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| KINGDOM OF BELGIUM |
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| **FEDERAL PUBLIC SERVICE FOR HEALTH, FOOD CHAIN SAFETY AND ENVIRONMENT**  |
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| **Royal Decree amending the Royal Decree of 28 October 2016 on the manufacture and placing on the market of electronic cigarettes** |
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| **PHILIPPE, King of the Belgians,** |
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| To all who are now present and will be after, Our Greetings. |
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| Having regard to the Law of 24 January 1977 on the protection of consumer health with regard to foodstuffs and other products, Article 6(1)(a), replaced by the Law of 22 March 1989, Article 10(1), replaced by the Law of 9 February 1994; |
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| Having regard to theRoyal Decree of 28 October 2016 on the manufacture and placing on the market of electronic cigarettes, as amended by the Law of 17 May 2017;Having regard to the communication to the European Commission, sent on 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 notification on XXX, pursuant to Article 24(3) of 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 production, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC; |
| Having regard to the opinion of the Inspectorate of Finance, issued XXX; |
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| Having regard to the agreement reached by the State Secretary for Budget, issued XXX; |
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| Having regard to Opinion 72.095/1/V of the Council of State, issued XXX, pursuant to Article 84(1)(1)(2) of the Laws on the Council of State, coordinated on 12 January 1973;Whereas the explosive influx of disposable electronic cigarettes onto the Belgian and European markets;Whereas disposable electronic cigarettes are not marketed and promoted as means to stop smoking and have no place in the Belgian smoking cessation policy;Whereas, in addition to clear health risks, disposable electronic cigarettes also entail a significant ecological burden; Whereas these products are popular among young people with no intention to stop smoking, and are also mainly promoted to them;Whereas for disposable electronic cigarettes, a proportionally higher number of regulatory infringements are identified in this area. |
| On the proposal of the Minister for Public Health,  |
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| WE HAVE DECREED AND DECREE HEREWITH: |
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| **Article 1.** In Article 4 of the Royal Decree of 28 October 2016 on the manufacture and placing on the market of electronic cigarettes, the following amendments are made:(1) in paragraph 1, the provision under (2) shall be removed;(2) a paragraph 1/1 shall be inserted as follows: ‘Placing electronic cigarettes on the market in the form of an integral disposable product shall be prohibited. An integral disposable product is a product consisting of a single unit and fully discarded after use.’ |
| **Article 2.** This Decree shall enter into force three months after its publication in the Belgian Official Gazette, except for retailers for which this Decree enters into force six months after its publication in the Belgian Official Gazette.The notification procedures still pending for electronic cigarettes in the form of an integral disposable product shall be discontinued from the publication of this Decree in the Belgian Official Gazette. For manufacturers or importers that had already submitted a notification dossier for their product, but where the invoice had not yet been paid at the time of publication, the fee will expire.  |
| **Article 3.** The Minister for Public Health shall be responsible for the implementation of this Decree.  |
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| Given at  |
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| By the King: |
| The Minister for Public Health,Frank VANDENBROUCKE |