Tobacco and related products: manufacture, presentation and sale

2012/0366(COD) - 08/10/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 560 votes to 92, with 32 abstentions, amendments to the proposal for a directive of the European Parliament and of the Council 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.

The issue has been referred back to the committee responsible. The vote has been postponed to a later date.

The main amendments adopted in plenary are the following:

Objectives of the Directive: the general objective should be to meet obligations under the WHO Framework Convention for Tobacco Control and to facilitate the functioning of the internal market in tobacco and related products, taking as a base a **high level of health protection, especially for young people**.

The Directive stipulated that Member States should prohibit cross border distance sales of tobacco products.

Maximum yields of tar, nicotine and carbon monoxide and other substances: the accuracy of the tar, nicotine and carbon monoxide indications shall be verified in accordance with ISO standard 8243. Tests verifying the validity of the result supplied by the tobacco companies shall be done on a regular basis by independent testing laboratories monitored by the competent authorities of the Member States.

Members suggested setting a maximum yield of Polonium 210 which has been shown to be a significant carcinogen in tobacco. This would result in a reduction of 95% of the current average content of Polonium 210 in cigarettes.

Ingredients: an assessment should be carried out on the safety of additives for use in tobacco products. Additives should only be allowed in tobacco products if they are included in a **Union list of authorised additives**. That list should also indicate any conditions or restrictions on the use of allowed additives. Tobacco products containing additives not included in the Union list or used in a manner that does not comply with this Directive should not be placed on the Union market.

The following additives may **not be approved**: vitamins and other additives that create the impression that a tobacco product has a health benefit or presents reduced health hazards; caffeine and taurine and other additives and stimulant compounds that are associated with energy and vitality; additives which, when used, may impart a characterising flavour (fruit, spice, herb, alcohol, candy, menthol or vanilla). Additives essential to produce tobacco, such as sugar, would be authorised.

In order to obtain the approval of an additive, manufacturers and importers shall make an application to the Commission.

Labelling and packaging: Members requested that the health warnings should appear on all sides of the unit packet and any outside packaging and that they cover **65** % of the external area of both the front and back surface of the unit packet and any outside packaging.

The labelling of a unit packet and any outside packaging and the tobacco product itself and/or its brand name shall not include any element or feature that promotes a tobacco product and encourages its consumption by means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions. Labels shall not include any information about nicotine, tar or carbon monoxide content.

A unit packet of cigarettes shall include at least 20 cigarettes. A unit packet of roll-your-own tobacco shall contain tobacco weighing at least 20g.

Members rejected the banning of slim cigarettes.

Traceability and security: Member States should ensure that all unit packets and any outside transport packaging of tobacco products shall be marked with a **unique identifier**.

The unique identifier should determine the date and place of manufacturing, the manufacturing facility, the intended and actual shipment route from the place of manufacturing to the first retail outlet, including all warehouses used, the shipment date, shipment destination, consignee and point of departure.

Age limit: Member States should be encouraged, if they have not already done so, to formulate their national laws on the protection of young people in such a way that tobacco products may not be sold to, or consumed by, young people under the age of 18. Member States should also ensure that such prohibitions are respected.

Member States should report every two years to the Commission on the enforcement of the measures taken on the prevention of smoking and on initiatives to improve tobacco control, in particular with regard to age limits set in national legislation, as well as their plans to increase the age limit to achieve the goal of a ‘smoke-free generation’.

Imitation tobacco products: products aimed at underage consumers, such as food products and toys in the form of tobacco products that may be appealing to minors should be banned.

E-cigarettes: E-cigarettes should be regulated, but **not be subject to the same rules as medicinal products** unless they are presented as having curative or preventive properties. Those for which no such claims are made should **contain no more than 30mg/ml of nicotine**, should carry health warnings and should **not be sold to anyone under 18 years old**.

Manufacturers and importers would also have to supply the competent authorities with a list of all the ingredients that they contain. E-cigarettes would be subject to the same advertising restrictions as tobacco products.

Given the potential of nicotine-containing products to aid smoking cessation, Member States should ensure that they can be made available as widely as tobacco products. These products should be **available to be sold outside pharmacies**.