



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2022/0851/B (Belgium)

Royal Decree amending the Royal Decree of 28 October 2016 on the manufacture and bringing into circulation of electronic cigarettes

Date received : 09/12/2022

End of Standstill : 10/03/2023 (closed)

Message

Message 002

Communication from the Commission - TRIS/(2022) 04392

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2022/0851/B

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202204392.EN)

1. MSG 002 IND 2022 0851 B EN 09-12-2022 B NOTIF

2. B

3A. FOD Economie, KMO, Middenstand en Energie

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4. 2022/0851/B - X00M

5. Royal Decree amending the Royal Decree of 28 October 2016 on the manufacture and bringing into circulation of electronic cigarettes

6. Tobacco products



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7. - Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, more specifically Article 24(3)

8. The draft Royal Decree is intended to keep electronic cigarettes in the form of whole disposable products off the market.

The ban now appears in an additional Section in Article 4 of the Royal Decree of 28 October 2016 on the manufacture and bringing into circulation of electronic cigarettes.

In addition to the ban, the text now gives a definition of 'electronic cigarette in the form of a whole disposable product', to clarify which products do and do not fall under the ban.

The ban on the marketing of disposable e-cigarettes would be subject to a transitional period to allow the sale of banned products that are already present on the market.

9. The proposed ban is in line with Belgian policy because disposable e-cigarettes have no place in the smoking cessation policy. Research shows that disposable e-cigarettes are particularly popular amongst young people, most of whom harbour no plans to quit smoking. The recommendation of the Superior Health Council of Belgium also proposes a ban on disposable e-cigarettes.

E-cigarettes in general pose public health risks due to their addictive nature, their role as a gateway to tobacco use, the harmfulness of various substances present in e-liquids and their unknown long-term impacts. Despite the ban on disposable e-cigarettes, Belgian smoking cessation policy still ensures access to e-cigarettes for smokers who want to quit, in the form of more sustainable and suitable e-cigarettes.

Thus, refillable systems or e-cigarettes in which only the liquid cartridge is intended to be single-use (pod systems) will remain available.

Numerous risks associated specifically with the disposable products justify this distinct treatment. These risks include:

the environmental impact of the production and use of these products, the higher percentage of non-compliant products on the market, the lower quality, and the specific health risks for young people due to their attractiveness (in various regards) and targeted marketing.

While the Belgian market is flooded with notifications and an ever-growing supply of disposable e-cigarettes, schools across the country are raising the alarm over their use and rising popularity amongst Belgian youth. This popularity is due in part to the powerful marketing machine behind these products, especially on social media platforms such as TikTok, whose main target group is young people. This exposes many young people to daily promotional messages for a product that harms them and may ultimately result in nicotine addiction. In addition, young Belgians exhibit more experimental behaviour than the European average. The gateway effect, combined with this experimental behaviour and easy accessibility of these popular products aimed at young people, raises concerns regarding a new generation of tobacco users.

Protection of the health of our young people therefore presents an urgent need to ban disposable e-cigarettes.

10. Numbers or titles of the basic texts: the Royal Decree of 28 October 2016 on the manufacture and bringing into circulation of electronic cigarettes

11. No

12. -



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13. No

14. No

15. -

16. TBT aspect

NO - The draft does not have a major impact on international trade.

SPS aspect

NO - The draft does not have a major impact on international trade.

European Commission

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