NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** BELGIUM  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Federal Public Service Health, Food Chain Safety and Environment (FPS Health)  Directorate General Animals, Plants and Food (DGAPF)  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  BELNOTIF  Federal Public Service Economy, SMEs, Self-Employed and Energy (FPS Economy)  Directorate-General for Quality and Safety  Liaison Office  North Gate III  Boulevard du Roi Albert II, 16  Email: [be.belnotif@economie.fgov.be](mailto:be.belnotif@economie.fgov.be)  Website: <https://economie.fgov.be/en> |
| **3.** | **Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Tobacco products and herbal smoking products |
| **5.** | **Title, number of pages and language(s) of the notified document:** Royal Decree amending the Royal Decree of 13 April 2019 on the standardised packet of cigarettes, rolling tobacco and water pipe tobacco; (3 page(s), in Dutch), (3 page(s), in French) |
| **6.** | **Description of content:** The Royal Decree of 13 April 2019 is amended to extend the standardised packet to all tobacco products, herbal smoking products and devices, as well as all papers, filters and tubes.  The proposal for standardised packaging for these products is aimed primarily at protecting children and those who do not yet use these products and are therefore sensitive to brand elements or characteristics.  It also implements sheet 6.3 of the Interfederal Strategy for a Smoke-Free Generation, 2022-2028.  The WHO Framework Convention on Tobacco Control (FCTC) was ratified by Belgium in November 2005 and came into force on 31 January 2006. Article 11 of the FCTC lays down strict rules for the labelling of tobacco packages. The guidelines devoted to this article specifically recommend the implementation of standardised packaging: 'The Parties should consider adopting measures to limit or prohibit the use of logos, colours, brand images or promotional texts on packaging other than the brand name and product name printed in normal font and in a standardised colour (plain packaging). This could give greater prominence and effectiveness to health warnings and messages, preventing the form of packaging from diverting consumers' attention and countering the design techniques used by the tobacco industry to try to make people believe that some products are less harmful than others'.  The guidelines also state: 'Parties should ensure that the packaging and labelling provisions of Article 11 of the Convention apply equally to all tobacco products sold in places under their jurisdiction and that no distinction is made between locally produced, imported or duty-free products [...]'.  The guidelines for Article 13 state: 'Packaging and product design are important elements of advertising and promotion. Parties should consider adopting requirements for plain packaging to eliminate the effect of advertising or promotion on packaging. Packaging, individual cigarettes or other tobacco products should be free from advertising or promotion and from design features that make the products attractive'.  Finally, the implementation of the standardised pack for all tobacco products is one of the WHO's 'best buys' in terms of non-communicable diseases.  Directive 2014/40/EU 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 products and related products, and repealing Directive 2001/37/EC (hereinafter 'Directive 2014/40/EU') does not impose the standardised packet but authorises Member States that so wish to impose it on their territory (Article 24.2).  The introduction of the plain packet aims to :  - reduce the attractiveness of packaging and brand image;  - improve the effectiveness of textual or visual health warnings on tobacco product packs;  - reduce consumer misinformation about the dangers of tobacco.  Studies show that the introduction of the plain packet has proved its worth and achieved the above objectives. Some studies also show that the plain packet has increased smoking cessation behaviour among smokers and that it could contribute to the denormalization of tobacco.  The rules relating to the standardisation of packaging units and outer packaging already apply in Belgium to cigarettes, rolling tobacco, water pipe tobacco and papers and filters that owe their reputation mainly to a tobacco product. The aim of the project is to extend the standardised pack to other tobacco products, herbal smoking products, appliances and all papers, filters and tubes. As a result, all products that fall within the scope of the Royal Decree of XX on the manufacture and marketing of tobacco products and herbal smoking products will also fall within the scope of the standardised packet. These are two complementary measures.  The aim is to harmonise the rules for these products. This is important to prevent manufacturers from using other tobacco products and herbal smoking products to promote their brand and weaken standardised packaging. An example of this type of practice is the introduction of cigarillo's (e.g. Marlboro and Lucky strike) whose packaging unit resembles an 'old' cigarette pack. It has been shown that tobacco manufacturers are taking advantage of the fact that plain packaging does not apply to cigars, cigarillos and pipe tobacco.  Another objective of this draft decree is to reduce the attractiveness of these products to young people. In terms of behavioural change, some studies suggest that plain packaging may help to dissuade young people from starting or continuing to smoke and to make them more aware of the dangers of smoking. The plain packet has also been found to reduce the attractiveness of cannabis (plant-based smoking products) to young consumers. The aim is therefore to counter the tobacco industry's marketing strategies, which are well known for targeting teenagers and young adults, as attracting the next 'generation' of smokers is essential to the industry's survival.  The plain pack is particularly useful in markets such as Belgium, where tobacco advertising is banned. Tobacco research has shown that the importance of packaging increases when other forms of advertising are restricted.  The following countries have also extended the standardised pack rules to other products:  - Canada,  - New Zealand  - Australia,  - Turkey,  - Netherlands,  - Ireland,  - Finland,  - Denmark.  France intends to do so. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety |
| **8.** | **Relevant documents:**   * Royal Decree of 13 April 2019 on the standardised packet of cigarettes, rolling tobacco and water pipe tobacco : <http://www.ejustice.just.fgov.be/eli/arrete/2019/04/13/2019012059/justel> * TRIS Notification : 2018/0046/B ; 2024/0200/B * Notifications under Article 24(3) of the Tobacco Products Directive : C (2024) 1673 final, 18.3.2024 : <https://health.ec.europa.eu/tobacco/product-regulation/implementing-tobacco-products-directive-directive-201440eu/notifications-under-article-243-tobacco-products-directive_en> |
| **9.** | **Proposed date of adoption:** 15 December 2024  **Proposed date of entry into force:** 1 July 2025 |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://members.wto.org/crnattachments/2024/TBT/BEL/24_06875_00_f.pdf>  <https://members.wto.org/crnattachments/2024/TBT/BEL/24_06875_00_x.pdf> |