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Committee on the Environment, Public Health and Food Safety

2012/0366(COD)

29.5.2013

AMENDMENTS 57 - 154

Draft report

Linda McAvan

(PE508.085v03-00)

on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products

Proposal for a directive

(COM(2012)0788 – C7-0420/2012 – 2012/0366(COD))

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United in diversity

EN

Amendment 57
Patricia van der Kammen

Proposal for a directive

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Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. nl

Justification

On the basis of the subsidiarity principle laid down in Article 5 TEU, the Commission proposal should be rejected.

Amendment 58
Frédérique Ries, Corinne Lepage

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof ***and Article 168 thereof in relation to Article 16 of this Directive,***

Or. en

Justification

With a view to meeting all of the Directive's objectives, a reference to Article 168, on public health, should be included. Article 168 of the Treaty of the Functioning of the European Union is the applicable legal basis for Article 16 of the Directive.

Amendment 59
Antonia Parvanova

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 **and Article 168** thereof,

Or. en

Amendment 60
Martina Anderson, Kartika Tamara Liotard

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products lays down rules at Union level concerning tobacco products. Due to scientific, market and international developments, substantial changes are to be made to that Directive. For the sake of clarity it is appropriate to repeal Directive 2001/37/EC and to replace it by a new Directive.

Amendment

(1) Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products lays down rules at Union level concerning tobacco products. Due to scientific, market and international developments, **including the improved availability on the market of e-cigarettes**, substantial changes are to be made to that Directive. For the sake of clarity it is appropriate to repeal Directive 2001/37/EC and to replace it by a new Directive.

Or. en

Justification

The increased uptake of e-cigarettes on the market, with diverging regulatory approaches among the Member States suggests an inclusion in this provision. The ingredients of these products have the potential to be harmful to human health.

Amendment 61
Holger Krahmer

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) In its reports of 2005 and 2007 on the application of Directive 2001/37/EC, submitted in accordance with Article 11 of that Directive, the Commission identified areas in which further action was considered useful. In 2008 and 2010 the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) provided scientific advice to the Commission on smokeless tobacco products and tobacco *additives*. In 2010 a broad stakeholder consultation took place, which was followed by targeted stakeholder consultations and accompanied by studies by external consultants. Member States were consulted throughout the process. The European Parliament and the Council repeatedly called on the Commission to review and update Directive 2001/37/EC.

Amendment

(2) In its reports of 2005 and 2007 on the application of Directive 2001/37/EC, submitted in accordance with Article 11 of that Directive, the Commission identified areas in which further action was considered useful. In 2008 and 2010 the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) provided scientific advice to the Commission on smokeless tobacco products and tobacco *ingredients*. In 2010 a broad stakeholder consultation took place, which was followed by targeted stakeholder consultations and accompanied by studies by external consultants. Member States were consulted throughout the process. The European Parliament and the Council repeatedly called on the Commission to review and update Directive 2001/37/EC.

Or. de

Justification

Following the removal of definition (2) 'additive', definition (18) 'ingredient' has to be used here.

Amendment 62
Theodoros Skylakakis

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Health warning serves as a part of an organised, effective and long term anti-smoking strategy, with well defined scope and objectives.

Or. en

Justification

The effectiveness of a health warning is linked to its being part of an organised, anti-smoking strategy, with well defined scope and objectives.

Amendment 63

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Andrés Perelló Rodríguez, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonia Parvanova

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) In other areas there are still substantial differences between the Member States' laws, regulations and administrative provisions on the manufacture, presentation, and sale of tobacco and related products which impede the functioning of the internal market. In the light of scientific, market and international developments these discrepancies are expected to increase. This applies in particular to nicotine containing products, herbal products for smoking, ingredients and emissions, certain aspects of labelling and packaging ***and the cross-border distance sales*** of tobacco products.

(4) In other areas there are still substantial differences between the Member States' laws, regulations and administrative provisions on the manufacture, presentation, and sale of tobacco and related products which impede the functioning of the internal market. In the light of scientific, market and international developments these discrepancies are expected to increase. This applies in particular to nicotine containing products, herbal products for smoking, ingredients and emissions, certain aspects of labelling and packaging, ***cross-border and internet sales of tobacco products and point-of-sale displays*** of tobacco products.

Or. en

Justification

The guidelines for the implementation of Article 13 of the WHO Framework Convention on Tobacco Control call on the Parties to ban display and visibility of tobacco products at point of sale since they constitute a method of advertising and promotion. The same guidelines also recommend banning internet sales of tobacco.

Amendment 64 **Martina Anderson**

Proposal for a directive **Recital 6**

Text proposed by the Commission

(6) The size of the internal market in tobacco and related products, the increasing tendency of manufacturers of tobacco products to concentrate production for the whole of the Union in only a small number of production plants within the Member States and the resulting significant cross-border trade of tobacco and related products calls for legislative action at Union rather than national level to achieve the smooth operation of the internal market.

Amendment

(6) The size of the internal market in tobacco and related products, the increasing tendency of manufacturers of tobacco products to concentrate production for the whole of the Union in only a small number of production plants within the Member States and the resulting significant cross-border trade, ***including internet sales***, of tobacco and related products calls for legislative action at Union rather than national level to achieve the smooth operation of the internal market ***and to harmonize a Union common safeguard of human health***

Or. en

Justification

Internet sales, cross border distance sales of tobacco and related products are increasing and there are no adequate Union provisions to regulate such a trade; achieving a smooth implementation of the internal market must also include a common approach to prioritise and safeguard the health of the Union's citizens.

Amendment 65 **Maria do Céu Patrão Neves, Nuno Teixeira, José Manuel Fernandes**

Proposal for a directive **Recital 6 a (new)**

Text proposed by the Commission

Amendment

(6a) Tobacco production in disadvantaged areas, especially the outermost regions, which is often associated with specific environmental, geographical and cultural conditions and craft-based, environmentally-friendly methods, should receive special attention from the EU, which should allow the Member State the possibility of applying specific measures to maintain production in these regions.

Or. pt

Amendment 66
Renate Sommer

Proposal for a directive
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) At the same time, it is essential that the principles or guidelines of the ‘Small Business Act’ are also taken into account in this Directive;

Or. de

Amendment 67
Radvilė Morkūnaitė-Mikulėnienė

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) When taking legislative action, however, it is also necessary to take into account the results of recent studies showing the loss of around EUR 12 billion in tax revenue in the EU as a

result of illicit trade in tobacco products, and that legal trade in cigarettes is declining while illicit trade currently accounts for around 10% of the EU-wide tobacco market, and 30% in some Member States, and is steadily increasing. The introduction of further restrictions could well lead to a further increase in these figures.

Or. It

Amendment 68

Karl-Heinz Florenz, Thomas Ulmer, Richard Seeber, Esther de Lange, Sophie Auconie

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

Amendment

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people. ***In accordance with the principle of producer responsibility, manufacturers of tobacco products should therefore be made responsible for all health costs arising as a consequence of tobacco consumption.***

Or. de

Justification

As already called for in Parliament's resolution on the Green Paper 'Towards a Europe free from tobacco smoke: policy options at EU level' (2007/2105(INI)), product liability should be applied to manufacturers and manufacturer liability introduced for the financing of all health

costs arising from tobacco consumption.

Amendment 69

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: ‘Treaty’), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people. .

Amendment

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: ‘Treaty’), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people ***and to avoid any harmful consequence both to vulnerable groups and to all citizens by eliminating passive smoking where possible.***

Or. en

Justification

This directive is primarily focussed on reducing the number of young people initiating smoking but should also consider how to enhance existing bans on passive smoking.

Amendment 70

Mario Pirillo

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the

Amendment

(8) In accordance with Article 114(3) of the Treaty *on* the Functioning of the

European Union (hereinafter: “Treaty”), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

European Union (hereinafter: “Treaty”), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

To that end, and especially where primary schools are concerned, smoking prevention campaigns should be organised in Member States, as should information programmes on the harmful effects of smoking from the health point of view.

Or. it

Amendment 71 **Frédérique Ries**

Proposal for a directive **Recital 8**

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

Amendment

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people ***by paying particular attention to the 80 million young Europeans who have never smoked;***

Or. fr

Justification

It is important to note that one of the Directive's priorities is to provide better protection from tobacco smoke (active and passive smoking) for the 80 million young Europeans who have never touched a cigarette.

Amendment 72

María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

Amendment

(8) In accordance with Article 114(3) of the Treaty of the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people. ***Public education and awareness campaigns should be promoted through periodic counselling in primary and secondary schools.***

Or. es

Justification

Public education and awareness campaigns will be more effective in terms of public health than simply applying a ban without any scientific basis.

Amendment 73

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty *of* the Functioning of the European Union (hereinafter: “Treaty”), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people.

Amendment

(8) In accordance with Article 114(3) of the Treaty *on* the Functioning of the European Union (hereinafter: “Treaty”), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco, health protection should be given high importance, in particular to reduce smoking prevalence among young people. ***To that end, it is also essential to continue to provide education, information and prevention campaigns and programmes to help citizens who wish to give up smoking.***

Or. it

Justification

The objectives of stopping or reducing tobacco use can be achieved only by means of public education and information campaigns and action to help people give up smoking. This directive provides an additional means of achieving those objectives.

Amendment 74
Riikka Manner

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In accordance with Article 114(3) of the Treaty *of* the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco,

Amendment

(8) In accordance with Article 114(3) of the Treaty *on* the Functioning of the European Union (hereinafter: "Treaty"), a high level of health protection should be taken as a basis, regard being had, in particular, to any new developments based on scientific facts. Tobacco products are not ordinary commodities and in view of the particularly harmful effects of tobacco,

health protection should be given high importance, in particular to reduce smoking prevalence among young people.

health protection should be given high importance, in particular to reduce smoking prevalence among young people.
In order to protect consumers and promote public health, a fundamental objective of the revision of the Directive and its monitoring should be to put an end to the consumption of tobacco products, and legislation will continue to be tightened up to achieve this.

Or. fi

Amendment 75
Christel Schaldemose, Dan Jørgensen

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Tobacco products contain carcinogens. It is vital that the tobacco industry commit itself to work diligently on reducing the level of carcinogens in all kinds of tobacco.

Or. da

Amendment 76
Corinne Lepage

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Whereas with a view to safeguarding the health of workers who may be exposed to passive smoking the consumption of tobacco should be forbidden at all points of sale.

Or. fr

Amendment 77
Corinne Lepage

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Whereas with a view to preventing smoking among young people, people under the age of 18 should be forbidden access to points of sale.

Or. fr

Amendment 78
Theodoros Skylakakis

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) Given that in many Member States large percentages of smokers are unlikely to stop smoking entirely, legislation should take into account their right to know objectively the impact the possible use of tobacco has on their health - information which they also receive through the packaging of the product they are likely to use.

Or. el

Justification

Given that there are still large percentages of smokers in the EU, the Directive should also seek to improve the health of those who already smoke and who for whatever reason seek to continue to use tobacco or nicotine products.

Amendment 79
Renate Sommer

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) For measuring the tar, nicotine and carbon monoxide yields of cigarettes, reference should be made to ISO standards 4387, 10315 and 8454, which are internationally recognised standards. For other emissions there are no internationally agreed standards or tests for quantifying the yields, ***but efforts are ongoing to develop them.***

Amendment

(10) For measuring the tar, nicotine and carbon monoxide yields of cigarettes, reference should be made to ISO standards 4387, 10315 and 8454, which are internationally recognised standards. For other emissions there are no internationally agreed standards or tests for quantifying the yields, ***which is why no provisions on measuring can currently be adopted for other emissions of cigarettes and for tobacco products other than cigarettes.***

Or. de

Amendment 80
Carl Schlyter, Satu Hassi

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

(10 a) Polonium 210 has been shown to be a significant carcinogen in tobacco. Its presence in cigarettes could be eliminated almost completely by a combination of simple measures. It is thus appropriate to set a maximum yield for Polonium 210 that would result in a reduction of 95% of the current average content of Polonium 210 in cigarettes. An ISO standard to measure Polonium 210 in tobacco should be developed.

Amendment

Or. en

Justification

Polonium 210 is a decay product of uranium that is present in fertilizers made from uranium-rich phosphate rock. It contaminates tobacco leaves through the air via Radon 222 and through the roots via Lead 210. When burnt, Polonium 210 evaporates, and is thus inhaled by smokers. It is an alpha emitter. Alpha radiation is innocuous outside the body, but once inside the human body it is 'the most hazardous form of radiation' (The Polonium Brief, Brianna Rego, Isis, 2009).

Amendment 81 Milan Cabrnoch

Proposal for a directive Recital 11

Text proposed by the Commission

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate ***at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration*** their toxicity or addictiveness.

Amendment

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate ***to identify ways of measuring emissions while taking into account scientific knowledge and internationally accepted standards for evaluating*** their toxicity or addictiveness.

Or. cs

Amendment 82 Sergej Kozlík

Proposal for a directive Recital 11

Text proposed by the Commission

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration their toxicity or addictiveness.

Amendment

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific development and internationally agreed standards to assess*** their toxicity or addictiveness.

Amendment 83
Eleni Theocharous

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration their toxicity or addictiveness.

Amendment

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific development and internationally agreed standards to assess*** their toxicity or addictiveness.

Amendment 84
Cristian Silviu Buşoi

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration their toxicity or addictiveness.

Amendment

(11) In relation to the fixing of maximum yields, it might be necessary and appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific developments and internationally agreed standards to assess*** their toxicity or addictiveness.

Justification

The yields fixed and maximum thresholds for emissions are essential parts of the legislative

act and should not as a matter of principle be subject to delegated acts. If, nevertheless, delegated acts should be maintained, scientific developments and internationally agreed standards to measure toxicity and addictiveness should be taken into account.

Amendment 85
Milan Cabrnoch

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) In order to exercise their regulatory function, Member States and the Commission require comprehensive information on ingredients and emissions to assess the *attractiveness*, addictiveness and toxicity of tobacco products and the risks to health associated with the consumption of such products. To this end, the existing reporting obligations for ingredients and emissions should be reinforced. This is consistent with the obligation placed on the Union to ensure a high level of protection for human health.

Amendment

(12) In order to exercise their regulatory function, Member States and the Commission require comprehensive information on ingredients and emissions to assess the addictiveness and toxicity of tobacco products and the risks to health associated with the consumption of such products. To this end, the existing reporting obligations for ingredients and emissions should be reinforced. This is consistent with the obligation placed on the Union to ensure a high level of protection for human health.

Or. cs

Amendment 86
Georgios Koumoutsakos

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) In order to exercise their regulatory function, Member States and the Commission require comprehensive information on ingredients and emissions to assess the attractiveness, addictiveness and toxicity of tobacco products and the risks to health associated with the consumption of such products. To this end,

Amendment

(12) In order to exercise their regulatory function, Member States and the Commission require comprehensive information on ingredients and emissions to assess the attractiveness, addictiveness and toxicity of tobacco products and the risks to health associated with the consumption of such products. To this end,

the existing reporting obligations for ingredients and emissions should be reinforced. This is consistent with the obligation placed on the Union to ensure a high level of protection for human health.

the existing reporting obligations for ingredients and emissions should be reinforced, ***without, however, imposing a superfluous, excessive and disproportionate burden on small and medium-sized enterprises***. This is consistent with the obligation placed on the Union to ensure a high level of protection for human health.

Or. el

Justification

It is important to reinforce existing reporting obligations for ingredients and emissions, but we need to ensure that businesses, in particular SMEs, are not faced with an excessive, disproportionate and superfluous burden.

Amendment 87 **Frédérique Ries, Corinne Lepage**

Proposal for a directive **Recital 13**

Text proposed by the Commission

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. ***In this light there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information should be ensured*** for the general public, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products.

Amendment

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. ***A mandatory list of ingredients must be compiled with a view to ensuring the greatest possible transparency for the general public in respect of the contents of tobacco products***, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products.

The list must include a statement of the most dangerous ingredients along similar lines to that required by the US Family

Smoking Prevention and Tobacco Control Act, which obliges manufacturers to disclose the presence of any substances in cigarette smoke identified by the US Food and Drug Administration as ‘hazardous or potentially hazardous’ for human health. Annexes I(a) and (b) have been provided for the purposes of setting out such a list.

Or. fr

Justification

This clarification is necessary to announce the establishment of two new annexes, one limited and the other more comprehensive, listing the most hazardous, and often carcinogenic, ingredients in tobacco products.

Amendment 88

María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. In this light there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information should be ensured for the general public, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products.

Amendment

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. In this light there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information should be ensured for the general public, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products ***and that World Trade Organisation (WTO) agreements are complied with.***

Justification

At international level, the Commission has had to officially inform the Trade Barriers Committee (TBT) about the directive, as some of the measures provided for could infringe international trade rules.

Amendment 89
Theodoros Skylakakis

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. In this light there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information should be ensured for the general public, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products.

Amendment

(13) The current use of different reporting formats makes it difficult for manufacturers and importers to fulfil their reporting obligations and burdensome for the Member States and the Commission to compare, analyse and draw conclusions from the information received. In this light there should be a common mandatory format for the reporting of ingredients and emissions. The greatest possible transparency of product information, ***allowing enough space for this information on the unit packets***, should be ensured for the general public, while ensuring that appropriate account is taken of the commercial and intellectual property rights of the manufacturers of tobacco products.

Or. el

Justification

In order to ensure that consumers of tobacco products are effectively informed sufficient space should be set aside for a description of the characteristics of each product.

Amendment 90
Frédérique Ries

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Whereas a mandatory list of ingredients must be compiled as a matter of urgency, since, according to the 2010 report of the Commission’s Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR)¹, an increasing proportion of the ingredients in cigarettes – an average of 10% of their weight – are additives whose sole purpose is to make smoke more palatable by changing properties such as colour, acidity, odour and taste.

¹ Almost 600 different additives were identified.

Or. fr

Amendment 91
Martina Anderson, Kartika Tamara Liotard

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU ***and impedes an effective harmonised investigation at EU level on the health effects and attractiveness of tobacco products.*** Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients

as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

or their combination. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on *both the safeguard of citizens' health and* the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

Or. en

Justification

A harmonised approach at an EU level on ingredients and combinations of ingredients will ensure the working of the internal market but will also ensure an effective reliable assessment of the consequences of their effects, including the attractiveness in increasing smoking.

Amendment 92 **Holger Krahmer**

Proposal for a directive **Recital 14**

Text proposed by the Commission

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result,

Amendment

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result,

some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards **additives** integrated in the filter of cigarettes as well as **additives** colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards **ingredients** integrated in the filter of cigarettes as well as **ingredients** colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

Or. de

Justification

Following the removal of definition (2) 'additive', definition (18) 'ingredient' has to be used here.

Amendment 93

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonia Parvanova

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or

Amendment

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or

prohibiting certain ingredients. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

prohibiting certain ingredients. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. ***It is thus appropriate to introduce a positive list of additives that may be used in tobacco products.*** The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

Or. en

Justification

The Commission's proposal does not properly harmonise ingredients. It very much relies on national implementation of general provisions, that may well be subject to diverging interpretation in different Member States. It is more appropriate to establish a positive list of allowed ingredients at EU level so as to achieve proper harmonisation.

Amendment 94

Karl-Heinz Florenz, Peter Liese, Thomas Ulmer, Richard Seeber, Renate Sommer, Sophie Auconie

Proposal for a directive

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) In order to protect human health, the safety of additives for use in tobacco products should be assessed (risk assessment) and they should receive

authorisation from the Commission prior to being marketed in the Community. Additives should only then be permitted for use in tobacco products if they are included in an EU list of authorised additives.

Or. de

Justification

Parliament already called for an authorisation procedure for additives in its resolution (2007/2105(INI)). A common positive list of additives provides legal clarity as to which substances may be used in tobacco products. The EU list may be updated on the initiative of the Commission or at the request of a Member State.

Amendment 95

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Andrés Perelló Rodríguez, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonia Parvanova

Proposal for a directive

Recital 14 b (new)

Text proposed by the Commission

Amendment

(14 b) It is important not only to consider the properties of additives as such, but also of their combustion products. Additives as well as their combustion products should not meet the criteria for classification as hazardous in accordance with Regulation EC (No) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures¹.

¹ OJ L 353, 31.12.2008, p. 1.

Or. en

Justification

Only additives that are not hazardous - as such or upon combustion - should be allowed.

Amendment 96

Jaroslaw Kalinowski

Proposal for a directive

Recital 15

Text proposed by the Commission

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.

deleted

Or. pl

Justification

Cigarettes with a characterising aroma and taste have become popular (i.e. they account for a significant share of the tobacco products market) in only a small number of Member States. Elsewhere, there is very little demand for them, and in some Member States none at all. Therefore, the provisions proposed by the Commission would hit the markets of Member States where flavoured cigarettes are popular hardest, while they would have practically no effect on the markets of the other Member States. These provisions are disproportionate and should accordingly be deleted.

Amendment 97
Milan Cabrnoch

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, ***having a characterising flavour other than tobacco***, which may facilitate uptake of tobacco consumption ***or affect consumption patterns***. ***For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.***

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, which may facilitate uptake of tobacco consumption.

Or. cs

Amendment 98
Maria do Céu Patrão Neves

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. ***For example, in many countries, sales of mentholated products gradually increased even as***

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. ***The Commission is urged to carry out a scientific study of the real influence of***

smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.

these products on the uptake of tobacco consumption.

Or. pt

Amendment 99

Gaston Franco, Jolanta Emilia Hibner, Bogusław Sonik, Elisabetta Gardini

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. *For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.*

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco **and menthol**, which may facilitate uptake of tobacco consumption or affect consumption patterns.

Or. en

Justification

The directive should be based on evidence and not just on the fear of legal uncertainty. Integrated in this Directive menthol would be covered in the same way as traditional

cigarettes. Legislation across Member States is different regarding cigarettes with characterising flavour but not face to menthol which is allowed in the entire European Union. A ban should be based on scientific evidence proving a change of behaviour face to Menthol among youth people.

Amendment 100
Ewald Stadler

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. ***For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.***

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns.

Or. de

Justification

The studies indicated are not sufficient to justify discrediting menthol cigarettes in legislation.

Amendment 101
Carl Schlyter

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, ***including smokeless tobacco products***, having a ***characterising*** flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided .

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products having a flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided . ***Sweden should be allowed to regulate flavours in snus at a national level. If Sweden fails to do so within a certain period of time, the provisions of this Directive should apply.***

Or. en

Justification

It is too narrow to only address " characterising flavour". All flavours should be addressed. Sweden should be given four years from the entry into force of this Directive to regulate flavours in snus nationally - if it fails to do so, the provisions of this Directive should apply.

Amendment 102
Holger Krahmer

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising

flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. *A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people.* Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.

flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided.

Or. de

Justification

The scientific data available do not support the assertion that menthol contributes to a more intense inhalation of tobacco smoke. Moreover, there is no reason to believe that menthol cigarettes are associated with people starting to smoke earlier.

Amendment 103 **Milan Cabrnoch**

Proposal for a directive **Recital 15 – footnote 36**

Text proposed by the Commission

36. WTO Appellate Body, AB-2012-1, United States – Measures Affecting the Production and Sale of Clove Cigarettes (DS406)..

Amendment

deleted

Or. cs

Amendment 104 **Milan Cabrnoch**

Proposal for a directive **Recital 16**

Text proposed by the Commission

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

deleted

Or. cs

Amendment 105
Jaroslav Kalinowski

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission

(16) The use of additives, such as sugar, necessary for manufacturing of tobacco products should be allowed, as long as they do not increase the health risk to consumers. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. pl

Justification

The explicit identification of 'sugar' as an example of one of the key additives used in the production of tobacco products will clarify the situation and give tobacco producers a guarantee. This amendment will make it clear that adding sugar during production – which is necessary for certain varieties of tobacco, such as 'Burley' – will still be possible. This is done as those varieties lose their sugar content during the drying process, while other varieties, such as Virginia, retain theirs.

Amendment 106

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonia Parvanova

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The prohibition of tobacco products with **characterising** flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a **characterising** flavour. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a **characterising** flavour.. **The Commission should ensure uniform conditions for the implementation of the provision on**

Amendment

(16) The prohibition of tobacco products with flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a flavour. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a flavour **and are not linked to attractiveness**. The application of this Directive should not discriminate between different tobacco varieties.

characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. en

Justification

These provisions should apply to all flavours. This would also make the reference to testing panels superfluous. The provisions on additives necessary for manufacturing should be aligned to those of the WHO guidelines on ingredients.

Amendment 107 **Holger Krahmer**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual **additives** altogether, but obliges the manufactures to reduce the **additive** or the combination of **additives** to such an extent that the **additives** no longer result in a characterising flavour. The use of **additives** necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual **ingredients** altogether, but obliges the manufactures to reduce the **ingredient** or the combination of **ingredients** to such an extent that the **ingredients** no longer result in a characterising flavour. The use of **ingredients** necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. de

Justification

Following the removal of definition (2) ‘additive’, definition (18) ‘ingredient’ has to be used here.

Amendment 108

Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives necessary for manufacturing of tobacco products *should* be allowed, *as long as they do not result in a characterising flavour*. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives necessary for manufacturing of tobacco products *shall* be allowed. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. pl

Amendment 109

**Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni,
Claudio Morganti, Lorenzo Fontana**

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives **necessary for manufacturing** of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such *decision making*. The application of this Directive should not discriminate between different tobacco varieties.

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of additives **which are essential for the manufacture** of tobacco products should be allowed, as long as they do not result in a characterising flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such *decision-making*. The application of this Directive should not discriminate between different tobacco varieties.

Or. it

Justification

In line with the wording used in Article 6(2), subparagraph 2.

Amendment 110
Sari Essayah

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In order to clarify where the borderline is being drawn, the Commission should draw up a list indicating precisely which ingredients are prohibited and which are permitted, particularly additives and - separately from them - aromas and flavourings. The

list should also make it clear what total quantity of permitted additives, aromas and flavourings is permissible.

Or. fi

Amendment 111

Róża Gräfin von Thun und Hohenstein, Bogusław Sonik, Czesław Adam Siekierski

Proposal for a directive

Recital 16 b (new)

Text proposed by the Commission

Amendment

(16 b) One of the aims of this Directive is to reduce the consumption of tobacco products, especially among young and vulnerable consumers, which will result in the decrease of the production of the tobacco in the Union and can lead to loss of jobs, moving the industry outside the Union and need to restructure the farms traditionally basing its production on tobacco. Therefore appropriate measures and financial support must be envisaged in the framework of the Union budget in order to counteract the economic and social consequences of this Directive.

Or. en

Amendment 112

Czesław Adam Siekierski, Jarosław Kalinowski

Proposal for a directive

Recital 16 c (new)

Text proposed by the Commission

Amendment

(16 c) The implementation of the Directive's provisions could lead to a reduction in demand for raw tobacco originating in EU Member States. A support fund for tobacco growers should

therefore be established in regions where tobacco is grown in order to compensate growers for the losses

that they incur as a consequence of the Directive's implementation.

Or. pl

Justification

The implementation of the Directive's provisions will lead to a reduction in demand for raw EU tobacco and possibly its replacement by raw tobacco from third countries, which would mean a fall in growers' income and an increase in unemployment. In this connection, a support fund for tobacco growers should be established to assist growers affected by the reduction in demand for raw tobacco, as well as those who want to cease cultivating tobacco and change their production profile.

Amendment 113
Holger Krahmer

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health hazards or increase mental alertness and physical performance. These additives should be prohibited in order to ensure uniform rules and a high level of health protection.

deleted

Or. de

Justification

There is no hard scientific evidence as to whether certain/some additives create the impression that the tobacco product may be less harmful and therefore more attractive for certain groups of consumers. Any decision to prohibit or regulate an ingredient should be based on compelling scientific studies for which clear EU-agreed criteria applicable to tobacco products have been used.

Amendment 114
Frédérique Ries

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health hazards or increase mental alertness and physical performance. These additives should be prohibited in order to ensure uniform rules and a high level of health protection.

Amendment

(17) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health hazards or increase mental alertness and physical performance. ***For example the action of menthol is problematical. Because of its local anaesthetic property, menthol allows a deeper inhalation of the irritating tobacco smoke. As such, more smoke can be inhaled and deeper puffs can be attained, resulting in a higher nicotine dose.***

These additives ***that increase the attractiveness of tobacco products*** should be prohibited in order to ensure uniform rules and a high level of health protection.

Or. en

Justification

The SCENIHR (Scientific Committee on Emerging and Newly Identified Health Risks), on its opinion published 12 November 2010 on " Addictiveness and Attractiveness of Tobacco Additives" comes to the conclusion that menthol is a very problematical additive as it increases the attractiveness of tobacco products by making tobacco product easier to start smoking.

Amendment 115
Martina Anderson, Kartika Tamara Liotard

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health hazards or increase mental alertness and physical performance. These additives should be prohibited in order to ensure uniform rules and a high level of health protection.

Amendment

(17) Certain additives are used to create the impression that tobacco products have health benefits, present reduced health hazards or increase mental alertness and physical performance. ***Other additives such as sugar are used to mitigate or to improve the flavour and taste of tobacco products in order to enable easier consumption.*** These additives should be prohibited in order to ensure uniform rules and a high level of health protection.

Or. en

Justification

Sugar is an additive which increases the palatability of the tobacco product, helping to mask the harsh taste of unadulterated tobacco to make it more attractive especially for those initiating smoking.

Amendment 116
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) An increasing number of people, most of them being children, suffer from asthma and various allergies. Not all causes of asthma are understood, as indicated by WHO, but risk factors including allergens, tobacco and chemical irritants need to be prevented to enable people to enjoy a good quality of life.

Or. en

Amendment 117
Frédérique Ries

Proposal for a directive
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17 b) The Commission should carefully monitor the addition of sugar substances which constitutes more than 10% of the total amount of additives in cigarettes. The Commission should, in particular, ask the industry to reformulate tobacco products in order to manufacture new products free of inverted sugar (fructose and glucose) which have hazardous effects on health.

Or. en

Justification

The sugar substances are not hazardous to health by oral consumption, but are transformed into a number of toxic compounds under pyrolysis, the most hazardous ones being inverted sugars as responsible for a large part of formaldehyde in smoke, classified as a carcinogen to humans (International Agency for Research on Cancer, 2009).

Amendment 118
Sari Essayah

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption

deleted

patterns in relation to young people.

Or. fi

Amendment 119
Corinne Lepage

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

deleted

Or. fr

Amendment 120
Martina Anderson, Kartika Tamara Liotard

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

deleted

Justification

In order to ensure a high level of health protection and an equal protection of all consumers throughout the EU, smoking tobacco products other than cigarettes and roll-your-own tobacco should be subject to the same labelling requirements

Amendment 121

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonia Parvanova

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

deleted

Justification

We should treat all tobacco products that are allowed to be put onto the Union market the same and not create loopholes.

Amendment 122

Anja Weisgerber, Karl-Heinz Florenz, Monika Hohlmeier, Renate Sommer, Holger Krahmer

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and **smokeless** tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements **as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.**

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and tobacco **for oral use** which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements.

Or. de

Justification

Consumption of traditional nasal and chewing tobacco is confined to very few regions of Europe and is an element in the maintenance of traditions. Moreover, nasal and chewing tobacco are mainly consumed by older persons. The same exemption should therefore apply as to cigars, cigarillos and pipe tobacco.

Amendment 123
Georgios Koumoutsakos

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Considering the **Directive's focus** on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements **as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.**

Amendment

(18) Considering **that the Directive focuses** on young people, **but also protects the health of all consumers**, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should **not** be granted an exemption from certain ingredients requirements.

Or. el

Justification

This Directive provides equal protection for all consumers of tobacco products.

Amendment 124

Frédérique Ries

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people. ***The Commission should carefully monitor the use of water-pipe tobacco by young people as there is increasing evidence of their use beyond the traditional, older market. In this regard, articles 6 and 10 should apply to those products and health warnings be placed on packets of chicha tobacco which often do not comply with the European legislation.***

Or. en

Justification

In addition to the amendment 3 drafted by the rapporteur on water-pipe tobacco use by young people, in order to insist on the fact that products such as chicha tobacco, because of its toxicity, shall be covered by the main provisions of the directive.

Amendment 125

Frédérique Ries

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco, ***water-pipe tobacco*** and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Or. fr

Amendment 126

Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco, ***water-pipe tobacco***, and smokeless tobacco, which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Or. it

(See amendment to Article 6(10))

Amendment 127

Claudiu Ciprian Tănăsescu, Minodora Cliveti

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Amendment

(18) Considering the Directive's focus on young people, tobacco products other than cigarettes, roll-your-own tobacco, ***tobacco for water pipes*** and smokeless tobacco which are mainly consumed by older consumers, should be granted an exemption from certain ingredients requirements as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns in relation to young people.

Or. ro

Amendment 128

Renate Sommer

Proposal for a directive

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Member States should be encouraged, if they have not already done so, to formulate their national laws on the protection of young people in such a way that tobacco products may not be sold to, and consumed by, young people under the age of 18; Member States should also ensure that these prohibitions are respected;

Or. de

Amendment 129

Esther de Lange

Proposal for a directive
Recital 18 b (new)

Text proposed by the Commission

Amendment

(18 b) The FCTC in article 16 points to the responsibility of Parties to the Convention to address products aimed at underage consumers, such as food products and toys in the form of tobacco products that may be appealing to minors. In recent years, several products, such as shisha vaping sticks, have been placed on the market that do not contain nicotine but have the form of cigarettes and try to imitate the smoking process through vaporising substances, the harmless nature of which is not yet scientifically proven, and through an electric light imitating the burning process of a cigarette. Such products are clearly produced to be appealing to young and underage consumers, and are increasingly popular by minors in several Member States. Increasing concern is expressed at the habits created by young consumers and minors by the use of such imitation cigarettes. Therefore, these products should be prohibited through this directive.

Or. en

Amendment 130
Frédérique Ries

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) Disparities still exist between national provisions regarding the labelling of tobacco products, in particular with regard to the use of combined health warnings consisting of a picture and a text,

(19) Disparities still exist between national provisions regarding the labelling of tobacco products, in particular with regard to the use of combined health warnings consisting of a picture and a text, ***which***

information on cessation services and promotional elements in and on packets.

only 10 Member States had brought in by 2013, information on cessation services and promotional elements in and on packets.

Or. fr

Amendment 131
Sari Essayah

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) An effort should be made to eliminate obstacles effectively and by all available means to enable the use of plain packages to be introduced throughout EU territory as quickly as possible.

Or. fi

Amendment 132
Renate Sommer, Monika Hohlmeier

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) Adaptation of the labelling provisions is also necessary to align the rules at Union level with international developments. ***For example the guidelines on Article 11 FCTC call for large picture warnings on both principal display areas, mandatory cessation information and strict rules on misleading information.*** The provisions on misleading information will complement the ***general ban on*** misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair *business-to-consumer* commercial practices in the

(21) Adaptation of the labelling provisions is also necessary to align the rules at Union level with international developments. The provisions on misleading information will complement the ***existing appropriate and comprehensive guidelines on preventing*** misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair *business-to-consumer* commercial practices in the internal market.

internal market.

Or. de

Amendment 133
Milan Cabrnoch

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Adaptation of the labelling provisions is also necessary to align the rules at Union level with international developments. For example the guidelines on Article 11 FCTC call for **large** picture warnings on both principal display areas, mandatory cessation information and strict rules on misleading information. The provisions on misleading information will complement the general ban on misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Amendment

(21) Adaptation of the labelling provisions is also necessary to align the rules at Union level with international developments. For example the guidelines on Article 11 FCTC call for picture warnings on both principal display areas, **which should take up no more than 50%, but no less than 30% of the surface area of the box**, mandatory cessation information and strict rules on misleading information. The provisions on misleading information will complement the general ban on misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market.

Or. cs

Amendment 134
Holger Krahmer

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar,

Amendment

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar,

nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others.

Evidence also suggests that large combined health warnings are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the packet surface. A minimum size should be set for all health warnings to ensure their visibility and effectiveness.

nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others.

Or. de

Justification

There is absolutely no hard scientific proof that very large, image-based warnings lead to a reduction in smoker numbers. There is indeed evidence that packaging regulations such as enlarged pictorial warnings have no effect whatsoever on the decision by people to smoke or not.

Amendment 135

Georgios Koumoutsakos

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others.

Evidence also suggests that large combined health warnings are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the packet surface. A minimum size

Amendment

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others. A ***percentage of the external surface*** should be set for all health warnings to ensure their visibility and effectiveness.

should be set for all health warnings to ensure their visibility and effectiveness.

Or. el

Justification

The option to introduce colour photographs should be left to the discretion of Member States. Furthermore, the provision for a minimum size of health warnings should be replaced by a percentage coverage of the external surface. If this measure were to be implemented, it would lead to uniformity in the size, shape and presentation of packets, since the proposed dimensions are not applicable to all types of packet.

Amendment 136

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets *have* proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others. Evidence also suggests that large combined health warnings are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the packet surface. ***A minimum size should be set for all health warnings to ensure their visibility and effectiveness.***

Amendment

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets *has* proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others. Evidence also suggests that large combined health warnings are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and, ***in order to be effective,*** cover significant and visible parts of the packet surface.

Or. it

Amendment 137

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others. Evidence also suggests that large combined health warnings are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the packet surface. A minimum size should be set for all health warnings to ensure their visibility and effectiveness.

Amendment

(22) The labelling provisions also need to be adapted to new scientific evidence. For example the indication of the yields for tar, nicotine and carbon monoxide on cigarette packets have proven to be misleading as it makes consumers believe that certain cigarettes are less harmful than others. Evidence also suggests that large combined health warnings ***with both clear pictorial and text warnings*** are more effective than text-only warnings. In this light combined health warnings should become mandatory throughout the Union and cover significant and visible parts of the packet surface. A minimum size should be set for all health warnings to ensure their visibility and effectiveness.

Or. en

Justification

A clear picture and short text warning on a standardised plain package could be more effective and visible to all consumers

Amendment 138

**Giancarlo Scottà, Oreste Rossi, Lorenzo Fontana, Matteo Salvini,
Francesco Enrico Speroni, Claudio Morganti**

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Furthermore, several scientific studies show that verbal encouragement to stop smoking is effective when it is aimed at smokers' egos, indirectly hurting their pride and eliciting an emotional

response. Text warnings of this kind, for example: 'Smoking damages the skin and speeds up wrinkles', 'Smoking makes you less attractive', 'Nobody likes a cigarette-flavoured kiss', 'Quitting won't make you fat: it will improve your life', or 'Think about it: stopping for a cigarette does more harm than the stress you are trying to relieve', could therefore be combined with the text warnings currently in use.

Or. it

Amendment 139
Holger Krahmer

Proposal for a directive
Recital 23

Text proposed by the Commission

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

deleted

Justification

This proposal contributes neither to improving the functioning of the internal market, nor to protecting public health. There is, moreover, no hard evidence that the packaging or appearance of a product is a causal factor that has an influence on the decision to smoke. The prohibition of slim cigarettes does not help reduce tobacco consumption, but will lead to an increase in cigarette smuggling and serious economic damage.

Amendment 140
Erminia Mazzoni

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. ***The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘slim’, names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.***

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism.

The use of certain texts on tobacco packages, for example ‘low-tar’, ‘light’, ‘ultra-light’, or ‘mild’, or of names, pictures, and figurative or other signs can

mislead consumers by ***making them think that the products concerned*** are less harmful, ***thus inducing them to change their habits. The manner of smoking and the degree of dependence, and not just the levels of given substances contained in a product before it is consumed, also determine how much is inhaled. This aspect involves more than the use of texts such as those mentioned above. It could, indeed, undermine the labelling requirements laid down in this Directive.***

Or. it

Amendment 141
Ewald Stadler

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products ***may mislead*** consumers, in particular young people, ***suggesting*** that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘slim’, names, pictures, and figurative or other signs. ***Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less***

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products ***could, under certain circumstances, convey the impression to*** consumers, in particular young people, that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘slim’, names, pictures, and figurative or other signs.

harmful. This should be addressed.

Or. de

Justification

The image of consumers that underpins this recital is one-sided. A lack of information does not justify such restrictions on the freedom enjoyed by businesses in the field of product design.

Amendment 142

Jarosław Kalinowski

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', '***slim***', names, pictures, and figurative or other signs. ***Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful.*** This should be addressed.

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', names, pictures, and figurative or other signs. This should be addressed.

Or. pl

Justification

Cigarettes with a characterising aroma and taste have become popular (i.e. they account for a significant share of the tobacco products market) in only a small number of Member States. Elsewhere, there is very little demand for them, and in some Member States none at all. Therefore, the provisions proposed by the Commission would hit the markets of Member States where flavoured cigarettes are popular hardest, while they would have practically no effect on the markets of the other Member States. These provisions are disproportionate and should accordingly be deleted.

Amendment 143 **Kristian Vigenin**

Proposal for a directive **Recital 23**

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as **'low-tar'**, **'light'**, **'ultra-light'**, **'mild'**, **'natural'**, **'organic'**, **'without additives'**, **'without flavours'**, **'slim'**, names, pictures, and figurative or other signs. Likewise, the **size and** appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. ***A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.***

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as **'low-tar'**, **'light'**, **'ultra-light'**, **'mild'**, **'natural'**, **'organic'**, **'without additives'**, **'without flavours'**, names, pictures, and figurative or other signs.

Likewise, the appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful.

Amendment 144
Milan Cabrnoch

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, ***including the opening mechanism***. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ***'slim'***, names, pictures, and figurative or other signs. Likewise, the ***size and*** appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. ***A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.***

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, names, pictures, and figurative or other signs. Likewise, the appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful.

Or. cs

Amendment 145
Eleni Theocharous

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the

Amendment

(23) In order to ensure the integrity and the

visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as *'low-tar'*, *'light'*, *'ultra-light'*, *'mild'*, *'natural'*, *'organic'*, *'without additives'*, *'without flavours'*, *'slim'*, names, pictures, and figurative or other signs. Likewise, the *size and* appearance of individual cigarettes *can* mislead consumers by creating the impression that they are less harmful. *A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.*

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Likewise, the appearance of individual cigarettes *may* mislead consumers by creating the impression that they are less harmful.

Or. en

Amendment 146

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Salvatore Tatarella, Giovanni La Via, Roberta Angelilli

Proposal for a directive Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The

package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘*slim*’, names, pictures, and figurative or other signs. Likewise, the *size and* appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. *A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.*

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Or. it

Justification

There is no scientific evidence that slim cigarettes mislead consumers. Banning them would do more harm than good, as consumers would be pushed towards the black market and hence into buying counterfeit cigarettes not subject to health inspections – a situation that would obviously have a damaging impact on public health – and the repercussions would also extend to employment.

Amendment 147

Maria do Céu Patrão Neves

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful.

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful.

For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘*slim*’, names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. *A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.*

For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. *The Commission is urged to carry out a scientific study of the real influence of these factors on tobacco consumption.*

Or. pt

Amendment 148 **Sergej Kozlik**

Proposal for a directive **Recital 23**

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘*slim*’, names, pictures, and figurative or other signs. Likewise, the *size and* appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. *A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less*

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, names, pictures, and figurative or other signs. Likewise, the appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful.

harmful. This should be addressed.

Or. en

Amendment 149

Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed ***through the appropriate packaging and labelling of such products and through informing consumers of their harmfulness, so that the consumer is fully aware of the consequences of using a given product.***

Or. pl

Justification

'Slim' cigarettes are not more harmful; it is only their packaging that could mislead consumers. However, if such products are packaged in accordance with the provisions of the Directive, there will no longer be risk of them misleading consumers.

Amendment 150

Georgios Koumoutsakos

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. ***Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.***

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features ***that appear on packaging***, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs.

Or. el

Justification

Existing scientific data do not demonstrate that there is a direct link between the diameter of a cigarette and the age when a person takes up smoking or that 'slim' cigarettes are more attractive than others. This prohibition would not result in people giving up smoking; instead it would mean that they no longer consume a specific category of tobacco product.

Amendment 151

Karl-Heinz Florenz, Peter Liese, Thomas Ulmer, Renate Sommer

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package, ***including the opening mechanism***. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the dimension of the warnings as well as regarding certain aspects of the appearance of the tobacco package. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as 'low-tar', 'light', 'ultra-light', 'mild', 'natural', 'organic', 'without additives', 'without flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

Or. de

Justification

In accordance with the amendment to Article 13(2)

Amendment 152

**Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni,
Claudio Morganti, Lorenzo Fontana**

Proposal for a directive

Recital 23

Text proposed by the Commission

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the *dimension* of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘slim’, names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made regarding the *design characteristics* of the warnings as well as regarding certain aspects of the appearance of the tobacco package, including the opening mechanism. The package and the products may mislead consumers, in particular young people, suggesting that products are less harmful. For instance, this is the case with certain texts or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without flavours’, ‘slim’, names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.

Or. it

Amendment 153

Karl-Heinz Florenz, Peter Liese, Thomas Ulmer, Christa Klaß, Richard Seeber, Esther de Lange, Renate Sommer, Sophie Auconie

**Proposal for a directive
Recital 23 a (new)**

Text proposed by the Commission

Amendment

(23a) Tobacco products have been shown to contain and emit many noxious substances and known carcinogens hazardous to human health when burnt. Scientific studies have clearly proven that passive smoking is a cause of death, illness and disability and that passive smoking is dangerous in particular to unborn children and infants. It can cause

or aggravate respiratory problems in persons inhaling smoke. The health warnings should therefore also draw attention to the dangers to health of passive smoking.

Or. de

Justification

This recital is contained in the current Directive 2001/37/EC. There should be specific text and pictorial warnings drawing attention to the dangers of passive smoking.

Amendment 154

Martina Anderson

on behalf of the GUE/NGL Group

Glenis Willmott, Andrés Perelló Rodríguez, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers, Catherine Stihler, Antonyia Parvanova

Proposal for a directive

Recital 23 b (new)

Text proposed by the Commission

Amendment

(23 b) Studies have shown that standardising the presentation of the name of the trade mark and of the pack colour (plain packaging) makes packaging less attractive and enhances the effectiveness of health warnings, thereby decreasing smoking uptake and tobacco consumption. The guidelines on Articles 11 and 13 FCTC call on Parties to consider adopting plain packaging requirements.

Or. en

Justification

Tobacco packaging must not be attractive or appealing, as it contains a lethal product. The advertising of tobacco is prohibited in nearly every other place, and the tobacco packaging itself should also fall under this ban. This is in line with recommendations in the FCTC guidelines, and is being implemented or considered by other states worldwide.

