



Meeting of the Expert Group on Tobacco Policy

European Commission

DG SANTE B2

09 February 2022

Agenda

1. **Welcome and introduction**
2. **Presentation by the Commission of the draft Report on the establishment of a substantial change of circumstances for heated tobacco products**
3. **Presentation by the Commission of the draft Delegated Directive with regard to exemptions for heated tobacco products**
4. **Discussion on the draft Delegated Directive with regard to exemptions for heated tobacco products**
5. **Closing remarks and next steps**

Substantial change of circumstances

Definition (Article 2 of Directive 2014/40/EU)

(28) 'substantial change of circumstances' means an increase of the sales volumes by product category by at least 10 % in at least five Member States based on sales data transmitted in accordance with Article 5(6) or an increase of the level of prevalence of use in the under 25 years of age consumer group by at least five percentage points in at least five Member States for the respective product category based on the Special Eurobarometer 385 report of May 2012 or equivalent prevalence studies; in any case, a substantial change of circumstances is deemed not to have occurred if the sales volume of the product category at retail level does not exceed 2,5 % of total sales of tobacco products at Union level;

Regulation of ingredients (Article 7 of Directive 2014/40/EU)

12. Tobacco products other than cigarettes and roll-your-own tobacco shall be exempted from the prohibitions laid down in paragraphs 1 and 7. The Commission shall adopt delegated acts in accordance with Article 27 to withdraw that exemption for a particular product category, if there is a substantial change of circumstances as established in a Commission report.

Labelling of tobacco products for smoking (Article 11 of Directive 2014/40/EU)

6. The Commission shall adopt delegated acts in accordance with Article 27, to withdraw the possibility of granting exemptions for any of the particular product categories referred to in paragraph 1 if there is a substantial change of circumstances as established in a Commission report for the product category concerned.

Increase of HTPs' sales volumes by at least 10% in at least five Member States (*1st condition*)

Member State	Sales volumes of HTPs, in million sticks (2018-2020)			2019-2018 percentage increase	2020-2019 percentage increase	2020-2018 percentage increase
	2018 sales volumes	2019 sales volumes	2020 sales volumes			
CY	44.590	96.660	147.260	117%	52%	230%
CZ	0.859	1 284.094	1 744.4	Over 999%	39%	Over 999%
FR	36.796	78.215	186.009	113%	138%	406%
GR	0.007	1 159.804	1 443.958	Over 999%	25%	Over 999%
HR	0.003	219.072	289.592	Over 999%	32%	Over 999%
IT	0.042	3 571.016	5 819.033	Over 999%	63%	Over 999%
NL	28.262	43.120	71.618	53%	66%	153%
PL	0.010	1 206.171	2 466.150	Over 999%	104%	Over 999%
PT	338.022	637.649	944.977	89%	48%	180%
RO	486.239	671.053	837.587	38%	25%	72%
EU27	934.854	12 332.655	19 716.820	1219%	60%	2009%

Main takeaway: The sales volumes of heated tobacco products at retail level increased by a percentage higher than 10 % in more than five Member States over the defined period of 2018 to 2020. The first condition for a substantial change of circumstances for HTPs is met.

HTPs' sales volume at retail level exceed 2,5% of total sales of tobacco products at Union level (**2nd condition**)

Data source	Sales volume 2020
EU-CEG	19 716.8
Euromonitor	20 765.5

Sales volumes of HTPs in EU27, in million sticks (2020)

Tobacco traceability system data		Euromonitor data			Adjustment	Tobacco traceability system + Euromonitor data
Cigarettes (million units)	Roll-your-own tobacco (1 Unique identifier = 50 grams) (million sticks equivalent)	Cigars (million units)	Cigarillos (million units)	HTP (million sticks)	Pipe and Chewing Tobacco* (adjustment)	All tobacco products (in million sticks equivalent)
436 122.5	122 340.5	1 006.1	8 459.3	20 765.5	4 209.6	592 903.5

Total sales of tobacco products (2020)

Main takeaway: The sales volume of HTPs at retail level corresponded to 3.33% of the total sales of all tobacco products at Union level. The second condition for a substantial change of circumstances for HTPs is also met.