



EUROPEAN COMMISSION

PRESS RELEASE

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Tobacco products: towards bigger health warnings and ban of strong flavourings

Today, after years in the making, the European Commission has adopted its proposal to revise the Tobacco Products Directive. The proposed legislation consists of new and strengthened rules on how tobacco products can be manufactured, presented, and sold. More specifically, it bans the use of cigarettes, roll-your-own tobacco (RYO) and smokeless tobacco products with characterising flavours and makes the use of large pictorial health warnings mandatory on cigarettes and RYO. It regulates cross border internet sale and foresees technical features to combat illicit trade. Moreover, measures are proposed for products that were not specifically regulated so far such as e-cigarettes and herbal products for smoking. Chewing and nasal tobacco will be subject to specific labelling and ingredient regulations. The existing ban for oral tobacco (snus) shall be maintained.

On the occasion of the proposal's adoption, Commissioner in charge of Health & Consumer Policy, Tonio Borg said: *"We delivered! The European Commission had promised a proposal on tobacco products by the end of 2012, and that's what I'm presenting today to Health ministers and the European Parliament. The figures speak for themselves : tobacco kills half of its users and is highly addictive. With 70% of the smokers starting before the age of 18, the ambition of today's proposal is to make tobacco products and smoking less attractive and thus discourage tobacco initiation among young people".* He added that *"Consumers must not be cheated: tobacco products should look and taste like tobacco products and this proposal ensures that attractive packaging and flavourings are not used as a marketing strategy."*

Why a revision of EU law?

The current Tobacco Products Directive (2001/37/EC) dates from 2001. Since then, significant scientific, market and international developments have taken place. For example, new evidence on flavourings used in tobacco products and effectiveness of health warnings has become available. Novel products such as electronic cigarettes have entered the market and recent marketing strategies involve the use of attractive packaging and flavours. At international level, the EU and all of its Member States have ratified the WHO Framework Convention on Tobacco Control (FCTC) which entered into force in February 2005. As a consequence, **some of the current provisions of the Directive have become outdated**. Member States have also taken different regulatory approaches resulting in a **divergence between Member States' laws on the manufacture, presentation and sale of tobacco products**.

The new proposal is responding to these developments and to **requests from the European Parliament and the Council of Ministers** as well as the Commission's own report on the Application of the Tobacco Products Directive of 2007 and 2009, which identified potential areas for improvement.

Main elements of the proposal:

The proposal foresees major revisions of the current Directive. It addresses in particular the following areas:

- **Labelling and Packaging:** All cigarette and Roll Your Own packages must contain a combined picture and text health warning covering **75% of the front and the back of the package and must carry no promotional elements**. The current information on tar, nicotine and carbon monoxide, which is perceived as misleading, is replaced by an information message on the side of the pack that tobacco smoke contains more than 70 substances causing cancer. **Member States remain free to introduce plain packaging in duly justified cases**.
- **Ingredients:** An electronic reporting format for ingredients and emissions will be introduced. The proposal foresees a prohibition for cigarettes, roll your own tobacco and smokeless tobacco that have characterising flavours and a prohibition of products with increased toxicity and addictiveness.
- **Smokeless tobacco:** The ban on oral tobacco products (snus) is maintained, except for Sweden which has an exemption. **All smokeless tobacco products must carry health warnings** on the main surfaces of the package and **products with characterising flavours cannot be sold**. Novel tobacco products require prior notification.
- **Extension of the scope of the Directive :** Nicotine Containing Products (e.g. electronic cigarettes) below a certain nicotine threshold are allowed on the market, but must feature health warnings; above this threshold such products are only allowed if authorised as medicinal products, like nicotine replacement therapies. Herbal cigarettes will have to carry health warnings.
- **Cross border distance sales:** A **notification for internet retailers** and **age verification mechanism** are foreseen to ensure that tobacco products are not sold to children and adolescents.
- **Illicit trade:** A **tracking and tracing system and security features** (e.g. holograms) are foreseen to ensure that only products complying with the Directive are sold in the EU.

Process and Timelines

The proposal has been adopted following extensive consultation of stakeholders including a public consultation which generated 85,000 responses. During its preparation, a thorough impact assessment has been carried out, evaluating economic, social and health effects of several policy options under consideration. Several external studies were commissioned during the process.

As a next step, the proposal will be discussed in the European Parliament and in the Council of Ministers. It is expected to be adopted in 2014. It would come into effect from 2015-2016.

Further information:

http://ec.europa.eu/health/tobacco/products/index_en.htm

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