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

Message 301

Communication from the Commission - TRIS/(2025) 2787

Directive (EU) 2015/1535

Notification: 2025/0548/CZ

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve – Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20252787.EN

1. MSG 301 IND 2025 0548 CZ EN 09-10-2025 COM INFOSUP COM

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0548/CZ - X60M - Tobacco

5.

6. Within the framework of the notification procedure laid down by Directive (EU) 2015/1535, invoking the urgency procedure provided for in that Directive, the Czech authorities notified to the Commission on 30 September 2025 the draft amending Decree No 37/2017 on electronic cigarettes, refill containers and herbal products for smoking (hereinafter “the notified draft”).
Article I(12) of the notified draft, read in conjunction with the current provisions of Decree No 37/2017 submitted by the Czech authorities with the notification, provides that liquid containers for electronic cigarettes shall not contain cannabinoids and their derivatives.
According to the notification message, this amendment responds to the fact that in the last 8 days in the Czech Republic new synthetic cannabinoids have been intoxicated, requiring the hospitalisation of 9 young people.
In order to allow the Commission services to complete their assessment under the relevant provisions of EU law, the Czech authorities are kindly invited to reply to the following request for supplementary information:

1. What types of cannabinoids and their derivatives can be legally added to electronic cigarettes or refill containers under the currently applicable Czech legislation, i.e. before the amendment envisaged by the notified draft enters into force, and under which conditions? In their answer, the Czech authorities are invited to take into account all legislation applicable to the legal status of the substances concerned in the Czech Republic, i.e. not only Decree No 37/2017 or other legislation applicable to electronic cigarettes, tobacco or other related products.

2. In particular are cannabinoids illegal, regardless of any threshold in their THC content and of whether they are consumed through vapes or any other ways?

3. With regard to Article 1, point 12 g) of the notified draft ordinance/decree amending Decree No 37/2017, does it specifically refer to synthetic cannabinoids or to all cannabinoids?4. Are the health risks referred to in the notification message in this regard caused by substances which are legally on the Czech market or illegal substances?

4. Has the Czech Republic notified these health incidences to the Early Warning System of the European Union Drugs Agency (EUDA)?

5. The Commission services would appreciate clarification regarding Point 20, Section §4(3) of the notified draft measure, which provides that:
“Opakovaně plnitelná elektronická cigareta nesmí obsahovat více než tři nádržky nebo zásobníky”
(“A refillable electronic cigarette may not contain more than three containers or cartridges”).
In particular, could the Czech authorities please clarify the intended scope of this restriction? Does it refer to multi-tank devices, i.e. products designed with more than one tank or cartridge incorporated in a single electronic cigarette or does it concern the number of refill containers/cartridges supplied in a package, such as a set of three cartridges marketed together with a device? This clarification would assist the Commission services in assessing the measure’s compatibility with Articles 2(16) and 20(3)(a) of Directive 2014/40/EU.

The Czech authorities are kindly invited to reply as soon as possible and no later than 10 October 2025.

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