Message 007

Communication from the Commission - TRIS/(2024) 1220

Directive (EU) 2015/1535

Notification: 2024/0164/FR

Communication by Commission containing general information regarding the above-mentioned notification.

General information - Informations générales - Allgemeine Informationen - Обща информация - Všeobecné informace - Generelle oplysninger - Γενικές πληροφορίες - Informaciones generales - Üldteave - Yleisiä tietoja - Opće informacije - Általános információ - Informazioni generali - Bendroji informacija - Vispārīga informācija - Tagħrif ġenerali - Algemene inlichtingen - Informacja ogólna - Informações gerais - Informații generale - Všeobecné informácie - Splošne informacije - Allmänna upplysningar - Eolas Ginearálta

MSG: 20241220.EN

1. MSG 007 IND 2024 0164 FR EN 24-06-2024 06-05-2024 COM COMMUNICAT 24-06-2024

2. Commission

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

4. 2024/0164/FR - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the French authorities notified to the Commission on 21 March 2024 the draft Proposed legislation to ban single-use electronic vaping devices (hereinafter “the notified draft”).

The notified draft provides for the prohibition of the manufacture, marketing, distribution or supply of single-use electronic vaping devices free of charge. The French authorities clarified that the prohibition applies to all single-use electronic vaping devices, whether or not they contain nicotine.

In this connection, the Commission notes that the French authorities also notified their draft pursuant to Article 24(3) of Directive 2014/40/EU (hereinafter ‘TPD’) under which Member States "may also prohibit a certain category of tobacco or related products, on grounds relating to the specific situation in that Member State and provided the provisions are justified by the need to protect public health, taking into account the high level of protection of human health achieved through this Directive."

According to Article 24(3) TPD "the Commission shall, within six months of the date of receiving the notification provided for in this paragraph, approve or reject the national provisions after having verified, taking into account the high level of protection of human health achieved through this Directive, whether or not they are justified, necessary and proportionate to their aim and whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between the Member States."

In this respect, the Commission would like to inform the French authorities that with regards to single use vapour devices (e-cigarettes) that contain nicotine – if necessary – the Commission might revert to the French authorities at a later stage under the TPD notification procedure.

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

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