



EUROPEAN COMMISSION

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

Message 115

Communication from the Commission - TRIS/(2025) 0385

Directive (EU) 2015/1535

Notification: 2024/0610/AT

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 08-05-2025.

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 - Opinioni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Avis detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 08-05-2025. - Prolonge le délai de statu quo jusqu'au 08-05-2025. - Die Laufzeit des Status quo wird verlängert bis 08-05-2025. - Удължаване на крайния срок на статуквото до 08-05-2025. - Prodłużuje lhůtu současného stavu do 08-05-2025. - Fristen for status quo forlænges til 08-05-2025. - Παρατείνει την προθεσμία του status quo 08-05-2025. - Amplía el plazo de statu quo hasta 08-05-2025. - Praeguse olukorra tähtaega pikendatakse kuni 08-05-2025. - Jatkaa status quon määraaika 08-05-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 08-05-2025. - Meghosszabbítja a korábbi állapot határidejét 08-05-2025-ig. - Proroga il termine dello status quo fino al 08-05-2025. - Status quo terminas pratęsimas iki 08-05-2025. - Pagarina "status quo" laika periodu līdz 08-05-2025. - Jestendi t-terminu tal-istatus quo sa 08-05-2025. - De status-quoperiode wordt verlengd tot 08-05-2025. - Przedłużenie status quo do 08-05-2025. - Prolonga o prazo do statu quo até 08-05-2025. - Prelungește termenul status quo-ului până la 08-05-2025. - Predlžuje sa lehota súčasného stavu do 08-05-2025. - Podaljša rok nespremenjenega stanja do 08-05-2025. - Förlänger tiden för status quo fram till 08-05-2025.

The Commission received this detailed opinion on the 10-02-2025. - La Commission a reçu cet avis circonstancié le 10-02-2025. - Die Kommission hat diese ausführliche Stellungnahme am 10-02-2025 empfangen. - Комисията получи настоящото подробно становище относно 10-02-2025. - Komise obdržela toto podrobné stanovisko dne 10-02-2025. - Kommissionen modtog denne udførlige udtalelse den 10-02-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 10-02-2025. - La Comisión recibió el dictamen circunstanciado el 10-02-2025. - Komisjon sai üksikasjaliku arvamuse 10-02-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 10-02-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 10-02-2025. - A Bizottság 10-02-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 10-02-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 10-02-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 10-02-2025. - Il-Kummissjoni rċeviet din l-opinioni dettaljata dwar il-10-02-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 10-02-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 10-02-2025. - A Comissão recebeu o presente parecer circunstanciado em 10-02-2025. - Comisia a primit avizul detaliat privind 10-02-2025. - Komisia dostala toto podrobné stanovisko dňa 10-02-2025. - Komisija je to podrobno mnenje prejela dne 10-02-2025. - Kommissionen mottog detta detaljerade yttrande om 10-02-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 10-02-2025.

MSG: 20250385.EN

1. MSG 115 IND 2024 0610 AT EN 08-05-2025 10-02-2025 GR DO 6.2(2) 08-05-2025

2. Greece

ЗА. ЕЛОТ, КЕНТРО ΠΛΗΡΟΦΟΡΗΣΗΣ ΟΔΗΓΙΑΣ 98/34/Ε.Ε, ΚΗΦΙΣΟΥ 50, 121 33 ΠΕΡΙΣΤΕΡΙ, ΑΘΗΝΑ, Τ/Φ: + 30210- 2120104, Τ/Ο: + 30210- 2120131



EUROPEAN COMMISSION

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

3B. 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. 2024/0610/AT - 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, in accordance with Directive 2014/40/EU of the European Parliament and of the Council on tobacco products, with regard to the bill proposed by the Austrian Government.

The Austrian draft ordinance was posted on the European Commission's TRIS database on 07.11.2024 under notification number 2024/0610/AT in the context of the public consultation procedure of Directive (EU) 2015/1535, to inform the Member States and the EU.

This ordinance aims to prohibit categories of chemical substances/chemical substances in tobacco products and e-cigarette liquids.

According to Article 7(6) of Directive 2014/40/EU on tobacco products (TPD), "Member States shall prohibit the placing on the market of tobacco products containing the following additives: (a) vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks; (b) caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality; (c) additives with colouring properties for emissions; (d) regarding tobacco products for smoking, additives that facilitate inhalation or nicotine uptake; and (e) additives that have CMR (Carcinogenic, Mutagenic, Reprotoxic) properties prior to their combustion."

According to the Austrian draft ordinance, chemical substances in tobacco products and e-cigarette liquids are prohibited as having CMR (Carcinogenic, Mutagenic, Reprotoxic) properties. Glycerin is also prohibited.

This legislative provision derogates from the provisions currently in force at European level, in particular as regards the principle of free movement of goods, compatibility with the principles of the internal market, proportionality and necessity of measures, as well as harmonised legislation within the Union, for the following reasons:

1) The proposal to ban glycerin, an essential ingredient in the manufacture of e-cigarette liquid and an important additive in tobacco products, effectively makes the manufacture of these products technically unfeasible, thus prohibiting the circulation of all vaping products. Such a restriction sets trade barriers within the EU, in breach of Article 34 TFEU. Austria's unilateral ban on glycerine sets trade barriers, undermines market harmonisation and creates legal uncertainty for manufacturers and distributors operating within the EU. Such measures are also completely contrary to the objectives of the internal market to ensure the free movement of goods and equal access to the market.

2) Glycerine, widely used in the manufacture of tobacco products and e-cigarette liquids, is permitted by Directive 2014/40/EU on tobacco products and, in particular, according to Commission Implementing Decision (EU) 2016/787, glycerine is one of those ingredients that is subject to enhanced notification obligations, in accordance with Article 6 of the Tobacco Products Directive (Directive 2014/40/EU). A potential ban on glycerine by Austria would introduce requirements that are incompatible with the harmonised framework set out in Directive 2014/40/EU, undermining legal certainty and imposing disproportionate burdens on manufacturers.

3) Glycerine is an essential component of e-cigarette liquids and heated tobacco products, and its prohibition would make their manufacture technically unfeasible, thereby prohibiting the circulation of all vaping products, imposing economic barriers, and disproportionately affecting manufacturers, distributors, retailers, consumers, and the European market.

The provisions of the above Austrian draft ordinance negatively affect Greek tobacco production, the Greek tobacco



EUROPEAN COMMISSION

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

industry, and related Greek exports, as Greek companies have invested in the manufacture of heated tobacco products that are exported worldwide.

For the above reasons, we consider that the submission of a Reasoned Opinion is necessary. In the light of the above, we request that the proposed regulatory framework of Austria be amended, in order to comply with the objectives of public health protection, the fundamental principles of free movement of goods and free competition, and with the provisions of Directive 2014/40/EU of the European Parliament and of the Council on tobacco products.

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu