

Message 001

Communication from the Commission - TRIS/(2025) 3795

Directive (EU) 2015/1535

Notification: 2025/0793/AT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253795.EN

1. MSG 001 IND 2025 0793 AT EN 29-12-2025 AT NOTIF

2. Austria

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4. 2025/0793/AT - X60M - Tobacco

5. Amendment to the Federal Act on the manufacture and marketing of tobacco products and related

products, as well as the advertising of tobacco products and related products and the protection of non-smokers

6. - tobacco-free nicotine products

- nicotine replacement products
- disposable e-cigarettes
- liquids
- mail order

7.

8. The proposed legislation includes, among other things, the first-ever regulation of tobacco-free nicotine products (for example: nicotine pouches) and nicotine replacement products. For both product categories, a notification requirement (6 months before the intended placing on the market), the mandatory placement of health-related warnings, labelling requirements, a ban on advertising and sponsorship, a ban on mail order sales and a ban on sales to persons under 18 years of age will apply in the future.

Tobacco-free nicotine-containing products should have a maximum nicotine content of 16.6 milligrams of nicotine per 1.6 grams of a consumption unit, whereby this consumption unit must not exceed 1.6 grams. Likewise, a limit of at least 15 pieces per package should apply.

Furthermore, the regulations on prohibited substances are to be extended from nicotine-containing to nicotine-free e-cigarettes and their liquids.

Disposable e-cigarettes (with and without nicotine) are to be subject to a general ban in the future.

Furthermore, the present legislative proposal includes a clarification of mail order sales, such that in the future the offering of goods on a website should also be included.

Austrian market surveillance authorities will in future have the option of “mystery shopping”, which will also apply in particular to the mail order sector.

The option of offering free samples in tobacco shops when a new brand is launched will be extended to related products.

The proposed legislation also includes a ban on the discarding of tobacco and related products, including their accessories and waste products, in public playgrounds, as well as the implementation of Commission Implementing Decision (EU) 2016/586 of 14 April 2016 on technical standards for the refilling mechanism of electronic cigarettes and Implementing Decision (EU) 2015/1735 of 24 September 2015 on the precise arrangement of the general warning and information message on roll-your-own tobacco sold in pouches.

9. Nicotine-containing as well as nicotine-free related products such as nicotine pouches and comparable products with other, often stimulating substances (caffeine, guarana, etc.) should, for reasons of public health policy – in particular for reasons of child and youth protection – be regulated to an extent comparable to tobacco products or e-cigarettes and thus be subject to a comprehensive level of protection. Tobacco substitute products represent an attractive and low-threshold entry point into the consumption of tobacco and related products, especially for children and young people.

In Austrian hospitals, approximately 1,500 people are treated as inpatients for nicotine poisoning each year. Of the people with the primary diagnosis of nicotine poisoning, 58% are under four years old, 13% are between ten and fourteen years old, and 8% are between fifteen and nineteen years old. The number of calls

to the Poison Information Center (VIZ) regarding nicotine poisoning has also been steadily increasing since 2020 – primarily due to cigarette/tobacco poisoning, and already in second place due to nicotine pouches. It should be noted that nicotine addiction itself is a nicotine-induced mental disorder recognised according to ICD-11. Children and adolescents are particularly susceptible to addiction. Therefore, for reasons of health, addiction and youth protection policy, it is urgently necessary to regulate tobacco-free nicotine products with regard to ingredients and labelling analogously to the regulations for tobacco and related products.

The extension of regulations on prohibited substances from nicotine-containing to nicotine-free e-cigarettes and their liquids is based on the fact that these are primarily considered gateway products to the consumption of tobacco and nicotine smoking products, especially among the particularly vulnerable group of children and adolescents. Their suitability for smoking cessation has not yet been proven.

Disposable e-cigarettes should be banned due to their particular appeal to children and young people in terms of appearance and price, as well as due to frequent disposal problems and spontaneous fires in waste management.

To ensure a high level of health protection for children and young people, a ban on discarding tobacco and related products, including their accessories and waste products, as well as a corresponding labelling requirement, should be imposed in public playgrounds.

10. Reference to the basic texts: No basic text available

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

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