EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems and products
Substances of human origin and Tobacco control

2ND MEETING OF THE TOBACCO PRODUCTS COMMITTEE

SUMMARY RECORD

Date: **14 October 2015**

Place: **CCAB**

1. Introduction

The meeting focused on the secondary legislation regarding (1) the reporting format for ingredients used in tobacco products, (2) notification format for e-cigarettes[1] and (3) the procedure for determining products with characterising flavours.

2. Reporting format for ingredients used in tobacco products

The Commission reminded the group that a first draft of the implementing decision had been circulated to the Committee members at the end of July. The comments received were integrated to the extent possible. The revised version was circulated two weeks before the meeting. The Commission also informed that the draft had been subject to a TBT notification (on a voluntary basis) which came to an end on 4 October and that no comments had been received.

Thereafter the Commission briefly presented the draft implementing decision article by article. The text presented by the Commission was discussed. While going through the articles of the draft decision some questions were raised, including on the creation of the TP-ID (tobacco products ID) referred to in Article 5 and on the confidentiality rules in Article 6. The Commission explained that the TP-ID will help identifying whether the same product is put on different markets, even if different brand names are used. It was also clarified that Member States are responsible for deciding which confidentiality claims of industry to accept. This would be of relevance in particular when making non-confidential information publically available.

The Commission concluded that the text was, in general, acceptable to the Committee and ready for vote. At the request of a few Member States, it was agreed to proceed with a written vote (to be launched shortly after the meeting).

[1] It should be noted that the reporting and notification formats also cover other issues, such as emissions.

3. Notification format for electronic cigarettes

The Commission explained the process (same as above) and thereafter briefly presented the draft implementing decision article by article. Member States discussed the text presented by the Commission. A few remaining questions were brought up by Member States and answered by the Commission.

The Commission concluded that the text was, in general, acceptable to the Committee and ready for vote. At the request of a few Member States, it was agreed to proceed with a written vote (to be launched shortly after the meeting).

4. Procedure for determining tobacco products with characterising flavours

The Commission presented the background to this proposal and the consultations carried out. Thereafter the Commission explained the text article by article.

Some Member States asked that the text be simplified to the extent possible. A few Member States requested clarifying in the text that consulting the Independent Advisory Panel (IAP) is not mandatory. Also the question of costs associated with the procedure was raised and the possibilities for Member States to charge proportionate fees from the industry according to the TPD.

Member States inquired about the link of this draft regulation to the need to adopt procedures for the establishment and operation of the IAP. The Commission explained that a separate implementing act is being prepared for the establishment and operation of an IAP based on Article 7(4) TPD. The deliberations within the Commission are still on-going. The approach presented by the Commission was generally accepted by the committee. The Commission indicated that it would work on both documents and send them to Member States as soon as possible. This might allow for a common discussion in the next Committee meeting.

5. Other areas

The Commission updated the Committee on the state of play regarding the other implementing acts to be adopted before May 2016 (priority list of additives and technical specifications for refill mechanisms of electronic cigarettes).

In relation to packaging and labelling, the Commission informed the Committee that the decisions on the position of general warnings and information messages on roll-your-own tobacco in pouches and on the technical specification for combined health warnings had been adopted and published in the OJ. The Commission explained that the technical files (including high resolution pictures) of the combined health warnings were being prepared by an external contractor and that set 1 would be shared very soon. The Commission also explained that the use of the pictures, for which the European Union holds the copyright, should be limited to the packaging and, where allowed, graphic representations of packs. The Commission asked MS not to publish the high resolution files. In case of requests of use for other purposes, MS should refer requestors to DG SANTE.

Finally the Commission gave a short update on the state of play of implementing the TPD provisions on traceability and security features.

Annex I

List of participants

Members of the Tobacco Products Committee:

Austria	(Federal Ministry of Health)
Belgium	(Permanent Representation of Belgium to the EU)
Bulgaria	(Permanent Representation of the Republic of Bulgaria to the EU)
Cyprus	(Permanent Representation of Cyprus to the EU)
Croatia	(Ministry of Health)
Czech Republic	(Ministry of Agriculture/Ministry of Health)
Denmark	(Ministry of Health)
Estonia	(Permanent Representation of Estonia to the EU)
Finland	(Ministry of Social Affairs and Health)
France	(Direction Générale de la Santé)
Germany	(Federal Ministry of Food and Agriculture)
Greece	(Ministry of Health and Social Insurance/Permanent Representation of Greece to the EU)
Hungary	(National Institute for Health Development)
Ireland	(Department of Health)
Italy	(Ministry of Health)
Latvia	(Ministry of Health)
Lithuania	(Drug, tobacco and alcohol control department)
Luxembourg	(Ministry of Health)
Malta	(Environmental Health Directorate Ministry for Energy and Health)
Poland	(Ministry of Health/Bureau for Chemical Substances)
Portugal	(General Directorate of Health)
Romania	(Ministry of Health)
Slovakia	(Public Health Authority)
Slovenia	(Ministry of Health of the Republic of Slovenia)
Spain	(Ministry of Health)
Sweden	(Public Health Agency of Sweden)
The Netherlands	(Ministry of Health, Welfare and Sport)
United Kingdom	(Department of Health)

Observers:

Norway	(Ministry of Health)
Iceland	(Ministry of Welfare)
EFTA Secretariat	

Other third parties:

Turkey	(Tobacco and Alcohol Market Regulatory Authority)

Commission:

DG SANTE D4	Dominik Schnichels (chair)
	Anna-Eva Ampélas
	Katja Bromen
	Isabel Holmquist
	Patricia Murray
	Matus Ferech
	Marta Legnaioli