

KINGDOM OF BELGIUM

FEDERAL PUBLIC SERVICE FOR PUBLIC HEALTH, FOOD CHAIN SAFETY AND THE ENVIRONMENT

Royal Decree amending the Royal Decree of 13 April 2019 on the standardised packaging of cigarettes, rolling tobacco and waterpipe tobacco
PHILIPPE, King of the Belgians,
To all present and those 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), amended by the Law of 22 March 1989;

Having regard to the Royal Decree of 13 April 2019 on the standardised packaging of cigarettes, rolling tobacco and waterpipe tobacco;

Having regard to the communication to the European Commission, dated 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 opinion of the Inspector of Finances, issued on XXX ;

Having regard to Opinion XXX of the Council of State, given on XXX , pursuant to Article 84(1), paragraph 1(2), of the laws 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:

Article 1. In the title of the Royal Decree of 13 April 2019 on the standardised packaging of cigarettes, rolling tobacco and waterpipe tobacco, the words “cigarettes, rolling tobacco and waterpipe tobacco” are replaced by the words “tobacco products and plant-based smoking products”.
Article 2. Article 2 of the Royal Decree is replaced by the following: “ Art. 2. This Decree shall apply to tobacco products, plant-based smoking products, apparatus, cigarette tubes, cigarette paper, rolling tobacco paper, paper for plant-based smoking products and filters”.
Article 3. Article 3 of the Royal Decree is replaced by the following: “ Article 3. § 1. 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 plant-based smoking products, insofar as this Decree does not provide for any other definition. § 2. For the purposes of this Decree, the following definitions shall also apply: 1. trade name: the combination of up to three words to distinguish between products; 2. transparent overpack: transparent packaging in cellophane without any shade of colour or

pattern or other element.”
Article 4. In the title of Chapter 2 of the same Decree, the words “cigarettes, rolling tobacco and waterpipe tobacco” are repealed.
Article 5. In Article 4 of the same Decree, the words “5 February 2016 on the manufacture and marketing of tobacco products” are replaced by the words “3 March 2024 on the manufacture and marketing of tobacco products and plant-based smoking products”.
Article 6. In Article 6 of the same Decree, paragraph 1 is replaced by the following: “§ 1. In addition to the product and legally mandatory elements, only a coating forming part of the packaging may be contained in a unit package.”.
Article 7. The following amendments are made to Article 7 of the same Decree: 1. in paragraph 1, the word “overpack” is replaced by the words “transparent overpacks”; 2. paragraph 2 is replaced by the following: “§ 2. It is also prohibited, with the exception of legally binding elements, for the coating forming part of the packaging and of the product, inside units of packaging, outer packaging and transparent overpacks to have any insert or other elements.”.
Article 8. Article 8 of the same Decree is replaced by the following: “ Article 8. § 1. Cigarette tubes, with the exception of the filter wrapper, cigarette paper, rolling tobacco paper and paper for plant-based smoking products are of a single shade of colour. The manufacturer may choose between two shades of colour for the filter wrapper. § 2. All techniques aimed at undermining the neutrality and uniformity of cigarette tubes, cigarette paper, rolling tobacco paper, plant-based smoking paper and filters are prohibited. § 3. The Minister shall determine the shades of colour referred to in paragraph 1.”.
Article 9. In Article 9 of the same Decree, paragraph 1 is replaced by the following: “§ 1. The outer and inner surfaces of unit packages, outer packagings and transparent overpacks shall be smooth.”.
Article 10. The title of Section 3 of the same Decree is replaced by “Specific provisions”.
Article 11. In Article 10 of the same Decree, the following amendments are made: 1. in paragraph 1, the words “of rolling tobacco” are replaced by the words “of the product”;
2. paragraph 3 is replaced by the following: “§ 3. Only cylindrical or parallelepipedic units of packaging may contain a flap.”;
3. in paragraph 5, the words “of aluminium” are repealed.
Article 12. The title of Chapter 3 of the same Decree is supplemented by the words “and outer packaging”.
Article 13. In Article 11, § 1 of the same Decree, the following amendments are made: 1. point 3 is replaced by the following: “3. the number or indication of the weight in grams of the product;”;
2. in the Dutch version of point 4, the word “de” is replaced by the word “het”;
3. in point 5, the words “5 February 2016 on the manufacture and marketing of tobacco products” are replaced by the words “3 March 2024 on the manufacture and marketing of tobacco products and plant-based smoking products”.
Article 14. The title of Chapter 4 of the same Decree is replaced by the following: “ Outer packaging and unit packages, apparatus, cigarette tubes, rolling tobacco paper, cigarette paper, plant-based smoking paper and filters”.
Article 15. Article 12 of the same Decree is replaced by the following: “ Article 12. § 1. Articles 4, 5, 6, 7, 9, 10 and 11, § 1(1), (2) and (6) and §§ 2 to 4 shall apply to outer packaging and unit packages of cigarette tubes, rolling tobacco paper, cigarette paper, plant-based smoking paper and filters.

§ 2. Articles 4, 5, 6, 7, 8, 9, 10, 11(1)(1), (2), (5), (6) and 11(2) to (4) shall apply to outer packaging and unit packages of apparatus.”

Article 16. In Article 13 of the same Decree, paragraph 1 is replaced by the following:

“§ 1. It is prohibited to place products, apparatus, cigarette tubes, rolling tobacco paper, cigarette paper, plant-based smoking paper and filters that do not comply with the provisions of this Decree on the market. The following are considered harmful within the meaning of Article 18 of the Law of 24 January 1977 on the protection of consumer health with respect to foodstuffs and other products.”

Article 17. Products, apparatus, cigarette tubes, rolling tobacco paper, cigarette paper, paper for plant-based smoking products and filters manufactured or placed on the market in accordance with the Royal Decree of 13 April 2019 on the standardised packaging of cigarettes, rolling tobacco and waterpipe tobacco may be placed on the market until **XX**.

Article 18. This Decree shall enter into force on **XX**.

Article 19. The Minister for Public Health shall be responsible for the implementation of this Order.

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