

# Decrees, orders, circulars

## GENERAL TEXTS

### MINISTRY OF SOCIAL AFFAIRS AND HEALTH

#### Decree n° 2016-334 of March 21, 2016, on the plain cigarette pack and certain tobacco products

NOR: AFSP1603141D

**Public concerned:** *manufacturers, importers and distributors of cigarettes and rolling tobacco, as well as keepers of tobacco shops.*

**Subject:** *the plain cigarette pack and certain tobacco products.*

**Entry into force:** *this text enters into force on May 20, 2016, concomitant with the provisions of Directive 2014/40/UE of April 3, 2014, concerning the expansion of health warnings.*

**Notice:** *This decree defines the conditions for neutrality and uniformity of packs of certain tobacco products and cigarette paper, as well as rolling tobacco. The technical aspects of neutrality and uniformity are to be set by administrative order of the Minister of Health.*

**References:** *this decree is issued for the implementation of Article L. 3511-6-1 of the Code of Public Health, inserted by Article 27 of Law n° 2016-41 of January 26, 2016, for the modernization of our health system. The provisions of the Code of Public Health as amended by this decree can be consulted in the text resulting from this amendment at the site Légifrance (<http://www.legifrance.gouv.fr>).*

The Prime Minister,

In consultation with the Minister of Social Affairs and Health,

In light of Directive 2014/40/CE of April 3, 2014, of the European Parliament and Council on the harmonization of the legislative, regulatory and administrative provisions of member States concerning the manufacture, display and sale of tobacco products and related products, and abrogating Directive 2001/37/CE, particularly its Article 24;

In light of notification n° 2015/241/ of May 7, 2015, addressed to the European Commission in implementation of Directive 98/34/CE of the European Parliament and the Council, setting forth an informational procedure in the domain of technical standards and regulations and rules concerning services in the information society;

In light of the Environmental Code, particularly its articles R. 541-12-17 and R. 541-12-18;

In light of the General Tax Code, particularly its Article 302 D;

In light of the Code of Public Health, particularly its Article L. 3511-6-1;

The Council of State (social section) having been duly informed,

Decrees:

**Art. 1.** – Chapter I of title I of Book V of the third part of the Code of Public Health is completed by a section 5 which reads as follows:

“Section 5

“**Characteristics of packaging of tobacco products**

“Sub-section 1

“*Appearance and content of packaging units for tobacco products*

“Paragraph 1

“*General Provisions*

“*Art. R. 3511-17. – I. – Packaging units and outer packages of cigarettes and rolling tobacco are of one single color and may display a barcode.*

“*They may exhibit a “calibration mark” resulting from the single process of manufacture.*

“*II. – An administrative order by the Minister of Health shall determine the shade of color as well as the characteristics of the barcode mentioned in paragraph I.*

“*Art. R. 3511-18.* – I. – The inside of a packaging unit and an external package of cigarettes or rolling tobacco is to be of one single shade of color. The manufacturer may choose between two shades of color.

“II. – In addition to the tobacco product, only a lining comprising part of the packaging can be contained in a packaging unit.

“III. – An administrative order by the Minister of Health shall determine the shades of color mentioned in paragraph I, as well as the characteristics of the lining mentioned in paragraph II.

“*Art. R. 3511-19.* – I. – The outer wrapping of the packaging unit and the external package of the cigarettes or rolling tobacco shall be clear, transparent and colorless.

“II. – The outer wrapping mentioned in paragraph I shall be without any marking. Only the following things can appear on them:

“1 A barcode, whose characteristics shall be determined by administrative order of the Minister of Health;

“2 A black square or a rectangle intended to cover the barcode appearing on units of packaging included in the outer wrapping.

“III. – The outer wrapping can be equipped with a tear thread whose characteristics shall be defined by administrative order of the Minister of Health.

“*Art. R. 3511-20.* – I. – Any process intended to infringe the neutrality and uniformity of packaging units, outer packages or outer wrappings, particularly those seeking to confer specific auditory, olfactory or visual characteristics, is prohibited.

“An administrative order by the Minister of Health shall establish a list of the principal processes that are prohibited.

“II. – Any insert or item placed inside units of packaging, outer packages or outer wrappings is also prohibited, with the exception, for rolling tobacco, of rolling papers or filters.

“*Art. R. 3511-21.* – I. – Cigarette paper, cigarette rolling paper and filter envelopes shall be one single shade of color. For filter envelopes, manufacturers may choose between two shades of color.

“II. – An administrative order by the Minister of Health shall determine the shades of color mentioned in paragraph I.

### “*Paragraph 2*

#### “*Cigarette packaging units*

“*Art. R. 3511-22.* – I. – A cigarette packaging unit shall be composed of cardboard or a flexible material, in the form of a polyhedron, whose characteristics are to be specified by administrative order.

“II. – Packaging units are to adhere to the size and dimensional characteristics of health warnings set forth in Article L. 3511-6.

“III. – The external and internal surfaces of packaging units, outer packages and outer wrapping of cigarettes are smooth and flat.

“The features of a “calibration mark” resulting from the single process of manufacture are authorized as an exception.

“*Art. R. 3511-23.* – I. – A packaging unit of cigarettes does not have any opening that can be reclosed and resealed after the first opening, except for the flip-top box lid and the sliding upper lid of a folding carton.

“II. – For packaging units with a flip-top box lid and the sliding upper lid of a folding carton, the lid hinges only on the back of the packaging unit.

### “*Paragraph 3*

#### “*Rolling tobacco packaging units*

“*Art. R. 3511-24.* – I. – A packaging unit of rolling tobacco can be:

“1 A polyhedron, with characteristics that can be specified by administrative order;

“2 Cylindrical;

“3 A pouch.

“II. – Packaging units are to respect the dimensional characteristics of health warnings set forth in Article L. 3511-6.

“III. – The external and internal surfaces of packaging units, outer packages and outer wrapping of cigarettes are smooth, and in the case of packaging units or outer packages in the form of a polyhedron, they are smooth and flat.

“Elements strictly necessary for shaping the cylinder or expediting the opening and closing of the packaging unit or the external package of rolling tobacco are authorized as an exception.

“*Art. R. 3511-25.* – I. – When a packaging unit for rolling tobacco is equipped with a closure tab for resealing it, the tab shall be:

“1 Without any sort of marking;

“2 Either clear or transparent and colorless.

“II. – Cylindrical or polyhedron-shaped packaging units for rolling tobacco can contain a silver-colored seal, with no variations of tone or shade, and without texture. This seal comprises part of the inner package.

“An administrative order by the Minister of Health can specify the characteristics of this seal.

“*Sub-section 2*

“*Statements on packaging of tobacco products*

“*Art. R. 3511-26.* – I. – In addition to the health warnings indicated in Article L. 3511-6, only the following statements are to be placed in a legible and uniform fashion on a packaging unit or an external package of cigarettes or rolling tobacco:

“1 The name of the brand;

“2 The name of the commercial title;

“3 The name, postal address, electronic address and phone number of the manufacturer;

“4 The number of cigarettes contained or an indication of the weight in grams of the rolling tobacco content.

“II. – When packaging units or outer packages of rolling tobacco also contain rolling paper or filters, the following statements, as appropriate, can be added:

“1 “contains rolling papers and filters”;

“2 “contains rolling papers”;

“3 “contains filters”.

“III. – An administrative order by the Minister of Health shall determine the placement of the statements authorized in paragraphs I and II on packaging units or outer packages, as well as their characteristics.

“*Art. R. 3511-27.* – I. – The names of the brand and the commercial title may not appear on the inside of the packaging unit or the external package of cigarettes or rolling tobacco.

“II. – The particulars of the manufacturer may appear under conditions to be defined by administrative order of the Minister of Health, inside the packaging unit and the external package, instead of appearing on an outer surface.

“*Art. R. 3511-28.* – The names of the brand and the commercial title can be printed on the cigarette paper pursuant to terms to be defined by administrative order of the Minister of Health.

“*Art. R. 3511-29.* – The provisions of Article R. 541-12-17 and paragraph IV of Article R. 541-12-18 of the Environmental Code are not applicable to packaging for cigarettes, rolling tobacco and cigarette rolling papers.”

**Art. 2.** – The provisions of this decree shall enter into force on May 20, 2016.

However, tobacco products that are not in compliance with the provisions of this decree can be made available for consumption, in the sense of Article 302, paragraph I, item 1, 1 D of the General Tax Code, for a period of six months following the date of entry into force of this decree.

**Art. 3.** – The Minister of Social Affairs and Health is charged with the execution of this decree, which is to be published in the *Journal officiel* (‘Official Journal’) of the French Republic.

Done on March 21, 2016.

MANUEL VALLS

By the Prime Minister:

*The Minister of Social Affairs  
and Health,*

MARISOL TOURAINE