting as little attention to them as possible. Using other maximum font sizes, or permitting greater freedom of choice in this regard, would make it difficult to keep in line with the legislation of other countries and would undermine the objective of achieving an appearance that is as neutral and uniform as possible.

E-cigarettes

For e-cigarettes, if applicable, the nicotine content in mg per ml, the nicotine release per dose and the batch number shall remain on the outside of the package and outer packaging, as well as a list of all ingredients of the product by decreasing weight. These requirements are set out in Article 3.10 of the Regulation. It shall also remain mandatory to place on the package and outer packaging, where applicable, the unique formula identifier,²³hazard pictograms, signal words, hazard statements and precautionary statements required by Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16

²³A Unique Formula Identifier (UFI) is a unique code of 16 characters. A UFI on the label is mandatory for chemical mixtures classified as hazardous. In the event of poisoning, emergency workers shall pass the UFI directly on to the poison centre. (Source: Reach and CLP Helpdesk at <https://chemischestoffengoedgeregeld.nl/faq/wat-een-ufi-uniexe-formule-identificatie#:~:text=UFI%20staat%20voor%20uniexe%20formule,hoofdletters%20de%20afkorting%20UFI%20ervoor>

December 2008 on classification, labelling and packaging of substances and mixtures, amending Regulation (EC) No 1907/2006 (below: CLP Regulation).

In addition, it remains mandatory to place the precautionary statement on the package and outer packaging to keep the product out of the reach of children.²⁴ Other additions or indications, such as 'Duty Free', 'Made in EU' are not permitted. However, it is permitted to include factual information on the package and outer packaging. This refers to factual information that is important for the correct and safe use of the product and product information that is necessary for the correct understanding of the product. This means that, for example, promotional texts, labels, logos or quality indications that are intended to distinguish the product from similar products are not permitted. The information that may be disclosed is purely factual and does not serve marketing purposes. All indications on the packaging shall be in standard Helvetica font only, in the colour Pantone Cool Gray 2C,. Texts shall be in the same reading direction as the health warning and the font size on the package shall not exceed font size 10. The text on the outer packaging must not be larger than font size 14. The labelling requirements under the CLP Regulation are excluded to the extent that the format for these requirements is regulated in the CLP Regulation.

III. Requirements for the brand name and variant

Attempts have also been made to achieve consistency with the regulations of other countries for cigarettes and roll-your-own tobacco when it comes to indicating the brand name and brand variant on the package and the outer packaging of cigars and e-cigarettes in order to ensure that the packaging looks as neutral and uniform as possible, thus attracting as little attention to it as possible. For this reason, the text of the brand name and brand variant may only contain the letters of the alphabet, digits and ampersands (the & symbol). Furthermore, only the first letter of each word of the brand name and brand variant may be an uppercase letter. The rest of the letters may only be lower-case letters. The prescribed standard font is Helvetica, in the colour Pantone Cool Gray 2C, with a matt and smooth finish and is taken from the countries that have already introduced a standard packaging for cigars. This colour is also prescribed for standard packaging for cigarettes and roll-your-own tobacco. Another provision is that the brand name and brand variant may not be longer than one line and the brand variant shall be placed directly under the brand name.

As an additional requirement, the brand name and brand variant may be placed at most once on the front, once on the top, and once on the bottom of the package or outer packaging, centred and in the same reading direction as the combined health warning. With regard to tube packets for cigars, the indication of the brand name and brand variant is only allowed once on the tube. This will be discussed in greater detail in the article-specific explanatory notes. Thus, it is in any case not permitted for the brand name and brand variant to appear in several places on the curved surface of the tube packet. In the case of packs with a folding lid, as in the case of cigarette packets, the indication of the brand name and the brand variant shall be permitted both on the top of the folding lid, on the front of the package and on the bottom of the package. A calibration sign and, under certain conditions, producer data and a bar code or QR code may also be included on the packaging. In the case that cigars are packaged in a bag, the brand name and brand variant may be included not more than once on the front and once on the back of the packaging. The other requirements in paragraph 4 shall also apply here.

IV. The use of stickers

For cigars, packaging materials such as a (cedar) wooden or metal box may be used, on which certain printings and the matt and smooth finishing are not

²⁴ Article 22 of the CLP Regulation, Article 3.10, second paragraph, of the Regulation.

possible or difficult to implement. In order to still comply with the packaging requirements, manufacturers sometimes use a sticker. This remains permitted, the regulation explicitly provides that in those cases a sticker (which is not removable) may be used, on which the mandatory information to be introduced with this regulation and a health warning shall be affixed.

5. International perspective

In order to contribute to the achievement of the greatest possible uniformity in the appearance of standard packaging worldwide, the criteria for standard packaging of cigars shall be aligned as much as possible with the packaging requirements applicable in Israel, Ireland, New Zealand and Australia, wherever these requirements are also introduced for cigars²⁵, in order to achieve maximum uniformity in the appearance of standard packaging. When setting requirements for standard packaging for e-cigarettes, Denmark and Israel are taken as examples. Israel has introduced standard packaging for 'smoking products', which includes cigarettes, roll-your-own tobacco, cigars as well as e-cigarettes and e-liquids intended for the e-cigarette (refill packages, containers).²⁶ Denmark introduced standard packaging for tobacco and herbal smoke products on 1 July 2021 and standard packaging for e-cigarettes and refill packages on 1 October 2021.²⁷ Norway has also since drafted a proposal requiring standard packaging for e-cigarettes. The fact that the packaging requirements imposed in various countries on different types of tobacco products and related products exhibit similarities in many respects (e.g. due to specific colour use and font) contributes to as many uniform packaging requirements as possible.

6. Relation to higher-level law

The standard packaging requirements are in line with the WHO Framework Convention on Tobacco Control, Directive 2014/40/EU²⁸ (below: Tobacco Products Directive), the Treaty on the Functioning of the European Union (below: TFEU), the Agreement on Trade-Related Aspects of Intellectual Property Rights and also in accordance with the European Convention on Human Rights. For further substantiation, see also paragraph 5 of the explanatory note to the Decree on the introduction of standard packaging for cigars and electronic vapour,²⁹ which also comprehensively addresses the effectiveness of standard packaging. It also explains that the standard packaging requirements for cigars and electronic vapour products do not conflict with the free movement of goods.

7. Notification

The imposition of rules on the packaging of cigars and e-cigarettes to give those products a uniform appearance may be considered a technical regulation within the meaning of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. A draft version of this regulation was therefore notified to the European Commission in fulfilment of Article 5(1) of Directive (EU) 2015/1535 on **TBC**.

²⁵ Australia: 1 December 2012, New Zealand: 6 June 2018, Ireland: 20 September 2018.

²⁶ Israel: 8 January 2020.

²⁷ Denmark adopts Plain Packaging – Tobacco Reporter.

²⁸ Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of laws, regulations and administrative provisions of the Member States concerning manufacture, presentation and sale of tobacco and tobacco-related products, and repealing Directive 2001/37/EC (OJ 2014, L 127).

²⁹ Bulletin of Acts and Decrees 2025, 8

8. Consequences

Impact on businesses

Standard packaging for cigars and e-cigarettes may have implications for producers of cigars or e-cigarettes as well as for points of sale. These implications relate, for example, to adjusting the production method or the production process and the costs involved. Especially for producers of e-cigarettes, the adjustments and the consequences of this are present because there are currently fewer requirements on this packaging than on packaging of cigars. However, in the interest of public health and in order to achieve the ambitious objectives of a smoke-free generation, imposing requirements on standard packaging of all cigars and e-cigarettes is considered necessary and proportionate.

Consequences for supervisory authorities

To the Netherlands Food and Consumer Product Safety Authority (below: NVWA) has been asked to carry out an implementability and enforceability assessment for this amendment to the regulation. In the implementability and enforceability assessment for the aforementioned amendment to the Decree, the NVWA indicated that the introduction of a standard packaging for cigars and e-cigarettes is in principle endorsed by the enforcement. According to the NVWA, the assessment of whether or not a packaging meets the (standard) requirements appears theoretically simpler than the supervision of the current packaging requirements which leave ample room for interpretation. The required capacity for supervision and implementation **[TBC]**.

Consequences for the judiciary

In countries where standard packaging is required, tobacco producers³⁰ have initiated (civil) proceedings against the introduction of these rules,³¹ for example because the rules would infringe intellectual property rights. The introduction of standard packaging for cigarettes and roll-your-own tobacco has also led to a procedure in the Netherlands. In none of the countries this has led to the repeal or amendment of the regulations for the time being. It is expected that cigars and e-cigarette producers will also initiate proceedings and may go to the highest courts. Because producers are expected to file collective lawsuits, the consequences for the judiciary are considered acceptable.

Impact on regulatory burden

This Ministerial Regulation lays down further requirements for standard packages and outer packaging of cigars and e-cigarettes. The associated regulatory burden effects are explained here. This regulation has no regulatory impact on citizens. However, manufacturers, importers and providers (retailers) of cigars and e-cigarettes will face one-off regulatory costs.

Knowledge costs

Producers and importers should first take note of the change in the regulations. The associated costs are referred to as acquisition costs. This includes obtaining internal and external advice. These costs are one-off. The time needed for producers and importers to become acquainted with this regulation is estimated at

³⁰ Australia: Dec. 2012, France: Jan. 2017, United Kingdom: May 2017, New Zealand: June 2018, Norway: July 2018, Ireland: Sept. 2018, Hungary: May 2019, Uruguay: Dec. 2019, Thailand: Dec. 2019, Turkey: Jan. 2020, Saudi Arabia: Jan. 2020, Israel: Jan. 2020, Slovenia: Jan. 2020, Singapore: July 2020, Belgium: Jan. 2021, Canada: June 2021 (cigars)/Feb. 2022 (tobacco and IQOS), the Netherlands: Oct 2021, Denmark April and Oct. 2022 (e-sig); Finland: May 2023, Myanmar: March 2024 (9789240051607-eng.pdf (who.int), pp. 4 and 5).

³¹ Including in Australia, the United Kingdom, France, Belgium and the Netherlands

4 hours, as it involves acquainting themselves with new, complex rules. The standard is set at EUR 54. per hour. The rounded amount of EUR 54 is no more than a pragmatic approach to what the necessary time expenditure could be.

Regulatory burden costs

Subsequently, producers of both cigars and e-cigarettes must adapt the production process once. Costs are incurred to convert printing equipment. Furthermore, it will be necessary to make adjustments to the software, and this new software will need to be tested. Due to the inflow of new packaging, the retailer will have to pay extra attention to purchasing, stock management and sales.

The number of producers, importers and retailers shall be calculated in the following way. Producers and importers of tobacco products and e-cigarettes should provide information on their products to the countries where they intend to place those products on the market. This obligation stems from the Tobacco Products Directive and is implemented in the Decree. From those data, it can be concluded that there are 80 producers and importers of cigars and cigarillos (78 producers and importers of cigars including in many cases also cigarillos and 2 producers of only cigarillos) and 360 of e-cigarettes. The costs for converting printing equipment and adapting and testing software are estimated at EUR 15 000 per producer. For 360 producers and importers, this amounts to a total of EUR 5 400 000. For 80 cigar manufacturers and importers, the cost of converting printing equipment and modifying and testing the software is EUR 1 200 000. These data are taken from the explanatory note accompanying a change to the Tobacco and Smoking Products Regulation to regulate flavours of e-cigarettes.³²

Cigar and e-cigarette retailers consist to a large extent of retailers with a wide product range of which cigars and e-cigarettes are only a small part, such as convenience stores and petrol stations. Another part concerns retailers with a narrow assortment. These are companies that offer their customers articles of the product type in which they specialize. In this case, smoking products, including cigars and/or only e-cigarettes. These are specialty stores. In connection with the ban on the sale of tobacco products and related products in supermarkets and catering establishments³³ it is expected that the number of sales outlets will have decreased from 10 000 to around 4 440 in 2024. This data comes from the research firm SEO³⁴. The tobacco and convenience retail sector consists of 1600 shops. In addition, there are 2000 manned gas stations that sell tobacco. As a result of the sales ban in supermarkets, new tobacco shops have been set up. This number is estimated at 800. The table below therefore assumes 4 400 points of sale in relation to the points of sale of cigars. For the providers of e-cigarettes, as a result of the investigation by SEO, the number of 2000 manned petrol stations, 150 specialty stores and 1600 tobacco and convenience stores is maintained. The number of 150 specialist shops is taken from the explanatory note to the decision on the regulation of flavours for e-cigarettes.³⁵

The table below shows all regulatory costs for producers, importers and retailers of cigars and e-cigarettes.

Action One-off	Who	Time in hours	Cost per hour	Q	Total
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³² Official Gazette 2022, 32367.

³³ Bulletin of Acts and Decrees 2024, 89.

³⁴ SEO Economic Research, Restricting Tobacco Sales to Tobacco Specialty Stores, December 2021.

³⁵ Bulletin of Acts and Decrees 2022, 463.

Familiarisation with new regulations	Producers and importers of cigars	4	€ 54,-	80	EUR 17.280, -
Familiarisation with new regulations	Producers and importers of e-cigarettes	4	€ 54,-	360	EUR 77.760, -
Conversion of printing equipment, adjustment and testing of software, cigars	Producers and importers of cigars	-	-	80	EUR 15 000 per producer
Conversion of printing equipment, adjustment and testing of software, e-cigarettes	Manufacturers and importers of e-cigarettes	-	-	360	EUR 15 000 per producer
Adjustment of procurement and stock management	Cigars retail outlets	4	€ 54,-	4.400	EUR 950.400,-
Adjustment of procurement and stock management	E-cigarette retailers	4	€ 54,-	3.750	EUR 810.000,-

All regulatory burdens are inevitable and necessary in order to achieve a smoke-free generation by 2040, in which young people and other vulnerable groups are protected from the temptation to smoke or are protected from exposure to the risks of smoking. This also means that they are not exposed to the risks of co-smoking or co-vaping.

This draft regulation was submitted to the Advisory Board on Regulatory Burden (ATR). The ATR advises on reducing the regulatory burden for businesses and citizens. The ATR did not select this case for a formal opinion because it does not have a significant impact on regulatory burden.

9. Online consultation

The amendment of the regulation and the accompanying explanatory note are available at www.internetconsultatie.nl/tobacco and smoking products regulation on [TBC] to [TBC] offered to anyone to respond. [TBC]

10. Transitional provisions and entry into force

The arrangement in the form of a repurchase period. Packages and outer packaging of electronic vapour products and cigarillos complying with the requirements applicable before the entry into force of this amending Regulation and produced or released for free circulation before the date of entry into force may continue to be sold to consumers one year after entry into force. Packages and outer packagings of cigars other than cigarillos which comply with the requirements applicable before the entry into force of this amending Regulation may continue to be produced or released for free circulation until 6 months after entry into force and may subsequently be sold to consumers for a further 2 years. The proposed date of entry into force is 1 April 2026.

II Explanatory notes by article

Article I

Part A

Pursuant to Article 3.4, first paragraph, subsection a, of the Decree, further requirements are laid down by regulation as regards the space on and inside the package and the outer packaging of tobacco products for smoking which is not seized by the general warning, the informational message and the combined warning. Cigars, including cigarillos, are tobacco products intended for smoking. Article I(A) amends Article 3.6 of the Regulation. This amendment to the Regulation stipulates a standard packaging for cigars. To ensure uniformity, requirements for the package and outer packaging of cigars are comparable to the requirements for standard packaging for cigarettes and roll-your-own tobacco.³⁶ As far as possible, they are also subject to legislation in other countries where these requirements have been introduced earlier.

Article 3.6(3):

The parts in paragraph 3 relate to the standard packaging requirements of the package and outer packaging of cigars. The third paragraph lays down requirements with which the contents and design of the package and the outer packaging of cigars must comply. The package and outer packaging of cigars shall not contain any products other than cigars, except for the exceptions in subparagraphs f, g, h and j, which are further explained below. An outer packaging also contains, by its definition, one or more packages. Pursuant to Article 3.7a of the regulation, the package and the outer packaging must be made of contiguous material and must not be transparent. This is now included in the standardisation requirements. The rules prohibiting sound, scent or taste effects are also maintained. These requirements of an obligatory nature are contained in subparagraphs (a) to (e). Subparagraphs f to j also include a number of exceptions that are permitted. These options, such as the use of rolling paper, foil paper or transparent cellophane that encases the cigars or the package or outer packaging with a cellophane strip, may only be used under certain conditions.

The principle of the third paragraph is that in a pack of cigars only cigars may be present. A cigar band may be placed around the cigars. On the inside, the packaging shall have the colour Pantone 448C, white or the unmodified colour of the material of the packaging, such as cardboard, wood or metal. The packaging must have a smooth finish which means that there must be no relief in the packaging. In addition, the packaging must be matt finished, which means that no shiny or shimmering elements may be used.

³⁶ Article 3.7 of the Regulation.

Cardboard stoves

Article 3.6, third paragraph, subsection f, provides that the package or outer packaging of cigars may contain cardboard tubes. These edges shall be in the unmodified colour of the cardboard. The cardboard edges are intended to place between the cigars in order to protect the cigars from damage during transport or storage.

Foil and rolling paper

Article 3.6(3)(g) provides that the package or outer packaging may contain foil or rolling paper. This foil or rolling paper shall not contain any printing and shall have a matt or smooth finish. In addition, the foil or rolling paper must be completely white, transparent or the unmodified colour of the packaging material. It is noted that dots or other structures on the foil and rolling paper, created as a result of the automated manufacturing process, are not regarded as printing. Such structures are therefore permitted. Ridges or other unevennesses that are not the result of the production process and form, for example, an image, product, motif or symbol are not permitted. It is therefore also not permitted for the structure in the paper to form a text.

Cellophane and cellophane strip

Article 3.6(3)(h) provides that the inside of the package may contain cellophane enclosing an individual cigar. Subparagraph i states that the package or outer packaging of cigars may be enclosed by cellophane. Cellophane shall be unprinted, uncoloured and transparent only with a smooth finish. The cellophane may contain a cellophane strip. The cellophane strip is intended as a tool to remove the cellophane. The cellophane strip shall be no more than 3 millimetres wide and shall be transparent or black.

The cellophane strip on an individual cigar is applied along the shortest circumference around the cigar. This means horizontally around the cigar if the cigar is held upright. Finally, for both an individual cigar and a package or outer packaging of cigars, the cellophane strip shall contain a part of not more than 15 millimetres indicating where the strip begins to open the packaging. This section may be both black and transparent but must be of a different colour to the cellophane strip itself: if the cellophane strip is transparent, the section opening the packaging shall have a black colour, and vice versa, in contrast.

Tube packets

An individual cigar may be packaged in a tube packet, where the tube packet is the package. Also, an individual cigar may be packaged in a tube packet where the tube packet is once again packaged in another packaging, the outer packaging, for example in a cardboard or wooden box. The requirements laid down in Article 3.6, fifth paragraph, shall apply partly in addition to the third and fourth paragraphs and partly notwithstanding the third and fourth paragraphs for a tube packet for an individual cigar. If a tube packet is packed in an outer packaging, the requirements of Article 3.6(3) and (4) apply to the outer packaging.

Article 3.6(4)

The fourth paragraph relates to the standardised requirements for the part of the packaging that is not taken up by the health warning. Based on the preamble, this part must have the colour Pantone 448C with a matt and smooth finish on the outside. This requirement applies to all packages and any outer packaging, thus also in the case of a wooden, cardboard or metal packaging or a tube packet. In addition to this requirement, the fourth paragraph develops several options with the corresponding conditions that must be met if that option is used. These are regulated in sections a to e. The brand name and brand variant of the cigar may appear on the part of the package and outer packaging not taken up by the health warning. These may be indicated only once on the front, once on the top and once on the bottom of the package. In addition, the number of contents may be indicated on the outside no more than once. Only the number in digits, possibly

with the addition of 'cigars' or 'cigarillos', may be used. The name, address, e-mail address and telephone number of the producer may also be indicated once.

Only the standard Helvetica font in the colour Pantone Cool Gray 2C shall be used for the texts. Formatting variants should not be used, which means that the text should not be in bold, italics or underlined. Only the letters of the alphabet may be used, including any accents, digits, an apostrophe and an ampersand ('&'). The @ sign may also be used in an email address.

Uppercase letters may only be used for the first letter of each word. Abbreviations may possibly be written in full with uppercase letters. The maximum font size is 10, with the exception of the brand name that may be rendered in font size 14, as well as the indication of the contents on outer packaging. The brand variant will be included directly under the brand name. The text shall be jointly centred and run in the same reading direction as the health warning. Brand name and brand variant may both be no longer than one line where a maximum of one space between words is used each time.

The outer packaging may contain calibration marks as discreet as possible and may contain at most once a barcode or QR code provided that this code does not appear on the front of the package, has only the colours black and white or Pantone 448C and white and no image other than a barcode or QR code is recognisable in the code. A calibration mark may be produced in an automated production process and must be as small and inconspicuous as possible on the packaging. The words 'as inconspicuous as possible' are meant to convey that the calibration mark should not be larger or more conspicuous than necessary.

Article 3.6(5 to 8)

The fifth to eighth paragraphs provide for exceptions or additions to the third and fourth paragraphs for specific cases. Unless indicated otherwise, the other requirements shall apply in full in these cases.

Paragraph 5 shall apply to all cigarette packets for individual cigars. This means that the rules apply both to cigars sold separately in a tube pack and to cigars in a tube pack sold in an outer pack, for example a wooden box.

Paragraph 5 lays down additional conditions in the case that the package of a cigar is a tube packet. For example, a tube packet must be cylindrical and rigid at all times with an opening of at least 15 millimetres in diameter. If the brand name, brand variant and/or producer details appear on the tube packet, the rules from Article 3.6(4)(a) and (c) shall apply instead. Two derogations shall apply here. Paragraph 5(a) states that the brand name, brand variant and producer details may be included on the tube packet no more than once. This is notwithstanding paragraph 4(a)(1). Paragraph 5(b) is additional to paragraph 4(c). Because of the small surface area of a tube packet, the brand variant and brand name do not have to be centered together on a tube packet, and these may also be mentioned next to each other, for example. Furthermore, no requirements have been prescribed for the tube packet with regard to the material. The tube packet may therefore be made, for example, of plastic or metal.

The sixth paragraph relates to a metal or wooden packaging and provides an optional option in addition to the option already provided for in the fourth paragraph, part e. This means that a metal or wooden packaging may be affixed to the outside of the package or outer packaging a sticker in the colour Pantone 448C with the mandatory health warning and any permitted indications. In addition, a barcode or QR code may be placed on the sticker or use a separate sticker with the barcode or QR code on it. If the sticker option is used, it shall not be possible to remove it without damage.

Paragraph 7 governs a bag of cigars and regulates a different provision from paragraph 4(a)(1). If the brand name and brand variant are chosen to be rendered on the bag, this may be included not more than once on the front and once on the back. It follows, therefore, that the brand name and variant of the mark may not be rendered at the bottom, if any, of the bag.

Article 3.6(9)

Paragraph 9 provides that the standard packaging requirements shall not affect the requirements that apply to the unique identification code and the security feature that must be included on packaging from 23 January 2020 under Articles 4a and 4h of the Tobacco and Smoking Products Act. When a cigar has a filter, for example, certain cigarillos, the filter usually contains plastic. In that case, the marking requirements referred to in Article 3(2) of the Decree on single-use plastic products must be placed on the packaging. In this way, the rules on labelling that arise from the Decree supplement the rules on neutral packaging.

Part B

Since Article 3.6 of the Regulation already contains rules relating to the packaging of cigars, it has been decided to remove the requirements that apply to cigars pursuant to Article 3.7a of the Regulation from Article 3.7a and include them in Article 3.6 together with the new requirements that are imposed on packaging of cigars. The requirements in Article 3.6 now together form the requirements for the standard packaging of cigars. This means that the exception for cigars has now been added to the exceptions for cigarettes and roll-your-own tobacco in the seventh paragraph of Article 3.7a.

Part C

As with the standard packaging requirements of cigars, the standard packaging requirements of electronic vapour are subject to the conditions listed in Article 3.10a, but also to options. If one of the options is chosen, the relevant requirements must be met. The standard packaging requirements are exhaustive here too; only that which has been regulated is permitted. Everything else is forbidden.

Since the provisions for electronic vapour products corresponding to the provisions for cigars have already been discussed under part A, only those provisions which are different and require clarification are dealt with below.

Article 3.10a(1)

Paragraph 1 regulates, in accordance with Article 3.6(3)(a) to (e) for cigars, that the packaging may in principle contain only electronic vapour. However, the packaging of electronic vapour products may contain accessories, such as a charger.

Article 3.10a(2)

The second paragraph provides that a package or outer packaging of electronic vapour products, like that of cigars, must have the colour Pantone 448C on the outside with a matt and smooth finish. Under certain conditions, the brand name and brand variant may be mentioned.

In accordance with Article 3.6(4)(a), for cigars, subsection a regulates the requirements for the indication of the brand name and brand variant on a package or an outer packaging of electronic vapour products.

Subparagraph b states that a package and outer packaging of electronic vapour products may contain at most once the capacity of the battery, expressed in mAh, or the power expressed in the amount of watts or W. The abbreviation mAh stands

for Milliampère hour. This number expresses the number of hours the battery may give a certain current. In addition, the electrical resistance expressed in Ohm or Ω may be indicated once. If this is chosen, the requirements set out in subsections 1 to 6 apply.

Section c provides that the package or outer packaging must indicate that the electronic cigarette is a disposable, refillable and/or rechargeable product.

Subparagraph d states that the details of the producer may be entered on both the outside and the inside. If this is chosen, the requirements set out in subsections 1 to 7 shall apply. For cigars, this is regulated in Article 3.6(4)(c).

Section e provides that the outer packaging may contain as discreet a calibration mark as possible, in accordance with the rules laid down in Article 3.6(4)(d) in respect of cigars.

Subparagraph f provides that the package or outer packaging may contain a barcode or QR code not more than once, provided that this code is not on the front of the packaging, that it only has the colours black and white or Pantone 448C and white and that no image other than a barcode or QR code is identifiable in the code. This corresponds to Article 3.6, fourth paragraph, subsection e, which applies to cigars.

Section g regulates the requirements for foil paper. Subparts 1 to 3 describe the requirements for foil paper.

Section h provides that factual information may be included on the package or outer packaging. This refers to information that is important for the correct and safe use of the product and product information that is necessary for the correct understanding of the product. Promotional texts, labels, logos or quality indications intended to distinguish the product from similar products are not permitted. The information shall be factual only and shall not serve marketing purposes.

Article 3.10a(3)

The third paragraph provides that a sticker may be affixed on the outside of the package or outer packaging in the colour Pantone 448C with the mandatory health warning and any permitted particulars, as is provided for in Article 3.6, sixth paragraph, for cigars.

Article 3.10a(4)

Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending Regulation (EC) No 1907/2006, provides for the mandatory indication of the unique formula identifier, hazard pictograms, signal words, hazard statements and precautionary statements on products containing certain chemicals. These indications should also be placed on the packaging of e-cigarettes and refill packages. For the sake of completeness, paragraph 4 explicitly states that these obligations apply in full. To the extent that the regulation does not regulate which colour the indications are mandatory, it is provided that these indications on the packaging of e-cigarettes and refill packages are rendered in the colour Pantone Cool Gray 2C. For the sake of completeness, it has also been specified that the requirements of Articles 3.9 and 3.10 apply in full and (in short) mandatory entries pursuant to Article 3.10 are rendered in the colour Pantone Cool Gray 2C.

Part D

In Article 6.11, the second paragraph is deleted. This is necessary because it would otherwise remain possible for an exempt speciality store to display the cigars in open packaging on the basis of paragraph 2. The standard packaging could be

bypassed in this way. To prevent this, it is not longer possible for an exempt speciality store to display cigars in open packaging. Cigars may now only be presented in closed packaging. For the same reason, the exception is deleted in the third paragraph, so that cigars must also be rendered at an angle of 90 degrees to the substrate. Accordingly, a closed standard packaging as referred to in paragraph 1 shall always apply to cigars packaging.

Part E

A transitional provision in the form of a stock clearance scheme is included in order to allow for the sale of stocks of products that have already been produced. This stock clearance arrangement means that packages or any outer packaging of cigarillos and electronic vapour products produced or released for free circulation before **TBC DATE** ENTRY INTO FORCE and complying with the rules in force immediately prior to the amendment to the packaging requirements, **after TBC DATE** ENTRY INTO FORCE may still be sold to consumers for one year. This period has been set at one year, because such a period was shown to be sufficient in the case of the stock clearance period observed for the introduction of the combined health warning when the Tobacco Products Directive³⁷ was implemented and the standard packaging requirements for cigarettes and roll-your-own tobacco were introduced.³⁸ Cigars other than cigarillos may continue to be produced or imported in non-neutral packaging for up to 6 months after their entry into force and then be sold to consumers for a further 2 years. This is so regulated because of the lower circulation rate of these cigars.

Article II

This Regulation amending the Tobacco and Smoking Products Regulation in connection with the introduction of standard packaging for electronic vapour products and cigars shall enter into force as from **TBC DATE 1**. From that date onwards, manufactured packages and outer packaging of cigarillos and electronic vapour products for the Dutch market must comply with the standard packaging requirements. For cigars other than cigarillos, this shall apply from 6 months later.

The State Secretary for Health,
Welfare and Sports,

³⁷ Bulletin of Acts and Decrees 2016, 175.

³⁸ Official Gazette 2020, 24728.