

<b>The Kingdom of Belgium</b>
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<b>FEDERAL PUBLIC SERVICE FOR PUBLIC HEALTH, SAFETY OF THE FOOD CHAIN AND THE ENVIRONMENT</b>
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<b>Royal Decree amending the Royal Decree of 7 April 2019 on the traceability and safety features of tobacco products</b>
<b>PHILIPPE, King of the Belgians,</b>
To all those present and to come, Greetings.
Having regard to the Law of 24 January 1977 on the protection of consumer health with respect to foodstuffs and other products, Article 6, § 1(a), and § 8, inserted by the Law of 18 May 2022;
Having regard to the Royal Decree of 7 April 2019 on the traceability and safety features of tobacco products;
Having regard to the communication to the European Commission, dated <b>XXX</b> , 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 opinion of the Finance Inspectorate, issued on <b>XXX</b> ;
Having regard to opinion <b>XX</b> of the Council of State, issued on <b>XXX</b> , pursuant to Article 84, § 1(1) (2), of the Acts on the Council of State, consolidated on 12 January 1973;
On the proposal of the Minister for Public Health,
I HAVE DECREED AND HEREBY DECREE:
<b>Article 1.</b> Article 2 of the Royal Decree of 7 April 2019 on the traceability and safety features of tobacco products is replaced by the following: “ Art. 2. For the purposes of this Decree, the definitions applicable are those set out in the Royal Decree of 3 March 2024 on the manufacture and marketing of tobacco products and herbal products for smoking, insofar as this Decree does not provide for any other definition.”
<b>Article 2.</b> Article 3 of the same Decree is replaced by the following:

“ Article 3. § 1. Each unit packet of tobacco products placed on the market shall bear a unique identifier.

Tobacco products which do not appear on the list of validated products published by the Service on its website in accordance with Article 4, § 11, of the Royal Decree of 3 March 2024 on the manufacture and marketing of tobacco products and herbal products for smoking cannot obtain a unique identifier.

§ 2. In order to ensure the integrity of the identifier, the identifier shall be printed or affixed in an irremovable, indelible manner, and shall not be concealed or interrupted in any way, including by fiscal signs or price labels, or by the opening of the unit packet.

§ 3. The unique identifier shall allow the following to be determined:

1. the date and place of manufacture;
2. the factory;
3. the machinery used for the manufacture of tobacco products;
4. the production slot or time of manufacture;
5. the product description;
6. the target market for retail sale;
7. the intended shipment route;
8. where applicable, the importer into the Union;
9. the actual route from the place of manufacture to the first retailer, including all the warehouses used, as well as the date of transport, the destination, the point of departure and the consignee;
10. the identity of all purchasers from the place of manufacture to the first retailer; and
11. the invoice, order number and proof of payment of all purchasers from the place of manufacture to the first retailer.

§ 4. The information referred to in paragraph 3(1), (2), (3), (4), (5), (6), (7) and, where applicable, (8) of this Article shall be part of the unique identifier.

§ 5. The information referred to in paragraph 3(9), (10) and (11) of this Article shall be electronically accessible by means of a link to the unique identifier.

§ 6. All economic operators involved in the trade of tobacco products, from the manufacturer to the last operator before the first retailer, shall record the entry of all unit packets in their possession, as well as all intermediate movements and the definitive exit of the unit packets. This obligation can be met by marking and recording an aggregated outer packaging such as cartridges, crates or pallets, as long as the identification and traceability of all unit packets remain possible.

§ 7. All natural and legal persons involved in the supply chain of tobacco products shall keep a complete and accurate record of all relevant operations.

§ 8. Manufacturers of tobacco products shall provide all economic operators involved in the trade of such products from the manufacturer to the last economic operator before the first retailer, including importers, warehouses and transport companies, with the necessary equipment (current and future) to record tobacco products purchased, sold, stored, transported or otherwise handled. This equipment shall enable the recorded data to be read and transmitted in electronic form to a data storage facility referred to in Article 4 of this Decree.

In order to ensure the compatibility of the equipment supplied by manufacturers of tobacco products, economic operators shall define the technical characteristics of the equipment they need in the context of the implementation of this Order, as regards both the necessary hardware and software.

§ 9. The costs associated with the operation of the traceability system shall be reimbursed to economic operators by tobacco manufacturers. These costs shall include, inter alia, staff costs, equipment renewal and maintenance costs, and software costs.”

**Article 3.** In Article 8, § 2, of that Decree, the words “20 May 2025” are replaced by the words “20 May 2026”.

**Article 4.** The Minister for Public Health shall be responsible for the implementation of this Order.