

Regulation of the State Secretary for Health,  
Welfare and Sport of \_\_\_\_\_, amending the  
Tobacco and Smoking Products Regulation in order to establish a  
list of additives prohibited for tobacco products and e-cigarettes

The State Secretary for Health, Welfare and Sport,

Having regard to Article 2(1) of the Tobacco and Smoking Products Act, Articles 2.3 and 2.4(1) of the Tobacco and Smoking Products Decree and Article 7(6) 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 manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ 2014 L 127);

Hereby decrees the following:

#### **Article I**

The Tobacco and Smoking Products Regulation is amended as follows:

A

Article 1.1(1) is amended as follows:

1. The definition of Annex reads as follows:

*Annex 1:* Annex 1 to the Tobacco and Smoking Products Regulation;

2. The following terms and definitions are now inserted in alphabetical order:

*Annex 2:* Annex 2 to the Tobacco and Smoking Products Regulation;

B

In Article 2.2(1)(a), 'the Annex to this Regulation' is replaced by 'Annex 1'.

C

A new paragraph is added to Article 2.6, reading:

3. Additives as referred to in paragraph 1 and Article 7(6) of the Tobacco Products Directive shall in any case include the additives listed in Annex 2.

D

Article 2.10 is amended as follows:

1. '1.' is included before the text.

2. A paragraph is added, reading:

2. Additives as referred to in Article 20(3)(c), read in conjunction with Article 7(6) of the Tobacco Products Directive shall in any case include the additives listed in Annex 2.

E

Renumbering paragraphs 3 and 4 to paragraphs 4 and 5, a paragraph is inserted in Article 2.11, reading:

3. Additives as referred to in paragraph 2 shall in any case include the additives listed in Annex 2.

F

The heading of the Annex reads as follows:

**Annex 1. Related to Article 2.2**

G

Annex 2 as set out in the Annex to this Regulation is added.

**Article II**

This Regulation shall enter into force on 1 January 2024.

This Regulation and the explanatory notes shall be published in the Government Gazette.

The State Secretary for Health,  
Welfare and Sport,

**Table 1. A list of additives in tobacco products and nicotine-containing and non-nicotine-containing liquids prohibited under Articles 2.6, 2.10 and 2.11 of the Tobacco and Smoking Products Regulation.**

Substance (group)	CAS number(s)	TPD* Article
<b>Tobacco products and e-cigarettes (TPD Articles 7.6a-e)</b>		
<b>1. Vitamins or additives that suggest health promotion</b> <i>(Vitamins or the following other additives, which are suggestive of health benefits or less health risks of the tobacco product)</i>		<b>7.6a</b>
<b>a) Vitamins<sup>1,2</sup></b>	Not applicable	7.6a
Alpha-vitamin E	59-02-9	7.6.a
Vitamin E (mixture of tocopherols and tocotrienols)	1406-18-4	7.6.a
Vitamin C, ascorbic acid	50-81-7	7.6.a
Vitamin A	68-26-8	7.6.a
Vitamin D3	67-97-0	7.6.a
Vitamin K	12001-79-5	7.6.a
Vitamin B1	59-43-8	7.6.a
Vitamin B2	83-88-5	7.6.a
Niacin	59-67-6	7.6.a
Pantothenic acid	79-83-4	7.6.a
Vitamin B6	65-23-6	7.6.a
Folic acid	59-30-3	7.6.a
Vitamin B12	68-19-9	7.6.a
Biotin	58-85-5	7.6.a
<b>b) Amino acids or modified amino acids<sup>1,2</sup></b>	Not applicable	7.6.a

L-alanine	56-41-7	7.6.a
L-arginine	74-79-3	7.6.a
Glycin	56-40-6	7.6.a
L-isoleucine	443-79-8	7.6.a
L-leucine	61-90-5	7.6.a
L-lysine	56-87-1	7.6.a
Monohydrate	39665-12-8	7.6.a
HCl	657-27-2	7.6.a
L-phenylalanine	63-91-2	7.6.a
L-proline	147-85-3	7.6.a
L-serine	56-45-1	7.6.a
L-threonine	72-19-5	7.6.a
L-tyrosine	60-18-4	7.6.a
L-valine	72-18-4	7.6.a
L-cysteine	52-89-1	7.6.a
L-5-hydroxytryptophan	4350-09-8	7.6.a
S-adenosyl-methionine (SAM)	485-80-3	7.6.a
Carnitine, total <sup>1,2</sup>	Not applicable	7.6.a
L-Carnitine <sup>1,2</sup>	541-15-1	7.6.a
L-Carnitine HCl <sup>1,2</sup>	6645-46-1	7.6.a
L-Carnitine L-tartrate <sup>1,2</sup>	36687-82-8	7.6.a
<b>c) Flavonoids as well as antioxidative active phospholipids<sup>1,2</sup></b>	Not applicable	7.6.a
Naringin	10236-47-2	7.6.a
<b>d) Sodium selenite</b>	10102-18-8	7.6.a
<b>2. Coffeine, taurine or the following other additives and stimulating additives and stimulating mixtures, associated with energy and vitatality<sup>1,2</sup></b>	<b>7.6b</b>	
<b>a) Caffeine<sup>1,2</sup></b>	58-08-2	7.6.b
<b>b) Taurine<sup>1,2</sup></b>	107-35-7	7.6.b

<b>c) Maltodextrin<sup>1,2</sup></b>	9050-36-6	7.6.b
<b>d) Ingredients including processed ingredients, extracts and oils of the coffee plant and coffee bean<sup>1,2</sup></b>	Not applicable	7.6.b
Coffee bean oils	8001-67-0	7.6.b
Coffee extract	84650-00-0	7.6.b
Roasted coffee bean extract	68916-18-7	7.6.b
Coffee, solid extract / French roast	327-97-9	7.6.b
Coffee furanone	3188-00-9	7.6.b
Coffee	13708-12-8	7.6.b
<b>e) Ingredients including processed ingredients, extracts and oils of the tea plant <i>Camelia sinensis L. Kuntze</i><sup>1,2</sup></b>	Not applicable	7.6.b
Tea extract	144207-58-9	7.6.b
<b>f) Ingredients including processed ingredients, extracts and oils of the guarana plant / <i>Paullinia cupana</i><sup>1,2</sup></b>	Not applicable	7.6.b
<b>g) Ingredients including processed ingredients, extracts and oils of the Yerba mate plant / <i>Ilex paraguayensis</i><sup>1,2</sup></b>	Not applicable	7.6.b
Yerba mate oils	68916-96-1	7.6.b
Yerba mate extract	73296-98-7	7.6.b
<b>f) Thujone<sup>1,2</sup></b>	546-80-5	7.6.b
<b>g) Sugars, including monosaccharides such as glucose<sup>2</sup>fructose<sup>2</sup> and galactose<sup>2</sup> and sugar syrups (sugars including glucose<sup>2</sup>, fructose<sup>2</sup> and galactose<sup>2</sup> and sugar-based syrups)</b>	Not applicable	7.6.b
D-Fructose <sup>2</sup>	57-48-7	7.6.b
D-Glucose <sup>2</sup>	50-99-7	7.6.b
monohydrate	5996-10-1	7.6.b
Invert sugar	8013-17-0	7.6.b
Sucrose	57-50-1	7.6.b
Glucose syrup (syrups, hydrolyzed starch)	8029-43-4	7.6.b
<b>3. Additives with colouring properties for</b>		<b>7.6.c</b>

the emissions <sup>1,2</sup>		
4. Following additives in smoking tobacco which facilitate inhalation or nicotine uptake <sup>1</sup>	7.6.d	
<b>a) TRPM8 receptor agonists</b>	Not applicable	7.6d
P-menthane 3- substituted and processed substances, including <sup>1</sup>	Not applicable	7.6.d
P-menthane-3-carboxamides, including p-menthane 3-N-alkyl carboxamides <sup>1,3</sup>	Not applicable	7.6.d
N-Ethyl-p-menthane-3-carboxamide (WS-3) <sup>3</sup>	39711-79-0	7.6.d
N-(Ethoxycarbonyl)methyl)-p-menthane-3-carboxamide (WS-5) <sup>3</sup>	68489-14-5	7.6.d
(1R,2S,5R)-N-(4-methoxyphenyl)-p-menthane carboxamide (WS-12, CPS 112) <sup>3</sup>	68489-09-8	7.6.d
N-tert-butyl-p-menthane-3-carboxamide (WS-14) <sup>3</sup>	unknown	7.6.d
N-(4-fluorophenyl)-p-menthane-3-carboxamide (CPS-124) <sup>3</sup>	unknown	7.6.d
CPS-125 <sup>3</sup>	unknown	7.6.d
N-(4-ethoxyphenyl)-p-menthane-3-carboxamide (CPS-128) <sup>3</sup>	unknown	7.6.d
CPS-368 <sup>3</sup>	unknown	7.6.d
(-)-menthyl lactate	59259-38-0	7.6.d
(-)-menthyl lactate <sup>3</sup>	61597-98-6	7.6.d
(-)-menthyl lactate	17162-29-7	7.6.d
N-(p-menthane-3-carbonyl)-D-alanine ethyl ester (WS-109, CPS-369) <sup>3</sup>	unknown	7.6.d
2,3-dihydroxypropyl, p-menthane-3-carboxylate (WS-30) <sup>3</sup>	912452-14-3, 38706-03-5	7.6.d
Menthoxypropane-1,2-diol (MPD, Coolact-10) <sup>3</sup>	207792-35-6, 87061-04-9	7.6.d
Menthone 1,2-glycerol ketal <sup>1,3</sup>	563187-91-7	7.6.d
p-Menthan alcohols and associated esters <sup>1,3</sup>		7.6.d
Icilin <sup>1,3</sup>	36945-98-9	7.6.d
Trimethyl isopropyl butanamide (WS-23) <sup>1,3</sup>	51115-67-4	7.6.d
Isopulegol, total	Not applicable	7.6d

Isopulegol <sup>3</sup>	7786-67-6	7.6.d
Isopulegol (Coolact P) <sup>1,3</sup>	89-79-2	7.6.d
1-(di-sec-butyl-phosphinoyl)-heptane (WS-148, CPS-148) <sup>1,3</sup>	unknown	7.6.d
Menthol <sup>1,3</sup>	1490-04-6	7.6.d
Menthol <sup>3</sup>	89-78-1	7.6.d
(-)-Menthol <sup>1,3</sup>	2216-51-5	7.6.d
(+)-Menthol <sup>1,3</sup>	15356-60-2	7.6.d
Menthone <sup>1,3</sup>	89-80-5	7.6.d
Menthone	10458-14-7	7.6.d
Menthone	491-07-6	7.6.d
(-)-Menthone <sup>1,3</sup>	14073-97-3	7.6.d
(+)-Menthone <sup>1,3</sup>	3391-87-5	7.6.d
L-Carvone <sup>1,3</sup>	6485-40-1	7.6.d
L-Carvone	99-49-0	7.6.d
Geraniol <sup>1,3</sup>	106-24-1	7.6.d
Linalool <sup>1,3</sup>	78-70-6	7.6.d
1,8-Cineole, eucalyptol <sup>1,3</sup>	470-82-6	7.6.d
1,4-Cineole <sup>3</sup>	470-67-7	7.6.d
Hydroxycitronellal <sup>1,3</sup>	107-75-5	7.6.d
<b>b) Following compounds prepared from plants: Oils and ingredients prepared from plants of the following genera, <i>Mentha</i>, <i>Eucalyptus</i>, <i>Ocimum basilicum</i>, <i>Thymus</i> and <i>Salvia</i><sup>1,3</sup></b>	Not applicable	7.6.d
<i>Mentha arvensis</i> extract	90063-97-1	7.6.d
<i>Mentha arvensis</i> oil	68917-18-0	7.6.d
<i>Mentha arvensis piperascens</i> extract	91722-84-8	7.6.d
<i>Mentha piperita</i> oil	8006-90-4	7.6.d
<i>Mentha piperita</i> oil	84082-70-2	7.6.d
<i>Mentha pulegium</i>	8007-44-1	7.6.d
<i>Mentha viridis</i> oil	8008-79-5	7.6.d

<i>Eucalyptus globulus</i> leaf oil	8000-48-4	7.6.d
<i>Eucalyptus globulus</i> oil	84625-32-1	7.6.d
<i>Eucalyptus radiata</i> oil	92201-64-4	7.6.d
<i>Ocimum basilicum</i> /basil herb	8015-73-4	7.6.d
Thyme	8007-46-3	7.6.d
Thymol	89-83-8	7.6.d
<i>Salvia sclarea</i> oil	8016-63-5	7.6.d
<i>Salvia sclarea</i> extract	84775-83-7	7.6.d
<i>Salvia lavandulifolia</i> extract	90106-49-3	7.6.d
<b>5. Following additives with CMR properties in unburned form:<sup>1,2</sup></b>	<b>7.6e</b>	
<b>a) Compounds classified according to part 3 of annex VI of regulation (EC) 1272/2008 as CMR category 1A, 1B or 2<sup>1,2</sup></b>	7.6.e	0.00
<b>b) following other compounds:</b>		
Birch tar oil, total <sup>1,2</sup>	Not applicable	7.6.e
Birch tar oil <sup>1,2</sup>	8001-88-5	7.6.e
Birch tar oil <sup>1,2</sup>	85940-29-0	7.6.e
Juniper tar <sup>1,2</sup>	8013-10-3	7.6.e
<i>Sassafras</i> oil <sup>1,2</sup>	8006-80-2	7.6.e
<i>Sassafras</i> wood <sup>1,2</sup>	unknown	7.6.e
<i>Sassafras</i> leaves <sup>1,2</sup>	unknown	7.6.e
<i>Sassafras</i> bark <sup>1,2</sup>	84787-72-4	7.6.e
Methyleugenol <sup>1,2</sup>	93-15-2	7.6.e
Estragole <sup>1,2</sup>	140-67-0	7.6.e
Propylparaben <sup>1,2</sup>	94-13-3	7.6.e
Titanium dioxide, total	Not applicable	7.6.e
Titanium dioxide	1317-70-0	7.6.e
Titanium dioxide	1317-80-2	7.6.e
Titanium dioxide	13463-67-7	7.6.e
Titanium dioxide	51745-87-0	7.6.e

