



Brussels, 2 December 2011

MINUTES OF THE MEETING

Participants:

Dominik Schnichels, Antti Maunu, Sigrid Wimmer, Anna-Eva Ampelas, Katja Bromen, Matus Ferech (DG SANCO D4)

Kristof Doms (Philip Morris), Antonella Pederiva (CECCM), Ronan Barry (BAT), Thierry Lebeaux (JTI), István Komoróczy (IT)

Place: Rue Froissart 101, 1/89

The meeting was organised on the request of industry representatives in order to discuss the ongoing revision of the Tobacco Products Directive (TPD).

- Representatives of cigarette manufacturers stressed that they are not against regulation and a revision of the TPD, if it improves the functioning of the internal market and improves the clarity/equal treatment, e.g. regarding scope and reporting obligations on ingredients. The focus should be on improvement of the functioning of the internal market (e.g. limitation of national particularities). The representatives questioned the effectiveness of the current TPD, and in particular the rules on labelling to reduce consumption and prevalence levels. They also mentioned that illicit trade continued to pose an important problem. It was suspected that options are based on the wrong assumption that people are not aware of the dangers of smoking. Therefore, increasing awareness would not make much sense. One of the representatives argued that the one measure under consideration for which there was clear evidence that it could reduce the burden of disease was the removal of the ban on snus which was supported by all cigarette manufacturers present..
- DG SANCO referred to the earlier Public Consultation and explained that – disregarding some regrouping – the same options for the TPD are under discussion. The presentation/discussion focused on labelling and packaging as well as ingredients. On ingredients, the industry representatives welcomed a mandatory reporting on ingredients in a common format (following the current EMTOC model) invited the Commission to take ownership of the system subject to trade secret protection and favoured a regulatory approach on ingredients focusing on toxicity. Banning certain characterising fruit and candy-like flavours for products such as pina colada and strawberry can be further explored, , although it was doubted whether this would affect smoking behaviour. The industry representatives stressed that DG SANCO was taking the ingredient issue from the wrong angle and should instead look at smoke constituents. According to the industry representatives there was no scientific basis to regulate the attractiveness as this was considered inherently subjective. In addition

they argued that product differentiation should remain possible. On packaging and labelling, at least one representative expressed no major concerns with the introduction of mandatory picture warnings, replacement of TNCO-levels and mandatory printing of cessation services. However, the representatives stressed the importance for keeping appropriate space for the industry to put trademarks and possibilities to place distinguishable products on the market. This was also linked to the size and shapes of packaging.

- DG SANCO informed about the timelines of the Impact Assessment that should be completed in the 1st quarter of 2012. The assessment would take account of an encompassing range of issues, including economic, social, health and environmental aspects. All participants of the meeting agreed that it would be preferable to complete the legislative process under the current mandate of the European Parliament.
- When finalising the impact assessment, some well defined data gaps were indentified that are currently addressed with the assistance of a consultant. The industry representatives agreed to cooperate and support the Commission/consultant. In addition, they agreed to deliver
 - data related to a list of substances/flavourings/ingredients to be provided by DG SANCO. The industry representatives explained that ingredients are added to distinct a product from those of the competitors
 - data to substantiate statements made at the meeting regarding smoking patterns observed in Belgium and Ireland.
- DG SANCO indicated its readiness to receive additional information (e.g. on ingredients), provided it is targeted, and invited the representatives to (re-)submit before Xmas any options which they considered as more effective and proportionate and that should be considered in the ongoing IA (cf. meeting with the Barroso cabinet).