Message 785

Communication from the Commission - TRIS/(2025) 3134

Directive (EU) 2015/1535

Notification: 2025/7022/XI

Forwarding of a detailed opinion received by a Member State (Slovakia) (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 05-11-2025. - La Commission a reçu cet avis circonstancié le 05-11-2025. - Die Kommission hat diese ausführliche Stellungnahme am 05-11-2025 empfangen. - Комисията получи настоящото подробно становище относно 05-11-2025. - Komise obdržela toto podrobné stanovisko dne 05-11-2025. - Kommissionen modtog denne udførlige udtalelse den 05-11-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 05-11-2025. - La Comisión recibió el dictamen circunstanciado el 05-11-2025. - Komisjon sai üksikasjaliku arvamuse 05-11-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 05-11-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 05-11-2025. - A Bizottság 05-11-2025-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 05-11-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 05-11-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 05-11-2025. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-05-11-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 05-11-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 05-11-2025. - A Comissão recebeu o presente parecer circunstanciado em 05-11-2025. - Comisia a primit avizul detaliat privind 05-11-2025. - Komisia dostala toto podrobné stanovisko dňa 05-11-2025. - Komisija je to podrobno mnenje prejela dne 05-11-2025. - Kommissionen mottog detta detaljerade yttrande om 05-11-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 05-11-2025.

MSG: 20253134.EN

1. MSG 785 IND 2025 7022 XI EN 18-02-2026 05-11-2025 SK DO 6.2(2) 18-02-2026

2. Slovakia

3A. Úrad pre normalizáciu, metrológiu a skúšobníctvo SR
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4. 2025/7022/XI - X60M - Tobacco

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

6. The Slovak Republic submits a detailed opinion on the United Kingdom's Bill in relation to Northern Ireland, which, under the Windsor Framework, is subject to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (hereinafter the 'Tobacco Products Directive') and, for goods imported from the Union, subject to Articles 34 and 36 TFEU. The Bill (notification number: 2025/7022/XI) proposes, with effect from 1 January 2027, a ban on the sale of tobacco products, cigarette papers and herbal products for smoking (hereinafter collectively 'tobacco products') to any person born on or after 1 January 2009 (the 'generational sales ban').

In the EU, quantitative restrictions on imports and all measures having equivalent effect between Member States are prohibited under Article 34 TFEU. A general ban on the sale of a certain category of products, even if introduced gradually, constitutes a measure having an effect equivalent to a quantitative restriction. The sale of tobacco products is cross-border in nature, and within any Member State a generational sales ban would affect products coming from other Member States as well as all products potentially produced in a Member State. This policy would therefore affect both internally and externally manufactured products. Any policy establishing a generational sales ban would be a trading rule capable of hindering, directly or indirectly, actually or potentially, trade within the EU, as it would reduce the size of the market (note: the size of the market would be determined by age) and would be regarded as a measure having effect equivalent to a quantitative restriction. If the Bill is passed and applicable in Northern Ireland, it would prevent the sale in that territory of products that are lawfully manufactured and marketed in other EU Member States. This would represent a significant departure from the current regulatory framework under which tobacco products are strictly regulated, but may be lawfully placed on the market in EU Member States.

Any defence of the measure under Article 36 TFEU requires that it be justified by legitimate reasons and that the measures be proportionate and not go beyond what is necessary to achieve their objective. The proposed ban does not meet the standard of proportionality, as there are less restrictive measures to achieve the desired objective, such as raising the minimum age for the sale of tobacco products, targeted information and awareness-raising activities as part of prevention, more effective enforcement of existing regulations, etc.

The Tobacco Products Directive (TPD) applies to the territory of Northern Ireland. Pursuant to Article 24(1) of the Tobacco Products Directive, EU Member States may not, for considerations relating to aspects regulated by this Directive, prohibit or restrict the placing on the market of tobacco or related products which comply with this Directive. Pursuant to Article 24(3) of this Directive, although a Member State may prohibit tobacco or related products, that prohibition must be limited to a certain category of tobacco or related products, justified by the specific situation in that Member State and by the need to protect public health, taking into account the high level of protection of human health achieved through this Directive. A generational ban on the sale of tobacco products does not meet the requirements of Article 24(3) of the Tobacco Products Directive, as it prohibits the sale of all tobacco products to all persons born after a certain date.

In view of the above, Slovakia is convinced that, through the Bill, the United Kingdom, in relation to Northern Ireland, creates obstacles to the functioning of the EU internal market, restricts the free movement of goods, acts contrary to the objectives of the Tobacco Products Directive, and is incompatible with the principle of proportionality.

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