



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/(2023) 1988

Directive (EU) 2015/1535

Notification: 2023/0215/B

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 26-10-2023.

Detailed opinion - Avis circonstancié - Ausführliche Stellungnahme - Подробно становище - Podrobné stanovisko - Udførlig udtalelse - Εμπειριστατωμένη 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 - Aviz detaliat - Podrobné stanovisko - Podrobno mnenje - Detaljerat yttrande

Extends the time limit of the status quo until 26-10-2023. - Prolonge le délai de statu quo jusqu'au 26-10-2023. - Die Laufzeit des Status quo wird verlängert bis 26-10-2023. - Удължаване на крайния срок на статуквото до 26-10-2023. - Prodłużuje lhůtu současného stavu do 26-10-2023. - Fristen for status quo forlænges til 26-10-2023. - Παρατείνει την προθεσμία του status quo 26-10-2023. - Amplía el plazo de statu quo hasta 26-10-2023. - Praeguse olukorra tähtaega pikendatakse kuni 26-10-2023. - Jatkaa status quon määraaika 26-10-2023 asti. - Produžuje se vremensko ograničenje statusa quo do 26-10-2023. - Meghosszabbítja a korábbi állapot határidejét 26-10-2023-ig. - Proroga il termine dello status quo fino al 26-10-2023. - Status quo terminas pratęsiamas iki 26-10-2023. - Pagarina "status quo" laika periodu līdz 26-10-2023. - Jestendi t-terminu tal-istatus quo sa 26-10-2023. - De status-quo periode wordt verlengd tot 26-10-2023. - Przedłużenie status quo do 26-10-2023. - Prolonga o prazo do statu quo até 26-10-2023. - Prelungește termenul status quo-ului până la 26-10-2023. - Predlžuje sa lehota súčasného stavu do 26-10-2023. - Podaljša rok nespremenjenega stanja do 26-10-2023. - Förlänger tiden för status quo fram till 26-10-2023.

The Commission received this detailed opinion on the 03-07-2023. - La Commission a reçu cet avis circonstancié le 03-07-2023. - Die Kommission hat diese ausführliche Stellungnahme am 03-07-2023 empfangen. - Комисията получи настоящото подробно становище относно 03-07-2023. - Komise obdržela toto podrobné stanovisko dne 03-07-2023. - Kommissionen modtog denne udførlige udtalelse den 03-07-2023. - Η Επιτροπή έλαβε αυτή την εμπειριστατωμένη γνώμη στις 03-07-2023. - La Comisión recibió el dictamen circunstanciado el 03-07-2023. - Komisjon sai üksikasjaliku arvamuse 03-07-2023. - Komissio sai tämän yksityiskohtaisen lausunnon 03-07-2023. - Komisija je zaprimila ovo detaljno mišljenje dana 03-07-2023. - A Bizottság 03-07-2023-án/-én kapta meg ezt a részletes véleményt. - La Commissione ha ricevuto il parere circostanziato il 03-07-2023. - Komisija gavo šią išsamiai išdėstytą nuomonę 03-07-2023. - Komisija saņēma šo sīki izstrādāto atzinumu 03-07-2023. - Il-Kummissjoni rċeviet din l-opinioni dettaljata dwar il-03-07-2023. - De Commissie heeft deze uitvoerig gemotiveerde mening op 03-07-2023 ontvangen. - Komisja otrzymała tę opinię szczegółową w dniu 03-07-2023. - A Comissão recebeu o presente parecer circunstanciado em 03-07-2023. - Comisia a primit avizul detaliat privind 03-07-2023. - Komisia dostala toto podrobné stanovisko dňa 03-07-2023. - Komisija je to podrobno mnenje prejela dne 03-07-2023. - Kommissionen mottog detta detaljerade yttrande om 03-07-2023. - Fuair an Coimisiún an tuairim mhionsonraithe sin maidir le 03-07-2023.

Sensitive – Sensible – Sensibel – Känslig – Arkaluonteinen – Følsomme – Gevoelig – чувствителна – Sensibil – Konfidencialu – Sensitīvs – Tundlik – Citlivé – Zaupen – Povjerljivo – ευαίσθητες – Sensible – Sensibile – Sensível – Citlivý – Érzékeny – Wrażliwy – Sensittiv – íogair

Document handled in the framework 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.



EUROPEAN COMMISSION

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

This document is only releasable to staff of the European Commission and Member States' public administrations with an established need-to-know basis in the framework of Directive (EU) 2015/1535.

In case you are the holder of this document without having the established need-to-know basis, as indicated above, inform the author, originator or sender immediately and return it securely unread. Failure to do so shall be considered a breach of security, which may give rise to disciplinary or legal action.

MSG: 20231988.EN

1. MSG 115 IND 2023 0215 B EN 26-10-2023 03-07-2023 GR DO 6.2(2) 26-10-2023

2. Greece

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

3Β. ΥΠΟΥΡΓΕΙΟ ΑΝΑΠΤΥΞΗΣ ΚΑΙ ΕΠΕΝΔΥΣΕΩΝ, 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.:

4. 2023/0215/B - X00M - GOODS AND MISCELLANEOUS PRODUCTS

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

6. Belgium's legislative proposal was posted on the European Commission's TRIS database on 25.4.2023 under notification number 2023/0215/B (Belgium), as part of the notification procedure according to Directive 1535/2015/EU, to inform the Member States and the EU.

The purpose of the draft Belgian Royal Decree on the manufacture and placing on the market of tobacco products and herbal smoking products is to transpose into Belgian national legislation Commission Delegated Directive (EU) 2022/2100 of 29 June 2022 amending Directive 2014/40/EU of the European Parliament and of the Council as regards the withdrawal of certain exemptions in respect of heated tobacco products.

In this Belgian legislative proposal, in Article 2 "Definitions", the definition of heated tobacco product is added, based on the definition set out in Delegated Directive 2022/2100, as follows: "heated tobacco product: a new tobacco product that is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by users."

However, this definition deviates from the definition of heated product in Delegated Directive (EU) 2022/2100, which is given in Article 1(1) of the Directive with the following wording: "'heated tobacco product' means a novel tobacco product that is heated to produce an emission containing nicotine and other chemicals, which is then inhaled by user(s), and that, depending on its characteristics, is a smokeless tobacco product or a tobacco product for smoking."

Belgium's legislative proposal changes the definition of heated product by omitting the last part of the definition: "...and that, depending on its characteristics, is a smokeless tobacco product or a tobacco product for smoking" and is contrary to the provisions of Article 1 and recital 4 of the Delegated Directive on heated tobacco products because it does not include the specific characteristics of heated tobacco products, equating them with conventional cigarettes.

In addition, Article 11 of the submitted Royal Decree provides that all heated tobacco products (including smokeless tobacco products) are considered to be tobacco products for smoking and must comply with the same provisions on combined health warnings (text and photograph) as conventional cigarettes. This is an incorrect transposition of the Delegated Directive, which again attempts to equate heated tobacco products with conventional cigarettes.



EUROPEAN COMMISSION

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

In view of the above, it is the opinion of our department that the national Belgian draft law to be adopted contains provisions that are not in line with the provisions of Delegated Directive (EU) 2022/2100, are disproportionate, with a serious risk of creating unjustified barriers to the free movement of goods in the internal market and distortion of competition.

As a result of the Belgian legislative proposal to be adopted, Greek tobacco production, Greek tobacco industry and related Greek exports are negatively affected, as Greek companies have already invested in the manufacture of new heated tobacco products which are exported worldwide.

For the above reasons, we consider it necessary to submit a Detailed Opinion. In view of the above, we request that the above provisions be amended by Belgium, so as to be in line both with the objectives of public health protection and the fundamental principles of free movement of goods and free competition, within the framework of Commission Delegated Directive (EU) 2022/2100 of 29 June 2022 amending Directive 2014/40/EU of the European Parliament and of the Council as regards the withdrawal of certain exemptions in respect of heated tobacco products.

European Commission

Contact point Directive (EU) 2015/1535

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