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| **The Kingdom of Belgium** |
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| **FEDERAL PUBLIC SERVICE FOR PUBLIC HEALTH, SAFETY OF THE FOOD CHAIN AND THE ENVIRONMENT** |
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| **Royal Decree prohibiting the manufacture and placing on the market of certain similar products**  |
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| **PHILIPPE, King of the Belgians,**  |
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| To all present and those to come, Greetings. |
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| Having regard to Article 6(1)(a) of the Law of 24 January 1977 on the protection of consumer health with regard to foodstuffs and other products, as amended by the Law of 22 March 1989 and Article 18(1), replaced by the Law of 22 March 1989 and amended by the Law of 22 December 2003; |
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| Having regard to the opinion of the Finance Inspectorate, issued on XXX; |
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| Having regard to the agreement of the Secretary of State for the Budget, issued on XXX; |
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| Having regard to the impact assessment of the regulation of XXX, conducted in accordance with Articles 6 and 7 of the Law of 15 December 2013, containing various provisions relating to administrative simplification; |
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| Having regard to the communication to the European Commission, dated XXX, pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;[Having regard to the European Commission’s observation following the communication......... of...............;]Having regard to opinion XX of the Council of State, issued on XXX, pursuant to Article 84, § 1(1)(2), of the Acts on the Council of State, consolidated on 12 January 1973; |
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| On the proposal of the Minister for Public Health,  |
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| I HAVE DECREED AND HEREBY DECREE: |
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| **Article 1.** **Definitions**For the application of this Decree, the following mean:(1) nicotine pouches: any tobacco-free product for oral use consisting in whole or in part of synthetic or natural nicotine in the form of powder, particles or paste or in any combination of such forms, in particular those portioned in sachets or in porous sachets;(2) cannabinoid pouch: any product for oral use consisting of or containing one or more cannabinoids or derivatives thereof, in the form of powder, particles or paste or in any combination of such forms, including those portioned in sachets or in porous sachets;(3) placing on the market: making products, regardless of their place of manufacture, available to consumers in Belgium, whether or not against payment, including by distance selling;(4) manufacturer: any natural or legal person who manufactures a product or has a product designed or manufactured, and who markets the product under their own name or mark;(5) importer in Belgium: the owner or person entitled to dispose of the products brought into the territory of Belgium;(6) retailer: any point of sale at which products are placed on the market, including by a natural person. |
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| **Article 2. Prohibited**It is forbidden to place nicotine pouches and cannabinoid pouches on the market.  |
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| **Article 3. Criminal penalties**§ 1.The products listed in Article 2 of this Order are to be considered harmful within the meaning of Article 18 of the Law of 24 January 1977 on the protection of the health of consumers with regard to foodstuffs and other products.§ 2. Infringements of this Order are sought, detected and prosecuted in accordance with the provisions of the Act of 24 January 1977 referred to above.§ 3. The penalties referred to in Article 13 of the Law of 24 January 1977 on the protection of the health of consumers with regard to foodstuffs and other products shall be punished if they infringe the prohibition laid down in Article 2 of this Decree.§ 4.The manufacturer, importer in Belgium and retailer may be held liable for failure to comply with Article 2 of this Order. |
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| **Article 4. Entry into force**This Order shall enter into force three months after its publication in the Belgian Monitor except for the retailer for which this Order enters into force six months after its publication in the Belgian Monitor. |
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| **Article 5. Final provision** The Minister of Public Health shall be responsible for the implementation of this Decree.  |
| By the King: |
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| The Minister for Public Health, |
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| Frank VANDENBROUCKE |