Message 007

Communication from the Commission - TRIS/(2026) 1665

Directive (EU) 2015/1535

Notification: 2026/0223/PL

Communication by Commission containing general information regarding the above-mentioned notification.

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MSG: 20261665.EN

1. MSG 007 IND 2026 0223 PL EN 06-08-2026 24-06-2026 COM COMMUNICAT 06-08-2026

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2026/0223/PL - S00S - HEALTH, MEDICAL EQUIPMENT

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535, the Polish authorities notified to the Commission on 5 May 2026 the Draft Act amending the Act on protection of health against the consequences of consumption of tobacco and tobacco products (hereinafter, 'the notified draft'). The notified draft provides for the prohibition of the placing on the market of disposable electronic cigarettes.

In this connection, the Commission notes that the Polish authorities have also notified their draft prohibiting the placing on the market of disposable electronic cigarettes containing nicotine pursuant to Article 24(3) of Directive 2014/40/EU (hereinafter 'TPD') under which Member States "may also prohibit a certain category of tobacco or related products, on grounds relating to the specific situation in that Member State and provided the provisions are justified by the need to protect public health, taking into account the high level of protection of human health achieved through this Directive."

According to Article 24(3) TPD "the Commission shall, within six months of the date of receiving the notification provided for in this paragraph, approve or reject the national provisions after having verified, taking into account the high level of protection of human health achieved through this Directive, whether or not they are justified, necessary and proportionate to their aim and whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between the Member States."

In this respect, the Commission would like to inform the Polish authorities that with regard to disposable electronic cigarettes that contain nicotine – if necessary – the Commission might revert to the Polish authorities at a later stage under the TPD notification procedure.

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European Commission
Contact point Directive (EU) 2015/1535

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

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