

Brussels, December 18, 2013

### **Tobacco Products Directive: green light of the Member States!**

One year exact has passed since the Commission's proposal for a new Tobacco Products Directive, necessary to update a 12-year old legislation, to close legal gaps, to be in line with the World Health Organisation Framework Convention on Tobacco Control and especially to protect public health. We have been advocating during this time for the protection of patients with allergy, asthma and COPD and more in general for public health considerations to be at stake in the discussions at the European Parliament and the Council.<sup>1</sup> After the General Agreement reached by the Council this summer and the vote of the plenary of the European Parliament in October, today the Committee of Permanent Representatives (COREPER I) of the EU Member States backed the final compromise text negotiated during the last trilogue on Monday by the Lithuanian Presidency and the European Parliament.

But how exactly tobacco products will be regulated once this new legislation will enter into force? Although the formal approval of the co-legislators (Parliament and Council) is still needed, the main novelties are as follows:

- 1) Mandatory combined health warnings (picture and text) covering 65% of the front and the back and text warnings on the side of the packets;
- 2) Standardisation of certain aspects of cigarette packs with prohibition of some types, such as the "lipstick" one, Member States are free to introduce plain packaging (and we welcome Ireland's and the UK's position on this topic);
- 3) Ban on any misleading labelling, such as "natural" or "organic";
- 4) EU-wide tracking and tracing system with security features (e.g. holograms) for tobacco products to combat illicit trade;
- 5) Ban on characterising flavours, with a four-year transitional period for menthol (having mentholated products a sales' volume of 3% or more in the EU);
- 6) Possibility for Member States to ban online sales of tobacco products;
- 7) Inclusion of electronic cigarettes in the directive, subject to a number of safeguards (e.g. maximum concentration of nicotine of 20 mg/ml, maximum single use cartridge size of 2 ml); Commission's report on refillable electronic cigarettes two years after the entry into force of the text; possibility for the Commission to adopt an EU level ban if three Member States ban refillable electronic cigarettes; possibility for Member States to authorise electronic cigarettes under the rules for pharmaceuticals.

Although some provisions, namely the ones on e-cigarettes, on online sales of tobacco products and on menthol, could have been stricter, EFA welcomes this new legislation as a step forward for the protection of public health in Europe. Every year 700,000 people die from tobacco, tobacco smoke is the first cause of COPD in developed countries, smoking and exposure to second hand smoke are major factors in provoking allergic responses in babies and children, and smoking in asthma is associated with a higher degree of severity of the disease. A strong Tobacco Products Directive has the potential to create a future free of tobacco-caused deaths and diseases and to protect Europe's children from taking up the deadly habit of smoking.

Once the directive is adopted, Member States will have two years to transpose the new rules into national law. For more information, read the Council position: [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/lsa/140147.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/lsa/140147.pdf).

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<sup>1</sup> EFA position paper available here: <http://www.efanet.org/wp-content/uploads/2013/07/TPD-position-July.pdf>.