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Committee on Agriculture and Rural Development

2012/0366(COD)

7.5.2013

AMENDMENTS

23 - 323

Draft opinion
Csaba Sándor Tabajdi
(PE507.956v02-00)

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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PE510.614v01-00

EN

United in diversity

EN

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Amendment 23
Brian Simpson

Proposal for a directive
Recital 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 24
Maria do Céu Patrão Neves

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

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

Union *rather than national* level to achieve the smooth operation of the internal market.

action at Union level to achieve the smooth operation of the internal market.

Or. pt

Amendment 25
Maria do Céu Patrão Neves

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.

Or. pt

Amendment 26
Giancarlo Scottà

Proposal for a directive
Recital 8

Text proposed by the Commission

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,

(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.

health protection should be given high importance, in particular to reduce smoking prevalence among young people.
To that end, education, information and prevention campaigns and programmes to help citizens who wish to give up smoking continue to play an essential role.

Or. it

Justification

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

Amendment 27
Janusz Wojciechowski

Proposal for a directive
Recital 11

Text proposed by the Commission

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.

deleted

Or. pl

Amendment 28
Hynek Fajmon

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) In relation to the fixing of maximum yields, it might be necessary and

(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.

appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific knowledge and internationally accepted standards for assessing*** their toxicity or addictiveness.

Or. cs

Amendment 29

Alejandro Cercas, Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 11

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

It makes regulatory sense for future changes to maximum yields and thresholds to take account of scientific progress and international standards agreed by the scientific community.

Amendment 30

Sergio Paolo Francesco Silvestris

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

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.

appropriate at a later date to adapt the yields fixed or to fix maximum thresholds for emissions, taking into consideration ***scientific developments and international standards when assessing*** their toxicity or addictiveness.

Or. it

Amendment 31

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 15

Text proposed by the Commission

Amendment

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

deleted

Or. pl

Justification

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 32
Hynek Fajmon

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour ***other than tobacco***, which may facilitate uptake of tobacco consumption ***or affect consumption patterns***. ***For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided***³⁶.

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour ***reminiscent of fruit or candy***, which may facilitate uptake of tobacco consumption ***among minors***.

Or. cs

Amendment 33
Janusz Wojciechowski

Proposal for a directive
Recital 15

Text proposed by the Commission

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

Amendment

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

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 avoided³⁶.

Or. pl

Amendment 34
Astrid Lulling, Albert Deß

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, *which may facilitate uptake of tobacco consumption or affect consumption patterns. For example, in many countries, sales of mentholated products gradually increased even as smoking prevalence overall declined. A number of studies indicated that mentholated tobacco products can facilitate inhalation as well as smoking uptake among young people.* Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided³⁶.

Amendment

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco. Measures introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided³⁶.

Or. fr

Amendment 35
Maria do Céu Patrão Neves

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having a characterising flavour other than tobacco, which may facilitate uptake of tobacco consumption or affect consumption patterns. *For example, in many countries, sales of mentholated products gradually increased even as 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*³⁶.

Amendment

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

Or. pt

Amendment 36
Janusz Wojciechowski

Proposal for a directive
Recital 15 – footnote 36

Text proposed by the Commission

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

Amendment

deleted

Or. pl

Amendment 37
Wojciech Michał Olejniczak

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 Regulation XXX (Rural Development).

Or. pl

Amendment 38
Hynek Fajmon

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

deleted

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.

Or. cs

Amendment 39

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 16

Text proposed by the Commission

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

Amendment

(16) The application of this Directive should not discriminate between different tobacco varieties.

Or. pl

Justification

Result of the amendment to Article 6 on products with a characterising flavour.

Amendment 40

Astrid Lulling, Albert Deß

Proposal for a directive

Recital 16

Text proposed by the Commission

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

Amendment

(16) The 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.

Or. fr

Amendment 41

Brian Simpson

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The prohibition of ***tobacco products***

Amendment

(16) The prohibition of ***additives which***

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.

improve the flavour of tobacco 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 ***do not improve the flavour or taste***. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not ***have a significant impact on the*** flavour. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. Independent panels should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. en

Amendment 42
Giancarlo Scottà

Proposal for a directive
Recital 16

Text proposed by the Commission

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

Amendment

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

assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. it

Justification

In line with the wording used in Article 6(1), subparagraph 2.

Amendment 43 **Wojciech Michał Olejniczak**

Proposal for a directive **Recital 16**

Text proposed by the Commission

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

Amendment

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

Or. pl

Amendment 44
Francesca Barracciu

Proposal for a directive
Recital 16

Text proposed by the Commission

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

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour. The use of **sugar and** 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.

Or. it

Justification

(The proposed wording makes clearer – and supports – the rapporteur’s objective.)

Amendment 45
Astrid Lulling, Albert Deß

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

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

Or. fr

Justification

It is not true that roll-your-own tobacco for example is consumed mainly by older people. On the contrary, it is being consumed by an increasing number young people. Furthermore, it is inadmissible to show less concern for the health of older consumers.

**Amendment 46
Brian Simpson**

**Proposal for a directive
Recital 18**

Text proposed by the Commission

Amendment

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

Or. en

Justification

A comprehensive tobacco additive ban in all tobacco products is required to reduce the number of young people who become addicted to tobacco.

Amendment 47 **Hynek Fajmon**

Proposal for a directive **Recital 21**

Text proposed by the Commission

(21) Adaptation of the labelling provisions is also necessary to align the rules at Union level with international developments. For example the guidelines on Article 11 FCTC call for **large** picture warnings on both principal display areas, mandatory cessation information and strict rules on misleading information. The provisions on misleading information will complement the general ban on misleading business to consumer commercial practices laid down in Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market³⁷.

Amendment

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

Or. cs

Amendment 48 **Giancarlo Scottà**

Proposal for a directive **Recital 22**

Text proposed by the Commission

(22) The labelling provisions also need to be adapted to new scientific evidence. For

Amendment

(22) The labelling provisions also need to be adapted to new scientific evidence. For

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

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

Or. it

Amendment 49
Janusz Wojciechowski

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***

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.

believe that their own brand might be less harmful. This should be addressed.

Or. pl

Amendment 50

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska, Sergio Paolo Francesco Silvestris

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.

Or. pl

Justification

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

Amendment 51
Mariya Gabriel

Proposal for a directive
Recital 23

Text proposed by the Commission

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

Amendment

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

Or. bg

Amendment 52
Hynek Fajmon

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

Amendment

(23) In order to ensure the integrity and the visibility of health warnings and maximise their efficacy, provisions should be made

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

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Or. cs

Amendment 53
Maria do Céu Patrão Neves

Proposal for a directive
Recital 23

Text proposed by the Commission

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

Amendment

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

other signs. *Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the impression that they are less harmful. A recent study has also shown that smokers of slim cigarettes were more likely to believe that their own brand might be less harmful. This should be addressed.*

other signs.

Or. pt

Amendment 54
Astrid Lulling, Albert Deß

Proposal for a directive
Recital 23

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 55
Giancarlo Scottà

Proposal for a directive
Recital 23

Text proposed by the Commission

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

Amendment

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

Or. it

Amendment 56
Brian Simpson

Proposal for a directive
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

Amendment

deleted

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.

Or. en

Amendment 57
Astrid Lulling, Albert Deß

Proposal for a directive
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.

Or. fr

Amendment 58
María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover,

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

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 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.

Or. es

Amendment 59
Nils Torvalds

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) Council Directive 89/622/EEC of 13

Amendment

(29) Council Directive 89/622/EEC of 13

November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products and the prohibition of the marketing of certain types of tobacco for oral use³⁸ prohibited the sale in the Member States of certain types of tobacco for oral use. Directive 2001/37/EC confirmed this prohibition. Article 151 of the Act of Accession of Austria, Finland and Sweden grants the Kingdom of Sweden derogation from this prohibition³⁹. ***The prohibition of the sale of oral tobacco should be maintained in order to prevent the introduction to the internal market of a product that is addictive, has adverse health effects and is attractive to young people.*** For other smokeless tobacco products that are not produced for the mass market, a strict labelling and ingredients regulation is considered sufficient to contain market expansion beyond their traditional use.

November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products and the prohibition of the marketing of certain types of tobacco for oral use³⁸ prohibited the sale in the Member States of certain types of tobacco for oral use. Directive 2001/37/EC confirmed this prohibition. Article 151 of the Act of Accession of Austria, Finland and Sweden grants the Kingdom of Sweden derogation from this prohibition³⁹. ***Member States and regions of Member States with a tradition of using oral tobacco shall have an opportunity to apply for a national or regional derogation from the prohibition on cultural or historical grounds.*** For other smokeless tobacco products that are not produced for the mass market, a strict labelling and ingredients regulation is considered sufficient to contain market expansion beyond their traditional use.

Or. sv

Justification

The prohibition of tobacco for oral use is inconsistent and, inter alia, affects areas all around the Baltic Sea that have traditionally made use of tobacco for oral use. The general public in these countries and regions does not understand why a product that has been used throughout history and is part of a region's cultural identity should be prohibited, especially when the product is less harmful to health than cigarettes.

Amendment 60 **Brian Simpson**

Proposal for a directive **Recital 30**

Text proposed by the Commission

(30) ***Cross-border distance*** sales of tobacco facilitate access to tobacco

Amendment

(30) ***Internet*** sales of tobacco facilitate access to tobacco products of young people

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***⁴⁰. 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, as of 13 June 2014.⁴¹

and risk to undermine compliance with the requirements provided for by tobacco control legislation and in particular by this Directive, ***and should therefore be banned***. 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, as of 13 June 2014.⁴¹

Or. en

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 61 Giancarlo Scottà

Proposal for a directive Recital 30

Text proposed by the Commission

(30) Cross-border distance sales of tobacco

Amendment

(30) Cross-border distance sales of

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 services⁴⁰. 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, as of 13 June 2014⁴¹.***

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.***

Or. it

Justification

See amendments to Article 16.

Amendment 62 **Jean-Pierre Audy**

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

Amendment

(31) All tobacco products have the potential to cause mortality, morbidity and disability and their ***manufacture, distribution and*** consumption should be ***regulated***. It is therefore important to

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.

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.

Or. fr

Amendment 63

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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 exercised in accordance with Regulation (EU) No 182/2011⁴³.***

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 additives used.***

Or. pl

Justification

A consequence of the opposition to a ban on flavoured cigarettes, including mentholated cigarettes, and the proposal to remove the provisions of Article 6(1).

Amendment 64
Hynek Fajmon

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 exercised in accordance with Regulation (EU) No 182/2011⁴³.

Amendment

(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 increased levels of toxicity and addictiveness, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Or. cs

Amendment 65
Giancarlo Scottà

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 exercised in accordance with Regulation (EU) No 182/2011⁴³.

Amendment

(37) In order to ensure uniform conditions for the implementation of this Directive, in particular concerning the format of ingredients reporting ***and*** the determination of products with characterising flavours or with increased levels of toxicity and addictiveness, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011⁴³.

Justification

See amendments to the second subparagraph of Article 6(2).

Amendment 66

Astrid Lulling, Albert Deß

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 exercised in accordance with Regulation (EU) No 182/201143.***

Amendment

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, the Commission ***should be authorised to recommend suspension of marketing of the product in question.***

Amendment 67

Astrid Lulling, Albert Deß

Proposal for a directive

Recital 38

Text proposed by the Commission

(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

Amendment

deleted

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.

Or. fr

Justification

The Committee on Agriculture refuses to surrender its powers of codecision.

Amendment 68
Hynek Fajmon

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) In order to make this Directive fully operational and to keep up with technical, scientific and international developments

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.

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 measurement methods, setting maximum levels for ingredients that increase toxicity *or addictiveness*, 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.

Or. cs

Amendment 69
Janusz Wojciechowski

Proposal for a directive
Recital 38

Text proposed by the Commission

(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

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.

on the Functioning of the European Union should be delegated to the Commission, in particular in respect of adopting emissions measurement methods *and* setting maximum levels for ingredients that increase toxicity *or* addictiveness, 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.

Or. pl

Amendment 70

Alejandro Cercas, Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a directive

Recital 38

Text proposed by the Commission

(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*

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

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.

measurement methods for emissions, setting maximum levels for ingredients that increase toxicity, addictiveness, 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.

Or. es

Justification

Delegation of powers is provided for in Article 290 of the Lisbon Treaty and should be used only for 'technical' and non-essential aspects of a legislative act. This instance concerns essential aspects which should not be the subject of a delegated act.

Amendment 71

Sergio Paolo Francesco Silvestris, Giovanni La Via

Proposal for a directive

Recital 38

Text proposed by the Commission

(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

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.

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 *measurement methods* for emissions, setting maximum levels for ingredients that increase toxicity *or* addictiveness, 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.

Or. it

Amendment 72
Giancarlo Scottà

Proposal for a directive
Recital 38

Text proposed by the Commission

(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

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.

particular in respect of adapting maximum yields for emissions and their measurement methods, setting maximum levels for ingredients that increase toxicity, addictiveness or attractiveness, *the methodology for determining whether a tobacco product has characterising flavour*, 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.

Or. it

Justification

See amendments to Article 3 and to the second subparagraph of Article 6(2).

Amendment 73 **Csaba Sándor Tabajdi**

Proposal for a directive **Recital 38**

Text proposed by the Commission

(38) In order to make this Directive fully operational and to keep up with technical, scientific and international developments in tobacco manufacture, consumption and

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.

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, ***establishing a negative list of additives which result in a product with characterizing flavour***, 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.

Or. en

Amendment 74

Hynek Fajmon

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,

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

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.

Directive.

Or. cs

Amendment 75
Maria do Céu Patrão Neves

Proposal for a directive
Recital 40 a (new)

Text proposed by the Commission

Amendment

(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.

Or. pt

Amendment 76
Hynek Fajmon

Proposal for a directive
Recital 41

Text proposed by the Commission

Amendment

(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 services⁴⁴.*

(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.*

Or. cs

Amendment 77
Ewald Stadler

Proposal for a directive
Recital 42

Text proposed by the Commission

Amendment

(42) Member States should ensure that personal data are only processed in accordance with the rules and safeguards laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁴⁵.

(42) Member States should ensure that personal data are only processed in accordance with the rules and safeguards laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁴⁵. *National data protection provisions must also be taken into*

account.

Or. de

Amendment 78

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

**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.

Or. es

**Amendment 79
Ewald Stadler**

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) The proposal affects several fundamental rights as laid down in the Charter of Fundamental Rights of the European Union, notably the protection of personal data (Article 8), the freedom of expression and information (Article 11), freedom of economic operators to conduct business (Article 16), and the right to property (Article 17). ***The obligations imposed on manufacturers, importers and distributors of tobacco products are necessary to improve the functioning of the internal market while ensuring a high level of health and consumer protection as set out in Articles 35 and 38 of the Charter of Fundamental Rights of the European Union. The application of this Directive should respect the EU law and relevant international obligations.***

Amendment

(45) The proposal affects several fundamental rights as laid down in the Charter of Fundamental Rights of the European Union, notably the protection of personal data (Article 8), the freedom of expression and information (Article 11), freedom of economic operators to conduct business (Article 16), and the right to property (Article 17).

Or. de

Justification

The meddling in trademark rights contained in the Commission proposal is not in any way required to improve the functioning of the internal market.

Amendment 80

Giancarlo Scottà

Proposal for a directive

Article 1 – paragraph 1 – point d

Text proposed by the Commission

d) cross-border distance sales of tobacco products;

Amendment

d) ***the prohibition of*** cross-border distance sales of tobacco products;

Or. it

Justification

See amendments to Article 16.

Amendment 81
Sergio Paolo Francesco Silvestris

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

Text proposed by the Commission

(2) 'additive' means substance contained in a tobacco product, ***its unit packet or any outside packaging*** with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

Amendment

(2) 'additive' means *a* substance contained in a tobacco product, with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

Or. it

Amendment 82
Giancarlo Scottà

Proposal for a directive
Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) '***age verification system***' means a ***computing system that unambiguously confirms the consumer's age in electronic form according to national requirements;***

Amendment

deleted

Or. it

Justification

See amendments to Article 16.

Amendment 83

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(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;

deleted

Or. pl

Justification

There is no clear scientific data or evidence either in the explanatory memorandum or in the proposal for a directive to confirm, among other things, that the aims of the directive can be met through a ban on tobacco products with a characterising flavour (including menthol), or showing that menthol is linked to, or has an impact on, smokers’ behaviour and health, and that the reason for starting smoking is the attractiveness of cigarettes, understood to include their flavour, rather than sociological conditions, environmental influences or smoking in the immediate family.

Amendment 84

Janusz Wojciechowski

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(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;

(4) ‘characterising flavour’ means a distinctive fruit, sweet or candy-flavoured taste other than tobacco or menthol, resulting from a taste substance or combination of taste substances observable upon intended use of the tobacco product;

Amendment 85
Janusz Wojciechowski

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, 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; ***traditional tastes of tobacco products such as menthol are not considered to be ‘characterising flavours’;***

Amendment 86
Hynek Fajmon

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 87
Astrid Lulling, Albert Deß

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;

Or. fr

Amendment 88
Maria do Céu Patrão Neves

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;

Or. pt

Amendment 89
Janusz Wojciechowski

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;

Or. en

Amendment 90
Giancarlo Scottà

Proposal for a directive
Article 2 – paragraph 1 – point 11 – introductory part

Text proposed by the Commission

(11) 'cross-border distance sales' means a distance sales service where, at the time the consumer orders the product, the consumer is located in a Member State other than the Member State or the third country where the retail outlet is established; ***a retail outlet is deemed to be established in a Member State:***

Amendment

11) 'cross-border distance sales' means a distance sales service where, at the time the consumer orders the product, the consumer is located in a Member State other than the Member State or the third country where the retail outlet is established;

Or. it

Justification

See amendments to Article 16.

Amendment 91
Giancarlo Scottà

Proposal for a directive
Article 2 – paragraph 1 – point 11 – point a

Text proposed by the Commission

Amendment

(a) in the case of a natural person - if he/she has his/her place of business in that Member State;

deleted

Or. it

Justification

See amendments to Article 16.

Amendment 92
Giancarlo Scottà

Proposal for a directive
Article 2 – paragraph 1 – point 11 – point b

Text proposed by the Commission

Amendment

(b) in other cases - if it has its statutory seat, central administration or place of business, including a branch, agency or any other establishment in that Member State;

deleted

Or. it

Justification

See amendments to Article 16.

Amendment 93
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

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

Or. pl

Justification

There is no clear scientific data or evidence either in the explanatory memorandum or in the proposal for a directive to confirm, among other things, that the aims of the directive can be met through a ban on tobacco products with a characterising flavour (including menthol), or showing that menthol is linked to, or has an impact on, smokers' behaviour and health, and that the reason for starting smoking is the attractiveness of cigarettes, understood to include their flavour, rather than sociological conditions, environmental influences or smoking in the immediate family.

Amendment 94
Wojciech Michał Olejniczak

Proposal for a directive
Article 2 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

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

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

Or. pl

Amendment 95
Giancarlo Scottà

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

Text proposed by the Commission

Amendment

(18) 'ingredient' means an additive, **tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants**

18) 'ingredient' means an additive, as well as any substance present in a finished tobacco product including paper, filter,

including expanded and reconstituted tobacco), as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

inks, capsules and adhesives;

Or. it

Justification

In line with the approach proposed by the Commission in relation to the revision of the 2001/110/EC Honey Directive, it is important to distinguish between a product's ingredients and its natural constituents. Tobacco should, therefore, be regarded as a natural constituent of tobacco products.

Amendment 96 **Francesca Barracciu**

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;

Or. it

Amendment 97 **Francesca Barracciu**

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

Text proposed by the Commission

Amendment

'natural constituent' means tobacco leaves and other natural, processed or unprocessed parts of tobacco plants, including expanded and reconstituted

tobacco;

Or. it

Justification

The parenthesis is removed for the sake of clarity.

Amendment 98
Giancarlo Scottà

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);

Or. it

Justification

In line with the approach proposed by the Commission in relation to the revision of the 2001/110/EC Honey Directive, it is important to distinguish between a product’s ingredients and its natural constituents. Tobacco should, therefore, be regarded as a natural constituent of tobacco products.

Amendment 99
Hynek Fajmon

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

Text proposed by the Commission

Amendment

19) 'maximum level' or 'maximum yield' *deleted*
means the maximum content or emission,
including 0, of a substance in a tobacco
product measured in grams;

Or. cs

Amendment 100
Janusz Wojciechowski

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

Text proposed by the Commission

Amendment

(19) 'maximum level' or 'maximum yield' *deleted*
means the maximum content or emission,
including 0, of a substance in a tobacco
product measured in grams;

Or. pl

Amendment 101
Alejandro Cercas, Iratxe García Pérez, Sergio Gutiérrez Prieto

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

Text proposed by the Commission

Amendment

(19) 'maximum level' or 'maximum yield' *deleted*
means the maximum content or emission,
including 0, of a substance in a tobacco
product measured in grams;

Or. es

Justification

This deletion has been proposed because the definition (which provides for a maximum

content or emission of 0) would allow the Commission and/or the various Member States to take extreme decisions that would be sure to damage the European tobacco growing sector.

Amendment 102

Sergio Paolo Francesco Silvestris, Giovanni La Via

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

Amendment

(19) 'maximum level' means the maximum content of a substance in a tobacco product measured in grams;

Or. it

Amendment 103

Giancarlo Scottà

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

Amendment

(19) 'maximum level' or 'maximum yield' means the maximum content or emission of a substance in a tobacco product measured in grams;

Or. it

Amendment 104

Giancarlo Scottà

Proposal for a directive

Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) 'novel tobacco product' means a

Amendment

(23) *(Does not affect the English version)*

tobacco product other than a cigarette, roll-your-own tobacco, pipe tobacco, water-pipe tobacco, cigar, cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use placed on the market after entry into force of this Directive;

Or. it

Justification

Does not affect the English version.

Amendment 105
Giancarlo Scottà

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

Text proposed by the Commission

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment, ***including by means of distance sale; in case of cross-border distance sales the product is deemed to be placed on the market in the Member State where the consumer is located;***

Amendment

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment;

Or. it

Justification

See amendments to Article 16.

Amendment 106
Giancarlo Scottà

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10% in at least 10 Member States** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points **in at least 10 Member States** for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **25% throughout the Union** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points **throughout the Union** for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies

Or. it

Amendment 107

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Maria do Céu Patrão Neves

Proposal for a directive

Article 2 – paragraph 1 – point 34

Text proposed by the Commission

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

Amendment

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

Or. es

Justification

The last part of the Commission text is irrelevant.

Amendment 108

Maria do Céu Patrão Neves

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

Text proposed by the Commission

Amendment

(36a) 'low-risk products' means any product containing tobacco which is placed on the market and significantly reduces the risk of diseases associated with the consumption of conventional tobacco products. A product designed to treat addiction to tobacco consumption, including cessation, is not a low-risk product if it has been approved as a medicinal product.

Or. pt

Amendment 109
Alyn Smith

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

Text proposed by the Commission

Amendment

(36 b) "standardised packaging" means the standardisation of pack colour and the removal of all branding from packaging, with the exception of the brand name which will appear in a standardised font and position on the package. Standardisation can also be extended to pack shape, size, method of opening and other forms of appearance. The relevant legal markings such as health warnings and tax stamps are retained on the package.

Or. en

Amendment 110
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Text proposed by the Commission

Amendment

(36c) ‘importer’ means any natural or legal person established within the Community who places a product from a third country on the Community market;

Or. pl

Justification

An additional definition is proposed in Article 2. The definition of an ‘importer’ is taken from Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC. This change is proposed because the Directive contains references to ‘importers’.

Amendment 111
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Text proposed by the Commission

Amendment

(36d) ‘manufacturer’ means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under his name or trademark;

Or. pl

Justification

An additional definition is proposed in Article 2. The definition of a ‘manufacturer’ is taken from Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC. This change is proposed because the Directive contains references to ‘manufacturers’.

Amendment 112
Janusz Wojciechowski

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. pl

Amendment 113
Hynek Fajmon

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. cs

Amendment 114
Maria do Céu Patrão Neves

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. pt

Amendment 115
Jean-Pierre Audy

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. fr

Amendment 116
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Justification

The use of delegated acts for this issue raises concerns as the Commission would be able to change fundamental aspects of the directive. The rules on this issue should be laid down in the directive itself.

Amendment 117

Alejandro Cercas, Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a directive**Article 3 – paragraph 2**

Text proposed by the Commission

Amendment

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

Justification

The proposed delegated act goes beyond the scope of Article 290 TFEU. Delegated acts cannot be used to lay down regulatory provisions on essential aspects of the directive. Giving the Commission exclusive powers to set maximum yields could result in it submitting proposals to radically reduce those yields, which would have an impact on tobacco growing and would discriminate against the producers of some varieties (high-nicotine burley) more than others (Virginia and Oriental tobacco).

Amendment 118

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

Proposal for a directive**Article 3 – paragraph 2**

Text proposed by the Commission

2. The Commission **shall be empowered to 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.

Amendment

2. The Commission **may submit proposals** to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.

Or. es

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 119
Giancarlo Scottà

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to 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.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1 **to** internationally agreed standards.

Or. it

Amendment 120
Hynek Fajmon

Proposal for a directive
Article 3 – paragraph 3

Text proposed by the Commission

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, 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.

deleted

Or. cs

**Amendment 121
Janusz Wojciechowski**

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

Text proposed by the Commission

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, 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

deleted

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.

Or. pl

Amendment 122

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

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, 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.

deleted

Or. pl

Justification

The use of delegated acts for this issue raises concerns as the Commission would be able to

change fundamental aspects of the directive. The rules on this issue should be laid down in the directive itself.

Amendment 123

Alejandro Cercas, Iratxe García Pérez, Sergio Gutiérrez Prieto

Proposal for a directive

Article 3 – paragraph 3

Text proposed by the Commission

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, 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.

deleted

Or. es

Justification

The delegated act proposed goes beyond the scope of Article 290 TFEU. The purpose of the amendment is to prevent the Commission from being able to set extremely low yields (without Parliament having the opportunity to exercise democratic scrutiny), which would be unfairly advantageous to the producers of certain varieties.

Amendment 124

Giancarlo Scottà

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.

Or. it

Justification

For the sake of clarity, the existing text should be split between paragraph 3 and a new paragraph 3a.

Amendment 125

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

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

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, **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.

and for emissions of tobacco products other than cigarettes. Taking into account internationally agreed standards and based on scientific evidence and on the yields notified by Member States, the Commission **may put forward proposals** 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.

Or. es

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 126 **Giancarlo Scottà**

Proposal for a directive **Article 3 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 3:

(a) to internationally agreed standards, where available, or

(b) where scientific evidence demonstrates that they increase 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.

Or. it

Justification

For the sake of clarity, the existing text should be split between paragraph 3 and a new paragraph 3a, and the second part should be reworded.

Amendment 127

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Article 4 – 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 methods of measurement of the tar, nicotine and carbon monoxide yields, taking into account scientific and technical developments and internationally agreed standards. *deleted*

Or. pl

Justification

The use of delegated acts for this issue raises concerns as the Commission would be able to change fundamental aspects of the directive. The rules on this issue should be laid down in the directive itself.

Amendment 128

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

Proposal for a directive
Article 4 – 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 ***methods of measurement of the tar, nicotine and carbon monoxide yields***, taking into account scientific ***and technical*** developments and internationally agreed standards.

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

Or. es

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 129

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Justification

The examination procedure for legislation of a technical nature is generally accepted and applied, for instance in Regulation (EC) No 1907/2006.

Amendment 130
Giancarlo Scottà

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Member States shall notify the Commission of the methods of measurement that they use for other emissions of 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 adapt methods of measurement.

Or. it

Justification

For purposes of clarity, the paragraph is split into two (4 and 4a).

Amendment 131
Giancarlo Scottà

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall notify the

Commission of any methods of measurement that they use 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 EU methods of measurement.

Or. it

Justification

See Directive 2001/37/EC, Recital 31.

Amendment 132
Alfreds Rubiks

Proposal for a directive
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall require manufacturers and importers of tobacco products to submit to their competent authorities a list of all ingredients, and quantities thereof, used in the manufacture of the tobacco products by brand name and type, as well as their emissions *and* yields. Manufacturers or importers shall also inform the competent authorities of the concerned Member States if the composition of a product is modified affecting the information provided under this Article. Information required under this Article shall be submitted prior to the placing *of* the market of a new or modified tobacco product.

Amendment

1. Member States shall require manufacturers and importers of tobacco products to submit to their competent authorities a list of all ingredients, and quantities thereof, used in the manufacture of the tobacco products by brand name and type, as well as their emissions, yields *and a complete toxicological description*. Manufacturers or importers shall also inform the competent authorities of the concerned Member States *about all their tobacco products available on the market* if the composition of a product is modified affecting the information provided under this Article. Information required under this Article shall be submitted prior to the placing *on* the market of a new or modified tobacco product. *In relation to each additional substance, manufacturers or importers shall submit complete analysis*

findings, using the latest technologies, which show that they do not contain toxic, carcinogenic or addictive substances. The list must be supplemented with information on ingredients both during and without combustion, indicating all possible effects on the health of consumers, including addictiveness.

Or. lv

Amendment 133
Giancarlo Scottà

Proposal for a directive
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. This article shall not apply to tobacco products other than cigarettes until such time as the EU methods of measurement referred to in Article 4(4a) are adopted.

Or. it

Justification

See Directive 2001/37/EC, Recital 31.

Amendment 134
Csaba Sándor Tabajdi

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

Text proposed by the Commission

Amendment

1 b. The Commission shall adopt delegated acts in accordance with Article 2 establishing a negative list of additives which result in a product with a characterising flavour.

Amendment 135

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. pl

Justification

Banning flavoured cigarettes would destabilise the market, encourage illegal trade and increase unemployment among tobacco growers and processors and workers in the tobacco industry and distribution chain.

Amendment 136

Jean-Pierre Audy

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

Member States shall ***regulate*** the placing on the market of tobacco products with a characterising flavour.

Or. fr

Amendment 137

Astrid Lulling, Albert Deß

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Member States **may** prohibit the placing on the market of tobacco products with a characterising flavour.

Or. fr

Amendment 138

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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, in accordance with the provisions of paragraph 2.**

Or. es

Justification

The purpose of the directive is to ban fruit, herb or spice flavours in tobacco products. The wording of the Commission text therefore needs to be amended to ensure that any additives essential for differentiating between end products are not banned, provided that those additives are not the reason why the main flavour of the end product is different from that of tobacco.

Amendment 139
Brian Simpson

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Member States shall prohibit the placing on the market of tobacco products **containing additives which improve the taste or flavour of, or give** a characterising flavour **to the tobacco product**.

Or. en

Amendment 140

Marit Paulsen

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

With the exception of products referred to in Article 15, Member States shall prohibit the placing on the market of tobacco products with a characterising flavour.

Or. en

Amendment 141

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

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.

Or. es

Justification

This directive should not cause unnecessary damage to European tobacco production. It is therefore vital to ensure that ingredients essential to tobacco production (such as sugar) can be used in the future. A ban on the use of sugar would make production of the Burley variety of tobacco unviable, putting the survival of many EU producers at risk.

Amendment 142

Astrid Lulling, Albert Deß

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 additives which are essential for the manufacture of tobacco products.

Or. fr

Amendment 143

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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 additives which are essential for the manufacture of tobacco products.

Or. pl

Justification

Amendment reflecting reservations about the legitimacy and effectiveness of removing tobacco products with a characterising flavour from the market, particularly products with a menthol additive.

Amendment 144
Francesca Barracciu

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** 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.

Or. it

Justification

Added for purposes of clarity.

Amendment 145
Wojciech Michał Olejniczak

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 additives which are essential for the manufacture of tobacco products, **particularly those which improve the quality of tobacco grown in unfavourable climatic conditions**, as long as the additives do not result in a product with a characterising flavour.

Or. pl

Amendment 146
Brian Simpson

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 additives which are essential for the manufacture of tobacco products, as long as the additives do not result in a product with a characterising *or improved* flavour.

Or. en

Amendment 147
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 6 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall notify to the Commission measures taken pursuant to this paragraph.

Amendment

deleted

Or. pl

Justification

Amendment reflecting reservations about the legitimacy and effectiveness of removing tobacco products with a characterising flavour from the market, particularly products with a menthol additive.

Amendment 148
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Amendment

deleted

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.

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.

Or. pl

Justification

The proposed changes to paragraph 1 make any further provisions on products ‘with a characterising flavour’ redundant.

Amendment 149
Hynek Fajmon

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

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.

deleted

Or. cs

Amendment 150
Astrid Lulling, Albert Deß

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

The Commission shall at the request of a Member State or may on its own initiative determine by means of **delegated** 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.

Or. fr

Amendment 151
María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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, **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.**

Or. en

Amendment 152
Hynek Fajmon

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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. **deleted**

Or. cs

Amendment 153

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling, Maria do Céu Patrão Neves

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

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. **deleted**

Or. es

Justification

The adoption of uniform rules governing the procedure for determining whether a tobacco products falls within the scope of paragraph 1 is an essential element of the legislative act. Any amendments aimed at changing those rules should therefore be the subject of an ordinary legislative procedure.

Amendment 154
Giancarlo Scottà

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

The Commission shall ***be empowered to adopt delegated*** acts, ***in accordance with Article 22, to lay down*** uniform rules on the procedures for determining whether a tobacco product falls within the scope of paragraph 1.

Or. it

Amendment 155
Hynek Fajmon

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

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.

Amendment

deleted

Or. cs

Amendment 156
María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling

**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

Or. es

Justification

For consistency with Article 6(1) and (2).

**Amendment 157
Alfreds Rubiks**

**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

Or. lv

Amendment 158

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Or. pl

Justification

In view of the far-reaching economic consequences of banning flavouring additives, it is unacceptable for the Commission to be able to lay down rules in this area, as this could result in the banning of technological additives.

Amendment 159

Maria do Céu Patrão Neves

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

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 **submit proposals** to set maximum levels for those additives or combination of

maximum levels for those additives or combination of additives that cause the characterising flavour.

additives that cause the characterising flavour *on the basis of validated scientific studies*.

Or. pt

Amendment 160

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 6 – paragraph 4 – point a

Text proposed by the Commission

(a) vitamins and other additives that create the impression that a tobacco product has a health benefit or presents reduced health hazards, *or*

Amendment

(a) vitamins and other additives that create the impression that a tobacco product has a health benefit or presents reduced health hazards,

Or. pl

Justification

It is important to get rid of this type of additive, as nothing should be allowed to suggest that a given tobacco product is less harmful or, indeed, has actual health benefits. It is also important to ensure that consumer behaviour cannot be influenced by the use of additives to colour emissions (smoke). Getting rid of this type of additive should be a key focus of Article 6. The use of the word 'or' could give rise to interpretation problems.

Amendment 161

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 6 – paragraph 4 – point b

Text proposed by the Commission

(b) caffeine and taurine and other additives and stimulant compounds that are associated with energy and vitality, *or*

Amendment

(b) caffeine and taurine and other additives and stimulant compounds that are associated with energy and vitality,

Or. pl

Justification

It is important to get rid of this type of additive, as nothing should be allowed to suggest that a given tobacco product is less harmful or, indeed, has actual health benefits. It is also important to ensure that consumer behaviour cannot be influenced by the use of additives to colour emissions (smoke). Getting rid of this type of additive should be a key focus of Article 6. The use of the word 'or' could give rise to interpretation problems.

Amendment 162
Jean-Pierre Audy

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;***

Or. fr

Amendment 163
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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.

deleted

Or. pl

Justification

In line with the proposed changes to Article 6(1).

Amendment 164
Alfreds Rubiks

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

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.

Amendment

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

Or. lv

Amendment 165
Jean-Pierre Audy

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

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.

Amendment

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.

Or. fr

Amendment 166
Giancarlo Scottà

Proposal for a directive
Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Paragraph 5 shall not apply to technical measures intended to decrease specific harmful components of smoke or enhance the biodegradability of tobacco products.

Or. it

Amendment 167

Hynek Fajmon

Proposal for a directive

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products with additives in quantities that increase in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product.

deleted

Or. cs

Amendment 168

Janusz Wojciechowski

Proposal for a directive

Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products with additives in quantities that increase in an appreciable manner at the stage of consumption the toxic **or addictive** effect of a tobacco product.

Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products with additives in quantities that increase in an appreciable manner at the stage of consumption the toxic effect of a tobacco product.

Amendment 169
Alfreds Rubiks

Proposal for a directive
Article 6 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products with additives in quantities that increase in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product.

Amendment

Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products with additives ***(including paraffin, wax, fat, sugar, starch and cocoa)*** in quantities that increase in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product.

Or. lv

Amendment 170
Janusz Wojciechowski

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.

Or. pl

Amendment 171
Hynek Fajmon

Proposal for a directive
Article 6 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

Member States shall notify to the Commission measures taken pursuant to this paragraph.

deleted

Or. cs

Amendment 172

María Auxiliadora Correa Zamora, Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, Albert Deß, Astrid Lulling

**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

Or. es

Justification

For consistency with Article 6(1) and (2).

Amendment 173

Alfreds Rubiks

**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

Or. lv

Amendment 174

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**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

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 175
Hynek Fajmon

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. Tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products shall be exempted from the prohibitions laid down in paragraphs 1 and 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to withdraw this exemption if there is a substantial change of circumstances as established in a Commission report.

deleted

Or. cs

Amendment 176
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. Tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products shall be exempted from the prohibitions laid down in paragraphs 1 and 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to withdraw this exemption if there is a substantial change of circumstances as established in a Commission report.

deleted

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to

change fundamental aspects of the directive.

Amendment 177

Brian Simpson

Proposal for a directive

Article 6 – paragraph 10

Text proposed by the Commission

Amendment

10. Tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products shall be exempted from the prohibitions laid down in paragraphs 1 and 5. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to withdraw this exemption if there is a substantial change of circumstances as established in a Commission report.

deleted

Or. en

Justification

A comprehensive tobacco additive ban in all tobacco products is required to reduce the number of young people who become addicted to tobacco.

Amendment 178

Marit Paulsen

Proposal for a directive

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. Each unit packet of tobacco products and any outside packaging shall carry health warnings in the official language or languages of the Member State where the product is placed on the market.

1. ***With the exception of products referred to in Article 15,*** each unit packet of tobacco products and any outside packaging shall carry health warnings in the official language or languages of the Member State where the product is placed on the market.

Amendment 179
Csaba Sándor Tabajdi

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Each unit packet of tobacco products and any outside packaging shall carry health warnings in the official language or languages of the Member State where the product is placed on the market.

Amendment

1. Each unit packet of tobacco products and any outside packaging shall carry health warnings in the official language or languages of the Member State where the product is placed on the market. ***In order to ensure consumers' right to have access to proper information, the different levels of harmfulness shall be indicated in the package of the tobacco product by distinguishing two categories: very harmful and extremely harmful. These categories shall be indicated by one to two black points, and text warnings taking into account the fact that all tobacco products are harmful.***

Amendment 180
Hynek Fajmon

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. In order to ensure their graphic integrity and visibility, health warnings shall be irremovably ***printed***, indelible and in no way hidden or interrupted, including by tax stamps, price marks, tracking and tracing marks, security features or by any type of wrapper, pouch, jacket, box or other device or by the opening of the unit packet.

Amendment

3. In order to ensure their graphic integrity and visibility, health warnings shall be irremovably ***situated***, indelible and in no way hidden or interrupted, including by tax stamps, price marks, tracking and tracing marks, security features or by any type of wrapper, pouch, jacket, box or other device or by the opening of the unit packet.

Amendment 181

Alyn Smith

Proposal for a directive

Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. For the purpose of protecting public health, Member States may maintain or introduce national rules concerning the labelling and packaging of tobacco products which go beyond the rules laid down in this Directive, including the maintenance or introduction of provisions allowing standardised packaging of tobacco products.

Or. en

Amendment 182

Janusz Wojciechowski

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.

Or. en

Amendment 183
Giancarlo Scottà

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. For cigarette packets the general warning and the information message shall be printed on the lateral sides of the unit packets, ***in black Helvetica bold type on a white or coloured background.*** 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.

Or. it

Amendment 184
Maria do Céu Patrão Neves

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

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.

Amendment

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 185
James Nicholson, Diane Dodds

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

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.

Amendment

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 ***information message and, where applicable, the general warning*** shall cover 50% of the surface on which they are printed.

Or. en

Justification

Specifying pack size and design will stifle competition. It will also encroach on intellectual property rights and restrict consumers. This measure will also serve the purpose of encouraging dishonest trade, by allowing counterfeiters to flood the market with goods indistinguishable from the proposed standardisation.

Amendment 186
Ewald Stadler

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

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

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.

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 **20 %** of the surface on which they are printed.

Or. de

Justification

Covering 50 % of the surface with warnings would be interfering too much in trademark rights. Consumers must be able to identify what brands they are consuming.

Amendment 187

Ewald Stadler

Proposal for a directive

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

(a) to adapt the wording of the health warnings laid down in paragraphs 1 and 2 to scientific and market developments;

(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.

Or. de

Amendment 188

Janusz Wojciechowski

Proposal for a directive

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

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

(a) to adapt the wording of the health warnings laid down in paragraphs 1 and 2 to scientific and market developments;

(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.

Or. pl

Amendment 189

Hynek Fajmon

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*

Or. cs

Amendment 190

Jean-Pierre Audy

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 191

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 192

Astrid Lulling, Albert Deß

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 Article 22:*

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

Or. fr

Amendment 193

Giancarlo Scottà

Proposal for a directive

Article 8 – paragraph 4 – point b

Text proposed by the Commission

(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.

Amendment

(b) to define the layout and design of the health warnings laid down in this Article, including their font **size** and background colour, **with due regard for the linguistic constraints obtaining in each Member State**.

Or. it

Amendment 194
Hynek Fajmon

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

Text proposed by the Commission

(a) be comprised of a text warning listed in Annex I and a corresponding colour photograph specified in the picture library;

Amendment

(a) be comprised of a text warning listed in Annex I and, **optionally**, a corresponding colour photograph specified in the picture library;

Or. cs

Amendment 195
Brian Simpson

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

Text proposed by the Commission

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

Amendment

(c) cover **80** % of the external area of both the front and back surface of the unit packet and any outside packaging;

Or. en

Amendment 196
Astrid Lulling, Albert Deß

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 197
Maria do Céu Patrão Neves

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

Text proposed by the Commission

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

Amendment

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

Or. pt

Amendment 198
Sergio Paolo Francesco Silvestris, Albert Deß, Agnès Le Brun, Giovanni La Via

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 199
Giancarlo Scottà

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

Text proposed by the Commission

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

Amendment

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

Or. it

Amendment 200
Janusz Wojciechowski

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

Text proposed by the Commission

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

Amendment

(c) cover 40 % of the external area of the front **surface** and **50% of the external area of the** back surface of the unit packet and any outside packaging;

Or. pl

Amendment 201
Ewald Stadler

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

Text proposed by the Commission

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

Amendment

(c) cover **at least 20 % and a maximum of 50 %** of the external area of both the front and back surface of the unit packet and any outside packaging;

Or. de

Justification

Member States need to be given some flexibility in this sensitive area that enters the field of trademark law. This is the only way to determine in the long term whether package information and warnings really do lead to the predicted health improvements.

Amendment 202

Hynek Fajmon

Proposal for a directive

Article 9 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) cover **30%** of the external area of the front **surface and 40% of the external area of the** back surface of the unit packet and any outside packaging;

Or. cs

Amendment 203

Hynek Fajmon

Proposal for a directive

Article 9 – paragraph 1 – point d

Text proposed by the Commission

(d) show the same text warning and corresponding colour photograph on both sides of the unit packets and any outside packaging;

Amendment

(d) show the same text warning and, **optionally**, corresponding colour photograph on both sides of the unit packets and any outside packaging;

Or. cs

Amendment 204

Sergio Paolo Francesco Silvestris, Albert Deß, Agnès Le Brun, Giovanni La Via

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

Or. en

Amendment 205
Janusz Wojciechowski

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, and in the same direction as any other information appearing on the packaging;

Or. pl

Amendment 206
Maria do Céu Patrão Neves

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 **in** the top **half** of the unit packet and any outside packaging, and in the same direction as any other information appearing on the packaging;

Or. pt

Amendment 207
Hynek Fajmon

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 **on** the **lower side** of the unit packet and any outside packaging, and in the same direction as any other information appearing on the packaging;

Or. cs

Amendment 208
Giancarlo Scottà

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

Or. it

Amendment 209
Hynek Fajmon

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;

Amendment

deleted

(ii) width: not less than 55 mm.

Or. cs

Amendment 210
Janusz Wojciechowski

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

Text proposed by the Commission

Amendment

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

(i) height: not less than 64 mm;

(ii) width: not less than 55 mm.

Or. pl

Amendment 211
Maria do Céu Patrão Neves

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

Text proposed by the Commission

Amendment

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

(i) height: not less than 64 mm;

(ii) width: not less than 55 mm.

Or. pt

Amendment 212
Sergio Paolo Francesco Silvestris, Albert Deß, Giovanni La Via

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

Text proposed by the Commission

Amendment

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

deleted

(i) height: not less than 64 mm;

(ii) width: not less than 55 mm.

Or. en

**Amendment 213
Jean-Pierre Audy**

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

Text proposed by the Commission

Amendment

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

deleted

i) height: not less than 64 mm;

ii) width: not less than 55 mm.

Or. fr

**Amendment 214
Luís Paulo Alves**

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

Text proposed by the Commission

Amendment

(i) height: not less than 64 mm;

(i) width: the full width of the front and the back surface of the packaging;

Or. pt

**Amendment 215
Luís Paulo Alves**

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

Text proposed by the Commission

Amendment

(ii) **width**: not less than 55 mm.

(ii) **height**: *the minimum height required for the health warnings to cover 75% of the external area of the front and back surfaces.*

Or. pt

Justification

Article 13(2) states that cigarette packets may be made of carton or soft material. However, because Article 9(g) stipulates that warnings must not be less than 55 mm wide, soft packets that were only 53 mm wide would be ruled out. Some 53 mm packets are also shorter than required. If the rule were that warnings had to extend across the entire width of the packet and be tall enough to cover 75% of the front and back surfaces, every type of packaging could be taken into account.

Amendment 216
James Nicholson, Diane Dodds

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

Text proposed by the Commission

Amendment

(ii) width: not less than **55** mm.

(ii) width: not less than **42** mm.

Or. en

Justification

Limiting pack dimensions to such an extent would render existing packs obsolete, especially those containing ten cigarettes. This would not only impact on jobs in the industry; limiting consumer choice, but it would also encourage dishonest trade by creating a uniform pack size.

Amendment 217
Ewald Stadler

**Proposal for a directive
Article 9 – paragraph 3**

Text proposed by the Commission

Amendment

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

(a) adapt the text warnings listed in Annex I to this Directive taking into account scientific and technical developments;

(b) establish and adapt the picture library referred to in point (a) of paragraph 1 of this Article taking into account scientific and market developments;

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

(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.

Or. de

**Amendment 218
Janusz Wojciechowski**

**Proposal for a directive
Article 9 – paragraph 3**

Text proposed by the Commission

Amendment

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

(a) adapt the text warnings listed in Annex I to this Directive taking into account scientific and technical

developments;

(b) establish and adapt the picture library referred to in point (a) of paragraph 1 of this Article taking into account scientific and market developments;

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

(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.

Or. pl

Amendment 219

Maria do Céu Patrão Neves

Proposal for a directive Article 9 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

(a) adapt the text warnings listed in Annex I to this Directive taking into account scientific and technical developments;

(b) establish and adapt the picture library referred to in point (a) of paragraph 1 of this Article taking into account scientific and market developments;

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

(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.

Or. pt

Amendment 220
Astrid Lulling, Albert Deß

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

Text proposed by the Commission

Amendment

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

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

Or. fr

Amendment 221
Hynek Fajmon

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

Or. cs

Amendment 222
Sergio Paolo Francesco Silvestris, Albert Deß

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

Or. en

Amendment 223

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 224

Giancarlo Scottà

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;

(c) define layout, design (**including font type and size**), rotation and proportions of the health warnings, **with due regard for the linguistic constraints obtaining in each Member State**;

Or. it

Amendment 225
Janusz Wojciechowski

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

Text proposed by the Commission

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

Amendment

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

Or. pl

Amendment 226
Jean-Pierre Audy

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

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 227
Hynek Fajmon

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

Text proposed by the Commission

(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

Amendment

deleted

cessation information.

Or. cs

Amendment 228

Sergio Paolo Francesco Silvestris, Albert Deß

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*

Or. en

Amendment 229

Jean-Pierre Audy

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*

Or. fr

Amendment 230

Czesław Adam Sikiński, Elżbieta Katarzyna Łukacijewska

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*

Or. pl

Justification

The use of delegated acts for this issue raises concerns. The derogation conditions should come under Article 7.

Amendment 231
Brian Simpson

Proposal for a directive
Article 10

Text proposed by the Commission

Amendment

Article deleted

Or. en

Amendment 232
Ewald Stadler

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

2. The general warning referred to in paragraph 1 shall cover **15** % 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.

of the unit packet and any outside packaging. That proportion shall be increased to **18 %** for Member States with two official languages and **20 %** for Member States with three official languages.

Or. de

Amendment 233
Giancarlo Scottà

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

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.

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 *more than two* official languages.

Or. it

Amendment 234
Ewald Stadler

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The text warning referred to in paragraph 1 shall cover **40 %** of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to **45 %** for Member States with two official languages and **50 %** for

Amendment

3. The text warning referred to in paragraph 1 shall cover *at least 20 %* of the external area of the corresponding surface of the unit packet and any outside packaging. That *minimum* proportion shall be increased to **25 %** for Member States with two official languages and **30 %** for

Member States with three official languages.

Member States with three official languages.

Or. de

Amendment 235
Giancarlo Scottà

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

3. The text warning referred to in paragraph 1 shall cover 40 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 45 % for Member States with two official languages and 50 % for Member States with *three* official languages.

Amendment

3. The text warning referred to in paragraph 1 shall cover 40 % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to 45 % for Member States with two official languages and 50 % for Member States with *more than two* official languages.

Or. it

Amendment 236
Ewald Stadler

Proposal for a directive
Article 10 – paragraph 5

Text proposed by the Commission

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.

Amendment

deleted

Or. de

Amendment 237
Hynek Fajmon

Proposal for a directive
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**

Or. cs

Amendment 238
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
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**

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 239
Marit Paulsen

Proposal for a directive

Article 11 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Each unit packet and any outside packaging of smokeless tobacco products shall carry the following health warning:

Amendment

With the exception of products referred to in Article 15, each unit packet and any outside packaging of smokeless tobacco products shall carry the following health warning:

Or. en

Amendment 240

Ewald Stadler

Proposal for a directive

Article 11 – paragraph 2 – point b

Text proposed by the Commission

(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.

Amendment

(b) cover **15** % of the external area of the corresponding surface of the unit packet and any outside packaging. That proportion shall be increased to **18** % for Member States with two official languages and **20** % for Member States with three official languages.

Or. de

Amendment 241

Giancarlo Scottà

Proposal for a directive

Article 11 – paragraph 2 – point b

Text proposed by the Commission

(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

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

% for Member States with *three* official languages.

35 % for Member States with *more than two* official languages.

Or. it

Amendment 242

Ewald Stadler

**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

Or. de

Amendment 243

Hynek Fajmon

**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

Or. cs

Amendment 244

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**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

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 245

Marit Paulsen

Proposal for a directive

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The labelling of a unit packet and any outside packaging and the tobacco product itself shall not include any element or feature that:

1. ***With the exception of products referred to in Article 15,*** the labelling of a unit packet and any outside packaging and the tobacco product itself shall not include any element or feature that:

Or. en

Amendment 246

Ewald Stadler

Proposal for a directive

Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) suggests that a particular tobacco product ***is less harmful than others or has vitalising, energetic,*** healing, rejuvenating, ***natural, organic*** or otherwise positive

b) suggests that a particular tobacco product has healing, rejuvenating or otherwise positive health effects;

health *or social* effects;

Or. de

Justification

Tobacco products have different effects. When choosing tobacco products, empowered consumers rely less on the product description than on the actual subjective perception they gain from consumption of these products. The words 'energetic' and 'vitalising' are subjective, and the terms 'organic' and 'natural' can only be approved if there is no dispute that the consumption of tobacco products leads to biochemical reactions.

Amendment 247

Astrid Lulling, Albert Deß

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*

Or. fr

Amendment 248

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

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*

Or. pl

Justification

In line with the preceding amendments.

Amendment 249
Alfreds Rubiks

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Cigarettes with a diameter of less than 7.5 mm shall be deemed to be misleading.

Or. lv

Amendment 250
Ewald Stadler

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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, inserts, 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.

Amendment

2. Prohibited elements and features may include but are not limited to texts, symbols, names, figurative or other signs, misleading colours ***and*** inserts 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.

Or. de

Justification

Trade marks and creative product design are protected by law. There is no relation between a

ban on creative product design and any possible indirect increase in health protection.

Amendment 251

Janusz Wojciechowski

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

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.***

Amendment

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

Or. pl

Amendment 252

Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

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.***

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. pl

Justification

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

Amendment 253
Janusz Wojciechowski

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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.***

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.

Or. pl

Amendment 254
Hynek Fajmon

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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.***

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.

Amendment 255
Astrid Lulling, Albert Deß

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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.***

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.

Amendment 256
Maria do Céu Patrão Neves

Proposal for a directive
Article 12 – paragraph 2

Text proposed by the Commission

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.***

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.

Amendment 257
Giancarlo Scottà

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.

Or. it

Justification

So as to ensure that there is no discrimination between tobacco varieties (see Recital 16).

Amendment 258
Astrid Lulling, Albert Deß

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

Or. fr

Justification

Any link between standardised packaging and tobacco consumption patterns remains to be demonstrated.

Amendment 259

James Nicholson, Diane Dodds

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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**.

Amendment

1. A unit packet of cigarettes **may** have a cuboid shape. A unit packet of roll-your-own tobacco **may have a cuboid or cylindrical shape, or** have the form **or** a pouch, i.e. a **regular** rectangular pocket with a flap that covers the opening. The flap of the pouch shall **be of a size to ensure the graphical integrity and visibility** of the **text, photographs and cessation information as required by Article 9(3)(d) of the Directive**. A unit packet of cigarettes shall include at least **10** cigarettes. A unit packet of roll-your-own tobacco shall contain tobacco weighing at least **12.5g**.

Or. en

Justification

Considerably restricting pack shape and specification will affect jobs throughout the supply chain and sector. Increasing pack size in order to deter consumption runs contrary to the foundations of the internal market and to health initiatives.

Amendment 260

Maria do Céu Patrão Neves

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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.

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 **or without** a flap that covers the opening. The flap, **if any**, 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.

Or. pt

Amendment 261
James Nicholson, Diane Dodds

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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.**

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.

Or. en

Justification

Harmonising the opening mechanism will encourage dishonest trade as counterfeiters will benefit from one standardised opening design. At this moment in time, a range of opening mechanisms act to obstruct counterfeiters.

Amendment 262
Maria do Céu Patrão Neves

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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.

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, ***if any***, of a cigarette packet shall be hinged only at the back of the packet.

Or. pt

Amendment 263
Brian Simpson

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. All outer surfaces of the unit packet and any outside packaging of tobacco for smoking shall be standardised in the following way:

- a) not contain any trade mark or any other mark, apart from the brand name and any variant name for the tobacco products;***
- b) be of a dark, unattractive colour set by the Commission***
- c) the brand name, and any variant name shall:***
 - i) not appear more than once on any one surface;***
 - ii) appear horizontally below, and in the same orientation as, the combined health warning, in the centre of the space remaining on the front and back surfaces of the unit packet and any outside***

packaging;

iii) comply with any more detailed rules set out in paragraph 3;

Or. en

Justification

Plain packaging would reduce the attractiveness and appeal of tobacco products, increase the noticeability and effectiveness of health warnings and messages, and reduce the use of design techniques that may mislead consumers about the harmfulness of tobacco products. It represents an additional tobacco control measure that has the potential to contribute to reductions in the harm caused by tobacco smoking now and in the future and should therefore be introduced.

Amendment 264

Ewald Stadler

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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.

deleted

Or. de

Amendment 265

Giancarlo Scottà

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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. *deleted*

Or. it

Amendment 266
Hynek Fajmon

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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. *deleted*

Or. cs

Amendment 267
Astrid Lulling, Albert Deß

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.

Or. fr

Amendment 268
Maria do Céu Patrão Neves

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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.

deleted

Or. pt

Amendment 269
Jean-Pierre Audy

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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

deleted

full visibility and integrity of the health warnings before the first opening, during the opening and after reclosing of the unit packet.

Or. fr

Justification

Under Article 290(1) TFEU, recourse to delegated acts can only be justified in respect of non-essential elements of the directive, empowering the Commission to impose full package standardisation.

Amendment 270

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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. **deleted**

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 271

James Nicholson, Diane Dodds

**Proposal for a directive
Article 13 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to 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. *deleted*

Or. en

Justification

It runs contrary to the provisions set out in Article 290(1) of the TFEU. The Commission exercises disproportionate power in this respect.

Amendment 272
Ewald Stadler

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*

Or. de

Amendment 273
Giancarlo Scottà

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*

Or. it

Amendment 274
Hynek Fajmon

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*

Or. cs

Amendment 275
Astrid Lulling, Albert Deß

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*

Or. fr

Amendment 276

Maria do Céu Patrão Neves

**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*

Or. pt

Amendment 277

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Article 13 – paragraph 4**

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to *deleted*

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.

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 278
James Nicholson, Diane Dodds

Proposal for a directive
Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall be empowered to *deleted*
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.

Or. en

Justification

It runs contrary to the provisions set out in Article 290(1) of the TFEU. The Commission exercises disproportionate power in this respect.

Amendment 279
Marit Paulsen

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that all unit packets of tobacco products shall be marked with a unique identifier. In order to ensure their integrity, unique identifiers shall be irremovably printed/affixed, indelible and in no way hidden or interrupted in any form, including through tax stamps and price marks, or by the opening of the packet. In relation to products manufactured outside the Union the obligations laid down in this Article apply only to those destined to or placed on the Union market.

Amendment

1. ***With the exception of products referred to in Article 15,*** Member States shall ensure that all unit packets of tobacco products shall be marked with a unique identifier. In order to ensure their integrity, unique identifiers shall be irremovably printed/affixed, indelible and in no way hidden or interrupted in any form, including through tax stamps and price marks, or by the opening of the packet. In relation to products manufactured outside the Union the obligations laid down in this Article apply only to those destined to or placed on the Union market.

Or. en

Amendment 280
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 2 – point g

Text proposed by the Commission

g) the intended shipment route;

Amendment

deleted

Or. cs

Amendment 281
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 2 – point h

Text proposed by the Commission

h) where applicable, the importer into the

Amendment

deleted

Union;

Or. cs

Amendment 282
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 2 – point i

Text proposed by the Commission

Amendment

i) the actual shipment route from manufacturing to the first retail outlet, including all warehouses used;

deleted

Or. cs

Amendment 283
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 2 – point j

Text proposed by the Commission

Amendment

j) the identity of all purchasers from manufacturing to the first *retail outlet*;

j) the identity of all purchasers from manufacturing to the first *purchaser*;

Or. cs

Amendment 284
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 2 – point k

Text proposed by the Commission

Amendment

k) the invoice, order number and payment records *of all purchasers* from manufacturing to the first retail outlet.

k) the invoice, order number and payment records from manufacturing to the first retail outlet.

Amendment 285

Hynek Fajmon

Proposal for a directive**Article 14 – paragraph 3***Text proposed by the Commission*

3. Member States shall ensure that ***all economic operators involved in the trade of tobacco products from the manufacturer to the last economic operator before the first retail outlet, record the entry of all unit packets into their possession, as well as all intermediate movements and the final exit from their possession.*** This obligation can be fulfilled by recording in aggregated form, e.g. of outside packaging, provided that tracking and tracing of unit packets remains possible.

Amendment

3. Member States shall ensure that ***the transfer*** of all unit packets ***between manufacturer and first purchaser is recorded.*** This obligation can be fulfilled by recording in aggregated form, e.g. of outside packaging, provided that tracking and tracing of unit packets remains possible.

Amendment 286

Hynek Fajmon

Proposal for a directive**Article 14 – paragraph 4***Text proposed by the Commission*

4. Member States shall ensure that manufacturers of tobacco products provide ***all economic operators involved in the trade of tobacco products from the manufacturer to the last economic operator before the first retail outlet, including importers, warehouses and transporting companies*** with the necessary equipment allowing for the recording of the tobacco products purchased, sold,

Amendment

4. Member States shall ensure that manufacturers of tobacco products provide ***first purchasers*** with the necessary equipment allowing for the recording of the tobacco products purchased, sold, stored, transported or otherwise handled. The equipment shall be able to read and transmit the data electronically to a data storage facility pursuant to paragraph 6.

stored, transported or otherwise handled. The equipment shall be able to read and transmit the data electronically to a data storage facility pursuant to paragraph 6.

Or. cs

Amendment 287
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 8

Text proposed by the Commission

8. In addition to the unique identifier, Member States shall require that all unit packets of tobacco products which are placed on the market carry a **visible**, tamper proof security feature of at least 1 **cm²**, which shall be irremovably printed or affixed, indelible and in no way hidden or interrupted in any form, including through tax stamps and price marks, or other elements mandated by legislation.

Amendment

8. In addition to the unique identifier, Member States shall require that all unit packets of tobacco products which are placed on the market carry a **legible**, tamper proof security feature of at least 1 **cm²**, which shall be irremovably printed or affixed, indelible and in no way hidden or interrupted in any form, including through tax stamps and price marks, or other elements mandated by legislation.

Or. cs

Amendment 288
Ewald Stadler

Proposal for a directive
Article 14 – paragraph 9

Text proposed by the Commission

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

a) to define the key elements (such as duration, renewability, expertise required, confidentiality) of the contract referred to in paragraph 6, including its regular

Amendment

deleted

monitoring and evaluation;

b) to define the technical standards to ensure that the systems used for the unique identifiers and the related functions are fully compatible with each other across the Union and

c) to define the technical standards for the security feature and their possible rotation and to adapt them to scientific, market and technical development.

Or. de

Amendment 289
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 9

Text proposed by the Commission

Amendment

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

deleted

a) to define the key elements (such as duration, renewability, expertise required, confidentiality) of the contract referred to in paragraph 6, including its regular monitoring and evaluation;

b) to define the technical standards to ensure that the systems used for the unique identifiers and the related functions are fully compatible with each other across the Union and

c) to define the technical standards for the security feature and their possible rotation and to adapt them to scientific, market and technical development.

Or. cs

Amendment 290

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 14 – paragraph 9

Text proposed by the Commission

Amendment

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

(a) to define the key elements (such as duration, renewability, expertise required, confidentiality) of the contract referred to in paragraph 6, including its regular monitoring and evaluation;

(b) to define the technical standards to ensure that the systems used for the unique identifiers and the related functions are fully compatible with each other across the Union and

(c) to define the technical standards for the security feature and their possible rotation and to adapt them to scientific, market and technical development.

Or. pl

Justification

Under Article 290 of the TFEU, the essential elements of an area may be dealt with in the legislative act only and therefore may not be the subject of a delegation of power (i.e. a delegated act).

Amendment 291

Hynek Fajmon

Proposal for a directive

Article 14 – paragraph 9 – point a

Text proposed by the Commission

Amendment

a) to define the key elements (such as duration, renewability, expertise required, *deleted*

confidentiality) of the contract referred to in paragraph 6, including its regular monitoring and evaluation;

Or. cs

Amendment 292
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 9 – point b

Text proposed by the Commission

Amendment

b) to define the technical standards to ensure that the systems used for the unique identifiers and the related functions are fully compatible with each other across the Union and **deleted**

Or. cs

Amendment 293
Hynek Fajmon

Proposal for a directive
Article 14 – paragraph 9 – point c

Text proposed by the Commission

Amendment

c) to define the technical standards for the security feature and their possible rotation and to adapt them to scientific, market and technical development. **deleted**

Or. cs

Amendment 294
Giancarlo Scottà

Proposal for a directive
Article 14 – paragraph 10

Text proposed by the Commission

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.

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 **10** years following the date referred to in paragraph 1 of Article 25.

Or. it

Justification

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

Amendment 295
Jean-Pierre Audy

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.

Or. fr

Amendment 296
Nils Torvalds

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

Amendment

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.

Sweden.

Member States and regions of Member States with a tradition of using oral tobacco shall have an opportunity to apply for a national or regional derogation from the prohibition on cultural or historical grounds.

Or. sv

Justification

*The prohibition of tobacco for oral use is inconsistent and, inter alia, affects areas all around the Baltic Sea that have traditionally made use of tobacco for oral use. The general public in these countries and regions does not understand why a product that has been used throughout history and is part of a region's cultural identity should be prohibited, especially when the product is less harmful to health than cigarettes.***Amendment 297**

Brian Simpson

**Proposal for a directive
Title 2 – chapter 4 – title**

Text proposed by the Commission

Amendment

Cross-border distance sales of tobacco products

Sales of tobacco products

Or. en

Amendment 298

Brian Simpson

**Proposal for a directive
Article 16 – title**

Text proposed by the Commission

Amendment

Cross-border distance sales of tobacco products

Internet sales of tobacco products

Or. en

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 299

Brian Simpson

Proposal for a directive

Article 16

Text proposed by the Commission

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

Amendment

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

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.

Or. en

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 300 **Giancarlo Scottà**

Proposal for a directive **Article 16 – paragraph 1 – introductory part**

Text proposed by the Commission

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

Amendment

1. Member States shall ***prohibit*** retail outlets established ***on their territory from engaging in cross-border distance sales.***

Or. it

Amendment 301 **Giancarlo Scottà**

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 handed out or new packets are swapped for packets that have already been opened are targeted at young people and thus indefensible.

Amendment 302

Giancarlo Scottà

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 303

Giancarlo Scottà

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. it

Amendment 304
Giancarlo Scottà

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 305
Giancarlo Scottà

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 306
Giancarlo Scottà

**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 307
Giancarlo Scottà**

**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 308
Giancarlo Scottà**

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 309
Brian Simpson

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.**

Justification

Point of sale display bans are already in force in a number of EU and EFTA Member States. Research shows that it has a direct impact on young people's smoking, as it is just another form of advertising that promotes and reinforces smoking. It should therefore be banned.

Amendment 310**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 lower-risk novel tobacco products***

Or. pt

Amendment 311**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

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 competent authorities in question with:

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 312
Maria do Céu Patrão Neves

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 *points* (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. ***Member States shall be entitled to adopt specific labelling and packaging rules different from the requirements of this Directive for less harmful products. They shall notify such rules to the Commission.***

Or. pt

Amendment 313
Hynek Fajmon

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

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.

Amendment

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. ***The provisions of Article 12(1)(b) shall not apply to new tobacco products that have been scientifically proven to be less harmful than conventional tobacco products.***

Or. cs

Amendment 314
Hynek Fajmon

Proposal for a directive
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may authorise the sale and define rules on the placing on the market of new categories of tobacco products that have been scientifically proven to be less harmful than conventional tobacco products, provided that it has been demonstrated, pursuant to paragraph 1, that the use of such products can reduce the risks and illnesses associated with smoking, as well as the harm to public health, when compared with conventional tobacco products.

Or. cs

Amendment 315
Alfreds Rubiks

Proposal for a directive
Article 18

Text proposed by the Commission

Amendment

Article 18

deleted

Nicotine-containing products

1. The following 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. 3. 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.

Or. lv

Amendment 316
Ewald Stadler

Proposal for a directive
Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) products with a nicotine concentration exceeding 4 mg per ml or

b) products with a nicotine concentration exceeding 24 mg per ml or

Or. de

Justification

Smokers initially need 24mg/ml to switch from regular cigarettes to so-called e-cigarettes. The Commission proposal would therefore further increase the number of smokers.

Amendment 317
Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to deleted

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.

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 318
Ewald Stadler

Proposal for a directive
Article 18 – paragraph 5

Text proposed by the Commission

Amendment

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. *deleted*

Or. de

Amendment 319
Hynek Fajmon

Proposal for a directive
Article 18 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to *deleted*

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.

Or. cs

Amendment 320

Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Article 18 – paragraph 5**

Text proposed by the Commission

Amendment

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.

deleted

Or. pl

Justification

The use of delegated acts for this issue raises concerns, as the Commission would be able to change fundamental aspects of the directive.

Amendment 321

Alfreds Rubiks

**Proposal for a directive
Article 18 a (new)**

Text proposed by the Commission

Amendment

Article 18 a

Nicotine-containing products and products which are used in the same way

as for tobacco-smoking may only be placed on the market if they were authorised pursuant to Directive 2001/83/EC.

Or. lv

Amendment 322
Ewald Stadler

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 **15** % of the area of the corresponding surface of the unit packet and of any outside packaging. That proportion shall be increased to **18** % for Member States with two official languages and **20** % for Member States with three official languages.

Or. de

Amendment 323
Giancarlo Scottà

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.

Or. it

