Message 115

Communication from the Commission - TRIS/(2025) 1132

Directive (EU) 2015/1535

Notification: 2025/0044/ES

Forwarding of a detailed opinion received by a Member State (Czechia) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 28-07-2025.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπεριστατωμένη γνώμη - Dictamen circunstanciado - Üksikasjalik arvamus - Yksityiskohtainen lausunto - Detaljno mišljenje - Részletes vélemény - Parere circostanziato - Išsamiai išdėstyta nuomonė - Sīki izstrādāts atzinums - Opinjoni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 28-07-2025. - Prolonge le délai de statu quo jusqu'au 28-07-2025.- Die Laufzeit des Status quo wird verlängert bis 28-07-2025.- Удължаване на крайния срок на статуквото до 28-07-2025. - Prodlužuje lhůtu současného stavu do 28-07-2025. - Fristen for status quo forlænges til 28-07-2025. - Παρατείνει την προθεσμία του status quo 28-07-2025. - Amplía el plazo de statu quo hasta 28-07-2025. - Praeguse olukorra tähtaega pikendatakse kuni 28-07-2025. - Jatkaa status quon määräaikaa 28-07-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 28-07-2025. - Meghosszabbítja a korábbi állapot határidejét 28-07-2025-ig. - Proroga il termine dello status quo fino al 28-07-2025. - Status quo terminas pratęsiamas iki 28-07-2025. - Pagarina “status quo” laika periodu līdz 28-07-2025. - Jestendi t-terminu tal-istatus quo sa 28-07-2025. - De status-quoperiode wordt verlengd tot 28-07-2025. - Przedłużenie status quo do 28-07-2025. - Prolonga o prazo do statu quo até 28-07-2025. - Prelungește termenul status quo-ului până la 28-07-2025. - Predlžuje sa lehota súčasného stavu do 28-07-2025. - Podaljša rok nespremenjenega stanja do 28-07-2025. - Förlänger tiden för status quo fram till 28-07-2025.

The Commission received this detailed opinion on the 25-04-2025. - La Commission a reçu cet avis circonstancié le 25-04-2025. - Die Kommission hat diese ausführliche Stellungnahme am 25-04-2025 empfangen. - Комисията получи настоящото подробно становище относно 25-04-2025. - Komise obdržela toto podrobné stanovisko dne 25-04-2025. - Kommissionen modtog denne udførlige udtalelse den 25-04-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 25-04-2025. - La Comisión recibió el dictamen circunstanciado el 25-04-2025. - Komisjon sai üksikasjaliku arvamuse 25-04-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 25-04-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 25-04-2025. - A Bizottság 25-04-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 25-04-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 25-04-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 25-04-2025. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-25-04-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 25-04-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 25-04-2025. - A Comissão recebeu o presente parecer circunstanciado em 25-04-2025. - Comisia a primit avizul detaliat privind 25-04-2025. - Komisia dostala toto podrobné stanovisko dňa 25-04-2025. - Komisija je to podrobno mnenje prejela dne 25-04-2025. - Kommissionen mottog detta detaljerade yttrande om 25-04-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 25-04-2025.

MSG: 20251132.EN

1. MSG 115 IND 2025 0044 ES EN 28-07-2025 25-04-2025 CZ DO 6.2(2) 28-07-2025

2. Czechia

3A. Úřad pro technickou normalizaci, metrologii a státní zkušebnictví
Biskupský dvůr 1148/5

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3B. Ministerstvo průmyslu a obchodu
Odbor evropských záležitostí a vnitřního trhu
Na Františku 32
110 15 Praha 1

4. 2025/0044/ES - X60M - Tobacco

5. article 6, paragraph 2, second indent of Directive (EU) 2015/1535

6. On 24 January 2025, a notification from the Kingdom of Spain concerning a legislative proposal for Royal Decree XXXX/XXXX of XX XXXXX amending Royal Decree 579/2017 of 9 June 2017 regulating certain aspects relating to the manufacture, presentation and marketing of tobacco and related products (hereinafter the 'draft legislation') was published in the TRIS database.

The draft legislation regulates certain aspects related to the manufacture and placing on the market of tobacco products and related products. Article 52(1)(a) of the draft legislation specifically prohibits the placing on the market, sale, distribution or offering free of charge of nicotine pouches containing more than 0.99 mg of nicotine per pouch.

I.

The Czech Republic considers that the proposed restrictive measure contained in Article 52(1)(a) of the draft legislation goes beyond the requirements contained in Directive No 2014/40/EU (hereinafter the 'Tobacco Directive'), which makes the draft legislation liable to create an unjustified obstacle to the free movement of goods within the meaning of Article 34 of the Treaty on the Functioning of the European Union.

The indicated amount of 0.99 mg nicotine per pouch is significantly less than the requirements in the other EU Member States that regulate pouches and where the maximum amount of nicotine is in the range of 12-20 mg/pouch. Nicotine pouches do not contain tobacco, do not burn, do not create smoke or ash. They are intended for smokers as an alternative to conventional cigarettes.

II.

In view of the mechanism and design of the product and the manner in which the products are consumed, a nicotine limit that is this low constitutes de facto prohibition of this category of tobacco products. The objectives of the draft legislation could be met by more appropriate, less restrictive measures. These may include appropriate warnings on product labels or restrictions on certain flavours.

III.

In the light of the above, the Czech Republic considers that the draft legislation contains provisions that may create disproportionate obstacles to the free movement of goods and significantly distort the business environment in the internal market and may thus be contrary to the Kingdom of Belgium's obligations under EU law, as it contains measures that go beyond the Tobacco Directive and are disproportionate to the objective set out in the Tobacco Directive.

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

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European Commission
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