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

1999/0244(COD) - 31/07/2000 - Council position

The Council adopted - either wholly, partly, or retaining only the substance - 15 amendments proposed by the European Parliament which were taken up in the Commission proposal. It also adopted two other amendments, which had been initially rejected by the Commission and which concerns Article 7 (the use of the term 'low tar', 'light', 'ultra light', 'mild' or any other similar terms which have the aim or the direct or indirect effect of conveying the impression that a particular tobacco product is less harmful than others shall be prohibited), reinforcing that Article by a reference to information yield, as propose by the Commission. In relation to the amendments accepted by the Commission but not taken up in the common position, these relate to: - the reference to the price of tobacco products was not appropriate given the overall structure of the Directive; - the specific reference to the evaluation of tobacco products designed to reduce risk, the Council did not consider that this was essential at this stage since this was to be a priority for study in the first report; - improving the accuracy and reliability of methods for measuring tar, nicotine and carbon monoxide yields, and also on investigating the possiblity of drawing up a common list of other ingredients; - improving the evaluation of the effects of tobacco products in connection with the need to ensure a high level of health protection; - the protection of commercial and intellectual property rights in relation to customer information; - the possiblity of an exemption, even a temporary one, for the application of the new provisions to cigarettes exported outside the Community, the Council considers that this is not justified, particularly given the problems of control which this exemption would have raised; - the annual disclosure of results, this would be less costly and more reliable; - the increase in dimensions requested by the Parliament, both for yield indications and for warnings to be included on packaging, this was seen as being excessive. Furthermore, the Council did not incorporate the Commission's proposal that only the maximum authorised yields laid down in Article 3(1) should be printed on the packets, judging that it was important to inform consumers of the actual yields of cigarettes. The principal changes introduced by the Council include: - the amendment of the preamble in order to ensure better correspondance with the text of the enacting terms, be merging some recitals and deleting others, without substantially altering the contents; - reintroducing a provision taken from Directive 89/622 /EEC by providing for the possiblity of naming the body which issued the warning, while specifying that this should be stated outside the frame of the warning notice so as not to reduce its impact; - the introduction of two additional warnings.