Tobacco: manufacture, presentation and sale of products (recast of Directives 89/622/EEC, 92/41 /EEC, 90/239/EEC)

1999/0244(COD) - 21/11/2000

The committee adopted the recommendation for second reading under the codecision procedure by Jules MAATEN (ELDR, NL) amending the Council's common position. It retabled a number of important amendments from first reading which had not been taken up by the Council. One of the main points of disagreement between Council and Parliament at first reading had been the size of the general and additional warnings to be shown on cigarette packets. The relevant article in the common position was now stipulating that the general warning should cover not less than 25% of the external surface area of a packet (or 27% for Member States with two official languages and 30% for those with three official languages). The committee amended the text so that the figures were 30%, 32% and 35% respectively and added a new provision stipulating that the additional warning should be 40% of the external area of a packet (45% for States with two official languages and 50% for those with three). It also wanted the general warning on packets to consist of one of three messages, which would be rotated in such a way as to guarantee their regular appearance. These messages would read: "Passive smoking harms those around you, especially children", "Smoking kills half a million people each year in the EU" and "Smoking causes cancer and heart disease". The committee also amended the list of additional warnings in the common position, altering the wording slightly in some cases and adding three new slogans, including "Smoking can cause a slow and painful death" and "Smoking can damage sperm and decreases fertility". The report also called for all or a proportion of the space for additional warnings to be used for colour illustrations depicting the health consequences of smoking. It further argued that, where tobacco was sold from vending machines, the warnings should be clearly displayed on such machines, as they were used by very young people who were just starting to smoke. The Member States should ensure that the list of ingredients for each product, indicating tar, nicotine and carbon monoxide yields, was made public and the Commission was urged to submit by 31 December 2004 a proposal for a directive providing for a common list of ingredients authorised for tobacco products, taking into account their addictiveness. The committee urged that a three-year transition period be authorised before the introduction of restrictions on exports to non-EU countries, in order to allow time for measures to be put in place to alleviate the impact on EU manufacturers. Lastly, it modified the common position text which prohibited the use of the terms "low tar", "light", "mild" etc. In the wake of the Court of Justice's October 2000 judgment on the tobacco advertising directive, the committee argued that such terms should be permitted if they were a substantial defining part of a trademark registered and genuinely marketed prior to the adoption of the proposed directive.