

BELGIUM

AUGUST 10, 2004. Royal Decree modifying the Royal Decree of August 13, 1990 relative to the manufacture and marketing of tobacco- based and similar products

ALBERT II, King of Belgians,

To all those present and coming before me, Greetings.

Whereas the Law of January 24, 1977 relative to consumers' health protection concerning food items and other products, notably Article 6, First Paragraph, a), was replaced by Law of March 22, 1989;

Whereas Royal Decree of August 13, 1990 relative to the manufacture and marketing of tobacco-based and similar products, was modified by royal decrees of April 14, 1993 and May 29, 2002;

Whereas the decision of the Commission of September 5, 2003 was made on the use of color photographs or other illustrations, such as warnings relating to health to be shown on the conditions of tobacco products;

Whereas warning 36,542/3 of the Council of State, given on March 2, 2004, in application of Article 84, paragraph 1, first section, point 1, of coordinates on the Council of State;

On the proposition of Our Minister of Public Health, Our Minister of the Economy of Our Minister of Middle Classes. We do decree and have decreed the following: First Article. In the First Article of the Royal Decree of August 13, 1990, relative to the manufacture and marketing of tobacco-based and similar products, the following modifications have been made: Point 1, Point 11 is replaced by the following provision: Point 11 - Service: The General Directorate of Animals, Plants and Food of the Federal Public Service – Public Health, Safety of the Food Chain and Environment”;

Point 2, a point 12 is added, written as follows: “Point 12, Combined Notice: a mention consisting of one photograph and one illustration and a corresponding text. The purpose of this mention is to show or explain the consequences of tobacco use to your health.”

Art. 2. In Article 2, Paragraph 3 of the same decree, the words “First Paragraph and/or Paragraph 2, b)” are replaced by the words “First Paragraph and/or Paragraph 2”.

Art. 3. In Article 3 of the same decree, the following modifications are made:

Point 1 in the First Paragraph, Point 2, the words “tobacco products intended for smoking are replaced by the words “the tobacco products intended for smoking other than cigarettes”;

Point 2 in the First Paragraph is added, written as follows:

“Point 5. Every packaging unit for cigarettes must have the following warnings, through provisions of Paragraph 2:

a) One of the general warnings, provided in Attachment 2.

The general warnings must alternate so as to guarantee, throughout the territory, the appearance of each warning on an equal number of packaging units with a tolerance margin of 5%.

The general warning is printed on the most visible surface of the packaging unit, as well as on any external packaging (excluding transparent wrapping over the packaging) intended for the consumer;

b) One of the combined warnings, which will be established by our Minister. The combined warnings must alternate so as to guarantee, throughout the territory, the appearance of each notice on an equal number of packaging units, with a tolerance margin of 5%. The combined warning is printed on the other most visible surface of the packaging unit, as well as any outer external packaging (excluding the transparent packaging covers), intended for the consumer.

Observations, paraphrases or references in any way on combined warnings may not be posted on packaging units”;

Point 3 in paragraph 2, point 2, the words “and point 4” are replaced by the words “point 4 and point 5”, and the last section is replaced by the following provision “- centered on the surface on which they must be printed, parallel to the upper edge of the packaging unit and in the same direction as the other information”;

Point 4 in paragraph 2, point 3, the words “and point 3” are replaced by the words “, point 3 and point 5”;

Point 5 in the first phrase of paragraph 2, point 4, the words “noted in the first paragraph, point 2, a)” are replaced by the words “noted in the first paragraph, point 2, a) and point 5, a)”;

Point 6 – in the first phrase of Paragraph 2, Point 5, the words “noted in the first paragraph, point 2, “b) are replaced by the words “noted in the first paragraph, point 2, b) and point 5, b)”;

Point 7 – the provisions of Paragraph 3 are replaced by the following provisions: Paragraph 3. Our Minister may require additional conditions with regard to the way of presenting the warnings, set forth in Paragraph 2, 2nd point and in technical specifications with regard to printing of combined warnings”;

Point 8, after paragraph 3, a paragraph 4 is added, written as follows: “Paragraph 4. The tobacco products that do not comply with the provisions of this article are to be considered detrimental in terms of Article 18 of the Law of January 24, 1977 relative to protection of consumers’ health concerning food items and the other products”.

Art. 4. In Article 5 of the same decree, the following provision is added:

“Our Minister can require technical conditions for automatic vending machines concerning the ban of sale of tobacco products for the youth.”

Art. 5. In Article 6, Paragraph 1 of the same decree, the words of the Inspection of Food Items Ministry of Public Health and Environment” are deleted.

Art. 6. Through transitional measures, cigarettes that do not satisfy the provisions of Article 3, First Paragraph, Point 5, of Royal Decree of August 13, 1990, relative to the manufacture and marketing of tobacco-based and similar products, modified by this decree, but that meet the provisions of the aforementioned Royal Decree of August 13, 1990, may be manufactured until at least 1 year – and marketed up to at least 18 months – after our Ministry will have established combined warnings.

Art. 7. Our Minister of Public Health, Our Minister of the Economy and Our Minister of Middle Classes are each of them, in their own field, in charge of the enforcement of the terms of this decree.

Given in Nice on August 10, 2004.

ALBERT

(By the King):

The Minister of Public Health,

R. DEMOTTE

The Minister of the Economy

M. VERWILGHEN

The Minister of Middle Classes,

Madame S. LARUELLE

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