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

Message 785

Communication from the Commission - TRIS/(2025) 3215

Directive (EU) 2015/1535

Notification: 2025/7022/XI

Forwarding of a detailed opinion received by a Member State (Greece) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 18-02-2026.

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 18-02-2026. - Prolonge le délai de statu quo jusqu'au 18-02-2026.- Die Laufzeit des Status quo wird verlängert bis 18-02-2026.- Удължаване на крайния срок на статуквото до 18-02-2026. - Prodlužuje lhůtu současného stavu do 18-02-2026. - Fristen for status quo forlænges til 18-02-2026. - Παρατείνει την προθεσμία του status quo 18-02-2026. - Amplía el plazo de statu quo hasta 18-02-2026. - Praeguse olukorra tähtaega pikendatakse kuni 18-02-2026. - Jatkaa status quon määräaikaa 18-02-2026 asti. - Produžuje se vremensko ograničenje statusa quo do 18-02-2026. - Meghosszabbítja a korábbi állapot határidejét 18-02-2026-ig. - Proroga il termine dello status quo fino al 18-02-2026. - Status quo terminas pratęsiamas iki 18-02-2026. - Pagarina “status quo” laika periodu līdz 18-02-2026. - Jestendi t-terminu tal-istatus quo sa 18-02-2026. - De status-quoperiode wordt verlengd tot 18-02-2026. - Przedłużenie status quo do 18-02-2026. - Prolonga o prazo do statu quo até 18-02-2026. - Prelungește termenul status quo-ului până la 18-02-2026. - Predlžuje sa lehota súčasného stavu do 18-02-2026. - Podaljša rok nespremenjenega stanja do 18-02-2026. - Förlänger tiden för status quo fram till 18-02-2026.

The Commission received this detailed opinion on the 13-11-2025. - La Commission a reçu cet avis circonstancié le 13-11-2025. - Die Kommission hat diese ausführliche Stellungnahme am 13-11-2025 empfangen. - Комисията получи настоящото подробно становище относно 13-11-2025. - Komise obdržela toto podrobné stanovisko dne 13-11-2025. - Kommissionen modtog denne udførlige udtalelse den 13-11-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 13-11-2025. - La Comisión recibió el dictamen circunstanciado el 13-11-2025. - Komisjon sai üksikasjaliku arvamuse 13-11-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 13-11-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 13-11-2025. - A Bizottság 13-11-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 13-11-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 13-11-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 13-11-2025. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-13-11-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 13-11-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 13-11-2025. - A Comissão recebeu o presente parecer circunstanciado em 13-11-2025. - Comisia a primit avizul detaliat privind 13-11-2025. - Komisia dostala toto podrobné stanovisko dňa 13-11-2025. - Komisija je to podrobno mnenje prejela dne 13-11-2025. - Kommissionen mottog detta detaljerade yttrande om 13-11-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 13-11-2025.

MSG: 20253215.EN

1. MSG 785 IND 2025 7022 XI EN 18-02-2026 13-11-2025 GR DO 6.2(2) 18-02-2026

2. Greece

3A. ΕΛΟΤ, ΚΕΝΤΡΟ ΠΛΗΡΟΦΟΡΗΣΗΣ ΟΔΗΓΙΑΣ 98/34/Ε.Ε, ΚΗΦΙΣΟΥ 50, 121 33 ΠΕΡΙΣΤΕΡΙ, ΑΘΗΝΑ, Τ/Φ: + 30210- 2120104, Τ/Ο: + 30210- 2120131

3Β. ΓΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΒΙΟΜΗΧΑΝΙΑΣ,ΓΕΝ. Δ/ΝΣΗ ΒΙΟΜΗΧΑΝΙΚΩΝ ΥΠΟΔΟΜΩΝ
ΚΑΙ ΕΠΙΧΕΙΡΗΜΑΤΙΚΟΥ ΠΕΡΙΒΑΛΛΟΝΤΟΣ,Δ/ΝΣΗ ΑΣΦΑΛΕΙΑΣ ΚΑΙ ΣΥΜΜΟΡΦΩΣΗΣ ΒΙΟΜΗΧΑΝΙΚΩΝ ΠΡΟΪΟΝΤΩΝ,ΤΜΗΜΑ Δ΄
ΓΕΝΙΚΗΣ ΑΣΦΑΛΕΙΑΣ ΠΡΟΪΟΝΤΩΝ,Πλ. Κάνιγγος, Αθήνα 10181 Τηλ.: 210 3893942, αρμ.: Σταματία Χρόνη

4. 2025/7022/XI - X60M - Tobacco

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

6. We hereby request that you immediately submit a reasoned opinion to the European Commission with regard to the draft UK law concerning Northern Ireland, which prohibits the sale of tobacco products, including heated tobacco products, to persons born on or after 1 January 2009’

The draft law of the United Kingdom was published in the TRIS database of the European Commission on 14.8.2025 under notification number 2025/7022/XI (UK/Northern Ireland), in the context of the public scrutiny procedure under Directive (EU) 2015/1535, for the purpose of informing the Member States and the EU.

The purpose of this draft law is to prohibit the sale of tobacco products to persons born after 1 January 2009, with references to additional legislative acts that will impose restrictions on nicotine products.
According to the Windsor Framework (Article 5(4)) for Ireland/Northern Ireland, Directive 2014/40/EU on Tobacco Products is applicable in Northern Ireland. The Windsor Framework also provides that the rules of the internal market for goods, as laid down in Articles 34 to 36 of the Treaty on the Functioning of the European Union on the free movement of goods, continue to apply in Northern Ireland.

Directive 2014/40/EU currently regulating tobacco products in the internal market constitutes a harmonised European framework established under Article 114 of the Treaty on the Functioning of the European Union (TFEU). It includes a free trade clause in Article 24(1), according to which Member States may not prohibit or restrict the placing on the market of tobacco or related products that comply with the provisions of the Directive, on grounds relating to matters already harmonised therein.

Pursuant to Article 24(3) of the Directive, Member States may prohibit a category of products only in exceptional cases and subject to prior approval by the European Commission, as procedurally provided for in that article: (…A Member State 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. Such national provisions shall be notified to the Commission accompanied by a statement oft the grounds for their adoption. The Commission shall, within six months from the date of receipt of the notification referred to 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 objective and whether or not they constitute a means of arbitrary discrimination or a disguised restriction on trade between the Member States. In the absence of a decision by the Commission within the six-month period, the national provisions shall be deemed to be approved. (OJ L 127, 29.4.2014, p. 30)…).

Consequently, a Member State, such as in this case, may not, on its own initiative. prohibit tobacco products, including heated tobacco products, without having previously sought and obtained the consent of the European Commission.

In conclusion, the proposed UK draft law concerning Ireland:

- Imposes restrictions on the free movement of goods within the Single Market, leading to fragmentation of the internal market, as it prevents access to the Northern Ireland market for products lawfully placed on the market in other Member States.

- Undermines the functioning of the internal market (Articles 4(2)(a), 26, 27, 114 and 115) of the Treaty on the

Functioning of the EU (TFEU).

- Imposes a sales ban on all generations born since 2009, which effectively amounts to a de facto prohibition, as it is intended to evolve into a complete ban on the marketing of tobacco products in the long term.

- Greek tobacco production, the Greek tobacco industry, and related exports are adversely affected, as Greek companies have invested in the manufacture of alternative tobacco products that are exported globally.

For the above reasons, we consider that the submission of a Reasoned Opinion is necessary. In light of all the foregoing, we request that the above provisions proposed by the United Kingdom and Northern Ireland be amended so as to align both with the objective of protecting public health and with the fundamental principles of the free movement of goods and free competition, within the framework of Directive 2014/40/EU on tobacco products,

The Secretary-General for Industry

Eleftherios Kritikos

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European Commission
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