

# European tobacco legislation

Screening Chapter 28

Croatia and Turkey

June 9<sup>th</sup>, 2006

# Overview of tobacco acquis

## Community legislation on tobacco control

- tobacco products directive 2001/37/EC, complemented by three decisions on pictorial warnings
- tobacco advertising directive 2003/33/EC
- TV without frontiers directive 89/552/EEC
- international obligation: implementation of FCTC
- Community Tobacco Fund
- Council recommendation on the prevention of smoking
- (smokefree environments)

# Tobacco products directive 2001/37/EC



## EU Tobacco Products Directive\* regulates manufacturing, presentation and sale of tobacco products

- establishes maximum tar, nicotine and carbon monoxide yields for cigarettes;
- sets measurement methods based on ISO standards;
- introduces large health warnings and yield indications;
- enables Member States to introduce picture warnings;
- bans misleading product descriptors, such as “mild” or “light”, and the sale of certain types of oral tobacco;
- requires manufacturers and importers to submit yearly a list of all ingredients and their quantities used.

\* Directive 2001/37/EC

# EU Health Warnings

## General warning

30% of the most visible surface of the unit packet

1. 'Smoking kills/Smoking can kill,'
2. 'Smoking seriously harms you and others around you.'

Rotated to guarantee their regular appearance.

## Additional warning

40% of the the other most visible surface

A list of 14 warnings rotated.

# General warning and specifications



# Additional warnings

1. Smokers die younger.
2. Smoking clogs the arteries and causes heart attacks and strokes.
3. Smoking causes fatal lung cancer.
4. Smoking when pregnant harms your baby.
5. Protect children:  
don't make them breathe your smoke.
6. Your doctor or your pharmacist can help you stop smoking.
7. Smoking is highly addictive, don't start.
8. Stopping smoking reduces the risk of fatal heart and lung diseases.



## Additional warnings II

9. Smoking can cause a slow and painful death.
10. Get help to stop smoking:  
(telephone/postal address/internet address/  
consult your doctor/pharmacist).
11. Smoking may reduce the blood flow and  
causes impotence.
12. Smoking causes ageing of the skin.
13. Smoking can damage the sperm and  
decreases fertility.
14. Smoke contains benzene, nitrosamines,  
formaldehyde and hydrogen cyanide.





# Colour photos or illustrations



- to depict or explain the consequences of smoking
- up to the Member State to require – the majority intends to use these.
- size requirements are the same as for additional warnings.

# Library of source documents



- A set of pictures per warning
- Tested in 25 Member States
- Available on the website

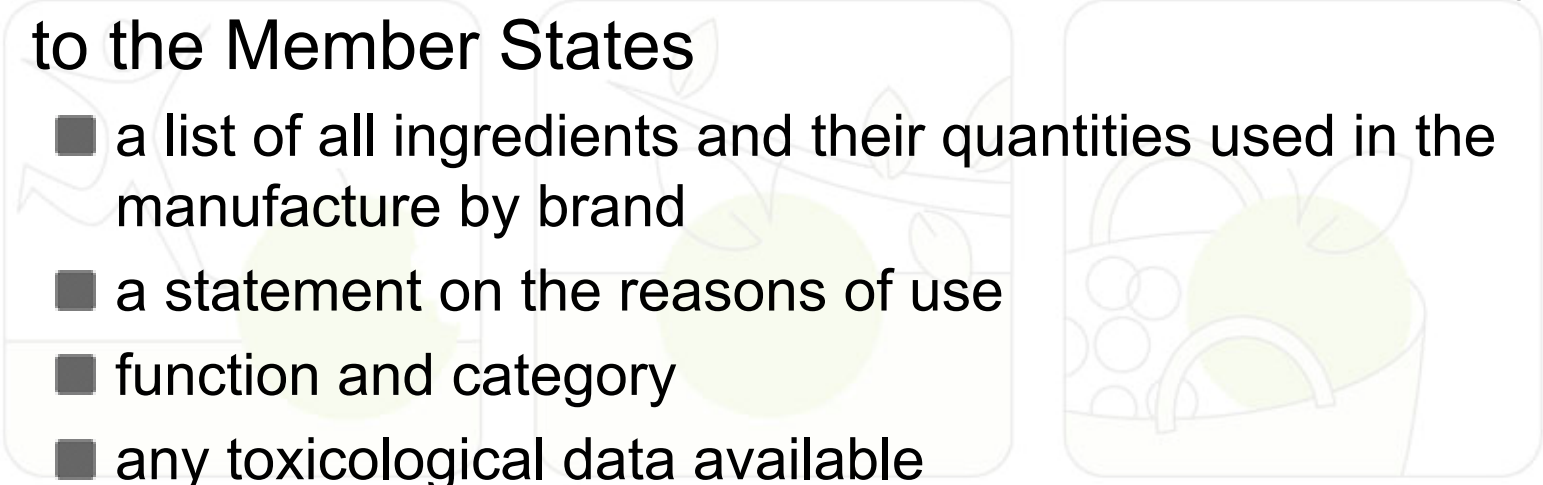
# Colour photographs – Commission decisions

- Commission Decision 2003/641/EC on the use of colour photographs or other illustrations as health warnings on tobacco packages
- Commission Decision C 2005/1452/EC on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in annex 1 to Directive 2001/37/EC
- Commission Decision C 2006/1502 on amending Commission Decisions C 2005/1452 on the library of selected source documents containing colour photographs or other illustrations for each of the additional warnings listed in annex 1 to Directive 2001/37

# Yields and batch labelling

- Tar, nicotine and carbon monoxide yields printed on one side of the cigarette packet
  - 10% of the surface
- The list of tar, nicotine and CO yields by product is made public.
- Batch numbering or equivalent to ensure product identification and traceability
  - to determine the place and time of manufacture

## Further product information

- **Manufacturers and importers must submit annually to the Member States**
    - a list of all ingredients and their quantities used in the manufacture by brand
    - a statement on the reasons of use
    - function and category
    - any toxicological data available
  - **Member States must disseminate the information to consumers.**
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## Ban on misleading descriptors

- Any text, name, trade mark, figurative or other sign suggesting that a product is less harmful than others.
- Not to be used on the packaging of tobacco products.
- E.g. *light, ultra light, low-tar, mild*

## Indications of effect



- NL: Among 13-18 year olds 28% said that they smoked less because of the new health warnings.
- BE: Bigger, clearer warnings motivated smokers to stop and made cigarette packs less attractive to youngsters. Of respondents, 8% claimed to smoke less and 2% more.

## Indications of effect



- NL: The phone number on packs increased calls to the quit line, esp. by lower income smokers.
- MT: The demand for smoking cessation increased following the introduction of the new warnings.



# Tobacco advertising directive 2003/33/EC



# Prohibitions under tobacco advertising directive

Prohibited:

direct and indirect advertising for tobacco products:

- in press and printed publications
- in radio
- in information society services
- in sponsorship of events, including free distribution of tobacco products

# Exceptions of prohibitions

Advertising for tobacco products prohibited except for:

- publications for professionals in tobacco trade
- publications which are printed and published in 3<sup>rd</sup> countries and not principally intended for Community market

## Other requirements

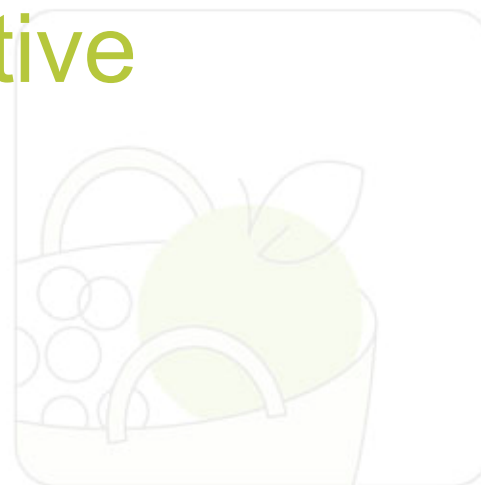
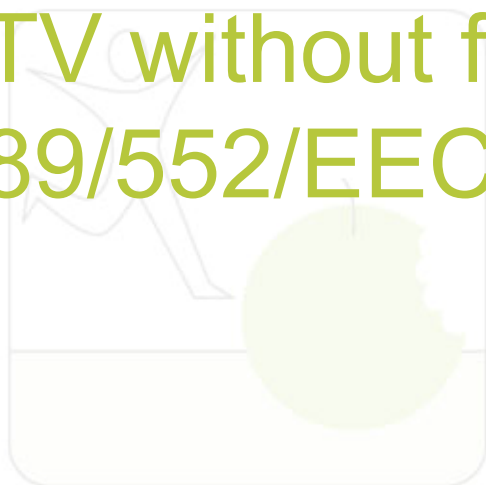
- MS to set up penalties for infringements
- MS to comply with directive by 31/7/2005
- MS to communicate to Commission the texts of the main provisions of national law they adopt in the field covered by this directive
- Report by 20.06.2008

# Observations

- directive not yet fully transposed
- Commission started infringement proceedings for non-transposition \*
- new forms of advertising appearing at points of sale
- difficulty of indirect advertising, internet sales

\* (2 MS) and wrong transposition (4 MS)

# TV without frontiers directive 89/552/EEC



# Content

- bans tobacco advertising on TV
- bans teleshopping of tobacco products
- bans sponsoring of TV programmes by undertakings whose principal activity is the manufacture or sale of tobacco products

# Council Recommendation on the prevention of smoking and on initiatives to improve tobacco control 2003/54/EC

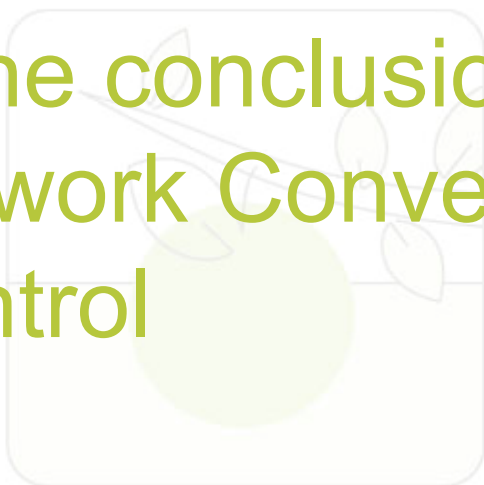




# Main issues recommended

- **prevent tobacco sales to children and adolescents** (age limit for purchase, no self-service displays, restrict access to vending packages under 19 cigarettes, no sweets/toys which resemble tobacco)
- **prohibit advertising and promotion** (tobacco brand names on non-tobacco products, promotional items, sales promotion, billboards, posters, tobacco advertising in cinemas, any other form of advertising, sponsorship, promotion practices)
- **manufacturers to provide information** on advertising, marketing and sponsorship expenditure to MS
- **protect from exposure to second-hand smoke** (in indoor work places, public places, public transport)
- **undertake health education**, especially in schools and addressed to young people
- **use price measures to discourage tobacco consumption**
- inform Commission every two years of action taken

# Council Decision 2004/513 concerning the conclusion of the WHO Framework Convention on Tobacco Control



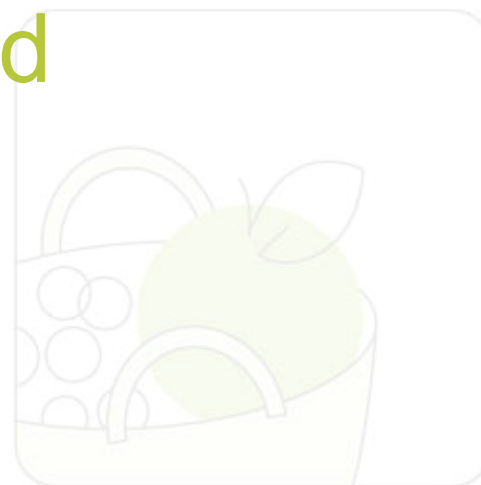
## International obligations

- WHO Framework Convention on Tobacco Control entered into force in February 2005
- 23 MS ratified + European Community; as Community has ratified, matters under Community competence are applicable to all MS, even those that have not yet ratified
- first Conference of the Parties in February 2006

# First CoP results

- FCTC secretariat
- first budget adopted
- reporting format for FCTC implementation
- start work on protocol for cross-border advertising
- start work on protocol on illicit trade
- guidelines on smoke-free environments
- guidelines on testing and measuring of contents and emissions of tobacco products

# Community Tobacco Fund



# Community Tobacco Fund - eligibility

- information programs to improve public awareness of the dangers of tobacco consumption (information, education, datacollection, studies)
- measures to promote a switch of production from raw tobacco producers to other crops or economic activities, including studies, training, infrastructure/services

# Community Tobacco Fund

- Derived directly from the aid granted for production of raw tobacco
- Set up under art. 13 of Council Regulation 2075/92 on common organisation of the market in raw tobacco (by levy on the subsidy to finance the Tobacco Fund)
- Conditions for financing are set in Commission Regulation 2182/2002

## Community Tobacco Fund

- Managed by the Commission
- Volume of fund depends on volume of coupled tobacco premiums (linked to tobacco production)
- Levy of 3-5 %
- Around 15 Mio €/year (05-08)
- tobacco market reform: Total decoupling achieved by 2010



# “HELP” media campaign (1)

- March 2005 – end 2008

- budget: € 60 million

- Aims:

- prevention: offer help not to take up smoking:  
Promote smoke-free lifestyles to young people
- help to quit
- highlight the dangers of passive smoking

## “HELP” media campaign (2)

### Actions achieved to date

- Road show and press conferences in 25 MS (2005)
- CO measurement campaign (objective: 50 000 tests in 2006)
- Television advertisements (80 TV channels, 1,1 bio contacts to date)
- Information articles in the European press
- Interactive Internet site: <http://www.help-eu.com> with link to quitlines and NGOs (1 mio visitors to date)

# Green Paper on smoke – free environments

Analysing different policy options at  
EU level:

- no intervention
- voluntary approach: self-regulation
- coordination of Member States' efforts
- EU smoke-free legislation