

Citizens' Summary

Proposal for a revision of the Tobacco Products Directive

What's the issue?

- The proposal sets up a harmonised framework for tobacco products placed on the EU market. The Directive will replace the existing rules from 2001.

The revision addresses the following main issues:

- (1) how to regulate products which do not contain tobacco, but which are closely linked to smoking or tobacco consumption, for example electronic- and herbal cigarettes, (2) labelling and packaging of tobacco products, (3) additives, such as flavourings, used in tobacco products, (4) internet sales of tobacco products and (5) tracking and tracing of these products.
- In the past ten years, there have been several market, scientific and international developments in the tobacco sector, and as such the existing rules present a number of weaknesses, gaps and loopholes. For example, since 2001, existing products have been made more attractive by changing their flavour and packaging and novel products such as electronic cigarettes have been put on the market. In addition to this, scientific evidence has shown that some of the labelling requirements in the current Directive, for example requiring the display of tar, nicotine and carbon monoxide yields on cigarette packages, may mislead consumers into believing that one type of tobacco product is less harmful than another. The commitment by the EU and all Member States to follow the WHO Framework Convention on Tobacco Control (FCTC) has also meant that tobacco products legislation will need to be updated across the EU.
- In areas which are already regulated by the current Directive, Member States are not allowed to update their legislation in line with new developments, unless the current Directive is itself updated. Even in areas which are not covered by the current Directive, action is needed to address the divergent development of legislation in Member States and ensure a consistent implementation of international obligations and commitments.
- The present revision will establish an ambitious and effective regulation of tobacco products.

Who will benefit and how?

- Young people will be discouraged from taking up smoking, as there will be stricter rules on features that increase the attractiveness of tobacco products. This is particularly important considering that 70% of the smokers start before the age of 18 and 94% before the age of 25 years.¹ Citizens will be enabled to take informed decisions about the products and quitting if they so wish and thus benefit in terms of health. Studies show that around 50% of smokers die prematurely on average 14

¹ Special Eurobarometer 385, 2012 : http://ec.europa.eu/health/eurobarometers/index_en.htm.

years earlier. In addition, smokers have more life years that are characterised by serious disease.² Current smokers will also benefit from the measures proposed in the Directive (e.g. health warnings and ingredients regulation).

- Governments and the society as a whole will benefit from improved public health. Apart from being a value in its own right and of great importance to all citizens, a healthy population is essential for productivity and prosperity and a key factor for economic growth. Annual EU public healthcare expenditure on treating smoking attributable diseases is estimated around 25,3 bnEUR and society loses 8,3 bnEUR per annum due to productivity losses (including early retirements/deaths and absenteeism) linked to smoking. The burden on governments to implement international commitments will also be reduced as Member States will benefit from learning from each other's experiences.
- Manufacturers of tobacco products will benefit from clearer rules, an improved functioning of the internal market and a level playing field that excludes those that play unfair. The new rules allow products to move more easily across the internal market and take particular account of the specific needs of small and medium-sized companies.

Why does action have to be taken by the EU?

- Citizens in all EU Member States should benefit from the same high standards for health and safety. This can only be achieved at EU level.
- The Directive needs to be updated to overcome Member States' obstacles in bringing their national legislations in line with new market, scientific and international development in already harmonised areas.
- Only action at EU level would allow economic operators to manufacture for one market (the EU) rather than having to adapt products to several different national laws.

What exactly will change?

- The products covered by EU legislation will be extended and clarified; for example electronic cigarettes containing nicotine over a certain threshold will only be allowed if they have been authorised as pharmaceuticals. Herbal products for smoking will carry warning labels to inform citizens about their health risks.
- Health warnings on cigarettes and roll-your own tobacco products will be larger and more prominent; they will also contain mandatory pictures on both sides of packages. Promotional and misleading elements will be prohibited on packages.

² Bronnum-Hansen H, Juel K. Abstinence from smoking extends life and compresses morbidity: a population based study of health expectancy among smokers and never-smokers in Denmark. *Tobacco Control* 2001; 10: 273-278; Nusselder WJ, Looman CW, Marang-van de Mheen PJ, van de Mheen H, Mackenbach JP. Smoking and the compression of morbidity. *J Epid Comm Health* 2000; 54: 566-574; Klijs B et al. Obesity, smoking, alcohol consumption and years lived with disability: a Sullivan life table approach. *BMC Public Health*. 2011; 11: 378

- A common reporting format for all Member States will be set up for the reporting of tobacco ingredients. Cigarettes, roll-your-own and smokeless tobacco products that have a characterising flavour, such as menthol cigarettes and smokeless tobacco with liquorice taste, will be prohibited. Additives that create the impression that products have health benefits (e.g. caffeine and vitamins) or are associated with energy and vitality (e.g. caffeine and taurine) will also be forbidden
- The internet sale of tobacco products will be subject to stricter controls in terms of age-verification and an obligation for internet retailers to notify their activity.
- An EU wide tracking and tracing system for tobacco products will be introduced to reduce the amount of illicit products in the EU. Security features against counterfeiting will also allow consumers to verify the legal status of the products.

When is the proposal likely to come into effect?

- Ideally, the new Directive will be adopted by the European Parliament and the Council in 2014.
- It would come into effect from 2015-2016.

Data for search engines	
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