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Committee on the Environment, Public Health and Food Safety

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**2012/0366(COD)**

14.5.2013

# **AMENDMENTS 1044 - 1136**

**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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**EN**

*United in diversity*

**EN**

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**Amendment 1044**  
**Cristian Silviu Buşoi**

**Proposal for a directive**  
**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Member States shall prohibit retail outlets established on their territory from distributing free or discounted tobacco products through cross-border distance channels or through any other channel.***

Or. en

*Justification*

**The free or promotional distribution of tobacco products acts as an incentive to start smoking and is mainly targeted at young people, which should be avoided.**

**Amendment 1045**  
**Françoise Grossetête, Gaston Franco**

**Proposal for a directive**  
**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. A Member State may, for public health reasons, impose restrictions on imports of tobacco for personal use. A Member State must be able to apply such restrictions in particular when the price in the Member State where the product is purchased is significantly lower than the price in the Member State of origin or if the health warnings are not in its official language(s).***

Or. fr

*Justification*

**Member States should be able to restrict imports of tobacco for personal use for the purposes of protecting public health and tackling the illicit cigarette trade.**

**Amendment 1046**  
**Corinne Lepage**

**Proposal for a directive**  
**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Sales of cigarettes and roll-your-own tobacco via the Internet shall be prohibited in the Union;***

***Internet sales of other tobacco products and related nicotine-containing products shall be subject to more stringent monitoring in the Union;***

Or. fr

**Amendment 1047**  
**Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana**

**Proposal for a directive**  
**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall prohibit on their territory the distribution of free or discounted tobacco products and the swapping of new, sealed packets of tobacco products for packets that have already been opened, irrespective of the channels used.***

Or. it

*Justification*

**Promotional schemes in which free packets of cigarettes are publicly handed out or new packets are swapped for packets that have already been opened are targeted at young people and are thus indefensible.**

**Amendment 1048**

**Martina Anderson, Kartika Tamara Liotard**

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) name or corporate name and permanent address of the place of activity from where the tobacco products are supplied;* *deleted*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented**

**Amendment 1049**

**Cristian Silviu Buşoi**

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) name or corporate name and permanent address of the place of activity from where the tobacco products are supplied;* *deleted*

Or. en

*Justification*

**Cross-border distance sales are generally used to sale counterfeit or illicit tobacco products. This brings risks for the health of consumers and also undermines national tobacco taxation policies which aim at combating smoking.**

**Amendment 1050  
Riikka Manner**

**Proposal for a directive  
Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) name or corporate name and  
permanent address of the place of activity  
from where the tobacco products are  
supplied;* *deleted*

Or. en

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).**

**Amendment 1051  
Erik Bánki**

**Proposal for a directive  
Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) name or corporate name and  
permanent address of the place of activity  
from where the tobacco products are  
supplied;* *deleted*

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1052**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***a) name or corporate name and  
permanent address of the place of activity  
from where the tobacco products are  
supplied;*** ***deleted***

Or. pl

**Amendment 1053**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***a) name or corporate name and  
permanent address of the place of activity  
from where the tobacco products are  
supplied;*** ***deleted***

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors — and boost illegal sales of tobacco products.**

**Amendment 1054**

**Sari Essayah**

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) name or corporate name and permanent address of the place of activity from where the tobacco products are supplied;*

*deleted*

Or. fi

**Amendment 1055**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) name or corporate name and permanent address of the place of activity from where the tobacco products are supplied;*

*deleted*

Or. it

**Amendment 1056**

**Martina Anderson, Kartika Tamara Liotard**

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of*

*deleted*



*information society services;*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1057  
Cristian Silviu Buşoi**

**Proposal for a directive  
Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;*      *deleted*

Or. en

*Justification*

**Cross-border distance sales are generally used to sale counterfeit or illicit tobacco products. This brings risks for the health of consumers and also undermines national tobacco taxation policies which aim at combating smoking.**

**Amendment 1058  
Riikka Manner**

**Proposal for a directive  
Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;*      *deleted*

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).**

**Amendment 1059**

**Erik Bánki**

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;*** *deleted*

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1060**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

***b) the starting date of the activity of offering tobacco products for cross-border*** *deleted*

*distance sales to the public by means of information society services;*

Or. pl

**Amendment 1061**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;* *deleted*

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors — and boost illegal sales of tobacco products.**

**Amendment 1062**

**Sari Essayah**

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;* *deleted*

Or. fi

**Amendment 1063**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*b) the starting date of the activity of offering tobacco products for cross-border distance sales to the public by means of information society services;* *deleted*

Or. it

**Amendment 1064**

**Martina Anderson, Kartika Tamara Liotard**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.* *deleted*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1065**

**Cristian Silviu Buşoi**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.*** *deleted*

Or. en

*Justification*

**Cross-border distance sales are generally used to sale counterfeit or illicit tobacco products. This brings risks for the health of consumers and also undermines national tobacco taxation policies which aim at combating smoking.**

**Amendment 1066**

**Riikka Manner**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.*** *deleted*

Or. en

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).**

**Amendment 1067**

**Erik Bánki**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.***

***deleted***

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1068**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.***

***deleted***

Or. pl

**Amendment 1069**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.***

***deleted***

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors – and boost illegal sales of tobacco products.**

**Amendment 1070**

**Sari Essayah**

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.*

*deleted*

Or. fi

**Amendment 1071**

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

**Proposal for a directive**

**Article 16 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.*

*deleted*

Or. it

**Amendment 1072**

**Riikka Manner**

**Proposal for a directive**

**Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.**

*deleted*

Or. en

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).**

**Amendment 1073**

**Martina Anderson, Kartika Tamara Liotard**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.**

*deleted*

Or. en



*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1074**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.** *deleted*

Or. pl

**Amendment 1075**

**Cristian Silviu Bușoi**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.** *deleted*

*Justification*

**In line with amendment to paragraph 1.**

**Amendment 1076**

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

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC. Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.** *deleted*

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors – and boost illegal sales of tobacco products.**

**Amendment 1077**

**Eija-Riitta Korhola**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The competent authorities of the** *deleted*

***Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.***

Or. fi

**Amendment 1078**  
**Sari Essayah**

**Proposal for a directive**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.***

*deleted*

Or. fi

**Amendment 1079**  
**Erik Bánki**

**Proposal for a directive**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The competent authorities of the Member States shall publish the complete***

*deleted*

*list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.*

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1080**

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

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.***

*deleted*

Or. it

**Amendment 1081**

**Frédérique Ries, Corinne Lepage**

**Proposal for a directive  
Article 16 – paragraph 2**

*Text proposed by the Commission*

**2. The competent authorities of the Member States shall publish the complete list of all retail outlets registered with them in accordance with the rules and safeguards laid down in Directive 95/46/EC. Retail outlets may only start placing tobacco products on the market in form of distance sales as of the moment the name of the retail outlet is published in the relevant Member States.**

*Amendment*

**2. Member States which have implemented a national anti-smoking strategy may set quantitative limits on cross-border movements.**

Or. fr

*Justification*

**This amendment is complementary to the request to ban distance sales, and is something which European tobacco retailers have long been calling for.**

**Amendment 1082  
Riikka Manner**

**Proposal for a directive  
Article 16 – paragraph 3**

*Text proposed by the Commission*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.**

*Amendment*

*deleted*

Or. en

*Justification*

The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).

**Amendment 1083**

**Martina Anderson, Kartika Tamara Liotard**

**Proposal for a directive  
Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.** *deleted*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1084**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive  
Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement,** *deleted*

*Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.*

Or. pl

**Amendment 1085**  
**Cristian Silviu Buşoi**

**Proposal for a directive**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.*

*deleted*

Or. en

*Justification*

**In line with amendment to paragraph 1.**

**Amendment 1086**  
**Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Giovanni La Via, Roberta Angelilli**

**Proposal for a directive**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.**

*deleted*

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors — and boost illegal sales of tobacco products.**

**Amendment 1087**

**Eija-Riitta Korhola**

**Proposal for a directive**

**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.**

*deleted*

Or. fi



**Amendment 1088**  
**Sari Essayah**

**Proposal for a directive**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.**

*deleted*

Or. fi

**Amendment 1089**  
**Erik Bánki**

**Proposal for a directive**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.**

*deleted*

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco**

**products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1090**

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

**Proposal for a directive  
Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

***3. If it is necessary in order to ensure compliance and facilitate enforcement, Member States of destination may require that the retail outlet nominates a natural person who is responsible for verifying the tobacco products before reaching the consumer comply with the national provisions adopted pursuant to this Directive in the Member State of destination.***

*deleted*

Or. it

**Amendment 1091**

**Riikka Manner**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age***

*deleted*

*verification system.*

Or. en

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).**

**Amendment 1092**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.** *deleted*

Or. pl

**Amendment 1093**

**Martina Anderson**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.** *deleted*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1094  
Cristian Silviu Buşoi**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.** *deleted*

Or. en

*Justification*

**In line with amendment to paragraph 1.**

**Amendment 1095**

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

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.** *deleted*

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors — and boost illegal sales of tobacco products.**

**Amendment 1096**

**Eija-Riitta Korhola**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale,** *deleted*

*that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.*

Or. fi

**Amendment 1097**

**Erik Bánki**

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

*4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.*      *deleted*

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1098**

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

**Proposal for a directive  
Article 16 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Retail outlets engaged in distance sales shall be equipped with an age verification system, which verifies at the time of sale, that the purchasing consumer respects the minimum age foreseen under the national legislation of the Member State of destination. The retailer or nominated natural person shall report to the competent authorities a description of the details and functioning of the age verification system.** *deleted*

Or. it

**Amendment 1099  
Riikka Manner**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** *deleted*

Or. en

*Justification*

**The present proposal is very difficult to implement and control. Hence, total ban**

on distance sale would be easier to implement and control. The ban should cover also nicotine products and tobacco substitutes (herbal cigarettes, e-cigarettes), because they are marketed mostly via Internet and control of them is difficult. At least they all should be regulated (age limits etc).

**Amendment 1100**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** *deleted*

Or. pl

**Amendment 1101**

**Martina Anderson**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer** *deleted*



*of tobacco products.*

Or. en

*Justification*

**Irrelevant if the prohibition of cross-border distance sales is implemented.**

**Amendment 1102  
Cristian Silviu Buşoi**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** *deleted*

Or. en

*Justification*

**In line with amendment to paragraph 1.**

**Amendment 1103  
Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Giovanni La Via, Roberta Angelilli**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** *deleted*

Or. it

*Justification*

**Cross-border distance sales would jeopardise the safety of consumers – in particular minors – and boost illegal sales of tobacco products.**

**Amendment 1104  
Eija-Riitta Korhola**

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** *deleted*

Or. fi

**Amendment 1105**  
**Sari Essayah**

**Proposal for a directive**  
**Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** **deleted**

Or. fi

**Amendment 1106**  
**Erik Bánki**

**Proposal for a directive**  
**Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.** **deleted**

Or. en

*Justification*

**The prohibition of cross-border distance sales, including internet sale, of tobacco products in the whole EU area is the most effective way in point of view of protection of young people. This approach will facilitate enforcement and ensures a necessary and proportionate solution.**

**Amendment 1107**

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

**Proposal for a directive  
Article 16 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Personal data of the consumer shall only be processed in accordance with Directive 95/46/EC and not be disclosed to the manufacturer of tobacco products or companies forming part of the same group of companies or to any other third parties. Personal data shall not be used or transferred beyond the purpose of this actual purchase. This also applies if the retail outlet forms part of a manufacturer of tobacco products.**

*deleted*

Or. it

**Amendment 1108**

**Gaston Franco**

**Proposal for a directive  
Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***Cross-border sales of tobacco products***

***Article 16a***

***Cross-border sales of tobacco products***

***A ceiling on the import of products from another Member State shall be set for***

*each of the tobacco products covered by this Directive. This ceiling shall be set by each Member States using the method of calculation which it regards as most appropriate (for example per person, per type of vehicle, an overall quantity covering several tobacco products).*

Or. fr

*Justification*

**In March 2013 the European Court of Justice found against France (in case C-216/11) for failing to fulfil certain obligations and to take account of the specific nature of each tobacco product. Bearing in mind that excise duties are a means of preventing smoking, a Member State should still have the option of restricting imports of tobacco products from another State in order to improve its anti-smoking policies.**

**Amendment 1109**

**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**

**Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 16 a*

*Point-of-sale displays of tobacco*

- 1. Member States shall prohibit point-of-sale displays of tobacco in their territory.*
- 2. Tobacco products shall be completely concealed from the customer except during the purchase or sale of tobacco products, or stocktaking, restocking, staff training or maintenance of the storage unit.*
- 3. Display of tobacco products for those reasons listed in paragraph 2 may only last as long as is necessary to complete*

*those tasks.*

***4. Prices of tobacco products shall be listed in a standardised format. No package deals or special discounts shall be displayed.***

Or. en

*Justification*

**Point of sale display bans are already in force in a number of EU and EFTA Member States. In 2010 Norway was taken to court by a tobacco company for creating a barrier to trade. The court ruled in favour of Norway but the case shows there is a need for EU action. The FCTC implementing guidelines for Article 13 state that point-of-sale display of tobacco products constitutes advertising and promotion. It recommends a total ban on any display of tobacco products at points of sale.**

**Amendment 1110  
Corinne Lepage**

**Proposal for a directive  
Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 16a***

***Member States which have implemented a national anti-smoking strategy may set quantitative limits on cross-border movements.***

Or. fr

**Amendment 1111  
Holger Krahmer**

**Proposal for a directive  
Title 2 – chapter 5 – title**

*Text proposed by the Commission*

*Amendment*

*Novel* tobacco products

***Reduced-risk*** tobacco products

Or. de

**Amendment 1112**  
**Sari Essayah**

**Proposal for a directive**  
**Article 17**

*Text proposed by the Commission*

*Amendment*

*Article 17*

*deleted*

***Notification of novel tobacco products***

***1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:***

***a) available scientific studies on toxicity, addictiveness and attractiveness of the product, in particular as regards its ingredients and emissions;***

***(b) available studies and market research on preferences of various consumer groups, including young people and***

***(c) other available and relevant information, including a risk/benefit***

*analysis of the product, the expected effects on cessation of tobacco consumption, the expected effects on initiation of tobacco consumption and other predicted consumer perception.*

*2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to introduce an authorisation system and charge a proportionate fee.*

*3. Novel tobacco products placed on the market shall respect the requirements set out in this Directive. The provisions applicable depend on whether the products fall under the definition of smokeless tobacco product in point (29) of Article 2 or tobacco for smoking in point (33) of Article 2.*

Or. fi

**Amendment 1113**  
**Gaston Franco**

**Proposal for a directive**  
**Article 17 – title**

*Text proposed by the Commission*

Notification of novel tobacco products

*Amendment*

Notification of novel tobacco products **and potentially less harmful products**

Or. en



*Justification*

**Category "potentially less harmful products" must be created to cover all next generation products in the directive.**

**Amendment 1114**  
**Holger Krahrmer**

**Proposal for a directive**  
**Article 17 – title**

*Text proposed by the Commission*

Notification of *novel* tobacco products

*Amendment*

Notification of *reduced-risk* tobacco products

Or. de

**Amendment 1115**  
**Maria do Céu Patrão Neves**

**Proposal for a directive**  
**Article 17 – title**

*Text proposed by the Commission*

Notification of novel tobacco products

*Amendment*

Notification of novel tobacco products *and potentially reduced-risk novel tobacco products*

Or. pt

**Amendment 1116**  
**Mario Pirillo, Gianni Pittella**

**Proposal for a directive**  
**Article 17 – title**

*Text proposed by the Commission*

Notification of novel tobacco products

*Amendment*

Notification of novel tobacco products

*including reduced-risk tobacco products*

Or. it

**Amendment 1117**

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

**Proposal for a directive**

**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Notification of novel tobacco products

Notification of novel tobacco products *and  
granting of pre-marketing authorisation  
for reduced-risk tobacco products*

Or. it

*Justification*

**Reduced-risk products are tobacco-based products scientifically demonstrated to carry a lower risk than conventional tobacco products. A reference to this concept is required in order for consumers to be properly informed about the reduced risks.**

**Amendment 1118**

**Erminia Mazzoni**

**Proposal for a directive**

**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

*Notification of novel* tobacco products

*Authorisation to place on the market  
reduced-risk* tobacco products

Or. it

**Amendment 1119**

**Sari Essayah**

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**Proposal for a directive**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall **require that manufacturers and importers of tobacco products notify the competent authorities of Member States** of any novel tobacco product **they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:**

*Amendment*

1. Member States shall **prohibit the placing on the market** of any novel tobacco product.

Or. fi

**Amendment 1120**  
**Erminia Mazzoni**

**Proposal for a directive**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products **notify** the competent authorities of Member States of any **novel** tobacco product they intend to place on the markets of the Member States concerned. The **notification** shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as

*Amendment*

1. **The placing on the market of reduced-risk tobacco products must be authorised by the competent authorities of the Member State in which the producer or importer intends to place the product on the market.** Member States shall require that manufacturers and importers of tobacco products **submit an application to** the competent authorities of Member States for any **reduced risk** tobacco product they intend to place on the markets of the

information on ingredients and emissions in accordance with Article 5. **The manufacturers** and importers **notifying** a **novel** tobacco product shall also provide the competent authorities in question with:

Member States concerned. **Member States shall be entitled to charge a proportionate fee.** The **application** shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. **Manufacturers** and importers **submitting an application for authorisation** for a **reduced-risk** tobacco product shall also provide the competent authorities in question with:

Or. it

## **Amendment 1121**

**Holger Krahrmer**

### **Proposal for a directive**

#### **Article 17 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any **novel** tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a **novel** tobacco product shall also provide the competent authorities in question with:

##### *Amendment*

1. Member States shall require that manufacturers and importers of **reduced-risk** tobacco products notify the competent authorities of Member States of any **such** tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as **any proposed labelling, instructions for use, details of the product's composition, the manufacturing process and associated controls and** information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a **reduced-risk** tobacco product shall also provide the competent authorities in question with:

**Amendment 1122**  
**Maria do Céu Patrão Neves**

**Proposal for a directive**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

*Amendment*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned ***and for which they intend, on the basis of solid scientific evidence, to make claims that they are less harmful or of lower risk than conventional tobacco products.*** The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

Or. pt

**Amendment 1123**  
**Bernadette Vergnaud**

**Proposal for a directive**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco

*Amendment*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco

product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

product they intend to place on the markets of the Member States concerned, **and which could, according to independent and verifiable scientific data, be significantly less harmful than traditional tobacco products**. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

Or. fr

**Amendment 1124**  
**Gaston Franco**

**Proposal for a directive**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

*Amendment*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned **as well as for products which they intend to claim potentially reduced harm or reduced risk compared to regular tobacco products based on scientific evidence**. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

*Justification*

**Category "potentially less harmful products" must be created to cover all next generation product in the directive.**

**Amendment 1125**

**Mario Pirillo, Gianni Pittella**

**Proposal for a directive**

**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product shall also provide the competent authorities in question with:

*Amendment*

1. Member States shall require that manufacturers and importers of tobacco products notify the competent authorities of Member States of any novel tobacco product, ***including reduced-risk products***, they intend to place on the markets of the Member States concerned. The notification shall be submitted in electronic form six months before the intended placing on the market and shall be accompanied by a detailed description of the product in question as well as information on ingredients and emissions in accordance with Article 5. The manufacturers and importers notifying a novel tobacco product, ***including reduced-risk products***, shall also provide the competent authorities in question with:

Or. it

**Amendment 1126**

**Milan Cabrnoch**

**Proposal for a directive**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

a) available scientific studies on toxicity, addictiveness **and attractiveness** of the product, in particular as regards its ingredients and emissions;

*Amendment*

a) available scientific studies on toxicity **and** addictiveness of the product, in particular as regards its ingredients and emissions;

Or. cs

**Amendment 1127**

**Holger Krahrmer**

**Proposal for a directive**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) available scientific studies on toxicity, **addictiveness and attractiveness** of the product, in particular as regards its ingredients and emissions;

*Amendment*

(a) available scientific studies **on evidence of positive or negative effects**, toxicity **and** addictiveness of the product, in particular as regards its ingredients and emissions;

Or. de

**Amendment 1128**

**Holger Krahrmer**

**Proposal for a directive**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) available studies and market research on preferences of various consumer groups, including young people and

*Amendment*

(b) available studies and market research on **how consumers perceive and use the product, including its labelling**, and on preferences of various consumer groups, including young people and

Or. de



**Amendment 1129**  
**Izaskun Bilbao Barandica**

**Proposal for a directive**  
**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

b) available studies and market research on preferences of various consumer groups, including young people and

*Amendment*

b) ***working summaries of the*** available studies and market research on preferences of various consumer groups, including young people and

Or. es

**Amendment 1130**  
**Theodoros Skylakakis**

**Proposal for a directive**  
**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

b) available studies and market research on preferences of various consumer groups, including young people and

*Amendment*

b) available studies and market research on preferences of various consumer groups, including young people and ***chronic heavy smokers and***

Or. el

*Justification*

**Part of these studies should concern chronic heavy smokers in addition to the young.**

**Amendment 1131**  
**Gaston Franco**

**Proposal for a directive**  
**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(c a) Member States shall be entitled to issue specific rules for products which***

*they intend to claim potentially reduced harm or reduced risk that may deviate from the requirements of this Directive, and shall notify such rules to the Commission.*

Or. en

*Justification*

**The Member States shall keep some leeway to allow the emergence of less harmful product on the market. This exemption for this product category will eventually put forward a solution or a model of consumption for the next directive based on measurements taken by the different Member States.**

**Amendment 1132  
Sari Essayah**

**Proposal for a directive  
Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to introduce an authorisation system and charge a proportionate fee.***

*deleted*

Or. fi

**Amendment 1133  
Holger Kraemer**

**Proposal for a directive**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to introduce an authorisation **system** and charge a proportionate fee.

*Amendment*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to introduce an authorisation **procedure, including the conditions for authorisation of reduced-risk tobacco products**, and charge a proportionate fee. **The conditions for authorisation shall stipulate, in particular, the requirements for scientific risk assessment and for the evidence-based demonstration of reduced risk and the provisions pursuant to subparagraphs (a) to (c) of paragraph 1, as well as the requirements for the manufacturing process, controls and market surveillance after a product has been placed on the market. Member States shall also stipulate the requirements for labelling, packaging and measuring, including methods for measuring tar, nicotine and carbon monoxide as well as the special additional ingredients used in reduced-risk tobacco products. Member States shall report to the Commission on these conditions of authorisation.**

Or. de

**Amendment 1134**  
**Erminia Mazzoni**

**Proposal for a directive**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to ***introduce an authorisation system and charge a proportionate fee.***

*Amendment*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to ***set the scientific requirements for the granting of the authorisation referred to in paragraph 1. The Member States may also establish the procedures for providing product information to the public based on the scientific data submitted by the producer or importer.***

Or. it

**Amendment 1135**  
**Mario Pirillo, Gianni Pittella**

**Proposal for a directive**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all

*Amendment*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all

information received pursuant to this Article. Member States shall be entitled to introduce an authorisation system and charge a proportionate fee.

information received pursuant to this Article. Member States shall be entitled to introduce an authorisation system and charge a proportionate fee. ***Before granting authorisation to place a novel product, including reduced-risk products, on the market, Member States shall establish and render mandatory: the standards applicable to their marketing and the types of information provided to the public, focusing on the characteristics apt to markedly reducing the risk of contracting one or more tobacco-related diseases.***

Or. it

*Justification*

**In the case of heavy smokers, scientifically-proven reduced-risk tobacco products can provide a solution by limiting the harmful effects on those who nonetheless decide to continue to smoke.**

**Amendment 1136**

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

**Proposal for a directive  
Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. Member States shall be entitled to introduce an authorisation system and

*Amendment*

2. Member States shall require that manufacturers and importers of tobacco products inform their competent authorities of any new or updated information referred to in point (a) to (c) of paragraph 1. Member States shall be entitled to require tobacco manufacturers or importers to carry out additional tests or submit additional information. Member States shall make available to the Commission all information received pursuant to this Article. ***In connection with the placing on the market of reduced-risk tobacco***

charge a proportionate fee.

*products, Member States shall be entitled to introduce an authorisation system and charge a proportionate fee. Member States shall be entitled to lay down specific rules for reduced-risk products governing consumer information, packaging and labelling, ingredients and emissions, as well as the methods used to measure tar, nicotine and carbon monoxide, which may differ from the requirements of this Directive. Member States shall notify those rules to the Commission.*

Or. it

#### *Justification*

**Reduced-risk products are tobacco-based products scientifically demonstrated to carry a lower risk than conventional tobacco products. A reference to this concept is required in order for consumers to be properly informed about the reduced risks.**