



Notification 2017/339/NL

Re: Notification 2017/339/NL

We recently took knowledge of the notification 2017/339/NL amending the Dutch “tobacco and smoking products order regulating electronic cigarettes without nicotine and further regulating herbal products for smoking and additional packaging requirements on tobacco products for smoking.”

As we are of the opinion that article I B and article III of the proposal create barriers of the cigar trade between Belgium and the Netherlands, we herewith would like to draw your attention on the following.

According to page 14 of the explanatory memorandum (which is only available in Dutch and can be found on the Dutch government Website internetconsultatie.nl), the new packaging rules will enter into force on 1 January 2018, as 1) “they do not require any major technical adjustments” and 2) they were discussed by the Dutch parliament on 19 January 2017”, meaning “the packaging industry was aware of the required changes well in advance”.

In our view both reasons are not valid.

- 1 The packaging of cigars and cigarillos contains all kinds of functionally required elements that would no longer be allowed to be used, such as a piece of cedar wood to regulate the humidity, tubes or cellophane to sell the cigars per piece, a bumper rim to prevent the cigars from breaking, a paper to take the cigars from the box, a ring to hold the cigars, etc.

Especially for the cigar industry the regulation requires major adjustments: embossing, metallic effect, shiny colors will have to be amended for the Dutch market only. It will be a big cost/investment only for the Dutch market which is probably not affordable as most of the cigars industries are SME's.

On top of that the Belgian cigar manufacturers are exporting a lot to The Netherlands.

- 2 The Belgian manufacturers were for sure not aware of the discussions in the Dutch parliament or the notification on 19 July 2017. Even if they would be able to meet the proposed regulation – which is anyhow impossible (See 1) – 1 January 2018 is not doable.

Therefore we would highly appreciate if you could out of the Belgian Government transmit the same concerns to the European Commission DG Internal Market, Industry, Entrepreneurship and SME's as the proposal will create a serious barrier to the cigar trade towards the Netherlands.

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