



EUROPEAN COMMISSION

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

Message 103

Communication from the Commission - TRIS/(2025) 0490

Directive (EU) 2015/1535

Notification: 2024/0610/AT

Forwarding of the observations of a Member State (Poland) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

MSG: 20250490.EN

1. MSG 103 IND 2024 0610 AT EN 08-05-2025 19-02-2025 PL COMMS 5.2 08-05-2025

2. Poland

3A. Ministerstwo Rozwoju i Technologii, Departament Obrotu Towarami Wrażliwymi i Bezpieczeństwa Technicznego,
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4. 2024/0610/AT - X60M - Tobacco

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

6. Comment on notification 2024-0610-AT - X60M (Tobacco products and e-cigarette liquids).

The establishment by Austria of a list of prohibited substances should be considered beneficial for reasons of health protection, as well as in providing certainty and clarity to economic operators in the application of the rules resulting from 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.

However, the inclusion by Austria in this ban of substances classified as group C due to teratogenicity from MAK or BAT (prenatal toxicity is unlikely if MAK or BAT values are maintained) will result in the inclusion on the list of banned substances of glycerin, which will probably have negative economic consequences, but may have a positive impact on public health.

In view of the above considerations, it is necessary to consider whether the inclusion in the list of prohibited substances of all substances in group C (despite the fact that it also contains substances with negligible or no teratogenic toxicity) should be

discussed among Member States during the upcoming revision of Directive 2014/40/EU.

Notwithstanding the undoubtedly positive health aspects of the proposed action in the context of reducing nicotine use, a broad discussion in this area between the Member States and the development of uniform rules on substances banned in nicotine products can significantly contribute to the effectiveness of the anti-nicotine policy implemented at Union level.

European Commission
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