EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems and products
Substances of human origin and Tobacco control

MEETING OF THE TOBACCO PRODUCTS COMMITTEE

SUMMARY RECORD

Date: **17 December 2015**

Place: **CCAB**

1. Welcome

DG SANTE welcomed participants and presented the agenda. The Committee was informed that two legal acts had been adopted since the last meeting on notification of electronic cigarettes (24 November 2015) and on reporting of tobacco products (25 November 2015).

DG SANTE encouraged MS to proceed with necessary technical implementations for the reporting/notification of tobacco and electronic cigarettes. There was a general agreement that a face to face meeting between IT experts from all Member States would be useful and DG SANTE promised to come back on this. DG SANTE reconfirmed that MS who wish to store data within Commission facilities will have to connect to TestaNG. Some MS asked questions and expressed concerns about the limited time to connect to TestaNG network. DG SANTE offered some assistance to MS in this respect. A discussion on this was also held in the Expert Group on Tobacco Policy on 18 December 2015.

DG SANTE informed MS about two letters from the tobacco industry received ahead of the meeting, one asking for information from MS if they intend to require combined health warnings on other products than cigarettes and roll-your own tobacco and one asking for information from MS on the combined health warnings, including the national cessation information which is part of the combined health warnings. DG SANTE encouraged MS to provide clarifications as soon as possible.

2. Adoption of the agenda

The agenda was adopted without changes.

3. Secondary legislation under TPD

a) Procedure for the determination of tobacco products with characterising flavours

DG SANTE presented a flow chart on the envisaged procedure as well as the draft legal act on characterising flavours to be based on Article 7(3) TPD. Some MS welcomed that the procedure has become clearer.

In the subsequent discussion some MS stressed that it is important to find the right balance between allowing MS to ban products with characterising flavours and the need for coordination with other MS and the Commission to ensure uniform application. DG SANTE underlined the internal market logic of the proposal and explained that the ban on products with characterising flavours set out in Article 7(1) TPD applies as of 20 May 2016 even if the panel would not yet be operational at that point in time.

Participants were asked to send their comments in writing after the meeting.

b) Establishment and operation of the panel

DG SANTE presented its key reflections as regards the establishment and operation of the advisory panel based on Article 7(4) TPD and explained the relation between the panel and the technical group.

In the subsequent discussion a few participants asked whether the technical group, performing the actual smelling, should consist of different nationalities. It was explained that the performance of the technical group would be established by specific joint training, which is facilitated by a common language. However, this would not impact the validity of results.

Some participants brought up the issue of present and past conflict of interests and underlined the need for strict rules, in particular to ensure no involvement of tobacco industry. One participant suggested that the Tobacco Products Committee (possibly using CIRCA BC) should be used for communication/coordination/notification foreseen in the draft Regulation. A question was also brought up how to deal with products that have a similar/comparable composition. DG SANTE clarified that only products with the same composition are subject to the investigation, but stressed that Article 7(5) TPD foresees a possibility to set thresholds for specific ingredients based on the experience gained when banning products with characterising flavour.

Following a question about including consumer (i.e. non experts) in the technical group it was explained that the proposal for trained assessors smelling the products, rather than untrained consumers, is considered to be a more robust, reliable and reproducible method for assessing whether products have characterising flavours.

The procedure for renewing the terms of office of panel members and the possible need for alternates was also brought up. Concerning transparency, the question was raised whether the opinion of the panel (including the reasoning) or only the result should be published. Participants were asked to reflect on this.

Participants were asked to send their written comments after the meeting.

c) Priority list of additives

DG SANTE presented the 23 (families of) additives identified by SCENIHR in the context of its opinion on priority additives which is expected to be published in coming weeks. DG SANTE stressed that its intention is to select additives from the list considering the legal mandate of establishing a list of minimum 15 additives (Article 6(1) TPD).

Since some families of additives might consist of a number of different substances with similar properties, it was discussed if the list should be drawn following a "family" or "single-substance" based approach, or a combination between the two approaches. In general, the Committee agreed that a combined approach appears the most reasonable, selecting the first six families from the SCENIHR report. MS were invited to express preferences for further substances. It was stressed that the aim is to find a clear and proportionate solution taking into account the workload for industry and authorities.

The design and what to require from manufacturers and importers in terms of comprehensive studies was also brought up and the discussion indicated that strengthened cooperation between the Member States and the Commission would be beneficial.

Participants were asked to send their written comments and input as regards additives to be added or not to the priority list.

d) Technical standards for refill mechanisms of e-cigarettes

DG SANTE presented its reflections as regards the draft decision on technical standards for refill mechanisms of electronic cigarettes and refill containers.

In the subsequent discussion a question was raised about the flow control mechanism and the proposal to include diagrams as part of the instructions for use. DG SANTE explained that the proposed text was inspired by national standards and input from industry stakeholders collected by the external contractor.

The suggested minimum length of the nozzle was also brought up in the discussion.

As regards the scope of the decision, and in particular whether it is applicable to nicotine free refillable electronic cigarettes, it was clarified that the definition of electronic cigarettes in TPD covers any products or components that can be used for consumption of nicotine containing vapour. In practice, however, it was concluded that the decision on technical standards mainly focuses on refill containers including nicotine.

Participants were asked to send their written comments.

Annex I

List of participants

Members of the Tobacco Products Committee:

Austria	(Federal Ministry of Health)
Belgium	(Federal Public Service Public Health)
Bulgaria	(Permanent Representation of the Republic of Bulgaria to the EU)
Cyprus	(Ministry of Health – Medical and Public Health)
Czech Republic	(Ministry of Health)
Denmark	(Ministry of Health)
Estonia	(Ministry of Social Affairs)
Finland	(Ministry of Social Affairs and Health)
France	(Direction Générale de la Santé)
Germany	(Federal Ministry of Food and Agriculture)
Greece	(Permanent Representation of Greece to the EU)
Hungary	(National Institute for Health Development)
Ireland	(Department of Health)
Italy	(Ministry of Health)
Lithuania	(Ministry of Health)
Luxembourg	(Ministry of Health)
Malta	(Environmental Health Directorate Ministry for Energy and Health)
Poland	(Ministry of Health/Bureau for Chemical Substances)
Portugal	(General Directorate of Health)
Romania	(Ministry of Health)
Slovakia	(Public Health Authority)
Slovenia	(Ministry of Health of the Republic of Slovenia)
Spain	(Ministry of Health)
Sweden	(Public Health Agency of Sweden/Department of Knowledge Support)
The Netherlands	(Ministry of Health, Welfare and Sport)
United Kingdom	(Department of Health)

Observers:

Norway	(Ministry of Health/Norwegian Directorate of Health)
EFTA Secretariat	

Other third parties:

Turkey	(Tobacco and Alcohol Market Regulatory Authority)

Commission:

DG SANTE D4	Dominik Schnichels (chair)
	Anna-Eva Ampélas
	Katja Bromen
	Patricia Murray
	Matus Ferech
	Marta Legnaioli