

Roma, (come da segnatura protocollo)

Protocollo. (come da segnatura protocollo)

Ai Titolari dei siti web in elenco

Rif.: nota:

Allegati: elenco siti

OGGETTO: Art. 1, comma 50-quater, legge 27.12.2006, n. 296 – Comunicazione di violazione riscontrata – Offerta di tabacchi e di prodotti liquidi da inalazione senza combustione.

Com'è noto, l'art. 21, comma 11, del decreto legislativo 12 gennaio 2016, n. 6 stabilisce che, a decorrere dal 1° gennaio 2018, *“E’ vietata la vendita a distanza di prodotti da inalazione senza combustione costituiti da sostanze liquide, contenenti o meno nicotina, ai consumatori che acquistano nel territorio dello Stato”*.

Inoltre, l'art. 1, comma 50-bis, della legge 27 dicembre 2006, n. 296 ha previsto che l'Agenzia delle dogane e dei monopoli proceda all'inibizione dei siti web contenenti:

- Offerta di prodotti da inalazione senza combustione costituiti da sostanze liquide contenenti nicotina in difetto di autorizzazione o in violazione dell'art. 21 del decreto legislativo n. 6 del 2016;
- Offerta di tabacchi lavorati, di cui all'art. 39-bis del testo unico di cui al decreto legislativo 26 ottobre 1995, n. 504, in violazione dell'art. 19 del decreto legislativo 12 gennaio 2016, n. 6 o delle disposizioni di cui alla legge 22 dicembre 1957, n. 1293;
- Pubblicità, diretta o indiretta, dei prodotti specificati;
- Software relativi a procedure tecniche atte ad eludere l'inibizione dei siti irregolari disposta dall'Agenzia.

A seguito di apposita verifica della Guardia di Finanza – Nucleo Speciale Frodi Tecnologiche -, è stata segnalata a questo Ufficio la presenza, nei siti web in elenco, dell'offerta vietata di tabacchi lavorati e/o di prodotti liquidi da inalazione senza combustione, unitamente all'offerta di altri prodotti.

Con la presente nota, che vale come comunicazione formale ai sensi di quanto previsto dall'art. 1,

comma 50-quater, della legge n. 296 del 2006, si comunica ai soggetti interessati che, decorsi 15 giorni dalla pubblicazione del presente comunicato senza che l'offerta vietata venga rimossa, si procederà all'inibizione dei siti in elenco, offerenti anche prodotti o contenuti diversi da quelli sopra specificati, senza riconoscimento di alcun indennizzo.

9/6

Il Direttore dell'Ufficio

Elisabetta Poso



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