EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Directorate C - Public Health and Risk Assessment
C6 – Health Law and International

13th Meeting of the REGULATORY COMMITTEE established under Article 10 of the Tobacco Products Directive 2001/37/EC

Summary record

Meeting date: 8 March 2011, 10.00 – 17.00
BRUSSELS, COMMITTEE OF THE REGIONS
Building 'Jacques Delors'
Meeting room JDE 51

1. Welcome and introduction

The Commission welcomed the participants and introduced new members of the tobacco control team.

2. Adoption of the draft agenda

With following changes the draft agenda was adopted:

- to move discussions on the review of the textual warnings to the afternoon session
- to move discussions on the revision of the Tobacco Products Directive to the morning session and add item 6 - New products – to this agenda point
- to move agenda point 5 – FCTC – to the morning session

3. Declaration of interests

No conflicts of interests according to Art 12.2 of the Rules of Procedures (RoP) were signalled by the participants.

4. Revision of the Tobacco Products Directive

The Commission gave a presentation on the recent developments regarding the work on the Impact Assessment. The public consultation on the possible revision of the Directive that ran

from 24 September till 17 December 2010 received more than 85.000 responses. After being questioned on the handling of this vast number or responses, the Commission explained that the report on the consultation will consist of a quantitative analysis of the participation and a qualitative analysis of the responses. The results of the consultation will be taken into account in preparing the Impact Assessment on the revision of the Directive. A separate report on the consultation is expected to be published before the summer 2011.

The Commission asked the Member States about the state of play on following items in order to give a correct description of the situation in the Impact Assessment.

4.1. New products

The sale of electronic cigarettes has increased in some Member States. One Member State is planning to ban sales of electronic cigarettes to minors and another Member State explained that it had considered banning the product last year but this was rejected by the national parliament. The need to limit the distribution of e-cigarettes to smoking cessation purposes was expressed by some of the Member States.

No Member States reported about the availability of dissolvable tobacco in the market

Some of the participants reported that water pipes are treated as a tobacco product in their national legislation, and in some of the countries they should bear the text warnings similar to cigarettes.

Some participants expressed the need for distinguishing between different products, including those containing tobacco, those containing nicotine but no tobacco and those containing no nicotine.

4.2. Tobacco products ingredients

The Electronic Model Tobacco Control (EMTOC) project is currently compulsory for manufacturers and importers in one Member State only. After being questioned on the success of the project, this Member State replied that there have been no complaints or court cases.

Some Member States have introduced the voluntary use of EMTOC and many Member States expressed their uncertainty concerning the financial conditions of the project, but all agreed on its usefulness and necessity.

Member States did not report about recent changes in the regulation of tobacco products ingredients.

4.3. Consumer information

Pictorial warnings are currently in place in four Member States and will become mandatory on all packages of smoking tobacco products in four further Member States in the course of 2011-2012. Member States reported about the adopted legislation and implementation of picture warnings (product categories, selection of pictures and use of quit lines). Legislative proposals are currently discussed in a number of further Member States.

4.4. Access to tobacco products

It was concluded that three Member States and two EFTA-EEA countries have adopted display ban at the point of sales. The Commission will circulate a table for collecting data on the existing regulations on point of sales, age restrictions, sales on the Internet, access to vending machines and the size of packages.

5. Framework Convention on Tobacco Control (FCTC)

The Commission gave a short overview of the outcomes of the 4th Conference of Parties held in Uruguay in November 2010 and on the way forward before the 5th Conference of Parties in November 2012.

6. Review of the textual warnings

In general, Member States agreed with the proposed modifications to the warnings. Some Member States underlined the need for flexibility in referring to quit-lines, Internet websites or other cessation services, given that such services may not be available in all Member States.

The transposition period (to adopt the changes in the national legislation) and the transition period (additional time for the implementation) were also discussed**.**

The Commission will shortly supply the draft legal text to the Member States, followed by the translation of the proposed warnings into all official EU languages.

7. Any Other Business

Two Member States reported on initiatives to adopt comprehensive smoke-free laws.

The Commission also mentioned an upcoming report presenting the results of an analysis of tobacco control policies in 31 European countries in 2010 drawn up by health NGOs. The Report will be published on 23 March 2011 in the context of the European Conference on Tobacco or Health in Amsterdam on 28 – 30 March 2011.

8. Close of the meeting

The Commission thanked the participants for a useful meeting and the active participation.

The date of next meeting of the Regulatory Committee will be communicated later.

Annex I - Summary of conclusions

- Following the discussion on the revision of the Tobacco Products Directive, the Commission will send a list of questions on new nicotine and tobacco products,

ingredients, consumer information and access to tobacco products. The answers will contribute to the Impact Assessment on the revision of the Directive.

- Member States will also receive the draft legal text and the translations of the text warnings.

Annex II – List of Participants

Committee members:

Austria	(Federal Ministry of Health)
	(Medical University Vienna)
Belgium	(FPS Public Health)
Czech Republic	(Ministry of Agriculture)
	(Ministry of Health)
Cyprus	(Ministry of Health)
Denmark	(National Board of Health)
Estonia	(Ministry of Social Affairs)
Finland	(Ministry of Social Affairs and Health)
France	(Ministry of Health)
Germany	(BMELV)
Greece	(Tobacco Institute of Greece)
Hungary	(Ministry of National Resources)
	(Permanent Representation to the EU)
Ireland	(Department of Health and Children)
Italy	(Ministry of Health)
Latvia	(Ministry of Health of the Republic of Latvia)
Lithuania	(Ministry of Economy)
Luxembourg	(Permanent Representation to the EU)
Malta	(Ministry of Health)
Poland	(Ministry of Health)
	(Permanent Representation to the EU)
Romania	(Ministry of Health)
Slovakia	(Ministry of Health)
Slovenia	(Ministry of Health of the Republic of Slovenia)
Spain	(Ministry of Health)
Sweden	(Swedish National Institute of Public Health)
The Netherlands	(Ministry of Health, Welfare and Sport)

Observers

Norway	(Ministry of Health and Care Services)
Turkey	(Tobacco and Alcohol Market Regulatory Authority)

Commission services:

Mr Antti Maunu	DG SANCO C6 (Chair)
Ms Terje Peetso	DG SANCO C6
Ms Anna Eva Ampelas	DG SANCO C6
Ms Anna Jassem-Staniecka	DG SANCO C6
Ms Sigrid Wimmer	DG SANCO C6
Ms Eleni Adamopoulou	DG SANCO C6
Ms Rita Poleczki	DG SANCO C6 (Secretariat)
Mr Eddy Parijs	DG SANCO C6 (Secretariat)