



Judgment of the Court (Grand Chamber) of 21 April 2026 (request for a preliminary ruling from the College van Beroep voor het bedrijfsleven – Netherlands) – Nederlandse Voedsel- en Warenautoriteit, Staatssecretaris van Volksgezondheid and Others v Stichting Rookpreventie Jeugd

(Case C-155/24, ⁽¹⁾ Nederlandse Voedsel- en Warenautoriteit and Others)

(Reference for a preliminary ruling – Approximation of laws – Manufacture, presentation and sale of tobacco products and related products – Directive 2014/40/EU – Article 3(1) – Maximum emission levels for tar, nicotine and carbon monoxide – Article 4(1) – Measurement methods – Measurement of emission levels on the basis of the ISO standards referred to in Article 4(1) – Standards not published in the Official Journal of the European Union – Enforceability of those ISO standards – Article 2 TEU – Value of the rule of law – Requirement of free access to such standards)

(C/2026/4274)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicants: Nederlandse Voedsel- en Warenautoriteit, Staatssecretaris van Volksgezondheid, Welzijn en Sport, Philip Morris Benelux BV, Philip Morris Investments BV, JT International Company Netherlands BV, Vereniging Nederlandse Sigaretten- & Kerftabakfabrikante, Van Nelle Tabak Nederland BV, British American Tobacco International (Holdings) BV

Defendant: Stichting Rookpreventie Jeugd

Operative part of the judgment

Article 4(1) of 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

must be interpreted as meaning that individuals who have had access to the content of the official and authentic version of the ISO standards to which that provision refers cannot rely on the fact that those standards were not published in the Official Journal of the European Union in order to have the emission levels for tar, nicotine and carbon monoxide measured using measurement methods other than those provided for in those standards, standards that must be freely accessible under a system of access which is general, effective, without charge and non-discriminatory.

⁽¹⁾ OJ C, C/2024/3588.