



EUROPEAN COMMISSION

## MEMO

Brussels, 18 December 2013

### Commissioner Borg welcomes agreement on the revision of the Tobacco Products Directive

"I welcome the agreement reached at COREPER level today on the revision of the Tobacco Products Directive. It's a direct outcome of the last trilogue between the European Parliament and EU Member States on this important text for EU citizens.

This agreement – pending the vote in the European Parliament Plenary and formal adoption by the Council - means **a new Directive will ensure that tobacco products look and taste like tobacco products and help discourage young people from starting to smoke.**

I am particularly pleased that the Parliament and the Council have endorsed the two key measures of the Commission proposal: **large mandatory photo and text warnings** on both sides of the pack of cigarettes and roll-your-own tobacco, and **no characterising flavours allowed** in these products.

I firmly believe that prominent visual warnings will serve as effective reminders of the **severe health consequences of smoking** and help people make well-informed choices. And the prohibition of characterising flavours such as fruit or menthol, which appeal to young people, will make smoking initiation less appealing. Together with the fact that attractive lipstick style packages will not be allowed either, these measures will help reduce the number of children and young people who start smoking.

In addition, the Commission proposal for an **EU-wide tracking and tracing system** to combat illicit trade of tobacco products - the first of its kind in the EU – was endorsed by the co-legislators.

Finally, I congratulate the European Parliament and EU Member States on reaching an agreement on **electronic cigarettes**, setting in place clear safety and quality standards for this growing sector of the market. The Commission will closely monitor developments and trends in this emerging market.

I congratulate the European Parliament, in particular the rapporteur Linda McAvan, her shadow Rapporteurs, the Council and the EU Presidencies (Ireland and Lithuania) for this major achievement."

Background

#### Key elements of the proposal:

##### 1. Packaging and labelling

All cigarette and roll-your-own (RYO) tobacco products will display combined health warnings (picture and text) covering 65% of the front and the back of packages. In addition, text warnings will be placed on the side of the packets. Minimum dimensions for the health warnings will ensure greater visibility and that certain pack types, like the 'lipstick' type, will no longer be allowed. There will be standardisation of certain aspects of

cigarette packs and all promotional elements on tobacco packs as well as reference for example to taste or flavourings will be prohibited. Member States that want to introduce plain packaging can do it under the justifications and conditions provided for in the Directive.

## **2. Ingredients**

'Characterising flavours' (e.g. menthol; fruit; candy) in cigarettes and roll-your-own tobacco will be prohibited. Products with characterising flavours that have a sales volume of 3% or more in the EU (e.g. menthol) will benefit from a lengthy transitional period of 4 years. In addition, reporting on ingredients will be substantially reinforced, in particular for additives in cigarettes and roll-your own tobacco. It will also be possible to prohibit products with additives that have been shown to increase significantly and measurably the toxic or addictive effect.

## **3. Tracking and tracing**

An EU-wide tracking and tracing system with security features (e.g. holograms) for tobacco products to combat illicit trade will be put in place. Cigarettes and roll-your-own tobacco products will be the first to be phased in to this system, with other tobacco products following after.

## **4. E-cigarettes**

For e-cigarettes that do not fall under the definition of medicinal products of Directive 2001/83/EC, the Directive sets mandatory safety and quality requirements e.g. on nicotine content, ingredients and devices, as well as refill mechanisms. The new rules make health warnings and information leaflets obligatory and introduce notification requirements for manufacturers and importers of e-cigarettes, stricter rules on advertising and monitoring on market developments. Member States and the Commission will be in a better position to react in the case of health concerns related to these products and the Commission will report e.g. on the potential health risks associated with refillable e-cigarettes.

## **5. Cross-border distance (internet) sales**

Member States will be entitled to prohibit cross-border distance (internet) sales of tobacco products if they choose and retailers will not be permitted to supply consumers located in those Member States. In Member States which do not prohibit such sales, retailers must follow stricter notification rules and make use of an age verification system.

## **6. Herbal products for smoking**

There will be stricter labelling and ingredients reporting requirements for herbal products for smoking.

**7. The political agreement reached is subject to technical finalisation and formal approval by the co-legislators.**