Message 115

Communication from the Commission - TRIS/(2026) 1814

Directive (EU) 2015/1535

Notification: 2026/0176/IE

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 07-10-2026.

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 07-10-2026. - Prolonge le délai de statu quo jusqu'au 07-10-2026.- Die Laufzeit des Status quo wird verlängert bis 07-10-2026.- Удължаване на крайния срок на статуквото до 07-10-2026. - Prodlužuje lhůtu současného stavu do 07-10-2026. - Fristen for status quo forlænges til 07-10-2026. - Παρατείνει την προθεσμία του status quo 07-10-2026. - Amplía el plazo de statu quo hasta 07-10-2026. - Praeguse olukorra tähtaega pikendatakse kuni 07-10-2026. - Jatkaa status quon määräaikaa 07-10-2026 asti. - Produžuje se vremensko ograničenje statusa quo do 07-10-2026. - Meghosszabbítja a korábbi állapot határidejét 07-10-2026-ig. - Proroga il termine dello status quo fino al 07-10-2026. - Status quo terminas pratęsiamas iki 07-10-2026. - Pagarina “status quo” laika periodu līdz 07-10-2026. - Jestendi t-terminu tal-istatus quo sa 07-10-2026. - De status-quoperiode wordt verlengd tot 07-10-2026. - Przedłużenie status quo do 07-10-2026. - Prolonga o prazo do statu quo até 07-10-2026. - Prelungește termenul status quo-ului până la 07-10-2026. - Predlžuje sa lehota súčasného stavu do 07-10-2026. - Podaljša rok nespremenjenega stanja do 07-10-2026. - Förlänger tiden för status quo fram till 07-10-2026.

The Commission received this detailed opinion on the 07-07-2026. - La Commission a reçu cet avis circonstancié le 07-07-2026. - Die Kommission hat diese ausführliche Stellungnahme am 07-07-2026 empfangen. - Комисията получи настоящото подробно становище относно 07-07-2026. - Komise obdržela toto podrobné stanovisko dne 07-07-2026. - Kommissionen modtog denne udførlige udtalelse den 07-07-2026. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 07-07-2026. - La Comisión recibió el dictamen circunstanciado el 07-07-2026. - Komisjon sai üksikasjaliku arvamuse 07-07-2026. - Komissio sai tämän yksityiskohtaisen lausunnon 07-07-2026. - Komisija je zaprimila ovo detaljno mišljenje dana 07-07-2026. - A Bizottság 07-07-2026-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 07-07-2026. - Komisija gavo šią išsamiai išdėstytą nuomonę 07-07-2026. - Komisija saņēma šo sīki izstrādāto atzinumu 07-07-2026. - Il-Kummissjoni rċeviet din l-opinjoni dettaljata dwar il-07-07-2026. - De Commissie heeft deze uitvoerig gemotiveerde mening op 07-07-2026 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 07-07-2026. - A Comissão recebeu o presente parecer circunstanciado em 07-07-2026. - Comisia a primit avizul detaliat privind 07-07-2026. - Komisia dostala toto podrobné stanovisko dňa 07-07-2026. - Komisija je to podrobno mnenje prejela dne 07-07-2026. - Kommissionen mottog detta detaljerade yttrande om 07-07-2026. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 07-07-2026.

MSG: 20261814.EN

1. MSG 115 IND 2026 0176 IE EN 07-10-2026 07-07-2026 GR DO 6.2(2) 07-10-2026

2. Greece

3A. ΕΛΟΤ, ΚΕΝΤΡΟ ΠΛΗΡΟΦΟΡΗΣΗΣ ΟΔΗΓΙΑΣ 98/34/Ε.Ε, ΚΗΦΙΣΟΥ 50, 121 33 ΠΕΡΙΣΤΕΡΙ, ΑΘΗΝΑ, Τ/Φ: + 30210- 2120104, Τ/Ο: + 30210- 2120131

3Β. 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 3893695, αρμ.: Χ. Νικόλσκυ

4. 2026/0176/IE - X60M - Tobacco

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

6. We hereby request that you take the necessary action so that a Reasoned Opinion may be submitted to the European Commission, pursuant to Article 6 of Directive (EU) 2015/1535, concerning the notified Irish draft law entitled Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill 2026, which was notified through the TRIS system on 2 April 2026 under the procedure for the notification of draft technical regulations laid down in that Directive.
An examination of the notified draft law shows that it introduces new national requirements concerning electronic cigarettes, refill containers and nicotine products, including nicotine pouches, which may affect the functioning of the internal market and the free movement of the products concerned within the European Union.
In particular, the notified draft law provides, inter alia, for:
• the substantial restriction of the permitted flavour descriptors for electronic cigarettes to the terms ‘Tobacco’ and ‘Unflavoured’;
• the establishment of plain packaging regime and specific requirements concerning the appearance of electronic cigarette devices, refill containers and their packaging;
• the possibility of laying down specific technical specifications for nicotine-containing e-liquids, including requirements concerning their colour,
• the introduction of a display ban at retail outlets both for both electronic cigarettes and nicotine pouches, subject to limited exemptions for specialist retailers and websites,
• the introduction of additional restrictions on the advertising and promotion of the products concerned; and
• the extension of the regulatory framework to nicotine products, including nicotine pouches.
Those provisions introduce additional national technical requirements in areas that are already governed by Union legislation. It is therefore appropriate to assess them in the light of the provisions of the Treaty on the Functioning of the European Union, the general principles of Union law and the existing regulatory framework governing tobacco products and related products.
A) Proposed provisions
With regard to the proposed provisions of the notified draft law, the following observations are made: It is considered that the proposed national provisions may create restrictions on the free movement of the products concerned within the internal market, within the meaning of Article 34 TFEU, insofar as they introduce additional technical requirements for products that are already lawfully marketed within the European Union in accordance with the applicable Union regulatory framework.
In particular, the proposed provisions are not limited to introducing measures to protect public health but substantially affect the composition, presentation, packaging, trade names, marketing, advertising and placing on the market of electronic cigarettes, refill containers and nicotine products, including nicotine pouches. These requirements may oblige economic operators to develop different versions of the same products exclusively for the Irish market or even to withdraw from that market products that are lawfully marketed in other Member States.
This divergence may result in increased administrative and compliance costs for producers, importers and distributors, particularly for undertakings engaged in cross-border activities, thereby creating barriers to intra-Union trade and further fragmenting the internal market.
Furthermore, it should be noted that Greece has a significant manufacturing and export activity in the fields of tobacco products, electronic cigarettes and alternative nicotine products. Accordingly, the adoption by a Member State of divergent national technical requirements may adversely affect the access of Greek products to the Irish market, impose disproportionate additional compliance requirements on Greek undertakings and reduce their competitiveness in comparison with undertakings operating exclusively on the domestic market.
Moreover, the supporting documentation submitted does not demonstrate with sufficient clarity that each of the proposed technical requirements has been assessed individually as regards its necessity, suitability and proportionality. It does not provide a detailed assessment of the impact of the individual measures on the proper functioning of the internal

market, nor does it examine whether the public health objectives pursued could be achieved by means that are less restrictive of trade.
In the light of the foregoing, it is considered appropriate to request the Irish authorities to provide specific justification, in respect of each proposed restriction, as to its necessity and effectiveness, the absence of less restrictive alternative measures, and its impact on the free movement of goods and the functioning of the internal market.
(B) Institutional framework – Legal Basis 1. Articles 34 and 36 TFEU
Articles 34 and 36 of the Treaty on the Functioning of the European Union establish the fundamental legal framework governing the free movement of goods within the internal market.
In particular, Article 34 TFEU prohibits not only quantitative restrictions on imports but also all measures having equivalent effect, namely any measure that is capable of hindering, directly or indirectly, actually or potentially, intra-Union trade. According to the settled case-law of the Court of Justice of the European Union, even measures that apply without distinction may constitute restrictions on the free movement of goods where they impose additional technical or administrative requirements on products that are already lawfully marketed in other Member States.
In the present case, the notified draft law provides for restrictions concerning, inter alia, the permitted flavour descriptors, plain packaging, the appearance of electronic cigarette devices, the characteristics of refill containers and nicotine-containing e-liquids, the display of products at points of sale, advertising and commercial promotion, as well as the regulation of new categories of nicotine products.
These requirements may oblige economic operators to develop product versions specifically for the Irish market or even to withdraw products that are lawfully marketed in other Member States, thereby creating additional compliance costs and obstacles to the functioning of the internal market.
Under Article 36 TFEU, the protection of public health is, admittedly, a legitimate objective capable of justifying restrictions on the free movement of goods. However, any such measure must comply with the principles of necessity, suitability and proportionality. More specifically, the Member
State must demonstrate that the measure is suitable for attaining the objective pursued, that it does not go beyond what is necessary to achieve that objective, and that there are no other measures that are equally effective but less restrictive.
The notified explanatory memorandum and the accompanying supporting documentation do not demonstrate with sufficient clarity that each individual restriction has been assessed separately in the light of the above principles. The impact of the measures on the internal market is not analysed in sufficient detail, nor is consideration given to alternative, less restrictive measures, such as strengthening age-verification mechanisms, enhancing market surveillance, intensifying compliance checks or ensuring stricter enforcement of the existing legislation.
Accordingly, the proposed provisions give rise to questions regarding their compatibility with Articles 34 and 36 TFEU, which justify their further examination within the framework of the procedure laid down in Directive (EU) 2015/1535.
2. Relationship with Directive 2014/40/EU (TPD)
Directive 2014/40/EU establishes a harmonised regulatory framework governing the manufacture, presentation, labelling and placing on the market of tobacco and related products, including electronic cigarettes and refill containers.
The notified draft law introduces additional national technical requirements in areas that are already subject to Union harmonisation, such as the permitted flavour descriptors, plain packaging, the commercial presentation of products and the possibility of laying down technical specifications concerning the colour of nicotine-containing e-liquids.
These provisions may lead to divergence in the regulatory framework applicable across the Member States, thereby fragmenting the internal market and increasing compliance costs for economic operators engaged in cross-border activities.
Particular concern is also raised by the power conferred on the Irish Minister for Health to determine, by means of subsequent regulatory acts, the permitted flavour descriptors. This provision raises issues of legal certainty and foreseeability, as economic operators that fully comply with Union law may nevertheless be excluded from the Irish market on the basis of subsequent national administrative decisions.
3. Forthcoming review of the Union framework and application of Article 6(3) and (4) of Directive (EU) 2015/1535
Particular significance attaches to the fact that the European Commission has already announced its intention to propose, during 2026, a revision of Directive 2014/40/EU and of the broader legislative framework governing tobacco and nicotine products.
That intention is reflected in a number of official Commission documents and policy papers, which provide for the submission of a corresponding legislative proposal during 2026.

The notified draft law regulates precisely those issues that are expected to form part of the forthcoming Union reform, including flavours, the presentation and packaging of products, advertising and new categories of nicotine products.
In these circumstances, it should be examined whether the conditions for the application of Article 6(3) and (4) of Directive (EU) 2015/1535 are fulfilled, as those provisions allow for an extension of the standstill period where the Commission is preparing Union legislation in the same field.
The adoption of extensive divergent national provisions while preparations for a uniform Union framework are under way may hinder the development of a coherent European approach, increase regulatory uncertainty for economic operators and further fragment the internal market.
In the light of the foregoing, it is considered appropriate to request the European Commission to assess whether the conditions for the application of the abovementioned provisions of Directive (EU) 2015/1535 are fulfilled, taking into account the forthcoming Union legislative initiative and the need to ensure the coherence of the Union regulatory framework.
4. Administrative practice of the European Commission in the context of Directive (EU) 2015/1535
The recent administrative practice of the European Commission in the application of Directive (EU) 2015/1535 demonstrates that the procedure for the notification of draft technical regulations is not merely a formal exchange of information between a Member State and the Commission, but serves as an effective mechanism for preventing the fragmentation of the internal market and ensuring the coherence of the Union regulatory framework.
In particular, where the preparation of a Union legislative initiative in the same field has already been announced or is under way, the European Commission has, in its administrative practice, actively intervened within the framework of the procedure established by Directive (EU) 2015/1535 by requesting Member States to reconsider or postpone the adoption of national technical measures in order to avoid the emergence of premature or divergent regulatory regimes.
For example, in notification 2025/0504/NL, the Commission requested the postponement of a national legislative initiative concerning animal welfare, taking into account that its intention to submit a Union legislative proposal in the same field had already been announced. This approach demonstrates that the Commission uses the procedure established by Directive (EU) 2015/1535 not only as a transparency mechanism but also as a means of coordinating national regulatory initiatives and preventing regulatory fragmentation prior to the adoption of Union legislation.
This practice reinforces the view that, where a Union legislative initiative in a particular field is imminent, the adoption by a Member State of extensive national technical measures should be assessed with particular care in the light of the principle of sincere cooperation (Article 4(3) TEU), the need to ensure the uniform application of Union law and the proper functioning of the internal market.
In the light of the foregoing, the Irish draft law under consideration should also be assessed in the context of the evolving Union regulatory framework governing tobacco and nicotine products, in order to avoid the emergence of divergent national frameworks that could undermine the integrity of the internal market and increase regulatory uncertainty for economic operators.
(C) Conclusion – Request
In the light of the foregoing, it is considered that the notified Irish draft law introduces extensive national technical requirements that may substantially affect the free movement of electronic cigarettes, refill containers and other nicotine products lawfully marketed within the internal market of the European Union.
Although the protection of public health constitutes a legitimate objective of public interest and is recognised as a ground capable of justifying restrictions on the free movement of goods pursuant to Article 36 TFEU, the notified supporting documentation does not demonstrate with sufficient clarity that the proposed measures, taken as a whole, satisfy the requirements of necessity, suitability and proportionality arising from the Treaty and the case-law of the Court of Justice of the European Union.
In particular, it has not been sufficiently demonstrated that the individual restrictions concerning flavour descriptors, plain packaging, the technical specifications applicable to nicotine-containing e-liquids, the display ban at points of sale, restrictions on advertising and the extension of the regulatory framework to nicotine products constitute the least restrictive means of attaining the public health objectives pursued.
Furthermore, the proposed provisions concern matters that are already harmonised under Directive 2014/40/EU or are expected to form part of its forthcoming revision at Union level. In those circumstances, the adoption of divergent national technical rules may lead to further fragmentation of the internal market, increase regulatory uncertainty for economic operators and hinder the uniform application of Union law.
Particular significance also attaches to the fact that Greece has a significant manufacturing and export sector in the fields

of tobacco products, electronic cigarettes and alternative nicotine products. Accordingly, the introduction by a Member State of additional national technical requirements may substantially affect the access of Greek undertakings to that market, creating additional compliance costs and adversely affecting the proper functioning of the internal market.
In the light of the foregoing, Greece considers that the notified draft law raises serious issues regarding its compatibility with EU law, which justify the submission of a Reasoned Opinion in pursuant to Article 6 of Directive (EU) 2015/1535. In this context, it is proposed that the European Commission be informed that:
• the proposed provisions require more comprehensive justification as regards their necessity, suitability and proportionality;
• further clarification is required regarding their compatibility with Articles 34 and 36 TFEU and with the harmonised framework established by Directive 2014/40/EU;
• their impact on the proper functioning of the internal market, the free movement of goods and economic operators engaged in cross-border activities should be assessed;
• in the light of the forthcoming revision of Directive 2014/40/EU, consideration should be given to whether the conditions for the application of Article 6(3) and (4) of Directive (EU) 2015/1535 are fulfilled.
Greece reiterates that it fully supports the adoption of effective measures to protect public health, provided that such measures are adequately justified, respect the fundamental principles of Union law and do not create unjustified obstacles to the free movement of goods or undermine the coherence and proper functioning of the internal market.
The Secretary-General for Industry
Dr. Eleftherios Kritikos

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European Commission
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