



Expert Group on Tobacco Policy meeting

European Commission

DG SANTE B2

02 December 2021

Agenda

1. Welcome and introduction
2. Update on the implementation and monitoring of the TPD
3. Update on determination of characterizing flavours in tobacco products
4. Substantial change of circumstances
5. Nicotine pouches and other emerging products
6. 9th Conference of the Parties to the WHO Framework Convention on Tobacco Control report
7. Launch of Joint Action on Tobacco Control 2 (JATC-2)
8. Tobacco advertising and smoke free environments study
9. Tobacco advertising on motorsports events
10. Revision of the Tobacco Taxation Directive
11. AOB


2. Update on the implementation and monitoring of the TPD



- Article 28 report, including relevant findings from:
 - ICF report;
 - Eurobarometer;
 - SCHEER scientific opinion on e-cigarettes.
- Update on ongoing court cases and compliance assessments.

Tobacco control in the #EUCancerPlan

- Aiming at creating a **'Tobacco-Free Generation'** where **less than 5% of the population uses tobacco by 2040**, compared to around **25% today**.
- The interim goal is to reach the WHO target of a **30% relative reduction** in tobacco use by 2025 as compared to 2010, corresponding to a **smoking prevalence of around 20% in the EU**.

Create a 'Tobacco Free Generation' by reviewing	
<ul style="list-style-type: none">• Tobacco Taxation Directive;• the legal framework on cross border purchases of tobacco by private individuals in view of legislative proposals;• Update the Council Recommendation on Smoke-Free Environments;• Tobacco Products Directive;• Support Member States in full implementation of the WHO Framework Convention on Tobacco Control.	2021-2025

 **Stella Kyriakides** ✓
@SKyriakidesEU

 Tobacco use is most significant cause of premature death in .

But we also know 9 in 10 lung cancer diagnoses could be avoided by quitting.

Ahead of [#WorldNoTobaccoDay](#), be part of our bold and ambitious action for change
europa.eu/!hv43du

[#EUCancerPlan](#) [#EWAC2021](#)

27% OF ALL CANCERS ARE ATTRIBUTED TO TOBACCO USE



LET'S CREATE A
'TOBACCO-FREE GENERATION'
WHERE LESS THAN **5%** OF THE POPULATION
USES TOBACCO BY **2040**

[#EUCancerPlan](#) [#HealthUnion](#) 

TPD Application Report

- Art. 28 requires the Commission to **submit to the European Parliament, the Council and the Committees the report after five years** of the Directive's application.
- The Commission shall pay special attention to i.a.:

Design of package surfaces

Experience gains
(with e.g. plain packaging)

Market developments

Novel products, substantial change of circumstances (sales and use by product category), e-cigarettes, water pipes, slim cigarettes

E-cigarettes & refill containers

Use patterns, role of these products for the initiation of consumption of such products by young people and non-smokers and the impact of such products on cessation efforts, including the role of dual use, flavours

Slim cigarettes

Consumer perception of the harmfulness as well as the misleading character of these products

Waterpipes

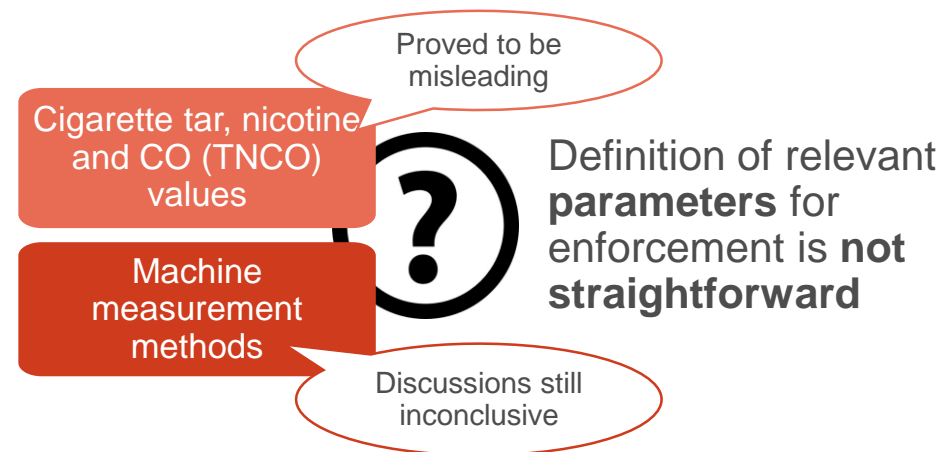
Consumer preferences with a particular focus on its flavours

Feasibility, benefits, possible impact of

→ a European system for the regulation of ingredients and of a Union database on ingredients
→ positive/negative list

- The [report on the application of the Directive](#) examined the progress achieved so far, while describing the Directive's strengths and weaknesses, as well as indicating elements requiring adaptation.

Product regulation – *what worked and what didn't?*



- **Efficiency can be improved** when the process would be organised in a more robust and effective way.
- Application report suggests to consider **harmonised EU level assessment of ingredients and products**.

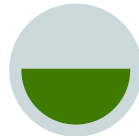
Product regulation - *characterising flavours*

The TPD prohibits tobacco products with characterising flavours from being placed on the market.



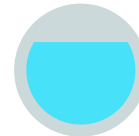
Conditional exemption for products other than cigarettes and roll-your-own

- To be withdrawn if a 'substantial change of circumstances' can be established



Four-year phase-out period for products with characterising flavours with a significant market share (i.e. menthol).

- Menthol cigarettes banned as of 20 May 2020



No issues reported regarding compliance for characterising candy or fruit flavours. Situation became more complex after the menthol ban.

- Circumvention through other product categories or paraphernalia



Mechanism to determine whether or not a tobacco product has a characterising flavour:

- Independent Advisory Panel (IAP) on characterising flavours in tobacco products as a Commission expert group
- Technical Group of Sensory and Chemical Assessors, established via public procurement



Product regulation – *handling the submissions*



- To help Member States analyse and publish data on ingredients and emissions
- The publication process was difficult, partly due to some submitters misusing the confidentiality tag.
- EU-wide analysis hindered by national ‘ownership’ of data, with some Member States unwilling to share data.



- To date, only about half of the Member States have **charged fees for handling information**
- The practical experience the EU-CEG suggests that a single EU database would be more efficient

Product regulation – *reporting*



Facilitate the **reporting in electronic format** of the information on ingredients and emissions

- A **single entry point** for all manufacturers and importers placing their products on the EU market
- A data repository for MSs on the basis of a “Service Level Agreement”

Single entry



A wealth of **valuable data and information!**

However,

- Seldom used for enforcement and regulatory purposes.
- Not complete for certain mandatory variables, e.g. sales data.
- EU-wide analysis hindered by national ‘ownership’ of data, with some Member States unwilling to share data.
- The publication process was difficult, partly due to some submitters misusing the confidentiality tag.
- To date, only about half of the Member States have charged fees for handling information.

Track & Trace (Art. 15)

- **Objective:** fight against illicit trade undermining tobacco control policies.
- The Commission adopted detailed rules and central technical solution developed under a concession contract awarded by the Commission.
- The EU system follows, as of 20 May 2019, movements and transactions concerning over 25 billion objects (individual packs) a year – each pack is uniquely marked with a code.
- The system covers the EU supply chain from manufacturing facilities to retail outlets, altogether some 800 k companies and 1.5 m individual facilities.
- Despite the issues affecting data quality, the traceability system is fully functional and well established.
- The Commission will examine whether the system's long-term performance can be improved with stronger audits in terms of their scope, operational impact and safeguards guaranteeing their impartiality and public trust.



Labelling & packaging

Harmonised labelling and packaging rules

- A key success of TPD.
- Better awareness and understanding of the various product categories and health effects of tobacco use.
- Helped improve the internal market's functioning.
 - **Implementation challenges**, e.g. slim packages, bevelled and rounded edges, exemptions.
 - **Unfounded claims** from citizens recognising themselves in the **pictorial health warnings library**.



Broad ban on promotional elements

- Many difficulties in interpreting and implementing it.
- Attempts to circumvent the law with court cases in many Member States.

- Overall, labelling and packaging rules are applied properly across the EU.
- The extent to which **stronger labelling rules** would work for all tobacco product categories should be examined.
- Some provisions on the packaging/appearance of unit packets should be further examined, particularly the **size of warnings**, the **ban on promotional elements** and on **'slim packages'**, as well as **bevelled edges**.

Plain packaging

9 Member States introduced/will introduce plain packaging

Under Article 24(2) Member States can go beyond the TPD's labelling provisions and introduce standardised i.e. plain packaging



- ✓ Plain packaging along with pictorial warnings appear to **increase awareness of tobacco related-diseases and associated illnesses**, and the **motivation to quit**.
- ✓ About half of Europeans are **in favour of introducing 'plain packaging' for cigarettes**.
- ✓ Plain packaging **helps with implementing product presentation provisions** (such as ban on promotional elements)
- ✗ The introduction of plain packaging only in some Member States (including formats which may differ between MS) – impact on internal market's smooth functioning

Plain packaging with larger health warnings should be further examined



Cross-border distance sales (CBDS) (Art. 18)

- TPD sets up **requirements** for CBDS but also allows Member States to **ban them altogether**.
- **More than half of Member States currently ban CBDS** for tobacco products and/or e-cigarettes.



Age verification systems were **not very successful**

- Ineffective;
- Vary between Member States;
- And are poorly enforced.



Insufficient monitoring and enforcement of CBDS restrictions or bans

- Unregistered retailers operating in MS;
- Not all Member States have published lists of registered retailers as required;
- Retailers selling non-compliant or banned products;
- CBDS occurred in Member States where they were banned;
- Difficulties in dealing with retailers/websites located outside the EU.

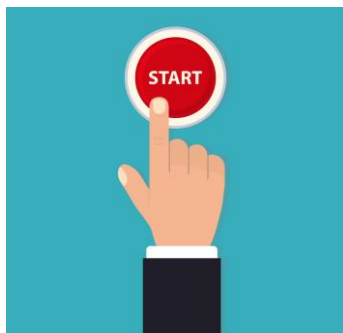


Member States had **difficulties controlling** cross-border distance sales

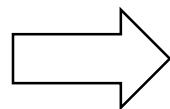
- Calls for strong enforcement cooperation;
- Some MS acted against non-compliant retailers.

Scope to develop the regime further or ban the cross border distance sales.

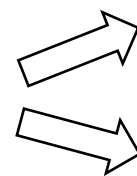
Novel Tobacco Products (Art. 19)



Economic operator submits notification to one or more Member States 6 months before intention of placing on the market



Novel Tobacco Product notification



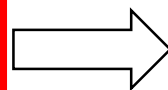
Smokeless Tobacco

Tobacco product for smoking

Sometime before, during or after confirmation or authorization, **MS will classify the product as...**



Heated Tobacco Products



Implications?

- Different rules on packaging and labelling (including health warnings)
- Different classification by MS
- Internal market restrictions

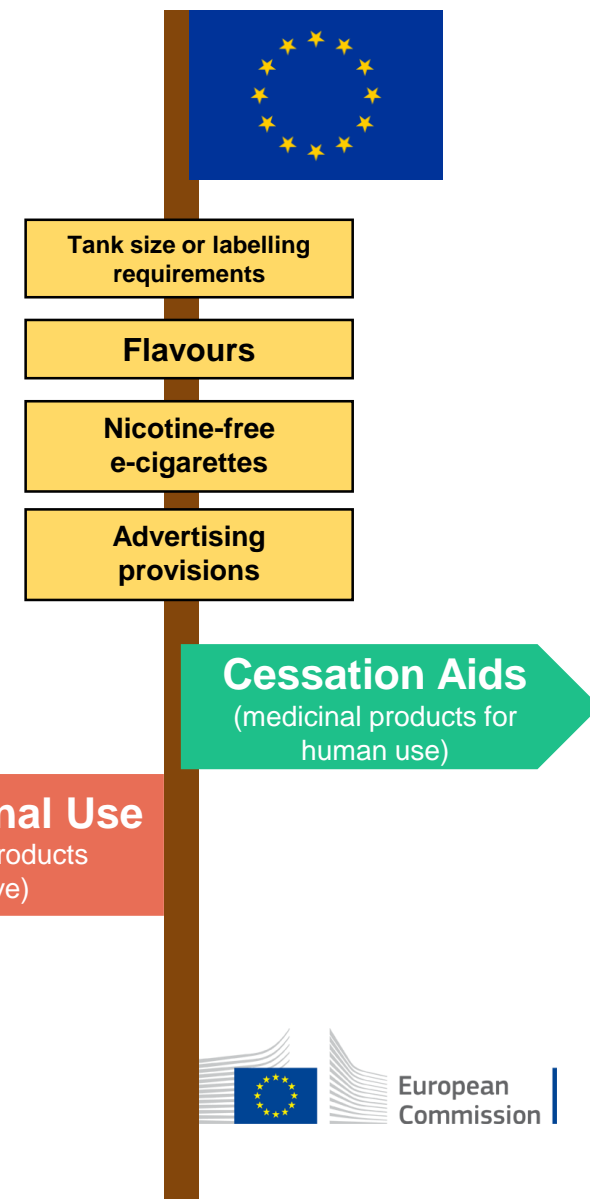
But HTPs pose other regulatory challenges...

e.g. use of flavours and interaction with devices.



E-cigarettes (Art. 20)

- The SCHEER opinion underlined the **health consequences and the important role e-cigarettes play in smoking initiation.**
- **Flavours** strongly influence young people by decreasing harm perception and increasing the will to try. Member States are increasingly **banning flavours for e-cigarettes.**
- It should be explored whether some provisions could be further developed or clarified, such as: **tank size or labelling requirements; use of flavours; nicotine-free liquids; and advertising provisions.**
- In the future, insofar as e-cigarettes are presented as smoking cessation aids, **their regulation should follow the pharmaceutical legislation.**



The SCHEER conclusions on health effects

For **users** of electronic cigarettes

1. The overall weight of evidence is **moderate** for risks of local irritative damage to the respiratory tract of users due to the cumulative exposure to polyols, aldehydes and nicotine. However, the overall reported incidence is low.
2. The overall weight of evidence for risks of long-term systemic effects on the cardiovascular system is **moderate**.
3. The overall weight of evidence for risks of carcinogenicity of the respiratory tract due to long-term, cumulative exposure to nitrosamines and due to exposure to acetaldehyde and formaldehyde is **weak to moderate**. The weight of evidence for risks of adverse effects, specifically carcinogenicity, due to metals in aerosols is **weak**.



LIMITED evidence

The SCHEER conclusions on health effects

For **second-hand** exposed persons

Second-hand exposure may be **through exhaled air following a puff**. The reported concentrations of **aerosol ingredients** are orders of **magnitude lower** than those reported for exposure of electronic cigarette users.

1. The overall weight of evidence is **moderate** for risks of local irritative damage to the respiratory tract mainly due to exposure to glycols.
2. The overall weight of evidence for risks of systemic cardiovascular effects in second-hand exposed persons due to exposure to nicotine is **weak to moderate**.
3. The overall weight of evidence for carcinogenic risk due to cumulative exposure to nitrosamines is **weak to moderate**.

LIMITED database

Lack of evidence on acute and long-term effects on cardiovascular and other health outcomes **in children and adolescents**. Further research is needed on whether children and adolescents are at greater risk than adults of being adversely affected by regular second-hand exposure to electronic cigarettes within their home environments.

The SCHEER conclusions on health effects

Initiation and quitting

1. **Weak** evidence for the support of electronic cigarettes' effectiveness in helping smokers to quit while the evidence on smoking reduction is assessed as **weak to moderate**.
2. **Moderate** evidence that electronic cigarettes are a gateway to smoking for young people.
3. **Strong** evidence that nicotine in e-liquids is implicated in the development of addiction and that flavours have a relevant contribution for attractiveness of use of electronic cigarette and initiation.

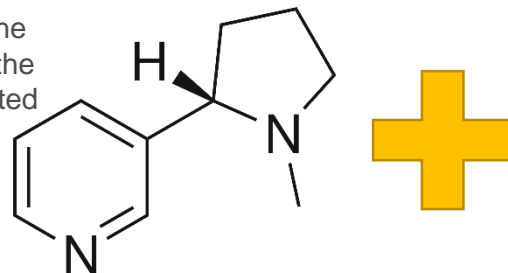
Small number of trials, low event rates and wide confidence intervals around estimates result in weak evidence for electronic cigarettes' effectiveness in helping smokers to quit while the evidence on smoking reduction is assessed as weak to moderate

LIMITED methodology

LIMITED database

Many of the studies are from the **US. Products** on the US market may **differ** considerably from those sold in the **EU** and conclusions drawn for the US may not be directly transferable to the EU.

Stimulating effect on the reward system within the brain, which is implicated in the development of addiction. Motivation and influence through mechanisms of learning and wanting



Flavours are added to increase product liking



Herbal products for smoking (*Art. 21 and 22*)

Art. 2, 21 and 22

Herbal
products for
smoking

The current definition of herbal products for smoking does not capture certain **new products entering the market**, such as CBD containing cannabis extracts and oils, used particularly in e-cigarettes (with or without nicotine), heated herbal products, among other.

Art. 20

E-cigarettes
and refill
containers

There is lack of clarity of the regulation of **cannabis extracts or synthetic CBD in e-liquids**.

- Safety concerns related to e-cigarettes spiralled worldwide in 2019 with 'EVALI' (E-cigarette or Vaping Associated Lung Injury) cases rising sharply in the USA. These cases have since been linked to **cannabis extract and/or vitamin E acetate containing e-liquids**.
- These events show that the **toxicological effects of the heated and inhaled forms of ingredients** of both nicotine-containing and (thus far unregulated) **nicotine-free e-cigarettes** should be highlighted.

Emerging tobacco and related products

- The EU regulatory framework does not address **all emerging products**, nor **provide flexibility to address rapid product developments**.
- There are also legal loopholes with respect to **emerging nicotine-containing or similar products** (excluding those authorised for medical purposes and/or for smoking cessation under medical authorisation).



For example...

- Nicotine pouches
- Nicotine lollipops
- Nicotine chewing marmalade and chewing mix



Snus, Smokeless tobacco
Content: tobacco
Use: recreational



Nicotine Pouches
Content: nicotine, other
Use: recreational



Nicotine Gum
Content: nicotine, other
Use: medicinal product

Application and Enforcement

All Member States transposed the TPD

Compliance

- Compliance of national laws with the TPD and their harmonised application varies.

Enforcement

- Level varies among Member States.
- Many lack adequate enforcement resources.

The European Court of Justice

- Upheld the Directive's validity.
- Addressed several questions on the interpretation of the TPD's provisions.

Member States used right to introduce further requirements

- Three Member States banned certain categories of products.
- Nine Member States notified plain packaging provisions.

- Options to streamline the legislative framework should be explored.
- Number of definitions may need to be adapted.
- No legal basis for EU-level audits limits the Commission's ability to get an accurate overview of Member States' implementation and enforcement activities.

Conclusions

- 😊 The TPD has **enhanced tobacco control** and its validity was upheld in courts.
- 😊 The TPD achieved the **2% reduction target** of the impact assessment with decreased smoking prevalence among youths.
- 😊 The TPD has contributed to the **improvement of public health**.
- 😊 The TPD provides **added value** and Member States could not have accomplished the same objectives alone.
- 😊 Overall, the TPD was considered to be **consistent internally**, but due to market developments there is **scope for improvement in certain essential areas**.
- 😐 Many Member States **lack adequate enforcement resources**.
- 😐 The new functional systems (EU-CEG, IAP, traceability) are relatively **resource-intensive**.

Scope for TPD revision

The elements which merit further examination include:

- streamlining the **legislative framework**, adapting certain **definitions** and looking into the possibility of **EU level audits** allowing for an accurate overview of Member States' implementation and enforcement activities;
- creating a robust and harmonised **EU level assessment of ingredients and products** and tasking an **agency** to implement it;
- stronger **labelling rules** for all tobacco product categories with a focus on the size of warnings, the ban on promotional elements and on 'slim packages', and the bevelled edges;
- **plain packaging** with larger health warnings;
- stronger **audits** for the traceability systems;
- developing further or banning altogether **cross-border distance sales** of tobacco and related products;
- **flexibility** to address rapid product developments, especially with regard to novel tobacco and emerging products;
- addressing **specific regulatory challenges related to HTPs**, including health warnings, use of flavours and interaction with devices;
- developing further the **regulatory framework on e-cigarettes**, including tank size or labelling requirements; use of flavours; use of nicotine-free liquids; and advertising provisions;
- analysing the **regulation** of cannabis extracts or synthetic CBD in e-liquids; waterpipe tobacco, slim cigarettes and other product categories;
- assessing the **current criteria for 'substantial change of circumstances'**;
- exploring options to fully finance tobacco control actions through **fees** and to increase **tobacco manufacturers' liability**

2. Update on the implementation and monitoring of the TPD

Update on court cases

- C-176/21 P

Requests for the preliminary ruling

- C-370/20 (Germany)
- C-160/20 (Netherlands)
- C-452/20 (Italy)

Directive 2014/40/EU - compliance assessment

- Conformity checks of national transposition measures are ongoing
- Bilateral meetings between MS and Commission taking place

3. Update on determination of characterizing flavours in tobacco products

- Ongoing procedures
- IAP opinions
 - Template
- Exchange of experience
- Market developments

Launch	AT	BG	CY	CZ	DK	EE	ES	FI	FR	GB	GR	HU	IE	IT	LT	LU	LV	NL	PL	PT	RO	SE	SI	SK	Total
2019										1															1
2020	2	1		3	9	6	12		3	18	1	5	5	3	6	4	5	11	13	4	1	26	1	2	122
2021			1	9	2	6	3	3	3	12	2	3	8	1		4	1	18	5	3	4	19	1	1	101
Qtr1					2	3		3	1	11	2			1						2			1		20
Qtr2				1		2				2						4	1	4	2			16			32
Qtr3				1			1		1	1		3	4						3		1	3			18
Qtr4			1	7		2	2		1				4					18		1	3			1	39
2022							5															13			18
Qtr1																						13			13
Qtr2							5																		5
Total	2	1	1	11	11	11	17	3	4	30	3	7	9	4	6	6	6	21	15	6	5	58	1	2	212

Removal	AT	CZ	DE	DK	EE	ES	FI	FR	GR	HR	IT	LT	LV	NL	PL	PT	RO	SE	SI	SK	Total	
2020			1														27					28
Qtr2																	27					27
Qtr4			1																			1
2021	2	3		11	7	7	7	2	3	1	1	4	3	4	10	6		29		1		74
Qtr2																		3				3
Qtr3	2	3			7		7	2	3	1	1	4	3	4	10					1		36
Qtr4				11		7											6	26				45
2022					1			1			1			8		1	1		1	1		15
Qtr1					1			1			1			8		1	1		1	1		15
Total	2	3	1	11	8	7	7	3	3	1	2	4	3	12	10	7	28	29	1	2		116

4. 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.

4. Substantial change of circumstances

Next steps

1. The Commission will publish a **Report** that establishes a substantial change of circumstances for HTPs.
2. On the basis of this Report, the Commission, acting in accordance with Articles 7(12) and 11(6) of Directive 2014/40/EU, is required to adopt **delegated acts**, to withdraw the exemption from the prohibitions of Article 7(1) and (7) for heated tobacco products and the Member States' possibility of granting exemptions to heated tobacco products from certain labelling requirements laid down in Articles 9(2) and 10 of the Directive.

5. Nicotine pouches and other emerging products

Nicotine pouches are **white pouches/bags containing nicotine** (either derived from plants or synthetic).

They do not contain tobacco leaf, dust, or stem or any partial constituents of the tobacco plant. These products are smokeless products for oral consumption and have been described as a **tobacco-free version of snus**.

The pouches are intended to be placed between the upper lip and gum. The consumer leaves it there while the nicotine and flavours are being released.



Nicotine pouches come in a variety of **strengths and flavours**



Oral tobacco is banned across the EU with the exception of Sweden

5. Nicotine pouches and other emerging products

9 MS replied to an informal Survey related to tobacco-free nicotine pouches in the context of the medicinal products legislation.

Nicotine pouches placement on the market:

- Nicotine pouches are legally available as consumers' products in **6 Member States**.
- In FI, nicotine pouches can only be legally available through medicinal products authorization.
- In 1 MS, the Medicines Agency requires medicinal products applications for nicotine pouches, but until now there was no submission.
- In 1 MS, these products are not present in the market.

5. Nicotine pouches and other emerging products

Nicotine pouches regulation:

- Only FI currently has a specific sectorial regulation for nicotine pouches.
- 2 other MS consider nicotine pouches as medicinal products.
- In 1 MS, nicotine pouches fall under a Commodities Act but are not specifically regulated.
- In 1 MS, it is planned to define nicotine pouches as products for tobacco substitution.
- In 1 MS, pouches are considered to smoking-substitute nicotine-containing tobacco product and are allowed to be sold in licensed national tobacco shops only.

5. Nicotine pouches and other emerging products

Applicability of the medicinal products legislation and definition (“by function”):

- 2 MS currently apply medicinal products legislation to these products.
- 4 MS have considered the application of medicinal products legislation to these products.
- Some MS pointed out that they did not consider nicotine as having a physiological effect in the context of the legislation or that they have not found claims. Another MS considers these products fulfil medicinal products definition, as they modify physiological functions by exerting a pharmacological effect.
- 3 MS consider that nicotine pouches have the capacity to modify physiological functions. And 4 MS do not agree that these products fulfil the definition.
- 1 MS refers to European case law (e.g. Markus D. and G. C-358/13 & C-181/14) - it is not sufficient for a product to have pharmacological actions that modify physiological functions to be classified as a medicinal product by function, the product should also have beneficial effects on human health and should not be harmful to human health.
- Most Member States have called for a EU level legislation that regulates these products (including banning nicotine pouches).

6. 9th Conference of the Parties to the WHO Framework Convention on Tobacco Control – *summary*

1. Substantial decisions

- FCTC work plan and budget
- payment of assessed contributions
- establishment of the Investment Fund
- declaration on FCTC and the recovery from the COVID-19 pandemic

2. Presentation of reports

- global progress report in implementation of FCTC
- performance and progress reports
- implementation of Articles 9&10 (reports by the expert group, WHO, Secretariat)
- novel and emerging tobacco products (reports by WHO, Secretariat)
- Implementation Review Mechanism

3. Institutional matters

Adoption of the agenda, Special Rules of Procedure, Appointment process of the Head of Secretariat, Applications for observer status, Review of accreditation of NGOs, Review of credentials, Strengthening synergies between COP and WHA, Date and place of COP10 and MOP3, Election of officers.

6. 9th Conference of the Parties to the WHO Framework Convention on Tobacco Control – *main achievements*

1. Successful conduct of COP despite the virtual format and time zone differences
2. Adoption of the **workplan and budget** for the period of 2022-2023 without an increase of the assessed contributions
3. Decision to move forward with the development and launch of an **investment fund** which will offer a third source of support to help global tobacco control efforts
4. Continuation of the work of the **expert group on Article 9 and 10**
5. Declaration calling on Parties to take appropriate measures to prevent tobacco industry interference and involvement in **COVID-19-related public health policies** and actions.

All documents and related information are available on this link:

[WHO FCTC COP9 information](#)

6. 9th Conference of the Parties to the WHO Framework Convention on Tobacco Control – *steps to COP10*

Intersessional activity

- Expert group on Articles 9 and 10
- Potential new knowledge hub
- Operationalization of the Investment Fund

Agenda items deferred to COP10

- Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media (WG report)
- Article 2.1. Measures beyond those required by the Convention
- Accountability of the tobacco industry
- Promotion of the WHO FCTC through human rights
- Possible amendments to the Rules of Procedure of the Conference of the Parties
- Substantial discussion on reports presented to COP9

Host country: Panama

Date: November 2023

7. Launch of Joint Action on Tobacco Control 2

1. Grant agreement signed on 20 September, started on 1 October 2021
2. Two meetings of the Steering Committee, chaired by the coordinator (DK)
3. Tentative date of the kick-off meeting: 28 January 2022
4. Wider scope comparing to JATC-1:
 - i. WP5 EU-CEG data and enhanced laboratory capacity for regulatory purposes
 - ii. WP6 Enforcement of Tobacco Product Regulation
 - iii. WP7 Enforcement of regulatory aspects of e-cigarettes and novel products
 - iv. WP8 Health impact and regulatory implications of e-cigarettes and novel tobacco products
 - v. WP9 Best practices to develop an effective and comprehensive tobacco endgame and support of FCTC policies at the EU MS level

8. Tobacco advertising and smoke-free environments study

Recently produced and nearly published (10/12/2021), the study will now serve as a **key for the review of the advertising provisions of TAD and TPD, and extending the scope of Council Recommendation on smoke-free environments (2009/C 296/02).**

- The study is recommending to unambiguously **extend the current advertising prohibitions to cover also heated tobacco products and their devices.**
- **Social media** should now also be firmly included in the rules for advertising, and regulations should be more harmonious across the whole EU.
- **Mandatory reporting of tobacco industry** on their promotional expenditures and **stronger regulations on lobbying** is also recommended

8. Tobacco advertising and smoke-free environments study

Among suggestions for smoke-free environment update, the study now in addition to the harmful 'tobacco smoke' also **includes vapour from e-cigarettes** and the **emissions of heated tobacco products** or other products such as water pipes or tobacco surrogates.

There are still **concerns raised about the comprehensiveness of provisions to protect children and adolescents** – suggesting extending the current ban to also other places where children might be present such as sport venues, playgrounds, open stadiums and other specific outdoor public spaces, **introducing a smoking ban in private cars** and other areas **when minors are present** – to countries that have not done so yet.

Finally, a **joint system of inspections and complaints with hotlines for the public** to initiate complaints, as well as overall **greater cooperation between countries** is recommended.

9. Tobacco advertising on motorsports events

1. Reappearance of logos on cars, livery in early 2021 races.
2. SANTE request to the EG in June.
3. Tour de table:
 - a. Did you see any advertising/sponsorship at this season's Formula1 and MotoGP races on your territory?
 - b. Were there investigations or enforcement actions?



10. Revision of Tobacco Taxation Directive

- Ongoing revision of [Directive 2011/64/EU](#) on excise rules for tobacco.
- Update from DG TAXUD.

11. AOB

Thank you for your attention!

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