



## EUROPEAN COMMISSION

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

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0200/BE (Belgium)

# Royal Order amending the Royal Order of 13 April 2019 on the standardised package of cigarettes, roll-your-own tobacco and waterpipe tobacco

Date received : 10/04/2024

End of Standstill : 11/07/2024

## Message

Message 001

Communication from the Commission - TRIS/(2024) 0985

Directive (EU) 2015/1535

Notification: 2024/0200/BE

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 - Ne zahajuje 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 késések - 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: 20240985.EN

1. MSG 001 IND 2024 0200 BE EN 10-04-2024 BE NOTIF

2. Belgium

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4. 2024/0200/BE - C60A - Labelling



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5. Royal Order amending the Royal Order of 13 April 2019 on the standardised package of cigarettes, roll-your-own tobacco and waterpipe tobacco

6. Tobacco products and herbal products for smoking

7.

8. The Royal Order of 13 April 2019 is amended to extend the standardised package to all tobacco products, herbal products for smoking and devices, as well as to all papers, filters and tubes.

9. The proposal for standardised packaging for these products is mainly aimed at protecting children and those who do not yet use these products and are therefore sensitive to the brand elements or characteristics of the latter.

It also implements Sheet 6.3 of the Inter-federal Strategy 2022-2028 for a Tobacco-Free Generation.

The WHO Framework Convention on Tobacco Control (FCTC) was ratified by Belgium in November 2005 and entered into force there on 31 January 2006. Article 11 of the Framework Convention lays down strict rules for the labelling of tobacco packages. The guidelines for this article specifically recommend the implementation of the standardised package: 'Parties should consider adopting measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style (plain packaging). This may increase the noticeability and effectiveness of health warnings and messages, prevent the package from detracting attention from them, and address industry package design techniques that may suggest that some products are less harmful than others.'

These guidelines also state: 'Parties should ensure that the packaging and labelling provisions of Article 11 of the Convention apply equally to all tobacco products sold in places under their jurisdiction and that no distinction is made between products manufactured locally, imported or intended for duty-free sale [...].'

The guidelines in Article 13 state: 'Packaging and product design are important elements of advertising and promotion. Parties should consider adopting requirements for neutral packaging to eliminate the effect of advertising or promotion on packaging. Packaging, individual cigarettes or other tobacco products must not contain any advertising or promotion or design features that make the products attractive.'

Finally, the implementation of the standardised package for all tobacco products is one of the WHO's 'best buys' for non-communicable diseases.

Directive 2014/40/EU 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 (hereinafter 'Directive 2014/40/EU') does not impose the standardised package but authorises Member States that wish to do so to impose it on their territory (Article 24.2).

The establishment of plain packages aims to:

- reduce the attractiveness of packaging and brand image;
- improve the efficiency of the textual or visual health warnings affixed on the packages of tobacco-based products;
- reduce consumer disinformation on the harmfulness of tobacco.

Studies show that the implementation of the plain package has proved successful and has achieved the objectives mentioned above. Some studies also show that the plain package has increased smoking cessation behaviour and could contribute to tobacco denormalization.



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The rules on standardisation of unit packets and outer packaging already apply in Belgium to cigarettes, roll-your-own tobacco, waterpipe tobacco and papers and filters that owe their reputation mainly to a tobacco product. The objective of the project is to extend the standardised package to other tobacco products, herbal products for smoking, devices and all papers, filters and tubes. As a result, all products falling within the scope of the Royal Order of XX on the manufacture and marketing of tobacco products and herbal products for smoking will also fall within the scope of the standardised package Royal Order. These are two complementary measures.

The aim is therefore to harmonise the rules for these products. This is important to prevent manufacturers from using other tobacco products and herbal products for smoking to promote their brand and weaken the standardised package. An example of this type of practice is the introduction of cigarillos (e.g. Marlboro and Lucky strike) whose unit packet resembles an 'old' cigarette package. It has been shown that tobacco manufacturers were taking advantage of the fact that plain packaging did not apply to cigars, cigarillos and pipe tobacco.

Another objective pursued by this draft order is to reduce the attractiveness of these products to young people. In terms of behavioural changes, some studies suggest that plain packages can help deter young people from starting or continuing to smoke and raise awareness of the dangers of smoking. It was also found that the plain package reduced the attractiveness of cannabis (herbal products for smoking) to young consumers. This means countering the tobacco industry's marketing strategies that are well known for targeting teenagers and young adults, because attracting the next 'generation' of smokers is essential to the industry's survival.

The plain package is particularly useful in markets such as Belgium, where advertising of tobacco products is prohibited. Indeed, tobacco research has shown that the importance of packaging increases when other forms of advertising are restricted.

The following countries have also extended the rules for the standardised package to other products:

- Canada,
- New Zealand,
- Australia,
- Turkey,
- The Netherlands,
- Ireland,
- Finland,
- Denmark.

France intends to do so.

10. References to reference texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects:

The draft is a technical regulation or a conformity assessment

The draft has significant impact on international trade



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SPS aspects: No

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European Commission

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