EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY
Health systems and products
Health in all policies, global health and tobacco control

MEETING WITH TOBACCO INDUSTRY REPRESENTATIVES ON THE TOBACCO PRODUCTS DIRECTIVE 2014/40EU (TPD) ON 8 MARCH 2016

Participants:
BAT **(**Giovanni Carucci); CECCM (Antonella Pederiva); ESTA (Peter v. d. Mark); JTI (Vlad Olteanu); ITG (Guy Hendricks); PMI (Andrea Gontkovicova)

SANTE: Anna-Eva Ampelas (Chair); Jerome Boehm; Katja Bromen; Matus Ferech; Jan Hoffmann; Marta Legnaioli; Patricia Murray

Summary

The meeting was scheduled at the request of the Confederation of European Community Cigarette Manufacturers (CECCM), which coordinated the organisation with PMI and ESTA.

Introduction

The Chair opened the meeting and welcomed the industry representatives. It was explained that DG SANTE recently underwent a reorganisation process and tobacco control is now part of unit B2. The Chair said the meeting would cover the agreed points relating the secondary legislation under Directive 2014/40/EU but that neither the ongoing court cases nor interpretation issues would be discussed in the meeting. She also referred to FCTC Article 5.3 on relations with the tobacco industry and stressed that a summary record will be published.

General comments

CECCM thanked DG SANTE for accepting the meeting. The industry representatives asked about transposition progress in Member States (MS) and expressed some concerns if there were to be delays in both the national transposition processes and some secondary legislation.

DG SANTE replied that it was in regular contact with MS, who have generally reported positive progress with respect to the transposition phase.

Discussion Points:

1. Uniform rules on the procedures for determining characterising flavours

With respect to Article 7(3) TPD on the procedures determining tobacco products with characterising flavour, industry representatives raised the definition of the term 'same product' and inquired about the appeal possibility within the procedure.

DG SANTE took note of the comments and stressed that definitions needs to be seen in relation to the main Directive and other implementing acts. It was also clarified that the decision does not seek to exclude or limit the right to appeal.

2. Establishment of independent advisory panel

DG SANTE reconfirmed that the intention is to opt for a trained panel. The panel will apply a methodology, to be developed further, that will allow for objective differentiation of tested products.

DG SANTE stressed that the ban of the placing on the market of tobacco products with characterising flavours will apply as from 20 May 2016, regardless of whether or not the panel is fully operational by that date.

CECCM thanked DG SANTE for the explanation and said it would come back in writing with some methodological considerations. It further suggested that the panel should also focus on smoking (which is the intended use of the product). DG SANTE clarified that, at this stage, the intention is to focus on smelling.

Priority list of additives and enhanced reporting

The Chair explained that the Commission's objective is to come up with a priority list that is in line with the legal mandate and proportionate.

CEECM appreciated the focus on proportionality, but expressed concerns regarding the time limits, i.e. to submit comprehensive reports in the space of 18 months.

Industry representatives wondered about the timeline for the 2nd SCENIHR opinion and asked about the involvement of industry stakeholders, including the possibility of a meeting with SCENIHR and with DG SANTE, in the context of the second opinion. DG SANTE responded that the preliminary opinion is intended to be issued in the summer period of 2016 and referred industry representatives to SCENIHR directly as regards stakeholder involvement/consultation in the SCENIHR process.

3. Data reporting – state of affairs of the pilot project

The Chair reported that two legal acts were adopted in November 2015 and that currently the focus of the work lies mainly on the technical aspects of the reporting procedure.

Industry representatives said that given the number of SKU's many SMEs might also opt for the system-to-system solution.

DG SANTE confirmed that pilot testing will take place for both submission platforms. The aim is for the system to provide essential functionality at the time of the transposition deadline. Further refinements are foreseen following this.

Industry representatives highlighted the need for a face-to-face meeting of the IT experts from the industry and those of the Commission, to take place as soon as possible, in order to progress the testing of the reporting platforms in a meaningful, timely and efficient way. That face-to-face meeting would replace one webinar session.

DG SANTE said it is looking into the request. It further mentioned that a new EU-CEG webpage had been launched recently containing information on the reporting procedure. This will be added to over coming weeks.

4. Corrections to Annex of Tobacco Product Directive

The Chair explained that some language versions of the text warnings in Annex I of the TPD contained incorrect punctuation. It was for this reason that the Annex of the Directive was recently corrected. DG SANTE explained that the technical files sent to industry contained the corrected warnings and would not affect the industry's implementation of the Directive.

Industry representatives welcomed this explanation.

5. Concluding remarks

DG SANTE thanked the industry representatives for the meeting.

The Chair closed the meeting.