



EUROPEAN COMMISSION
HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate D
D4 – Substances of Human Origin and Tobacco Control

Brussels, 4 October 2012

MINUTES OF THE MEETING

Participants:

Dominik Schnichels, Anna-Eva Ampelas (DG SANCO D4)

Christoph Fiedler, Max von Abendroth and Karina Lott (European Magazine Media Association, EMMA, Verband Deutscher Zeitschriftenverleger VDZ)

Place: Rue Froissart 101, 1/89

Date: 20 September 2012

The meeting was organised on the request of EMMA and VDZ in order to discuss the ongoing revision of the Tobacco Products Directive (TPD).

Introduction

EMMA is the umbrella organisation of European magazine publishers. VDZ is the German organisation of Magazine Publishers and member of EMMA. Both organisations represent consumer magazines as well as B2B-press including digital editions, websites and mobile offers.

EMMA and VDZ explained that they have two areas of concern in relation to the revision of the Tobacco Products Directive: One area is the effects of a revision of the Directive on B2B magazines and on the points of sale which are important for the distribution of press publications. Another area is general policy concerns and spill over effects on other products and services and thereby on the press in general.

TPD revision, B2B advertising, press distribution

EMMA and VDZ explained their concerns in relation to policy options within the TPD revision which would further limit the possibilities for commercial communications about tobacco. In particular plain packaging or obligatory labelling which would cover most of the package would make brands more or less invisible and could thereby make all marketing very difficult or impossible. This would have direct negative effect on B2B advertising which is allowed according to the Tobacco Advertising Directive in magazines which are directed not to consumers but to retailers etc. who sell tobacco products to consumers. Plain Packaging (or warnings covering most of the package) would also restrict this kind of b-to-b

advertising although this commercial communication should be looked upon as appropriate.

EMMA and VDZ expressed their concerns in relation to possible further restrictions of tobacco promotion and display at point of sales. Such restrictions could impact negatively on the many small premises selling tobacco in Member States. EMMA explained that many of such retailers of tobacco products, like specialized retailers, kiosks and neighboring stores, sell alongside tobacco products also magazines and are very important press distribution channels. Therefore further restriction for the presentation of tobacco products in such retail outlets which could e. g. channel the selling of tobacco to other forms of retailing would not only harm retailers but also press distribution.

General policy concerns and Spill-over Effects

EMMA and VDZ explained that they are of the opinion that for all legal products there should be appropriate legal advertising. Of course protection of minors and other conditions have to be respected and can differ from product to product. But banning (directly or indirectly) all media advertising for a legal product should be looked upon as disproportionate.

Furthermore, EMMA and VDZ explained that there is an important difference between the obligation to inform about certain facts of the product and the obligation to convey health messages or other messages or opinions, the latter constituting a severe interference in the presentation of the product and the possibilities to market it.

In particular, they believe that this could have "spill-over" effects on other legal products such as food and alcohol. Although one can certainly see specific aspects in tobacco products there would be a high risk that policy makers would soon stress similarities and no longer differences with other products. In this regard it has to be taken into account that in particular in market-based democracies, advertising revenues are an indispensable element of the funding of the press and pluralism. Therefore, any further burdening of advertisements constitutes a further burdening of the free press.

SANCO response

SANCO explained that no final position has been taken as regards the preferred option on packaging and labelling and promotion and display at point of sales. They further explained that a number of policy options are still being discussed/analysed. SANCO also reminded that there is no absolute right for a manufacturer to communicate. Commercial communication can be limited provided the limitation is justified and proportionate. SANCO also reminded about the specific properties of tobacco compared to other goods and explained that 700,000 deaths within the EU every year are related to tobacco.