



**EUROPEAN COMMISSION**

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate C - Public Health and Risk Assessment

**C6 - Health Law and International**

Brussels, 22 April 2009

SANCO C6/TP/ D(2009)/

**9th Meeting of the REGULATORY COMMITTEE established under  
Article 10 of the Tobacco Products Directive 2001/37/EC  
Summary record**

**Meeting dates: 22 April 2009, 10.00 – 17.30  
Centre de Conference Albert Borschette, meeting room 1C**

**1. Welcome and apologies**

The Commission welcomed the participants and introduced the tobacco team of Unit C6 of DG SANCO. Chair expressed the intention to schedule the next meeting at the beginning of November 2009, as the aim for the Regulatory Committee is to convene twice per year.

**2. Adoption of the draft agenda**

The draft agenda was adopted.

**3. Declaration of interests**

No conflicts of interests according to Art 12.2 of the Rules of Procedures (RoP) were signalled by the participants.

**4. Review of the textual and pictorial warnings on tobacco products**

The Commission made a short presentation on the reasons why a review of the textual warnings is needed and the process which will be followed.

Sambrook Research International, external contractor to the Commission, presented the findings of their research on tobacco package health warnings. On the 28 newly developed health warnings, Member States were asked to slightly reduce their number and to give their preliminary agreement.

Some Member States asked to clarify the competence of the Regulatory Committee with regard to health and pictorial warnings. The Commission clarified that at this stage the focus

is on textual warnings listed under Annex I of the Tobacco Products Directive. For this issue the Regulatory Committee has competence and will be asked to decide in regulatory procedure. As far as the library of pictorial warnings, the Commission will consult the Member States in an advisory procedure in advance of any decision.

In its answer to the question about the balance between health and other messages, the Sambrook explained that this balance was not explicitly intentioned. However, health appeal messages have proven to have a powerful impact, especially when combined with pictorials, and to have a considerable awareness raising effect.

The Regulatory Committee examined further the proposed warning messages with the view of reducing their number.

The consensus was reached that 24 messages should form basis for the upcoming proposal. Following messages were found weakest and were deleted from the list: "Smoking causes chronic disabling cough", "Smoking blocks your arteries", "Passive smoking causes severe asthma attacks" and "Smoking causes a slow and painful death".

Several Member States asked for a short period of time to reflect on the proposed new warnings and to send their comments. This was agreed for comments to reach the Commission by 30 April 2009.

One Member State pointed out the need for translation before a possible decision was taken and suggested that they could prepare and propose a translation themselves. This was regarded a helpful suggestion.

The Commission informed the participants that the next step would be the request to the contractor to develop images for these new warnings, which will be then discussed with the Member States at the beginning of next year.

This agenda point was concluded with the presentation by Sambrook of their study's key recommendations.

Concerning pictorial warnings, the Commission stated that Belgium, Romania and the UK have already adopted pictorial warnings. Other Member States informed the Commission on their legislative plans towards the adoption of pictorial warnings.

**Conclusion:**

Consensus has been reached on a list of warning messages, containing 24 sentences. Member States can send comments until 30 April 2009.

New pictures will be developed to correspond to the new warnings and submitted to the Regulatory Committee.

## **5. State of play of tobacco products ingredients reporting**

The Commission briefed the Member States on the Working Group meeting on harmonising reporting formats, which took place on 10 February 2009 and its main conclusions.

Mr van Amsterdam (NL, RIVM) presented the Electronic Model Tobacco Control (EMTOC) project. The data on ingredients would come from the tobacco industry which should also pay for using this system. Mr van Amsterdam invited Member States to participate in this project. One Member State reported that although the EMTOC project presents clear benefits for industry, there have been some attempts to delay the implementation.

Denmark highlighted the importance of future regulation of tobacco ingredients on the EU level.

The issue of 'candy cigarettes' was discussed. Many Member States pointed out that sweet-taste cigarettes are easier to smoke because the sweetness covers the bitterness of tobacco and furthermore more appealing to young people.

**Conclusion:**

EMTOC is expected to be up and running in the end of 2009. The Commission invited Member States to join the EMTOC project.

## **6. Tobacco products sales arrangements**

After a round-table discussion it was concluded that several Member States (Ireland, Finland, the UK and Hungary) are currently introducing or planning stricter legislation on tobacco advertising and promotion at points of sales.

## **7. Product descriptors, e-cigarettes, new products**

The Commission briefed on the latest developments on e-cigarettes:

- a) The Commission issued an orientation note at the end of May 2008 to assist the Member States in dealing with these products.
- b) E-cigarettes are marketed with a claim that WHO has endorsed them as quitting aid. WHO has rightly and clearly denied any endorsement on its part.
- c) In the US these products are being blocked in the customs for lack of authorisation to enter as medicinal products
- d) In Greece, the recent law on protection from tobacco and alcohol bans the marketing of e-cigarettes unless a Ministerial decision authorises them under certain conditions.

## **8. Close of the meeting**

The Commission thanked the participants for a useful meeting and the active participation.

The next meeting of the Regulatory Committee will be in November 2009.

### **Annex I - Summary of conclusions**

- Agreement has been reached on a list of warning messages, containing 24 warnings. Member States can send comments until 30 April 2009.
- New pictures will be developed to correspond to the new warnings and submitted to the Regulatory Committee.
- EMTOC is expected to be up and running in the end of 2009.
- The Commission invited Member States to join the EMTOC project
- The next meeting of the Regulatory Committee will be in November 2009.

## **Annex II – List of participants**

### **Committee members:**

Austria	(Ministry of Health, Family and Youth)
Belgium	(Ministry of Health)
Bulgaria	(Ministry of Health)
Czech Republic	(Ministry of Health)
Denmark	(National Board of Health)
Estonia	(Ministry of Social Affairs)
France	(Direction général de la santé)
Germany	(Ministry of Nutrition, Agriculture and Consumer Protection)
Hungary	(National Institute for Health Development)
Ireland	(Department of Health and Children)
Italy	(Ministry of Health)
Latvia	(Ministry of Health)
Lithuania	(Ministry of Economy)
Malta	(Permanent Representation of Malta)
Netherlands	(Ministry of Health, RIVM)
Portugal	(General Directorate for Health)
Romania	(Ministry of Health)
Slovenia	(Ministry of Health)
Spain	(Ministry of Health and Consumer Affairs)
Sweden	(National Institute of Public Health)
United Kingdom	(Department of Health)

### **Observers**

Turkey	(Tobacco and Alcohol Market Regulatory Authority)
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### **Experts**

Prof John Britton	University of Nottingham (UK)
Mr Robin Spencer	Sambrook Research International
Ms Alois Dober	Sambrook Research International

### **Commission services:**

Ms Patricia Brunko	DG SANCO C6	(Chair)
Ms Terje Peetso	DG SANCO C6	
Mr Antti Maunu	DG SANCO C6	
Ms Anna Jassem	DG SANCO C6	
Ms Eirini Volikou	DG SANCO C6	
Ms Rita Poleczki	DG SANCO C6	(Secretariat)