



EUROPEAN COMMISSION

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

Message 115

Communication from the Commission - TRIS/(2025) 1364

Directive (EU) 2015/1535

Notification: 2025/0110/FR

Forwarding of a detailed opinion received by a Member State (Czechia) (article 6, paragraph 2, second indent of Directive (EU) 2015/1535). This detailed opinion extends the standstill period until 25-08-2025.

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 - Opinioni dettaljata - Uitvoerig gemotiveerde mening - Opinia szczegółowa - Parecer circunstanciado - Avis detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 25-08-2025. - Prolonge le délai de statu quo jusqu'au 25-08-2025. - Die Laufzeit des Status quo wird verlängert bis 25-08-2025. - Удължаване на крайния срок на статуквото до 25-08-2025. - Prodłużuje lhůtu současného stavu do 25-08-2025. - Fristen for status quo forlænges til 25-08-2025. - Παρατείνει την προθεσμία του status quo 25-08-2025. - Amplía el plazo de statu quo hasta 25-08-2025. - Praeguse olukorra tähtaega pikendatakse kuni 25-08-2025. - Jatkaa status quon määräaika 25-08-2025 asti. - Produžuje se vremensko ograničenje statusa quo do 25-08-2025. - Meghosszabbítja a korábbi állapot határidejét 25-08-2025-ig. - Proroga il termine dello status quo fino al 25-08-2025. - Status quo terminas pratęsiamas iki 25-08-2025. - Pagarina "status quo" laika periodu līdz 25-08-2025. - Jestendi t-terminu tal-istatus quo sa 25-08-2025. - De status-quoperiode wordt verlengd tot 25-08-2025. - Przedłużenie status quo do 25-08-2025. - Prolonga o prazo do statu quo até 25-08-2025. - Prelungește termenul status quo-ului până la 25-08-2025. - Predlžuje sa lehota súčasného stavu do 25-08-2025. - Podaljša rok nespremenjenega stanja do 25-08-2025. - Förlänger tiden för status quo fram till 25-08-2025.

The Commission received this detailed opinion on the 26-05-2025. - La Commission a reçu cet avis circonstancié le 26-05-2025. - Die Kommission hat diese ausführliche Stellungnahme am 26-05-2025 empfangen. - Комисията получи настоящото подробно становище относно 26-05-2025. - Komise obdržela toto podrobné stanovisko dne 26-05-2025. - Kommissionen modtog denne udførlige udtalelse den 26-05-2025. - Η Επιτροπή έλαβε αυτή την εμπεριστατωμένη γνώμη στις 26-05-2025. - La Comisión recibió el dictamen circunstanciado el 26-05-2025. - Komisjon sai üksikasjaliku arvamuse 26-05-2025. - Komissio sai tämän yksityiskohtaisen lausunnon 26-05-2025. - Komisija je zaprimila ovo detaljno mišljenje dana 26-05-2025. - A Bizottság 26-05-2025-án/én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 26-05-2025. - Komisija gavo šią išsamiai išdėstytą nuomonę 26-05-2025. - Komisija saņēma šo sīki izstrādāto atzinumu 26-05-2025. - Il-Kummissjoni rċeviet din l-opinioni dettaljata dwar il-26-05-2025. - De Commissie heeft deze uitvoerig gemotiveerde mening op 26-05-2025 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 26-05-2025. - A Comissão recebeu o presente parecer circunstanciado em 26-05-2025. - Comisia a primit avizul detaliat privind 26-05-2025. - Komisia dostala toto podrobné stanovisko dňa 26-05-2025. - Komisija je to podrobno mnenje prejela dne 26-05-2025. - Kommissionen mottog detta detaljerade yttrande om 26-05-2025. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 26-05-2025.

MSG: 20251364.EN

1. MSG 115 IND 2025 0110 FR EN 25-08-2025 26-05-2025 CZ DO 6.2(2) 25-08-2025

2. Czechia

3A. Úřad pro technickou normalizaci, metrologii a státní zkušebnictví
Biskupský dvůr 1148/5



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110 00 Praha 1
tel: +420 221 802 216
e-mail: eu9834@unmz.gov.cz

3B. Ministerstvo průmyslu a obchodu
Odbor evropských záležitostí a vnitřního trhu
Na Františku 32
110 15 Praha 1

4. 2025/0110/FR - X00M - GOODS AND MISCELLANEOUS PRODUCTS

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

6. Detailed Opinion on TRIS Notification of France No 2025/0110/FR

On 24 February 2025, a notification from the French Republic concerning a legislative draft, draft Decree No ... of ... on the prohibition of oral nicotine-containing products (hereinafter the 'draft legislation') was published in the TRIS database.

The draft decree submitted by France aims to prohibit the manufacture, production, transport, import, export, possession, offering, transfer, acquisition, distribution and use of oral nicotine-containing products on French territory. The decree thus defines oral nicotine-containing preparations, in particular in the form of portioned pouches.

I.

The draft regulation introduces a ban on the sale and export of oral nicotine products. The Czech Republic considers that the proposed restrictive measure contained in Article 1(I) and (II) of the draft legislation goes beyond the requirements contained in Directive No 2014/40/EU (hereinafter the 'Tobacco Directive'), which makes the draft legislation liable to create an unjustified obstacle to the free movement of goods within the meaning of Article 34-36 of the Treaty on the Functioning of the European Union.

II.

The Czech Republic also considers that the objectives of the draft regulation could be achieved by more appropriate, less restrictive measures than a total ban on the marketing of the products concerned. This may entail the introduction of appropriate product regulations, including a ban on sales to minors, restrictions on nicotine content, labelling and health warnings, and quality and safety requirements. It should also be noted that, according to the draft prescription, oral nicotine products are the only tobacco-free nicotine products subject to a direct marketing ban. They are thus treated less favourably than other tobacco-free nicotine products, such as e-cigarettes, which may continue to be legally placed on the market.

III.

It should also be noted that the legislation should be clear, comprehensible and sufficiently predictable. The draft legislation contains ambiguous terminology in the relevant provisions of Article 1, which gives rise to confusion as to the scope of the prohibition. Indeed, the description of the prohibited products in the draft regulation is very broad and ambiguous, since it refers to products intended for oral consumption by ingestion or absorption through the mucous membranes of the oral cavity. This could thus lead to misinterpretation that could erroneously include all tobacco-free products containing nicotine intended for inhalation, as they could absorb nicotine in aerosols through the mucous membranes of the oral cavity.

IV.

In the light of the above, the Czech Republic considers that the draft legislation contains provisions that may create disproportionate obstacles to the free movement of goods and significantly distort the business environment in the internal market and may thus be contrary to France's obligations under EU law, as it contains measures that go beyond



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the Tobacco Directive and are disproportionate to the objective set out in this Directive.

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu