



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Health systems and products
Substances of human origin and Tobacco control

Brussels, 21 May 2015

MEETING WITH THE EUROPEAN SMOKING TOBACCO ASSOCIATION (ESTA)

Participants:

ESTA: Peter van der Mark, ESTA; Vlad Olteanu, ESTA; Jens Hennild,
Tobaksindustrien; **Shanna Storm, MacBaren; Bob van Mierlo, STG (Scandinavian**
Tobacco Group)

SANTE D4: Dominik Schnichels, Anna-Eva Ampelas, Isabel Holmquist, Anette
Laulajainen, Kerstin Selbach

Date: 20 May 2015

Summary

The meeting took place following a request from ESTA and focused on the application of Articles 9, 10 and 11 of the new Tobacco Products Directive 2014/40/EU (TPD) to pipe tobacco.

1. Particularities of the pipe tobacco industry

ESTA drew DG SANTE's attention to the specific characteristics of the pipe tobacco industry. Pipe tobacco serves a small niche market and consists of many small brands packed in many different packaging containers (this includes pouches and varieties of various geometrical form tins and boxes). Pipe tobacco is mainly produced by smaller companies and the two main manufacturers distribute to all 28 EU Member States. The shelf life for pipe tobacco products is much longer than for cigarettes or roll-your-own tobacco, which has special impacts on transposition and rotation requirements.

1. Timing

ESTA stressed the importance of knowing whether Member States will make use of the exemption for pipe tobacco in Article 11 of the TPD as soon as possible to allow companies time to adapt their production processes. At the moment pipe tobacco manufacturers are preparing for both the Articles 9/10 and Article 11 labelling regimes.

DG SANTE indicated that the final decision on the labelling regime for pipe tobacco lies with Member States. DG SANTE has informed Member States of the need to communicate their plans as soon as possible to allow industry sufficient time to adapt to the new labelling regime.

2. The application of the new labelling regime to pipe tobacco

ESTA indicated that they find many of the provisions related to Articles 9 and 10 difficult to implement in practice due to the production constraints for pipe tobacco, in particular due to small production batches and orders. ESTA argued that labelling of pipe tobacco fits better under the exemption regime of Article 11.

Regarding the application of the Article 9 and 10 regime, ESTA explained that it will be difficult to find space for all the labelling requirements on pipe tobacco pouches considering the requirement to carry a number of warnings, tax stamps that break upon opening, bar codes, identification marks and other national, Member State, required information. ESTA also explained that the need to lengthen the flap on these pouches to comply with the combined health warnings regime under TPD would require investment in new machinery or adaptation of existing machinery.

ESTA also raised the difficulty of placing warnings on the sides of cylindrical vacuum tins and ensuring that the tax stamp does not obscure the warning. ESTA thought that it would make more sense to place the combined health warnings on the lid of these products. DG SANTE referred to Article 10 TPD, which provides guidance on the issue.

ESTA expressed concerns regarding the rotation of the combined health warnings. A rotation period from January 1st would be preferred because price updates usually occur at the beginning of the year and in some MS the price must be printed on the packets. DG SANTE referred to Article 10 TPD, which provides guidance on the issue. ESTA explained that it was crucial that Member States allowed the exhaustion of stock foreseen in Article 30 considering the long shelf-life of pipe tobacco.

3. Traceability and security features

ESTA requested that the small scale production lines of the pipe tobacco industry be considered when designing the European track and trace system. The security feature should also be as small as possible given the space constraints on those packages labelled with combined health warnings and additional warnings.

3. Pouches

ESTA member companies present to the meeting agreed to look into providing DG SANTE with some cost figures for pipe tobacco pouches.

4. Closing remarks

DG SANTE indicated that many of ESTA's concerns relate to the application of the main TPD. The TPD itself cannot be changed by the Commission. In terms of interpretation, it is ultimately for the Court of Justice of the EU to decide.

DG SANTE also explained that it is working closely with Member States and stakeholders to ensure a uniform application and future enforcement of the TPD. DG SANTE undertook that it would bring the request of ESTA on a timely indication of the applicable labelling regime and the transposition of Art. 30 to the attention of Member States.