

(English version)

**Question for written answer E-001743/26
to the Commission
Pietro Fiocchi (ECR)
(29 April 2026)**

Subject: Non-compliance of the Tobacco Products Directive and the Tobacco Advertising Directive with Better Regulation framework

In its 2021 application report on Directive 2014/40/EU, the Commission stated it had been ‘systematically assessing the conformity of national provisions with the directive on the basis of six priority areas’ and that ‘this conformity check is ongoing and has been completed for a first group of Member States’. It also acknowledged ‘deficiencies and variations in the directive’s transposition’ and noted it was ‘holding structured bilateral dialogues with Member States to ensure conformity’.

The Commission’s Better Regulation framework (Tool 39, p. 346) states that compliance assessment should feed into the evidence base for effective evaluation. Therefore, the conformity check should produce a clear written document with the results.

However, the evaluation of the Tobacco Products Directive and the Tobacco Advertising Directive, published on 2 April 2026, contains no summary of these outcomes nor any explanation for their absence.

1. Has the conformity check of national transposition measures for Directive 2014/40/EU been completed for all 27 Member States? If not, which remain unassessed and what is the timeline for completion?
2. What were the overall findings of the conformity check, including the number and types of non-conformities identified across the six priority areas?
3. Why were these results not summarised or referenced in the 2026 evaluation, despite Better Regulation requirements that evaluations build on compliance checks and the best available evidence?

Submitted: 29.4.2026

**Answer given by Mr Várhelyi on behalf of the European Commission
(28 July 2026)**

The compliance assessment of the national transposition measures for Directive 2014/40/EU ⁽¹⁾ comprised several stages, including complete transposition and conformity checks.

In this context, the Commission has engaged in bilateral exchanges with a number of Member States concerning specific aspects of the transposition of the directive 2014/40/EU. The internal assessment is ongoing.

The findings of the conformity checks informed the Commission’s evidence base underpinning the evaluation process and contributed to identifying how the said Directive was implemented in the Member States, as described in the evaluation report.

⁽¹⁾ OJ L 127, 29.4.2014, p. 1.