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2009 - 2014

Committee on Agriculture and Rural Development

2012/0366(COD)

27.6.2013

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

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

Rapporteur: Csaba Sándor Tabajdi

PA_Legam

SHORT JUSTIFICATION

The rapporteur welcomes the Commission's proposal for a new tobacco products Directive and fully endorses the promotion of the well-being of people and supports a better protection of public health. It also emphasises the importance of considering all aspects of tobacco manufacturing, presentation and sale, especially preserving agricultural jobs along the tobacco value chain in order to have a balanced legal framework. The rapporteur underlines that the proposed text shall be adjusted to the international trade commitments of the WTO and legally binding obligations of the WHO Framework Convention on Tobacco Control (FCTC) adopted by the European Communities.

The rapporteur underlines the importance of measures, which will considerably and genuinely decrease tobacco consumption and prevent youngsters from taking up smoking, but do not lead to the decline of the European tobacco growing sector, i.e. through the replacement of European tobacco by cheaper and uncontrolled tobacco from third countries, and increased illegal trafficking of tobacco products along the EU's external borders.

Tobacco causes almost 700 000 deaths every year in the Union. The Commission focuses in its proposal on preventing people, in particular youngsters, from taking up the habit of smoking, since 70 % of smokers start consuming tobacco before the age of eighteen. Furthermore, tobacco is a labour-intensive agricultural product that provides 400 000 full-time and seasonal jobs around Europe, mainly in socially deprived regions with few or no labour alternatives. Data by economic stakeholders show that 96 % of tobacco farms are family farms with a cultivation area between 0,5 and 3 hectares.

The European Parliament has addressed the lack of relations between tobacco growing and smoking several times. Also, the European Commission acknowledges in its evaluation report that there is no direct link between tobacco cultivation and smoking rates.

The most powerful tool to prevent young people from taking up smoking is education, and prevention programmes. The most recent representative survey reveals that within the past ten years, there has been a continuous decline in the consumption of tobacco due to various prevention programmes e.g. in Federal Republic of Germany. Therefore the rapporteur strongly advises that a European Smoking Prevention Fund be set up to finance programmes assisting citizens to quit smoking, prevent citizens to take up smoking, and inform citizens about the harmful health effects of smoking.

The rapporteur believes that citizens do not receive proper information about the harmful effects of smoking. Therefore, bearing in mind the protection of consumers, better labelling should be introduced, such as indication of different levels of harmfulness of tobacco products. This must not mislead consumers, as all tobacco products are harmful.

In numerous Member States men and women with lower levels of education and in difficult social circumstances smoke drastically more: e.g. in Hungary 45 % of men and 26 % of women who dropped out of education after elementary school men are smoking. 32 % of men and 22 % of women that finished their studies in high school are smoking. At the same time,

only 20 % of men and 18 % of women with university degrees are smoking. Therefore the Directive should consider social aspects as well when regulating tobacco products.

The rapporteur is concerned that the scope of the delegated acts in the proposed by the Commission is too broad and could lead to an institutional imbalance between the Parliament and Council as legislators and the Commission.

Article 3 of the proposed new TPD empowers the Commission and the member states to modify the maximum yields on tar, nicotine, carbon monoxide or other emissions; a decision to dramatically reduce the nicotine yield can discriminate Burley tobacco producers.

Article 6 of the proposal allows member states and the Commission to decide which flavour or concentration of ingredients can be considered as imparting a characterizing flavour; they can also decide to prohibit placing on the market tobacco products with additives “based on scientific evidence”. In order to clarify the situation on additives the rapporteur wants a positive or a negative list of additives which are essential for the manufacture of tobacco products and which result in a product with a characterising flavour to be set up.

By allowing the cross-border purchase of tobacco products, including online, the proposal creates a special danger on young generations. The adoption of the proposal might imply an easier access to tobacco products for youngsters under the age of eighteen. Therefore, in order to prevent youngsters from taking up the habit of smoking the rapporteur proposes to ban internet sales of tobacco products. Some member states already apply the aforementioned good practice.

In order to achieve the pivotal objective of the TFEU – to promote well-being of citizens – the rapporteur deems that in the spirit of subsidiarity, Member States that already introduced anti-tobacco provisions beyond the Commission proposal, shall sustain their respective systems.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

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 of tobacco and related products calls for *stronger* legislative action at Union level to achieve the smooth operation of the internal market.

Amendment 2

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The European Union should pay particular attention to tobacco production in less-favoured areas, especially in the outermost regions where it is frequently associated with specific geographical and socio-economic characteristics, and the Union should allow the Member States concerned to implement specific measures to ensure continued production in these

areas.

Amendment 3
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. ***The most powerful tools to prevent young people from taking up smoking are education, information and prevention campaigns and programmes to help citizens who wish to give up smoking. Those tools continue to play an essential role. Therefore a European Smoking Prevention Fund should be set up in order to finance programmes assisting citizens to quit smoking, preventing citizens to take up smoking, and informing citizens about the harmful health effects of smoking.***

Amendment 4
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

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 their toxicity or addictiveness.

yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific developments, progress and knowledge and internationally agreed standards when assessing*** their toxicity or addictiveness.

Amendment 5
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 of compatibility with WTO obligations.***

Amendment 6

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

Amendment

deleted

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.

Justification

There is no independent research showing that the addition of menthol either increases smoking or encourages people to have 'a first cigarette'. Only three Member States have a high level of consumption of mentholated cigarettes.

Amendment 7

Proposal for a directive Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Reliable research shows that the level of tobacco growing in the EU is not linked to the number of EU citizens who smoke. At the same time, a majority of the tobacco grown in the EU comes from very small family farms, which find it very difficult to switch to a different production model. EU farmers should therefore have the opportunity to market the tobacco they produce for the needs of European consumers, while ensuring that the highest quality raw materials are used and complying with the standards on ingredients laid down in this Directive, without discriminating against tobacco varieties grown in unfavourable climatic conditions. In addition, Member States should take action to retrain tobacco farmers in order for them move into other agricultural sectors, particularly through the use of funds available under

Amendment 8

**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

Amendment 9

**Proposal for a directive
Recital 22**

Text proposed by the Commission

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.

(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.***

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, ***to ensure they are effective***, cover significant and visible parts of the packet surface.

Amendment 10

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.

Amendment 11

Proposal for a directive

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Recital 24

Text proposed by the Commission

(24) Tobacco products for smoking, other than cigarettes and roll-your-own tobacco products, ***which are mainly consumed by older consumers***, should be granted an exemption from certain labelling 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 labelling of these other tobacco products should follow specific rules. The visibility of the health warnings on smokeless tobacco products needs to be ensured. Warnings should therefore be placed on the two main surfaces of smokeless tobacco product packaging.

Amendment

(24) Tobacco products for smoking, other than cigarettes and roll-your-own tobacco products should be granted an exemption from certain labelling 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 labelling of these other tobacco products should follow specific rules. The visibility of the health warnings on smokeless tobacco products needs to be ensured. Warnings should therefore be placed on the two main surfaces of smokeless tobacco product packaging.

Amendment 12 Proposal for a directive Recital 26

Text proposed by the Commission

(26) Considerable volumes of illicit products, which do not comply with the requirements laid down in Directive 2001/37/EC, are placed on the market and indications are that these volumes might increase. Such products undermine the free circulation of compliant products and the protection provided for by tobacco control legislations. In addition, the FCTC obliges the Union to fight against illicit products, as part of a comprehensive tobacco control policy. Provision should thus be made for unit packets of tobacco products to be marked in a unique and secure way and their movements to be recorded so that these products can be tracked and traced in the Union and their compliance with this Directive can be monitored and better enforced. In addition, provision should be

Amendment

(26) Considerable volumes of illicit products, which do not comply with the requirements laid down in Directive 2001/37/EC, are placed on the market and indications are that these volumes might increase. Such products undermine the free circulation of compliant products and the protection provided for by tobacco control legislations. In addition, the FCTC obliges the Union to fight against illicit products, as part of a comprehensive tobacco control policy. Provision should thus be made for unit packets of tobacco products to be marked in a unique and secure way and their movements to be recorded so that these products can be tracked and traced in the Union and their compliance with this Directive can be monitored and better enforced ***in order to restrain illegal***

made for the introduction of security features that will facilitate the verification of whether or not products are authentic.

trafficking of tobacco products especially along the external borders of the Union. In addition, provision should be made for the introduction of security features that will facilitate the verification of whether or not products are authentic. ***The Commission and Member States should also ensure that any measures adopted in application of this Directive do not lead indirectly to an increase in the illicit trade in tobacco products.***

Amendment 13

Proposal for a directive Recital 30

Text proposed by the Commission

(30) Cross-border distance sales of tobacco facilitate access to tobacco products of young people and risk to undermine compliance with the requirements provided for by tobacco control legislation and in particular by this Directive. ***Common rules on a notification system are necessary to ensure that this Directive achieves its full potential. The provision on notification of cross-border distance sales of tobacco in this Directive should apply notwithstanding the notification procedure set out in Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services. Business to consumer distance sale of tobacco products is further regulated by Directive 97/7/EC of the European Parliament and the Council of 20 May 1997 on the protection of consumers in respect of distance contracts, which will be replaced by Directive 2011/83/EU of the European Parliament and the Council of 25 October 2011 on consumer rights,***

Amendment

(30) Cross-border distance sales ***including internet sales of tobacco, and practices such as the free distribution or bartering of tobacco products in public places for promotional purposes,*** facilitate access to tobacco products of young people and risk to undermine compliance with the requirements provided for by tobacco control legislation and in particular by this Directive. ***They should, therefore, be prohibited.***

as of 13 June 2014.

Amendment 14
Proposal for a directive
Recital 31

Text proposed by the Commission

(31) All tobacco products have the potential to cause mortality, morbidity and disability and their consumption should be contained. It is therefore important to monitor developments as regards novel tobacco products. A notification obligation for novel tobacco products should be put on manufacturers and importers, without prejudice to the power of the Member States to ban or to authorise them. The Commission should monitor the development and submit a report 5 years after the transposition deadline of this Directive, in order to assess whether amendments to this Directive are necessary.

Amendment

(31) All tobacco products have the potential to cause mortality, morbidity and disability and their consumption should be contained ***by means of education and prevention from taking up the habit of smoking***. It is therefore important to monitor developments as regards novel tobacco products. A notification obligation for novel tobacco products should be put on manufacturers and importers, without prejudice to the power of the Member States to ban or to authorise them. The Commission should monitor the development and submit a report 5 years after the transposition deadline of this Directive, in order to assess whether amendments to this Directive are necessary.

Amendment 15

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) In order to ensure uniform conditions for the implementation of this Directive, in particular concerning the format of ingredients reporting, ***the determination of products with characterising flavours or with increased levels of toxicity and addictiveness and the methodology for determining whether a tobacco product has characterising flavour, implementing powers should be conferred on the Commission. Those powers should be***

Amendment

(37) In order to ensure uniform conditions for the implementation of this Directive, in particular concerning the format of ingredients reporting, increased levels of toxicity and addictiveness, ***the Commission may lay down, by means of implementing acts and in accordance with the procedure referred to in Article 21, the methodology for determining increased levels of toxicity and addictiveness of***

exercised in accordance with Regulation (EU) No 182/2011.

additives used.

Amendment 16

Proposal for a directive Recital 38

Text proposed by the Commission

Amendment

(38) In order to make this Directive fully operational and to keep up with technical, scientific and international developments in tobacco manufacture, consumption and regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission, in particular in respect of adopting and adapting maximum yields for emissions and their measurement methods, setting maximum levels for ingredients that increase toxicity, addictiveness or attractiveness, , the use of health warnings, unique identifiers and security features in the labelling and packaging, defining key elements for contracts on data storage with independent third parties, reviewing certain exemptions granted to tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products and reviewing the nicotine levels for nicotine containing products. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

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Amendment 17

Proposal for a directive Recital 40

Text proposed by the Commission

(40) *A Member State that deems it necessary to maintain more stringent national provisions for aspects falling inside the scope of this Directive should be allowed to do so, for all products alike, on grounds of overriding needs relating to the protection of public health. A Member State should also be allowed to introduce more stringent provisions, applying to all products alike, on grounds relating to the specific situation of this Member State and provided the provisions are justified by the need to protect public health. More stringent national provisions should be necessary and proportionate, not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. Stricter national provisions require prior notification to, and approval from, the Commission taking into account the high level of health protection achieved through this Directive.*

Amendment

(40) *In order to improve the functioning of the internal market, a Member State shall not be allowed to introduce more stringent national provisions, applying to all products falling within the scope of this Directive.*

Amendment 18

Proposal for a directive Recital 40 a (new)

Text proposed by the Commission

(40a) A Member State that deems it necessary to maintain and/or introduce national and/or regional provisions geared to preserving traditional tobacco plantations, for justified reasons relating to the socio-economic dependence of local communities, should be allowed to do so.

Amendment

Amendment 19

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) Member States should remain free to maintain or introduce national legislations applying to all products alike for aspects falling outside the scope of this Directive, provided they are compatible with the Treaty and do not jeopardise the full application of this Directive. Accordingly, Member States could, for instance, maintain or introduce provisions providing standardisation of packaging of tobacco products provided that those provisions are compatible with the Treaty, with WTO obligations and do not affect the full application of this Directive. A prior notification is required for technical regulations pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on rules on Information Society services.

Amendment

(41) With respect for current international market rules, and in order to improve the functioning of the internal market, Member States, when they maintain or introduce more stringent national provisions in areas outside the scope of this Directive, shall not prohibit or place restrictions on the import, sale and consumption of tobacco and related products that comply with this Directive.

Amendment 20

Proposal for a directive

Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) This Directive should not lead to a deterioration in the living conditions of people whose livelihoods depend on tobacco growing in Europe and who often live in disadvantaged areas. Given that the aim of the Directive is solely to discourage consumption of tobacco products, any

decisions concerning ingredients and additives should take due account of the possible socioeconomic repercussions for groups whose livelihoods depend on tobacco growing. The European tobacco growing sector should be protected because it accounts for only a very small proportion of consumption in the EU and, at the same time, contributes to the economic stability of certain European regions where the range of alternative crops is limited. A decrease in or an end to tobacco growing in the EU would have no impact on consumption levels, but would lead to an increase in imports from third countries and a reduction in quality standards.

Amendment 21

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco **or menthol**, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product;

Amendment 22

Proposal for a directive

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) 'flavouring' means an additive that imparts aroma and/or taste;

Amendment

(13) 'flavouring' means an additive that imparts aroma and/or taste **but is not essential to the process of manufacturing**

the tobacco product;

Amendment 23
Proposal for a directive
Article 2 – paragraph 1 –point 18

Text proposed by the Commission

(18) ‘ingredient’ means an additive, ***tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco)***, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Amendment

(18) ‘ingredient’ means an additive, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Justification

Tobacco leaves should not be considered as an ingredient since they are a constituent of the product and not an added part. The current TPD (2001/37/EC) does not include tobacco as an ingredient.

Amendment 24
Proposal for a directive
Article 2 – paragraph 1 point 18 a (new)

Text proposed by the Commission

Amendment

(18a) 'natural constituent' means tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco);

Amendment 25
Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

(19) 'maximum level' ***or 'maximum yield'*** means the maximum content ***or emission,***

Amendment

(19) ‘maximum level’ means the maximum content of a substance in a tobacco product

including 0, of a substance in a tobacco product measured in grams;

measured in grams;

Amendment 26

Proposal for a directive Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) 'tobacco products' means products usable for consumption by consumers and consisting of, even partly, tobacco, ***whether genetically modified or not***;

(34) 'tobacco products' means products usable for consumption by consumers and consisting of, even partly, tobacco;

Amendment 27

Proposal for a directive Article 2 – paragraph 1 – point 36 a (new)

Text proposed by the Commission

Amendment

(36a) 'imitation tobacco products' means sweets, snacks, toys or any other objects in the form of tobacco products which may appeal to minors. These products shall be prohibited.

Justification

According to the Article 16 of the WHO FCTC which was ratified by the European Community 30/06/2005 conference of parties shall prohibit the sales of tobacco products to persons under the age by banning imitation tobacco products. The EU legislation shall be adjusted to international obligations.

Amendment 28

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission ***shall be empowered to***

2. The Commission ***may submit proposals***

adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, *taking into account scientific development* and internationally agreed standards.

to adapt the maximum yields laid down in paragraph 1, *based on sound and undisputed scientific evidence* and internationally agreed standards.

Amendment 29

Proposal for a directive Article 3 – paragraph 3

Text proposed by the Commission

3. Member States shall notify the Commission of the maximum yields that they set for other emissions of cigarettes and for emissions of tobacco products other than cigarettes. Taking into account internationally agreed standards, *where available, and based on* scientific evidence and on the yields notified by Member States, the Commission *shall be empowered to adopt delegated acts in accordance with Article 22* to adopt and adapt maximum yields for other emissions of cigarettes and for emissions of tobacco products other than cigarettes that increase in an appreciable manner the toxic or addictive effect of tobacco products beyond the threshold of toxicity and addictiveness stemming from the yields of tar, nicotine and carbon monoxide fixed in paragraph 1.

Amendment

3. Member States shall notify the Commission of the maximum yields that they set for other emissions of cigarettes and for emissions of tobacco products other than cigarettes. Taking into account internationally agreed standards *based on sound and undisputed* scientific evidence and on the yields notified by Member States, the Commission *may put forward proposals* to adapt maximum yields for other emissions of cigarettes and for emissions of tobacco products other than cigarettes that increase in an appreciable manner the toxic or addictive effect of tobacco products beyond the threshold of toxicity and addictiveness stemming from the yields of tar, nicotine and carbon monoxide fixed in paragraph 1.

Amendment 30

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

3. The Commission *shall be empowered to adopt delegated acts in accordance with Article 22* to adapt the *methods of measurement of the tar, nicotine and*

Amendment

3. The Commission *may submit proposals* to adapt the *maximum yields referred to in paragraph 1*, taking into account scientific developments and internationally agreed

carbon monoxide yields, taking into account scientific *and technical* developments and internationally agreed standards.

standards.

Justification

The purpose of this amendment is to ensure that the Commission and Member States cannot change the maximum yields of tar, nicotine, carbon monoxide and other emissions by means of delegated acts independently of Parliament. Any substantial changes to these yields could affect the tobacco growing sector. This is particularly true of nicotine, which is a major component of Burley.

Amendment 31

Proposal for a directive Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify the Commission of the methods of measurement that they use for other emissions of cigarettes and for emissions of tobacco products other than cigarettes. Based on these methods, and taking into account scientific and technical developments as well as internationally agreed standards the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adopt and adapt methods of measurement.

deleted

Amendment 32

Proposal for a directive Article 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission may establish a negative list of additives which are not essential for the manufacture of tobacco products and which result in a product

with a characterising flavour. The traditional use of menthol should be exempted from this provision.

Amendment 33

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall prohibit the placing on the market of tobacco products with a characterising flavour.

Amendment

1. Member States shall prohibit the placing on the market of tobacco products with ***additives that create or release a flavour which is not predominantly that of tobacco or menthol.***

Amendment 34

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall not prohibit the use of additives which are essential for the manufacture of tobacco products, ***as long as the additives do not result in a product with a characterising flavour.***

Amendment

Member States shall not prohibit the use ***of sugar and other*** additives which are essential for the manufacture of tobacco products, ***particularly those which improve the quality of tobacco grown in unfavourable climatic conditions and less favoured areas.***

Amendment 35

Proposal for a directive

Article 6 – paragraph 2

Text proposed by the Commission

2. The Commission shall at the request of a Member State or may on its own initiative determine by means of implementing acts whether a tobacco product falls within the

Amendment

2. The Commission shall at the request of a Member State or may on its own initiative determine by means of implementing acts whether a tobacco product falls within the

scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

scope of paragraph 1 *on the basis of scientific evidence*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21. *An independent panel shall be used to assist in the decision making.*

The Commission shall adopt by means of implementing acts uniform rules on the procedures for determining whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

Amendment 36

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. In case the experience gained in the application of paragraphs 1 and 2 shows that a certain additive or a combination thereof typically impart a characterising flavour when it exceeds a certain level of presence or concentration the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to set maximum levels for those additives or combination of additives that cause the characterising flavour.

deleted

Amendment 37

Proposal for a directive Article 6 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) additives having colouring properties for emissions.

(c) additives having colouring properties for emissions *unless they have no effect on consumer health;*

Amendment 38
Proposal for a directive
Article 6 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) additives resulting in a product with a characterising flavour.

Amendment 39

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ***prohibit*** the use of flavourings in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of flavour or smoke intensity. Filters and capsules shall not contain tobacco.

5. Member States shall ***regulate*** the use of flavourings in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of flavour or smoke intensity. Filters and capsules shall not contain tobacco.

Amendment 40

Proposal for a directive
Article 6 – paragraph 7 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

However, Member States shall not, on that basis, prohibit the placing on the market of tobacco products containing menthol solely on the basis of their menthol content.

Amendment 41

Proposal for a directive

Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. In case scientific evidence and the experience gained in the application of paragraphs 7 and 8 shows that a certain additive or a certain quantity thereof amplify in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to set maximum levels for those additives.

deleted

Amendment 42

Proposal for a directive Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. For cigarette packets the general warning and the information message shall be printed on the lateral sides of the unit packets. ***These warnings shall have a width of not less than 20 mm and a height of not less than 43 mm.*** For roll-your-own tobacco the information message shall be printed on the surface that becomes visible when opening the unit packet. Both the general warning and the information message shall cover 50% of the surface on which they are printed.

3. For cigarette packets the general warning and the information message shall be printed on the lateral sides of the unit packets. For roll-your-own tobacco the information message shall be printed on the surface that becomes visible when opening the unit packet. Both the general warning and the information message shall cover 50% of the surface on which they are printed.

Amendment 43

Proposal for a directive Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to ***adopt delegated acts in accordance with***

4. The Commission shall be empowered to

Article 22:

make proposals:

Amendment 44

**Proposal for a directive
Article 8 – paragraph 4 – point b**

Text proposed by the Commission

Amendment

(b) to define the position, format, layout and design of the health warnings laid down in this Article, including their font type and background colour.

deleted

Amendment 45

**Proposal for a directive
Article 9 – paragraph 1 – introductory part**

Text proposed by the Commission

Amendment

1. Each unit packet and any outside packaging of tobacco for smoking shall carry combined health warnings. The combined health warnings shall:

1. Each unit packet and any outside packaging of tobacco for smoking shall carry combined health warnings ***ensuring consumers' right to have access to proper information.*** The combined health warnings shall:

Amendment 46

**Proposal for a directive
Article 9 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) cover **75 %** of the external area of both the front and back surface of the unit packet and any outside packaging;

(c) cover **50 %** of the external area of both the front and back surface of the unit packet and any outside packaging;

Amendment 47

Proposal for a directive Article 9 – paragraph 1 – point e

Text proposed by the Commission

(e) be positioned at the **top** edge of the unit packet and any outside packaging, **and in the same direction as any other information appearing on the packaging;**

Amendment

(e) be positioned at the **bottom** edge of the unit packet and any outside packaging

Amendment 48

Proposal for a directive Article 9 – paragraph 1 – point g

Text proposed by the Commission

(g) for unit packets of cigarettes, respect the following dimensions:

(i) height: not less than 64 mm;

(ii) width: not less than 55 mm.

Amendment

deleted

Amendment 49

Proposal for a directive Article 9 – paragraph 3 – introductory part

Text proposed by the Commission

3. The Commission shall be empowered to **adopt delegated acts in accordance with Article 22** to:

Amendment

3. The Commission shall be empowered to **make proposals** to:

Amendment 50

Proposal for a directive Article 9 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) define the position, format, layout, design, rotation and proportions of the health warnings;

deleted

Amendment 51

Proposal for a directive Article 9 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) by way of derogation from Article 7(3), lay down the conditions under which health warnings may be broken during unit packet opening in a manner that ensures the graphical integrity and visibility of the text, photographs and cessation information.

deleted

Amendment 52

Proposal for a directive Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. The general warning referred to in paragraph 1 shall cover 30 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **three** official languages.

2. The general warning referred to in paragraph 1 shall cover 30 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **more than two** official languages.

Amendment 53

Proposal for a directive

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Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22, to withdraw the exemption laid down in paragraph 1 if there is a substantial change of circumstances as established in a Commission report.

deleted

Amendment 54

Proposal for a directive

Article 11 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) cover 30 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **three** official languages.

(b) cover 30 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **more than two** official languages.

Amendment 55

Proposal for a directive

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the requirements in paragraphs 1 and 2 taking into account scientific and market developments.

deleted

Amendment 56

Proposal for a directive

Article 12 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) refers to flavour, taste, any flavourings or other additives or the absence thereof;

deleted

Amendment 57

**Proposal for a directive
Article 12 – paragraph 2**

Text proposed by the Commission

Amendment

2. Prohibited elements and features may include but are not limited to texts, symbols, names, trade marks, figurative or other signs, misleading colours, inserts or other additional material such as adhesive labels, stickers, onserts, scratch-offs and sleeves ***or relate to the shape of the tobacco product itself. Cigarettes with a diameter of less than 7.5 mm shall be deemed to be misleading.***

2. Prohibited elements and features may include but are not limited to texts, symbols, names, trade marks, figurative or other signs, misleading colours, inserts or other additional material such as adhesive labels, stickers, onserts, scratch-offs and sleeves.

Justification

Banning ‘slim’ cigarettes would have negative economic consequences and entail losses disproportionate to any health benefits.

Amendment 58

**Proposal for a directive
Article 12 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. The variety of tobacco used to manufacture the product and/or its country of origin may be indicated on the unit packet.

Amendment 59

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. A unit packet of cigarettes shall have a cuboid shape. A unit packet of roll-your-own tobacco shall have the form of a pouch, i.e. a rectangular pocket with a flap that covers the opening. The flap of the pouch shall cover at least 70% of the front of the packet. A unit packet of cigarettes shall include at least 20 cigarettes. A unit packet of roll-your-own tobacco shall contain tobacco weighing at least 40 g.

deleted

Amendment 60

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. A cigarette packet can be of carton or soft material and shall not contain an opening that can be re-closed or re-sealed after the opening is first opened, *other than the flip-top lid. The flip-top lid of a cigarette packet shall be hinged only at the back of the packet.*

2. A cigarette packet can be of carton or soft material and shall not contain an opening that can be re-closed or re-sealed after the opening is first opened.

Amendment 61

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to

deleted

adopt delegated acts in accordance with Article 22 to define more detailed rules for the shape and size of unit packets in so far as these rules are necessary to ensure the full visibility and integrity of the health warnings before the first opening, during the opening and after reclosing of the unit packet.

Amendment 62

Proposal for a directive Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to make either cuboid or cylindric shape mandatory for unit packets of tobacco products other than cigarettes and roll-your-own tobacco if there is a substantial change of circumstances as established in a Commission report.

deleted

Amendment 63

Proposal for a directive Article 14 – paragraph 10

Text proposed by the Commission

Amendment

10. Tobacco products other than cigarettes and roll-your-own tobacco shall be exempted from the application of paragraph 1 to 8 during a period of **5** years following the date referred to in paragraph 1 of Article 25.

10. Tobacco products other than cigarettes and roll-your-own tobacco shall be exempted from the application of paragraph 1 to 8 during a period of **10** years following the date referred to in paragraph 1 of Article 25.

Justification

See Article 8(3) of the Protocol to Eliminate Illicit Trade in Tobacco Products (protocol to the FCTC).

Amendment 64

Proposal for a directive Article 15 – paragraph 1

Text proposed by the Commission

Member States shall **prohibit** the placing on the market of tobacco for oral use, without prejudice to Article 151 of the Act of Accession of Austria, Finland and Sweden.

Amendment

Member States shall **regulate** the placing on the market of tobacco for oral use, without prejudice to Article 151 of the Act of Accession of Austria, Finland and Sweden.

Amendment 65

Proposal for a directive Article 16 – title

Text proposed by the Commission

Cross-border distance sales of tobacco products

Amendment

Internet sales of tobacco products

Justification

It is difficult to enforce age restrictions on tobacco sales over the internet. Moreover there are problems with illegal internet advertising and non-compliance with the existing legislation (e.g. health warnings). It encourages young people to smoke and gives them an easier access to tobacco products. All internet sales, not only cross-border, should therefore be prohibited. Nine Member States have already done it. An EU ban would therefore harmonize the rules and facilitate the enforcement.

Amendment 66

Proposal for a directive Article 16

Text proposed by the Commission

I. Member States shall **oblige retail outlets intending to engage in cross-border distance sales to consumers located in the**

Amendment

Member States shall **prohibit the sale of tobacco products over the internet in their territory.**

Union to register with the competent authorities in the Member State where the retail outlet is established and in the Member State where the actual or potential consumer is located. Retail outlets established outside the Union have to register with the competent authorities in the Member State where the actual or potential consumer is located. All retail outlets intending to engage in cross-border distance sales shall submit at least the following information to the competent authorities:

- a) name or corporate name and permanent address of the place of activity from where the tobacco products are supplied;***
- 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;***
- c) the address of the website/-s used for that purpose and all relevant information necessary to identify the website.***

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.

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

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.

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.

Justification

It is difficult to enforce age restrictions on tobacco sales over the internet. Moreover there are problems with illegal internet advertising and non-compliance with the existing legislation (e.g. health warnings). It encourages young people to smoke and gives them an easier access to tobacco products. All internet sales, not only cross-border, should therefore be prohibited. Nine Member States have already done it. An EU ban would therefore harmonize the rules and facilitate the enforcement.

Amendment 67

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.

Justification

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

Amendment 68

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 ***which*** they intend to place on the markets of the Member States concerned ***and which, on the basis of substantial scientific evidence, they intend to make the subject of a claim that it is less harmful, or constitutes a 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:

Amendment 69

Proposal for a directive

Article 18

Text proposed by the Commission

1. The following nicotine-containing products may only be placed on the market if they were authorised pursuant to Directive 2001/83/EC:

Amendment

Nicotine-containing products may only be placed on the market if they were authorised pursuant to Directive 2001/83/EC.

- (a) products with a nicotine level exceeding 2 mg per unit, or*
- (b) products with a nicotine concentration exceeding 4 mg per ml or*
- (c) products whose intended use results in a mean maximum peak plasma concentration exceeding 4 ng of nicotine per ml.*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to update the nicotine quantities set out in paragraph 1 taking into account scientific developments and marketing authorisations granted to nicotine- containing products pursuant to Directive 2001/83/EC.

3. Each unit packet and any outside packaging of nicotine-containing products below the thresholds set out in paragraph 1 shall carry the following health warning:

This product contains nicotine and can damage your health.

4. The health warning referred to in paragraph 3 shall comply with the requirements specified in Article 10 (4). In addition, it shall:

(a) be printed on the two largest surfaces of the unit packet and any outside packaging;

(b) cover 30 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with three official languages.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the requirements in paragraphs 3 and 4 taking into account scientific and market developments and to adopt and adapt the position, format, layout, design and rotation of the health

warnings.

Justification

With the exception of tobacco products – nicotine-containing products – regardless of nicotine quantity – should be classified as pharmaceuticals. Article 18 of the Commission proposal does not promote ensuring high level health protection and violates Article 168 (7) of the TFEU. Article 18, as proposed by the Commission, represents a step back when compared to the legal provisions in place in certain Member States.

Amendment 70

Proposal for a directive Article 19 – paragraph 3

Text proposed by the Commission

3. The health warning shall comply with the requirements laid down in Article 10(4). It shall cover not less than 30 % of the area of the corresponding surface of the unit packet and of any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **three** official languages.

Amendment

3. The health warning shall comply with the requirements laid down in Article 10(4). It shall cover not less than 30 % of the area of the corresponding surface of the unit packet and of any outside packaging. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with **more than two** official languages.

Amendment 71

Proposal for a directive Article 22 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles **3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5)** shall be conferred on the Commission for **an indeterminate** period **of time** from [Office of Publications: please insert the date of the entry into force of this Directive].

Amendment

2. The power to adopt delegated acts referred to in Articles 6(10) **and** 14(9), shall be conferred on the Commission for **a** period of **five years** from [Office of Publications: please insert the date of the entry into force of this Directive].

Amendment 72

Proposal for a directive Article 22 – paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in Articles 3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of powers referred to in Articles 6(10) **and** 14(9) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 73

Proposal for a directive Article 22 – paragraph 5

Text proposed by the Commission

5. A delegated act pursuant to Articles 3(2), 3(3), 4(3), 4(4), 6(3), 6(9), 6(10), 8(4), 9(3), 10(5), 11(3), 13(3), 13(4), 14(9), 18(2) and 18(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act pursuant to Articles 6(10) **and** 14(9) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 74

Proposal for a directive

Article 23 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

In the report, the Commission shall indicate in particular the features which should be reviewed or developed in the light of developments in scientific and technical knowledge, including the development of internationally agreed rules and standards on products, and shall pay special heed to:

Amendment

In the report, the Commission shall indicate in particular the features which should be reviewed or developed in the light of developments in scientific and technical knowledge, including the development of internationally agreed rules and standards on products, ***and the socio-economic impact of this Directive's application***, and shall pay special heed to:

Amendment 75

Proposal for a directive

Article 23 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the impact on production and employment in the tobacco sector, paying particular attention to small and medium-sized farmers;

Amendment 76

Proposal for a directive

Article 23 – paragraph 2 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the potential impact on European tobacco growing of the Directive.

Amendment 77

Proposal for a directive

Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall not prohibit or restrict the import, sale or consumption of tobacco or related products which comply with this Directive.

Amendment

1. Member States shall not prohibit or restrict the import, sale or consumption of tobacco or related products which comply with this Directive. ***At the same time, measures must be taken to restrict the import of tobacco products, including from third countries, which do not comply with this Directive.***

PROCEDURE

Title	Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products
References	COM(2012)0788 – C7-0420/2012 – 2012/0366(COD)
Committee responsible Date announced in plenary	ENVI 15.1.2013
Opinion by Date announced in plenary	AGRI 7.2.2013
Rapporteur Date appointed	Csaba Sándor Tabajdi 5.3.2013
Discussed in committee	25.4.2013
Date adopted	19.6.2013
Result of final vote	+: 36 -: 4 0: 2
Members present for the final vote	Eric Andrieu, Liam Aylward, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Diane Dodds, Herbert Dorfmann, Robert Dušek, Mariya Gabriel, Iratxe García Pérez, Julie Girling, Béla Glattfelder, Martin Häusling, Esther Herranz García, Elisabeth Jeggle, Jarosław Kalinowski, Elisabeth Köstinger, Agnès Le Brun, Gabriel Mato Adrover, James Nicholson, Marit Paulsen, Britta Reimers, Ulrike Rodust, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Alyn Smith, Ewald Stadler, Csaba Sándor Tabajdi, Marc Tarabella, Janusz Wojciechowski
Substitute(s) present for the final vote	Luis Paulo Alves, Margrete Auken, María Auxiliadora Correa Zamora, Marian Harkin, Sandra Kalniete, Maria do Céu Patrão Neves, Valdemar Tomaševski, Jacek Włosowicz, Milan Zver
Substitute(s) under Rule 187(2) present for the final vote	Fiona Hall