



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2023/0475/NL (Netherlands)

amendment of the Tobacco and Smoking Products Regulation in connection with

Date received : 02/08/2023

End of Standstill : 03/11/2023 (withdrawn)

Message

Message 001

Communication from the Commission - TRIS/(2023) 2294

Directive (EU) 2015/1535

Notification: 2023/0475/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20232294.EN

1. MSG 001 IND 2023 0475 NL EN 02-08-2023 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Douane Groningen, CDIU

3B. Ministerie van Volksgezondheid, Welzijn en Sport
Directie Wetgeving en Juridische Zaken

4. 2023/0475/NL - C80A - Additives, vitamins, minerals and flavorings

5. amendment of the Tobacco and Smoking Products Regulation in connection with
establishing a list of additives prohibited for
e-cigarettes and tobacco products

6. Further specification of additives prohibited under Article 7(6) of Directive 2014/40/EU for tobacco products and electronic cigarettes. In addition, the list of prohibited additives shall also apply to e-cigarettes without nicotine.



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7.

8. The list of additives added to the Tobacco and Smoking Products Regulation by Article I(F) shall be in line with the prohibition already existing in Articles 2.6, 2.10 and 2.11 of the Tobacco and Smoking Product Regulation. These articles implement Article 7(6) of the TPD (Directive 2014/40/EU). This Article provides that tobacco products (and also e-cigarettes through Article 20(3)(c)) shall not contain additives containing:

- a) vitamins or other additives that give the impression that a tobacco product offers health benefits or poses fewer health risks;
- b) caffeine, taurine or other additives and stimulating chemical compounds associated with energy and vitality;
- c) additives that colour emissions;
- d) for tobacco products intended for smoking, additives facilitating the inhalation or intake of nicotine; and
- e) additives that have CMR characteristics in unburnt form.

The National Institute for Public Health and the Environment (RIVM) has drawn up a list of additives that comply with one or more of the additives referred to in Article 7(6).

No mutual recognition clause has been included. All tobacco products and e-cigarettes containing one or more of the additives listed shall be prohibited. In principle, that prohibition already applies under Article 7(6) of the TPD.

9. The ban is justified for urgent reasons in the interest of public health, is applied without discrimination, and is necessary and proportionate for the protection of public health.

Prohibition of discrimination

The proposed ban is applied without discrimination. No distinction is made between Dutch products and products from other Member States.

Necessity

The ban is justified by an overriding reason in the public interest, namely: the protection of public health. The prohibited additives on the list derive from the criteria set out in Article 7(6) of the TPD.

Proportionality

The ban is an appropriate measure and does not go beyond what is necessary. A list of additives specifically prohibited provides clarity for manufacturers and importers and facilitates supervision by the Dutch Food and Consumer Product Safety Authority (NVWA). Only substances meeting one or more of the criteria set out in Article 7(6) of the TPD shall be included in the list of prohibited additives.

10. Numbers or titles of basic texts:

B-2023-0475-NL-01

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No



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SPS aspects: No

European Commission

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