EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems and products
Health in all policies, global health and tobacco control

MEETING OF THE EXPERT GROUP ON TOBACCO POLICY
SUMMARY RECORD

Date: **February 23 2016**
Place: **CCAB**

1. Welcome and adoption of the agenda

DG SANTE welcomed participants and the agenda was adopted.

2. Implementation update from the Commission

2.1 Ingredients reporting and e-cigarette notification

The Expert Group was informed that the technical implementation of the EU-CEG is progressing well. The initial release with basic functionality is planned to be ready by 20 May 2016. This will then be updated following feedback from Member States and industry as they use the system.

DG SANTE concluded that most (if not all MS) seem to opt for the solution of storing data within Commission facilities. DG SANTE asked MS to urgently indicate if they do not intend to use Commission facilities. . MS wishing to store data within Commission facilities must ensure they have connection to TestaNG and will need to sign a Service Level Agreement (SLA). DG SANTE will continue to facilitate and assist this process where possible.

DG SANTE informed the group that an updated version of the SLA taking into account MS comments had been circulated. DG SANTE asked MS to prepare their internal procedures for the signature of the SLA, including to determine who will sign. DG SANTE also underlined the importance of informing industry stakeholders about their obligations concerning reporting of tobacco products and e-cigarette notification, including that they will have to register to get a submitter ID. Information on how to proceed has recently been published on a new SANTE website for EU-CEG. MS were also informed that any personal data processed in the framework of the EU-CEG and storage will need to comply with applicable EU legislation, i.e. Regulation (EC) 45/2001 on the protection of personal data. DG SANTE explained that this means that the subjects of the personal data can ask for deletion or correction of data and that the personal data will be removed after 20 years.

The next webinars (MS and industry) on the technical aspects of EU-CEG will take place on 29 February 2016.

2.2 Electronic cigarettes

DG SANTE explained that according to Article 20(10) of the TPD the Commission has to submit a report to EP and Council outlining the public health risks of refillables. DG SANTE explained that the report will focus on the specific risks of refillables. Some of

the potential risks identified were: (1) poisoning, (2) dermal contact, (3) mixing of liquids and (4) hardware customisation. DG SANTE asked participants to indicate if other risks are relevant/should be added.

2.3 Packaging and labelling

DG SANTE informed MS that the report on combined health warnings, including the previously discussed editing document, has been circulated. It may assist industry in placing combined health warnings on tobacco packages. A correction of the text warnings in Annex 2 in German, Estonian, French, Hungarian, Latvian and Slovak was published on 17 February 2016. DG SANTE reminded MS to communicate their plans for the labelling of products other than cigarettes, RYO tobacco and waterpipe tobacco to industry as soon as possible.

2.4 Track and trace

DG SANTE informed participants that the Commission is in the final phase of evaluating an offer made by a potential contractor interested in assisting the Commission in a new implementation study on tobacco traceability and security features and that MS will be informed as soon as the contract is concluded.

DG SANTE also informed that subject to the successful launch of the new contract, the traceability subgroup is planned for mid-April to discuss issues related to the work packages under the new contract, more-detailed results from the last-year targeted stakeholder consultation and the Commission's Inception Impact Assessment.

DG SANTE warned against signing any contracts with the tobacco industry relating to creation or operation of future traceability systems in the absence of necessary secondary legislation. It also recalled that the EU system will be implementing the relevant provisions of the FCTC Protocol, including the independent controls over the future traceability system. MSs were asked to report back to the Commission on any initiatives to involve the national authorities on the industry-driven traceability projects.

3. Discussion on the implementation and transposition of the Tobacco Products Directive in Member States

3.1. Implementation

Concerning the transitional period for e-cigarettes provided by Art.30, MS were asked to report if they plan to make use of the transitional period.

One MS presented a report on heat-not-burn products. A short discussion took place focussing on aspects related to classification of these products. It was agreed that regarding classification of novel tobacco products, it is important to consider how the products are or can be used by consumers and look carefully at the definitions in TPD.

Another MS gave a presentation on a request from industry to extend the production deadline past May 2016. No MS reported having extended the production deadline beyond May 2016, but many MS said they had received such requests from industry. The group also agreed that TPD does not allow for production of “old label” products after May 2016.

3.2 TPD transposition

Three MS have formally indicated that they have transposed the TPD. Good progress was also reported by several MS.

4. Updates on other areas of interest

4.1 Taxation

DG SANTE informed MS on recent developments regarding the taxation of tobacco products and e-cigarettes. Some MS indicated that they have or plan to introduce excise tax on electronic cigarettes.

4.2 International Tobacco Control

DG SANTE informed MS that Illicit Trade Protocol has been ratified by five MS and encouraged the remaining MS to ratify the Protocol.

A short report from WHO FCTC WG 9 and 10 was given.

Annex I

List of participants

Austria	(Federal Ministry of Health)
Belgium	(Federal Public Service Public Health)
Bulgaria	(Permanent Representation of the Republic of Bulgaria to the EU)
Cyprus	(Ministry of Health – Medical and Public Health)
Czech Republic	(Ministry of Agriculture; Ministry of Health)
Croatia	(Ministry of Health)
Denmark	(Ministry of Health)
Estonia	(Ministry of Social Affairs)
Finland	(Ministry of Social Affairs and Health)
France	(Direction Générale de la Santé)
Greece	(Ministry of Health)
Hungary	(National Institute for Health Development)
Ireland	(Department of Health)
Latvia	(Permanent Representation to the EU)
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	(Ministry of Health and Social Affairs; Public Health Agency of Sweden/Department of Knowledge Support)
The Netherlands	(Ministry of Health, Welfare and Sport)
United Kingdom	(Department of Health)
Norway	(Ministry of Health)
Turkey	(Tobacco and Alcohol Market Regulatory Authority)
fYRoM	(Ministry of Agriculture, forestry and water economy)
Montenegro	(Ministry of Health)

Commission:

DG SANTE B2	Anna-Eva Ampélas (chair)
	Jerome Boehm
	Filip Borkowski
	Katja Bromen
	Matus Ferech
	Isabel Holmquist
	Marta Legnaioli
	Patricia Murray