

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE FOR PUBLIC HEALTH, FOOD CHAIN SAFETY AND THE ENVIRONMENT

Ministerial Order amending the Ministerial Order of 16 April 2019 on the conditions for neutrality and standardisation of unit packets and outer packaging of cigarettes, rolling tobacco and waterpipe tobacco

The Minister for Public Health,

Having regard to the Law of 24 January 1977 on the protection of consumer health with respect to foodstuffs and other products, Article 6, §1(a), amended by the Law of 22 March 1989;

Having regard to the Royal Decree of 13 April 2019 on the standardised packaging of cigarettes, rolling tobacco and waterpipe tobacco, as amended by XXXX;

Having regard to the Ministerial Order of 16 April 2019 on the conditions for neutrality and standardisation of unit packets and outer packaging of cigarettes, rolling tobacco and waterpipe tobacco;

Having regard to the communication to the European Commission, dated XXX, pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the opinion of the Inspector of Finances, issued on XXX;

Having regard to Opinion XXX of the Council of State, given on XXX, pursuant to Article 84(1), paragraph 1(2), of the laws on the Council of State, consolidated on 12 January 1973;

HEREBY ORDERS:

Article 1. In the title of the Ministerial Order of 16 April 2019 on the conditions for neutrality and standardisation of unit packets and outer packaging of cigarettes, rolling tobacco and waterpipe tobacco, the words 'cigarettes, rolling tobacco and waterpipe tobacco' are replaced by the words 'tobacco products and plant-based smoking products'.

Article 2. Article 1 is replaced by the following:

" Article 1 This Order shall apply to
tobacco products, plant-based smoking products, apparatus, cigarette tubes, cigarette paper, rolling tobacco paper, paper for plant-based smoking products and filters.'.

Article 3. Article 3 of the same Order is replaced by the following:

" Article 3. § 1. The indication of the trade name may appear only once:

1. On the front and on the top and bottom of the unit package and the outer packaging;
2. On the front and on the back and on the inside of the flap or lid in the case of products where the

unit package or outer packaging takes the form of a pouch or is cylindrical in shape.

§ 2. The indication of the trade name shall be printed according to the following characteristics:

1. in alphanumeric characters with an ampersand where applicable;
2. In lower case; the initial letter of a word may be in upper case;
3. In the centre of the surfaces mentioned in paragraph 1 and, where they contain a health warning, in the centre of the available surface;
4. Parallel to the health warning if it is printed on a surface with a health warning as well;
5. On one line, in weighted Helvetica font, normal and regular, in Pantone Cool Gray 2C matt finish;
6. In font size 12.

§ 3. The manufacturer's contact details may appear only once on one side of choice with the exception of the front surface. These details, the content of which is defined in Article 11, § 1(2), of the Royal Decree of **XXX** on the standardised packaging of tobacco products and plant-based smoking products, shall be printed according to the following characteristics:

1. In normal, regular, weighted Helvetica alphanumeric characters;
2. With an ampersand and the @ symbol where applicable;
3. In Pantone Cool Gray 2C with a matt finish;
4. In font size 10 at most;
5. In lower case; the initial letter of a word may be in upper case.

§ 4. Units of packaging and outer packaging may contain a barcode referred to in Article 11(2) of the aforementioned Royal Decree, in Pantone 448 C and white or black and white. This barcode shall not form an image, a model, a motif or a symbol that might be associated with anything other than a barcode."

Article 4. In Article 4 of the same Order, paragraph 2 is replaced by the following:

"§ 2. The coating referred to in Article 6 of the Royal Decree referred to above is a layer of silver or white colour, without any variation in tone or shade."

Article 5. The title of Article 5 of that Order is replaced by "Tubes and paper".

Article 6. In Article 5(1) of the same order, the words "tubes and" are inserted between the words "coloured" and "paper".

Article 7. In the title of Article 6 of that Order, the word "aluminium" is repealed.

Article 8. Article 6 of the same Order is replaced by the following:

"Article 6. § 1. The flap referred to in Article 10(3) of the aforementioned Order shall be silver or white without any variation in tone or shade and without texture.

§ 2. The flap has no texture other than that resulting from the manufacturing process and provided that it does not form an image, model, pattern or symbol that can be associated with anything other than a flap."

Article 9. The title of Article 7 of that Order is replaced by "Indication of the number of products".

Article 10. The following amendments are made to Article 7 of the same Order:

1. in paragraph 1(1), the word "cigarettes" is replaced by the word "products";
2. in paragraph 1, point 4 is replaced by the following:
"4. Expressed either by the total of the product or by the number of unit packages multiplied by the number of products contained in each unit package with the sign 'x';"
3. paragraph 2 is replaced by the following: "§ 2. This number may be followed by the word "cigarettes" or "cigars", or "cigarillos", or "new tobacco products" or "plant-based smoking products" written in lower case, except the first letter which may be written in lower case or capital letters."

Article 11. The heading of Article 8 of that Order is replaced by "Indication of the weight in grams of the product".

Article 12. The following amendments are made to Article 8 of the same Order:

1. in paragraph 1(1), the words “rolling tobacco and waterpipe tobacco” are replaced by the word ‘product’;

2. in paragraph 1, point 3, the words “of tobacco” are replaced by the words “of the product”;

3. a paragraph 2 is added, worded as follows:

“§ 2. This number may be followed by the words “rolling tobacco”, “chewing tobacco”, “snuff tobacco”, “pipe tobacco”, “waterpipe tobacco”, or “plant-based smoking product” written in lower case, except the first letter that may be written in lower or upper case.

Article 13. The title of Article 9 of the same Order is replaced by “Outer packaging and unit packages, apparatus, tubes and paper”.

Article 14. Article 9 of the same Order is replaced by the following:

“ Article 9. Articles 2, 3, 4 shall apply to outer packaging and unit packages of apparatus, cigarette tubes, rolling tobacco paper, cigarette paper, paper for plant-based smoking products and filters.
”

Article 15. Products, apparatus, cigarette tubes, rolling tobacco paper, cigarette paper, paper for plant-based smoking products and filters manufactured or placed on the market in accordance with the Ministerial Order of 16 April 2019 on the conditions for neutrality and standardisation of unit packets and outer packaging of cigarettes, rolling tobacco and waterpipe tobacco may be placed on the market until XX.

Article 16. This Order shall enter into force on XXX.

Article 17. The Minister for Public Health shall be responsible for the implementation of this Order.

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