



17 June 2016

(16-3312)

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Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	<b>Notifying Member:</b> <u>GERMANY</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
2.	<b>Agency responsible:</b> Federal Ministry of Food and Agriculture Unit 223 Wilhelmstraße 54, 10117 Berlin, Germany 00 49 (0) 30 18529-0 00 49 (0) 18529 4262 <a href="http://www.bmel.bund.de">http://www.bmel.bund.de</a> <a href="mailto:poststelle@bmel.bund.de">poststelle@bmel.bund.de</a>  <b>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:</b>
3.	<b>Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
4.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Tobacco and manufactured tobacco substitutes 0424-2012E
5.	<b>Title, number of pages and language(s) of the notified document:</b> Draft Second Ordinance amending the Tobacco Products Ordinance (18 pages, in English)
6.	<b>Description of content:</b> 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 is to be transposed by 20 May 2016 into national law. The Directive is transposed into German Law by the Tobacco Products Act of 4 April 2016 and the Tobacco Products Ordinance enacted on the basis of this Act of 27 April 2016.  In accordance with Article 7(6), in conjunction with Article 20(3c) of Directive 2014/40/EU, tobacco products, electronic cigarettes and refill containers containing the following additives may not be placed on the market: <ul style="list-style-type: none"><li>• vitamins or other additives that create the impression that a tobacco product, electronic cigarette or refill container has a health benefit or presents reduced health risks</li><li>• caffeine or taurine or other additives and stimulant compounds that are associated with energy and vitality</li><li>• additives having colouring properties for emissions</li><li>• in the case of tobacco products for smoking, electronic cigarettes and refill containers: additives that facilitate inhalation or nicotine uptake</li><li>• additives that have CMR properties in unburnt form</li></ul>

	<p>The additives specifically prohibited are listed in Annexes 1 and 2 of the Ordinance.</p> <p>Furthermore, the Draft Second Ordinance amending Tobacco Products Ordinance provides for regulations to nicotine-free cigarettes and refill containers.</p>
7.	<p><b>Objective and rationale, including the nature of urgent problems where applicable:</b> The additives specifically prohibited under Article 7 (6), also in conjunction with Article 20 (3) (c) of Directive 2014/40/EU must be specified by the Member States.</p> <p>The regulations relating to nicotine-free electronic cigarettes and refill containers were necessary as a result of the inclusion of nicotine-free electronic cigarettes and refill containers in the regulation through the Act amending the Tobacco Products Act.</p>
8.	<p><b>Relevant documents:</b> Tobacco Products Act (BGBl. I S. 569), Tobacco Products Ordinance (BGBl. I S. 980)</p>
9.	<p><b>Proposed date of adoption:</b> 6 month after date of notification</p> <p><b>Proposed date of entry into force:</b> 6 month after date of notification</p>
10.	<p><b>Final date for comments:</b> 60 days from notification</p>
11.	<p><b>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></p> <p>Federal Ministry of Food and Agriculture  Unit 223  Wilhelmstraße 54, 10117  Berlin, Germany  +49 (0) 30 18529-0  +49 (0) 18529 4262  <a href="mailto:poststelle@bmel.bund.de">poststelle@bmel.bund.de</a>  <a href="https://members.wto.org/crnattachments/2016/TBT/DEU/16_2388_00_e.pdf">https://members.wto.org/crnattachments/2016/TBT/DEU/16_2388_00_e.pdf</a></p>