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*Committee on Industry, Research and Energy*

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**2012/0366(COD)**

28.5.2013

# **AMENDMENTS**

## **21 - 280**

**Draft opinion**  
**Robert Goebbels**  
(PE508.180v01-00)

on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products

Proposal for a directive  
(COM(2012)0788 – C7-0420/2012 – 2012/0366(COD))

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**EN**

*United in diversity*

**EN**

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## **Amendment 21**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

### **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 as well as vending machines* of tobacco products.

Or. en

#### *Justification*

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

## **Amendment 22**

**Maria do Céu Patrão Neves**

### **Proposal for a directive**

#### **Recital 6**

*Text proposed by the Commission*

(6) The size of the internal market in

*Amendment*

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

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

Or. pt

**Amendment 23**  
**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 environmental, geographical and socio-economic characteristics, using artisanal, eco-friendly methods, and the Union should allow the Member States to implement specific measures to ensure continued production in these areas, thereby safeguarding the corresponding jobs.***

Or. pt

**Amendment 24**  
**Maria Da Graça Carvalho**

**Proposal for a directive**  
**Recital 8**

*Text proposed by the Commission*

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

*Amendment*

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

Or. pt

**Amendment 25**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## *Justification*

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

### **Amendment 26**

**Konrad Szymański**

#### **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. en

### **Amendment 27**

**Ewald Stadler**

#### **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.

(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, **namely by** taking into consideration **scientific developments and internationally agreed standards for assessing** their toxicity or addictiveness.

Or. de

**Amendment 28**  
**Paul Rübzig**

**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 their toxicity or addictiveness, ***with their toxicity or addictiveness being assessed using the latest scientific findings and internationally agreed standards.***

Or. de

**Amendment 29**  
**Roger Helmer**

**Proposal for a directive**  
**Recital 11**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 30**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14**

*Text proposed by the Commission*

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

*Amendment*

(14) The lack of a harmonised approach on ingredients regulation affects the functioning of the internal market and impacts on the free movement of goods across the EU. Some Member States have adopted legislation or entered into binding agreements with the industry allowing or prohibiting certain ingredients. As a result, some ingredients are regulated in some Member States, but not in others. Member States are also taking different approaches as regards additives integrated in the filter of cigarettes as well as additives colouring the tobacco smoke. Without harmonisation, the obstacles on the internal market are expected to increase in the coming years taking into account the implementation of the FCTC and its guidelines and considering experience gained in other jurisdictions outside the Union. ***It is thus appropriate to introduce a positive list of additives that may be used in tobacco products.*** The guidelines on Articles 9 and 10 FCTC call in particular for the removal of ingredients that increase palatability, create the impression that the tobacco products have health benefits, are associated with energy and vitality or have colouring properties.

Or. en

*Justification*

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



**Amendment 31**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) It is important not only to consider the properties of additives as such, but also of their combustion products. Additives as well as their combustion products should not meet the criteria for classification as hazardous in accordance with Regulation EC (No) 1272/2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.***

Or. en

*Justification*

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

**Amendment 32**  
**Bendt Bendtsen, Gaston Franco, Salvador Sedó i Alabart, Herbert Reul, Vladimir Urutchev, Jan Březina, Bogdan Kazimierz Marcinkiewicz, Marian-Jean Marinescu, Pilar del Castillo Vera, Jolanta Emilia Hibner**

**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,***

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

*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<sup>36</sup>.*

Or. en

**Amendment 33**  
**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<sup>36</sup>.*

*Amendment*

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

Or. pt

**Amendment 34**  
**Konrad Szymański**

**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<sup>36</sup>.*

*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.

Or. en

*Justification*

*Menthol is a traditionally established ingredient of tobacco products in some Member States. Treating it on an equal footing with other flavours would lead to a disproportionate impact on tobacco markets in those Member States and could also lead to an increase in illegal selling in those states. Besides, the scientific proof mentioned is not unequivocal.*

**Amendment 35**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik, Bogdan Kazimierz Marcinkiewicz**

**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***<sup>36</sup>.

*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 the traditional flavour of menthol***, which may facilitate uptake of tobacco consumption or affect consumption patterns.

Or. pl

**Amendment 36**  
**Roger Helmer**

**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***

*Amendment*

(15) The likelihood of diverging regulation is further increased by concerns over tobacco products, including smokeless tobacco products, having ***certain candy-like or fruity characterising flavours*** which may facilitate smoking uptake among young people.

*introducing unjustified differences of treatment between flavoured cigarettes (e.g. menthol and clove cigarettes) should be avoided<sup>36</sup>.*

Or. en

**Amendment 37**  
**Ewald Stadler**

**Proposal for a directive**  
**Recital 15**

*Text proposed by the Commission*

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

*Amendment*

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

Or. de

*Justification*

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

**Amendment 38**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**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<sup>36</sup>.

*Amendment*

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

Or. en

*Justification*

*It is too narrow to only address "characterising flavour". All flavours should be addressed.*

**Amendment 39**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**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

*Amendment*

(16) The prohibition of tobacco products with flavours does not prohibit the use of individual additives altogether, but obliges the manufactures to reduce the additive or the combination of additives to such an

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.

extent that the additives no longer result in a flavour. The use of additives necessary for manufacturing of tobacco products should be allowed, as long as they do not result in a flavour **and are not linked to attractiveness.** The application of this Directive should not discriminate between different tobacco varieties.

Or. en

#### *Justification*

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

#### **Amendment 40**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik, Bogdan Kazimierz Marcinkiewicz**

#### **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

##### *Amendment*

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

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.

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

Or. pl

**Amendment 41**  
**Hans-Peter Martin**

**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. de

**Amendment 42**  
**Ioannis A. Tsoukalas**

**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

**(18) *Despite*** 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.*

consumed by older consumers should *not* be granted an exemption from certain ingredients requirements.

Or. el

**Amendment 43**  
**Angelika Niebler**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

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

*Amendment*

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

Or. de

*Justification*

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

**Amendment 44**  
**Bendt Bendtsen, Gaston Franco, Salvador Sedó i Alabart, Vladimir Urutchev, Alejo Vidal-Quadras, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Jolanta Emilia Hibner, Marian-Jean Marinescu**

**Proposal for a directive**  
**Recital 18**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 45**  
**Roger Helmer**

**Proposal for a directive**  
**Recital 19**

*Text proposed by the Commission*

(19) Disparities still exist between national provisions regarding the labelling of tobacco products, in particular with regard to the ***use of combined health warnings consisting of a picture and a text,*** information on cessation services and promotional elements in and on packets.

*Amendment*

(19) Disparities still exist between national provisions regarding the labelling of tobacco products, in particular with regard to the ***size of*** health warnings, information on cessation services and promotional elements in and on packets.

Or. en

**Amendment 46**  
**Hans-Peter Martin**

**Proposal for a directive**  
**Recital 20**

*Text proposed by the Commission*

(20) Such disparities are liable to constitute a barrier to trade and to impede the operation of the internal market in tobacco products, and should therefore be eliminated. Also, consumers in some Member States may be better informed about the health risks of tobacco products than in others. Without further action at Union level, the existing disparities are likely to increase in the coming years.

*Amendment*

(20) Such disparities are liable to constitute a barrier to trade and to impede the operation of the internal market in tobacco products, and should therefore be eliminated. Also, consumers in some Member States may be better informed about the health risks of tobacco products than in others. Without further **harmonising** action at Union level, the existing disparities are likely to increase in the coming years.

Or. de

**Amendment 47**  
**María do Céu Patrão Neves**

**Proposal for a directive**  
**Recital 22**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 48**  
**Ewald Stadler**

**Proposal for a directive**  
**Recital 23**

*Text proposed by the Commission*

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

Or. de

*Justification*

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

**Amendment 49**  
**Bogdan Kazimierz Marcinkiewicz**

**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

**Amendment 50**  
**María 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,

*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.*

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. *The Commission is urged to carry out a scientific study of the real influence of these products on tobacco consumption.*

Or. pt

**Amendment 51**  
**Alajos Mészáros**

**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

*Amendment*

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

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.*

they are less harmful.

Or. en

**Amendment 52**  
**Konrad Szymański**

**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. en

**Amendment 53**  
**Ioannis A. Tsoukalas**

**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.

Or. el

**Amendment 54**

**Bendt Bendtsen, Jolanta Emilia Hibner, Vladimir Urutchev, Alejo Vidal-Quadras, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Salvador Sedó i Alabart, Marian-Jean Marinescu**

**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

*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.

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

Or. en

#### *Justification*

*"Slim" cigarettes are not more harmful than other tobacco products, and only their packaging can be misleading to the consumers. However, if such products are packed in accordance with provisions of this Directive, there is no higher chance to mislead the consumers.*

#### **Amendment 55**

**Jolanta Emilia Hibner, Bogdan Kazimierz Marcinkiewicz, Boguslaw Sonik, Małgorzata Handzlik**

#### **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

##### *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.

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 **by packaging and labelling such products appropriately and by informing consumers of their harmfulness, so that they are fully aware of the consequences of using such products.**

Or. pl

#### *Justification*

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

#### **Amendment 56** **Roger Helmer**

#### **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

##### *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.

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

**Amendment 57**  
**Hans-Peter Martin**

**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’,

*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. **This** is the case, **inter alia**, with certain **forms of wording** or features, such as ‘low-tar’, ‘light’, ‘ultra-light’, ‘mild’, ‘natural’, ‘organic’, ‘without additives’, ‘without

'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.

flavours', 'slim', names, pictures, and figurative or other signs. Likewise, the size and appearance of individual cigarettes can mislead consumers by creating the **false** 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 **as a matter of urgency**.

Or. de

#### **Amendment 58**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

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

**Amendment 59**  
**Hans-Peter Martin**

**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) 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. de

**Amendment 60**  
**Ioannis A. Tsoukalas**

**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

*Amendment*

(24) Tobacco products for smoking, other than cigarettes and roll-your-own tobacco products, which are mainly consumed by older consumers should ***not*** be granted an exemption from certain labelling requirements. 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.

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. el

**Amendment 61**  
**Hans-Peter Martin**

**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

(25) Member States apply different rules on minimum number of cigarettes per packet. Those rules should be aligned in order to ensure free circulation of the concerned products.

*Amendment*

(25) Member States apply different rules on minimum number of cigarettes per packet. Those rules should be aligned in order to ensure *easy cost comparisons for the consumer and the* free circulation of the concerned products.

Or. de

**Amendment 62**  
**Hans-Peter Martin**

**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

*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.

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, ***thus protecting consumers from harmful counterfeit goods.***

Or. de

### **Amendment 63**

**Bendt Bendtsen, Jarosław Leszek Wałęsa, Vladimir Urutchev, Jan Březina, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Jolanta Emilia Hibner**

#### **Proposal for a directive**

##### **Recital 29**

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

(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 use<sup>38</sup> 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 prohibition<sup>39</sup>. ***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

###### *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 use<sup>38</sup> 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 prohibition<sup>39</sup>. ***However, the ban on tobacco products for oral use, should not affect historically traditional tobacco products for oral use, marketing of which may be allowed by individual Member States.*** For other smokeless tobacco products that are not produced for the mass market, a strict

market, a strict labelling and ingredients regulation is considered sufficient to contain market expansion beyond their traditional use.

labelling and ingredients regulation is considered sufficient to contain market expansion beyond their traditional use.

Or. en

#### **Amendment 64**

**Åsa Westlund, Marita Ulvskog**

#### **Proposal for a directive**

#### **Recital 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29a) Given the general prohibition of the sale of oral tobacco (snus) in the EU, there is no cross-border interest in regulating the content of snus. The responsibility for regulating the content of snus thus lies with the Member State where the sale of snus is permitted in accordance with Article 151 of the Act of Accession of Austria, Finland and Sweden. Snus should therefore be exempt from the provisions of Article 6 of this Directive.***

Or. sv

#### **Amendment 65**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

#### **Proposal for a directive**

#### **Recital 30**

*Text proposed by the Commission*

*Amendment*

**(30) *Cross-border distance*** sales of tobacco facilitate access to tobacco products of young people and risk to undermine compliance with the requirements provided for by tobacco

**(30) *Internet*** sales of tobacco facilitate access to tobacco products of young people and risk to undermine compliance with the requirements provided for by tobacco control legislation and in particular by this



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***<sup>40</sup>. 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.<sup>41</sup>

Directive, ***and should therefore be prohibited, in line with the implementing guidelines of the Framework Convention on Tobacco Control.*** 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.<sup>41</sup>

Or. en

#### *Justification*

*All internet sales of tobacco should be prohibited. The Commission's impact assessment finds that cross border internet sales are mainly illicit, and the guidelines for implementing Article 13 of the FCTC recommend prohibiting all internet sales. Effective age verification is very difficult to achieve online.*

#### **Amendment 66**

**Jolanta Emilia Hibner, Bogdan Kazimierz Marcinkiewicz, Bogusław Sonik, Małgorzata Handzlik**

#### **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 consumption should be contained. It is therefore important to monitor developments as regards novel

tobacco products. A notification obligation for novel tobacco products should be put on manufacturers and importers, without prejudice to the power of the Member States to ban or to authorise them. The Commission should monitor the developments and submit a report 5 years after the date of transposition of this Directive, in order to assess whether amendments to this Directive are necessary.

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 developments and submit a report 5 years after the date of transposition of this Directive, in order to assess whether amendments to this Directive are necessary. ***Children and young people must be educated, as this is the simplest and most effective way of preventing young people from starting to smoke. Consideration should also be given to creating a fund financed by the manufacturers of tobacco products, which would be used to fund anti-smoking campaigns. Member States should harmonise the legal age for purchasing tobacco products at 18.***

Or. pl

**Amendment 67**  
**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 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

*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 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

amendments to this Directive are necessary.

Directive, in order to assess whether amendments to this Directive are necessary.

Or. fr

**Amendment 68**  
**Hans-Peter Martin**

**Proposal for a directive**  
**Recital 31**

*Text proposed by the Commission*

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

*Amendment*

(31) All tobacco products have the potential to cause mortality, morbidity and disability and their consumption should be contained. It is therefore important to monitor developments as regards novel tobacco products. A notification obligation for novel tobacco products should be put on manufacturers and importers, without prejudice to the power of the Member States to ban or to authorise them. The Commission should monitor the development and submit a report 3 years after the transposition deadline of this Directive, in order to assess whether amendments to this Directive are necessary.

Or. de

**Amendment 69**  
**Robert Goebbels**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code

*Amendment*

*deleted*

relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products including nicotine containing products. *A significant number of nicotine-containing products were already authorised under this regulatory regime. The authorisation takes into account the nicotine content of the product in question. Subjecting all nicotine-containing products, whose nicotine content equals or exceeds the content of a nicotine containing product previously authorised under Directive 2001/83/EC, to the same legal framework clarifies the legal situation, levels out differences between national legislations, ensures equal treatment of all nicotine containing products usable for smoking cessation purposes and creates incentives for research and innovation in smoking cessation. This should be without prejudice to the application of Directive 2001/83/EC to other products covered by this Directive if the conditions set by Directive 2001/83/EC are fulfilled.*

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<sup>42</sup> OJ L 311, 28.11.2001, p. 67, as last amended by Directive 2011/62/EU, OJ L 174, 1.7.2011, p. 74.

Or. fr

#### *Justification*

*It should be stressed that this proposed provision is not based on any substantiated scientific study. Electronic cigarettes are not a tobacco product. Nor are they a medical product. They are a relatively new product for which specific legislation should be adopted once studies currently under way have reached valid conclusions. The Commission should propose such legislation following a broad and transparent consultation procedure.*

#### **Amendment 70**

**Bendt Bendtsen, Salvador Sedó i Alabart, Vladimir Urutchev, Herbert Reul, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Jan Březina, Marian-Jean Marinescu**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products **including** nicotine containing products. ***A significant number of nicotine-containing products were already authorised under this regulatory regime. The authorisation takes into account the nicotine content of the product in question. Subjecting all nicotine-containing products, whose nicotine content equals or exceeds the content of a nicotine containing product previously authorised under Directive 2001/83/EC, to the same legal framework clarifies the legal situation, levels out differences between national legislations, ensures equal treatment of all nicotine containing products usable for smoking cessation purposes and creates incentives for research and innovation in smoking cessation. This should be without prejudice to the application of Directive 2001/83/EC to other products covered by this Directive if the conditions set by Directive 2001/83/EC are fulfilled.***

*Amendment*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use provides a legal framework to assess the quality, safety and efficacy of medicinal products. Nicotine containing products ***other than the tobacco*** products ***covered by this directive should be regulated under the upcoming review of the pharmaceutical package with the purpose of informing and protecting consumers. The revision may include provisions allowing to market nicotine containing products with lower risk and a positive risk/benefit balance and which can help consumers to quit smoking as consumer products, provided they feature an adapted health warning.***

Or. en

**Amendment 71**  
**Niki Tzavela**

**Proposal for a directive**  
**Recital 34**

*Text proposed by the Commission*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products ***including nicotine containing products***. A significant number of nicotine-containing products ***were*** already authorised under this regulatory regime. ***The authorisation takes into account the nicotine content of the product in question. Subjecting all nicotine-containing products, whose nicotine content equals or exceeds the content of a nicotine containing product previously authorised under Directive 2001/83/EC, to the same legal framework clarifies the legal situation, levels out differences between national legislations, ensures equal treatment of all nicotine containing products usable for smoking cessation purposes and creates incentives for research and innovation in smoking cessation. This should be without prejudice to the application of Directive 2001/83/EC to other products covered by this Directive if the conditions set by Directive 2001/83/EC are fulfilled.***

*Amendment*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products. ***Considering that*** a significant number of nicotine-containing products ***are*** already authorised under this regulatory regime, ***the Commission should as part of its upcoming review of the relevant pharmaceutical legislation conduct a study and a full impact assessment, including stakeholder consultation, to determine the most appropriate regulation of electronic cigarettes on that basis.***

Or. en

*Justification*

*Subjecting all nicotine-containing products to a medicinal regime without first conducting a detailed impact assessment could effectively, yet unnecessarily, restrict or remove the product from the market. The proposed revision of the EU Pharma Package in two years' time would give legislators time to properly rectify this and determine an appropriate framework for the regulation of electronic cigarettes.*

**Amendment 72**  
**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 34**

*Text proposed by the Commission*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products including nicotine containing products. A significant number of nicotine-containing products were already authorised under this regulatory regime. The authorisation takes into account the nicotine content of the product in question. ***Subjecting all nicotine-containing products, whose nicotine content equals or exceeds the content of a nicotine containing product previously authorised under Directive 2001/83/EC, to the same legal framework*** clarifies the legal situation, levels out differences between national legislations, ensures equal treatment of all nicotine containing products usable for smoking cessation purposes and creates incentives for research and innovation in smoking cessation. This should be without prejudice to the application of Directive 2001/83/EC to other products covered by this Directive if the conditions set by Directive 2001/83/EC are fulfilled.

*Amendment*

(34) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use<sup>42</sup> provides a legal framework to assess the quality, safety and efficacy of medicinal products including nicotine containing products. A significant number of nicotine-containing products were already authorised under this regulatory regime. The authorisation takes into account the nicotine content of the product in question. ***However, measuring nicotine delivery has proven to be difficult, as it depends on the products and how they are being used. Therefore, subjecting all nicotine-containing products regardless of their nicotine content to*** Directive 2001/83/EC clarifies the legal situation, levels out differences between national legislations, ensures equal treatment of all nicotine containing products usable for smoking cessation purposes and creates incentives for research and innovation in smoking cessation. This should be without prejudice to the application of Directive 2001/83/EC to other products covered by this Directive if the conditions set by Directive 2001/83/EC are fulfilled.

Or. en

*Justification*

*The only justification for allowing the marketing of nicotine containing products (NCPs) is for cessation purposes. It is very difficult to assess the nicotine delivery of NCPs. An intensive use of NCPs with a low level of nicotine could still lead to significant nicotine intake. It is thus appropriate to subject all NCP to pharmaceutical legislation. This would ensure the quality, safety and efficacy of NCPs, as well as a level playing field for all nicotine containing products.*

**Amendment 73**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

**(35) Labelling provisions should be introduced for nicotine containing products below the threshold set out in this Directive drawing the attention of consumers to potential health risks.** *deleted*

Or. en

*Justification*

*This is linked to the amendment subjecting all manufactured NCP to pharmaceutical legislation. When all NCPs are regulated as medicinal products irrespective of the nicotine concentration therein, this clause on labelling becomes obsolete.*

**Amendment 74**  
**Niki Tzavela**

**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

*Amendment*

**(35) Labelling provisions should be introduced for nicotine containing products below the threshold set out in this Directive drawing the attention of consumers to potential health risks.** *deleted*

Or. en

**Amendment 75**  
**Hans-Peter Martin**



**Proposal for a directive**  
**Recital 35**

*Text proposed by the Commission*

(35) Labelling provisions should be introduced for nicotine containing products below the threshold set out in this Directive drawing the attention of consumers to potential health risks.

*Amendment*

(35) Labelling provisions should be introduced for nicotine containing products below the threshold set out in this Directive, **explicitly** drawing the attention of consumers to potential health risks.

Or. de

**Amendment 76**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**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 182/2011<sup>43</sup>.

*Amendment*

(37) In order to ensure uniform conditions for the implementation of this Directive, in particular concerning the format of ingredients reporting, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011<sup>43</sup>.

Or. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same authors.*

**Amendment 77**  
**Alajos Mészáros**

**Proposal for a directive**  
**Recital 38**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 78**  
**Bendt Bendtsen, Jean-Pierre Audy, Vladimir Urutchev, Jan Březina, Hermann Winkler,**

**Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Salvador Sedó i Alabart,  
Marian-Jean Marinescu, Jolanta Emilia Hibner**

**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 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.

*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 ***for non-essential elements of the Directive.*** 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 79  
Roger Helmer**

**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 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.

*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 **the 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. en

**Amendment 80**  
**Paul Rübzig**

**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 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.

*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 **the 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. de

**Amendment 81**  
**Ewald Stadler**

**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 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.

*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 **the 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. de

**Amendment 82**  
**Hans-Peter Martin**

**Proposal for a directive**  
**Recital 39**

*Text proposed by the Commission*

(39) The Commission should monitor the developments and submit a report **5** years after the date of transposition of this Directive, in order to assess whether amendments to this Directive are necessary.

*Amendment*

(39) The Commission should monitor the developments and submit a report **3** years after the date of transposition of this Directive, in order to assess whether amendments to this Directive are necessary.

Or. de

**Amendment 83**  
**Inês Cristina Zuber**

**Proposal for a directive**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) Emphasis is placed on the importance and responsibility of the Member States in protecting public health and taking preventive action, providing public guarantees, monitoring and advice for young people, and carrying out preventive public anti-smoking campaigns, particularly in schools; universal free access to smoking cessation consultations and the corresponding treatments is considered vital.***

Or. pt

**Amendment 84**  
**Paul Rübzig**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

*Amendment*

(40) ***A Member State that deems it necessary to maintain more stringent***

(40) ***The Directive intends to harmonise the specific rules for the manufacture,***

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

*presentation and sale of tobacco products and related products, thereby ensuring that individual Member States do not introduce national legislative provisions relating to labelling and packaging requirements that go further than the Directive.*

*If a Member State already has more stringent national provisions applying to all products alike on aspects that fall within the scope of this Directive, it should be allowed to apply these on the basis of overriding requirements relating to the protection of public health. These national provisions should, however, be necessary and proportionate, and 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.*

Or. de

**Amendment 85**  
**Niki Tzavela**

**Proposal for a directive**  
**Recital 40**



*Text proposed by the Commission*

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

*Amendment*

(40) *This directive fully harmonises certain aspects on the manufacture, presentation and sale of tobacco and related products and Member States should not be allowed to maintain or introduce in their national legislation provisions diverging from the labelling and packaging requirements laid down in this directive.*

Or. en

**Amendment 86**  
**Ewald Stadler**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

(40) A Member State that deems it necessary to maintain more stringent national provisions for aspects falling inside the scope of this Directive should be allowed to do so, for all products alike, on grounds of overriding needs relating to the protection of public health. A Member State should also be allowed to introduce more stringent provisions, applying to all

*Amendment*

(40) A Member State that deems it necessary to maintain more stringent national provisions for aspects falling inside the scope of this Directive should be allowed to do so, for all products alike, on grounds of overriding needs relating to the protection of public health. A Member State should also be allowed to introduce more stringent provisions, applying to all

products alike, on grounds relating to the specific situation of this Member State and provided the provisions are justified by the need to protect public health. More stringent national provisions should be necessary and proportionate, not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. Stricter national provisions require prior notification to, and approval from, the Commission taking into account the high level of health protection achieved through this Directive.

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. ***One example of a means of arbitrary discrimination is the rule that the surface covered by warnings be raised to over 60%. The aim of this Directive is to introduce uniform packaging and labelling requirements, so strict criteria must be applied regarding the leeway for Member States to adopt standards that diverge considerably from the rules established in this Directive.***

Or. de

**Amendment 87**  
**Konrad Szymański**

**Proposal for a directive**  
**Recital 40**

*Text proposed by the Commission*

(40) A Member State that deems it necessary to maintain more stringent national provisions for aspects falling inside the scope of this Directive should be allowed to do so, for all products alike, on grounds of overriding needs relating to the protection of public health. A Member State should also be allowed to introduce more stringent provisions, applying to all products alike, on grounds relating to the specific situation of this Member State and provided the provisions are justified by the need to protect public health. More

*Amendment*

(40) A Member State that deems it necessary to maintain more stringent national provisions for aspects falling inside the scope of this Directive should be allowed to do so, for all products alike, on grounds of overriding needs relating to the protection of public health. A Member State should also be allowed to introduce more stringent provisions, applying to all products alike, on grounds relating to the specific situation of this Member State and provided the provisions are justified by the need to protect public health. More

stringent national provisions should be necessary and proportionate, not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. Stricter national provisions require prior notification to, **and approval from**, the Commission taking into account the high level of health protection achieved through this Directive.

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 the Commission taking into account the high level of health protection achieved through this Directive.

Or. en

#### *Justification*

*The Commission's power to approve or reject future domestic action is inappropriate as the compatibility of national measures with EU law is for the courts to determine.*

#### **Amendment 88** **Ewald Stadler**

#### **Proposal for a directive** **Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

***(40a) This Directive takes a very comprehensive approach to creating uniform rules for the manufacture, presentation and sale of tobacco products and similar products. Many of the rules in the Directive enter the area of fundamental rights. In order to allay concerns regarding legal certainty, Member States should not be allowed to adopt any provisions that diverge from the labelling and packaging requirements standardised in this Directive.***

Or. de

#### **Amendment 89** **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 90**  
**Paul Rübiger**

**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 services<sup>44</sup>.***

(41) Member States should remain free to introduce national legislations applying to all products alike for aspects falling outside the scope of ***the provisions of*** this Directive, ***in order to protect public health;*** Member States ***may not prohibit or restrict the sale, import and consumption*** of tobacco products ***and related products, if these meet the requirements of this Directive.***

**Amendment 91**

**Niki Tzavela**

**Proposal for a directive**

**Recital 41**

*Text proposed by the Commission*

(41) Member States should *remain free to maintain or introduce national legislations applying to all products alike for aspects falling outside the scope of this Directive, provided they are compatible with the Treaty and do not jeopardise the full application* of this Directive.

*Accordingly, Member States could, for instance, maintain or introduce provisions providing standardisation of packaging of tobacco products provided that those provisions are compatible with the Treaty, with WTO obligations and do not affect the full application of this Directive. A prior notification is required for technical regulations pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on rules on Information Society services<sup>44</sup>.*

*Amendment*

(41) Member States should *be able to adapt more stringent rules concerning tobacco products which they deem necessary to protect public health, in-so-far as such rules fall outside the scope of the provisions* of this Directive. *In-so-far as tobacco or related products comply with the requirements of this Directive, Member States shall not prohibit or restrict the import, sale or consumption of such products.*

**Amendment 92**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Recital 41**

*Text proposed by the Commission*

(41) Member States should remain free to maintain or introduce national legislations applying to all products alike for aspects falling outside the scope of this Directive, provided they are compatible with the Treaty and do not jeopardise the full application of this Directive. ***Accordingly, Member States could, for instance, maintain or introduce provisions providing standardisation of packaging of tobacco products provided that those provisions are compatible with the Treaty, with WTO obligations and do not affect the full application of this Directive.*** A prior notification is required for technical regulations pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on rules on Information Society services<sup>44</sup>.

*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. A prior notification is required for technical regulations pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on rules on Information Society services<sup>44</sup>.

*(If corresponding amendments introducing standardised packaging are not adopted, this amendment should fall.)*

Or. en

*Justification*

*Standardised packaging should be introduced as mandatory as outlined in other amendments by the same author.*

**Amendment 93**  
**Jean-Pierre Audy, Sophie Auconie**

**Proposal for a directive**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

***(41a) Member States should supplement***

*the legislative provisions of this Directive with any measures that are useful to help protect the health of European citizens. The gradual harmonisation of the taxation of tobacco products in the Union and information campaigns in the media and for young people in educational institutions are two essential tools in combating the dangers of smoking among young people.*

Or. fr

**Amendment 94**  
**Ewald Stadler**

**Proposal for a directive**  
**Recital 41 a (new)**

*Text proposed by the Commission*

*Amendment*

*(41a) If tobacco products or similar products comply with the requirements of this Directive, Member States may not prohibit or unreasonably restrict the import, sale or consumption of these products. Manufacturers must retain the safeguard of a certain minimum level of legal certainty.*

Or. de

**Amendment 95**  
**Jean-Pierre Audy, Sophie Auconie**

**Proposal for a directive**  
**Recital 41 b (new)**

*Text proposed by the Commission*

*Amendment*

*(41b) The Member States should cover the health costs related to tobacco consumption by a tax levied directly on tobacco products;*

**Amendment 96**  
**Ewald Stadler**

**Proposal for a directive**  
**Recital 42**

*Text proposed by the Commission*

(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 data<sup>45</sup>.

*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 data<sup>45</sup>. ***National data protection provisions must also be taken into account.***

Or. de

**Amendment 97**  
**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***

*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).



*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.*

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. In addition, it is not legislators, but independent courts, that decide on the legality of encroachments on fundamental rights.*

**Amendment 98**

**Kent Johansson, Hannu Takkula, Jens Rohde**

**Proposal for a directive**

**Article 1 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Directive shall not apply to snus in Sweden, in accordance with Article 151 of the Act of Accession of Austria, Finland and Sweden.***

Or. en

*Justification*

*Since there is an exemption for snus in Sweden, and since it is not a product sold on the internal market, this directive should not apply to snus in Sweden.*

**Amendment 99**

**Werner Langen**

**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 substance contained in a tobacco product with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

Or. de

**Amendment 100**

**Jolanta Emilia Hibner, Bogdan Kazimierz Marcinkiewicz, Małgorzata Handzlik, Bogusław Sonik**

**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 the traditional flavour of 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. pl

**Amendment 101**

**Bendt Bendtsen, Gaston Franco, Herbert Reul, Vladimir Urutchev, Jan Březina, Pilar del Castillo Vera, Jolanta Emilia Hibner, Salvador Sedó i Alabart**

**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***

*Amendment*

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, ***with the***

*not limited to* fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

**exception of menthol, including** fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product;

Or. en

**Amendment 102**  
**Marian-Jean Marinescu**

**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, herb, candy or vanilla observable before or upon intended use of the tobacco product;

Or. en

**Amendment 103**  
**Jürgen Creutzmann, Jens Rohde**

**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, **with the exception of menthol, including** fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product;

Or. en

*Justification*

*Menthol is a classic cigarette flavour that is usually not attractive to young smokers, which is why there is no specific reason to intervene here.*

**Amendment 104**  
**Ewald Stadler**

**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. de

**Amendment 105**  
**András Gyürk**

**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 **and 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 106**  
**Roger Helmer**

**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 107**  
**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) (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 108**  
**Konrad Szymański**

**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, menthol or vanilla observable before or upon intended use of the tobacco product;

Or. en

*Justification*

*Menthol is a traditionally established ingredient of tobacco products in some Member States. Treating it on an equal footing with other flavours would lead to a disproportionate impact on tobacco markets in those Member States and could also lead to an increase in illegal selling in those states. Besides, the scientific proof mentioned is not unequivocal.*

**Amendment 109**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**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) ‘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;

Or. en

*Justification*

*The Directive should address flavours as such, and not just "characterising" flavours.*

**Amendment 110**  
**Pilar del Castillo Vera**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) 'cigarillo' means a small type of cigar  
with a diameter of up to 8 mm;**                      **deleted**

Or. en

**Amendment 111**  
**Paul Rübiger**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) 'cigarillo' means a small type of cigar  
with a diameter of up to 8 mm;**                      **deleted**

Or. de

*Justification*

*Cigarillos are already covered by the definition of 'cigar', so no separate definition is needed.*

**Amendment 112**  
**Ivo Belet, Philippe De Backer**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) 'cigarillo' means a small type of cigar  
with a diameter of up to 8 mm;**                      **deleted**

Or. en

**Amendment 113**  
**Holger Krahmer**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) 'cigarillo' means a small type of cigar  
with a diameter of up to 8 mm;** **deleted**

Or. de

*Justification*

*A cigarillo is simply a type of cigar; a separate definition is therefore not necessary.*

**Amendment 114**  
**Maria do Céu Patrão Neves**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

**(8) 'cigarillo' means a small type of cigar  
with a diameter of up to 8 mm;** **deleted**

Or. pt

**Amendment 115**  
**Bernd Lange**

**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 including expanded and***

**(18) 'ingredient' means *any* additive, (*the  
connection to the next part is not  
grammatically clear - translator's note*)  
substance present in a finished tobacco**



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

product including paper, filter, inks, capsules and adhesives;

Or. de

**Amendment 116**  
**Gaston Franco**

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

*Text proposed by the Commission*

*Amendment*

*(18a) ‘reconstituted tobacco’ means the result of the enhancement of different parts of the tobacco plant from threshing and the manufacture of tobacco products, used as sheets or individual strands as a component of the tobacco blend for cigarettes and other tobacco products*

Or. fr

**Amendment 117**  
**Roger Helmer**

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

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 118**  
**Lara Comi, Aldo Patriciello**

**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

*Justification*

*Allowing for the possibility of the maximum emission being zero would effectively mean that any of the tobacco products currently on the market could be banned.*

**Amendment 119**

**Bendt Bendtsen, Herbert Reul, Gaston Franco, Salvador Sedó i Alabart, Marian-Jean Marinescu, Vladimir Urutchev, Pilar del Castillo Vera, Jolanta Emilia Hibner, Aldo Patriciello**

**Proposal for a directive**  
**Article 2 – paragraph 1 – point 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) "Tobacco products with lower risk" means a tobacco product that is designed and marketed to reduce the risks of smoking compared to conventional tobacco products, especially cigarettes, which is placed on the market after the entry into force of this Directive.***

Or. en

**Amendment 120**  
**Paul Rübzig**

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

*Text proposed by the Commission*

*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 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;*

*deleted*

Or. de

*Justification*

*In many Member States, exceptional circumstances, such as a 10% rise in sales, can occur very quickly, as consumption of cigars and pipe tobacco is very low there.*

**Amendment 121**  
**Pilar del Castillo Vera**

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

*Text proposed by the Commission*

*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 **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

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **20% in the 10 biggest volume** Member States' **markets** 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 **10** percentage points in at least 10 Member States for the respective product category based on \_\_\_\_ [this date will be

Directive] Eurobarometer report or equivalent prevalence studies;

set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. en

## **Amendment 122**

**Maria do Céu Patrão Neves**

### **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 **20%** in **the** 10 Member States **with the highest sales volume** 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;

Or. pt

## **Amendment 123**

**Holger Krahrmer, Jürgen Creutzmann**

### **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**

##### *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 **20%** in **the** 10

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;

***biggest sales volume*** 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;

Or. de

#### *Justification*

*In most Member States, annual consumption of cigars and pipe tobacco is very low. A 10% mark for fluctuations in sales volumes would therefore be very quickly attained.*

**Amendment 124**  
**Maria do Céu Patrão Neves**

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

*Text proposed by the Commission*

*Amendment*

***(36a) ‘reduced risk product’ means any product containing tobacco which, when marketed, significantly reduces the risk of illnesses associated with the consumption of conventional tobacco products. A product designed to treat addiction to tobacco consumption, including smoking cessation, is not a low-risk product if it has been approved as a medicinal product.***

Or. pt

**Amendment 125**  
**Niki Tzavela**

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

*Text proposed by the Commission*

*Amendment*

***(36a) "Reconstituted tobacco" means the result of enhancement of different parts of the tobacco plant from threshing and the manufacture of tobacco products, whether used as a wrap for cigars and cigarillos either as sheets or individual strands as a component of the tobacco blend for cigarettes and other tobacco products.***

Or. en

*Justification*

*The Directive must take into consideration and define precisely all tobacco products and existing reconstitution techniques in order to implement identical rules across the internal market.*

**Amendment 126**  
**Bernd Lange**

**Proposal for a directive**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The yield of cigarettes placed on the market ***or manufactured*** in the Member States shall not be greater than:

1. The yield of cigarettes placed on the market in the Member States shall not be greater than:

Or. de

**Amendment 127**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 3 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) 0.002 picocuries of Polonium 210**

Or. en

*Justification*

*Polonium was found to be a significant carcinogen in tobacco. Each cigarette contains about 0.04 picocuries (Rego, Isis, 2009). It is estimated that "puff by puff, the poison builds up to the equivalent radiation dose of 300 chest x-rays a year or a person who smokes 30 cigarettes a day" (Rego, Scientific American, 2011). A combination of several measures could virtually eliminate Polonium 210 from cigarettes (e.g. use of low-uranium fertilizer, wash leaves after harvest, additives, filters).*

**Amendment 128**

**Bernd Lange**

**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. de

**Amendment 129**

**Laurence J.A.J. Stassen**

**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** **deleted**

*laid down in paragraph 1, taking into account scientific development and internationally agreed standards.*

Or. nl

**Amendment 130**  
**Paul Rübzig**

**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. de

**Amendment 131**  
**Lara Comi, Aldo Patriciello**

**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. it

*Justification*

*The Commission's power to reduce the maximum levels of tar, nicotine and carbon monoxide*



*should be opposed as a matter of priority because it allows the Commission to modify vital aspects of the directive (and prohibit any tobacco product currently on the market) without proper involvement of Parliament and the Council, in breach of the provisions of Article 290(1) TFEU.*

**Amendment 132**

**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 133**

**Ivo Belet, Philippe De Backer**

**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. en

**Amendment 134**

**Alajos Mészáros**

**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. en

**Amendment 135**  
**Konrad Szymański, Evžen Tošenovský**

**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. en

*Justification*

*Article 3(2) contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.*

**Amendment 136**  
**Roger Helmer**

**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. en

**Amendment 137**

**András Gyürk**

**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. en

**Amendment 138**

**Ewald Stadler**

**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*

**Amendment 139**

**Bendt Bendtsen, Jean-Pierre Audy, Vladimir Urutchev, Herbert Reul, Pilar del Castillo Vera, Hermann Winkler, Marian-Jean Marinescu**

**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*

**Amendment 140**

**Jean-Pierre Audy**

**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** *deleted*

*products beyond the threshold of toxicity and addictiveness stemming from the yields of tar, nicotine and carbon monoxide fixed in paragraph 1.*

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.*

**Amendment 141**  
**Paul Rübzig**

**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. de

**Amendment 142**  
**Lara Comi, Aldo Patriciello**

**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. it

*Justification*

*The Commission's power to establish and adapt maximum levels for other emissions should be opposed as a matter of priority because it allows the Commission to modify vital aspects of the directive (and prohibit any tobacco product currently on the market) without proper involvement of Parliament and the Council, in breach of the provisions of Article 290(1) TFEU.*

**Amendment 143**  
**Alajos Mészáros**

**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. en

**Amendment 144**

**Konrad Szymański, Evžen Tošenovský**

**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. en

*Justification*

*Article 3(3) contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.*

**Amendment 145**  
**Laurence J.A.J. Stassen**

**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*



**Amendment 146**  
**Roger Helmer**

**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*

**Amendment 147**  
**András Gyürk**

**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**

*deleted*

*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.*

Or. en

#### **Amendment 148**

**Ivo Belet, Philippe De Backer**

#### **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*

##### *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.

*yields of tar, nicotine and carbon monoxide fixed in paragraph 1.*

Or. en

**Amendment 149**

**Ewald Stadler**

**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. de

**Amendment 150**

**Laurence J.A.J. Stassen**

**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. nl

**Amendment 151**  
**Laurence J.A.J. Stassen**

**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*

Or. nl

**Amendment 152**  
**Jürgen Creutzmann**

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

*Text proposed by the Commission*

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*

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 **resulting from intended use**. 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.

Or. en

*Justification*

*Clarification with the aim not to oblige manufacturers to perform costly test for emissions of parts of the products that under intended use conditions do not get burned as e.g. the filter of cigarettes.*

**Amendment 153**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall ask ISO to develop a standard to measure Polonium 210 in tobacco.***

Or. en

*Justification*

*There is already an ISO standard to measure Polonium 210 activity in water (ISO 13161 :2011 ). It should be possible to develop a standard for measuring Polonium 210 in tobacco based on this standard. The Commission should ask ISO to develop such a standard.*

**Amendment 154**  
**Konrad Szymański**

**Proposal for a directive**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure the dissemination of information submitted in accordance with paragraph 1 on a ***dedicated*** website, which is available to the general public. In doing so Member States shall take due account of the need to protect information which constitutes a trade secret.

*Amendment*

2. Member States shall ensure the dissemination of information submitted in accordance with paragraph 1 on a website, which is available to the general public. In doing so Member States shall take due account of the need to protect information which constitutes a trade secret.

Or. en

*Justification*

*This amendment provides clarification that a publicly available website is sufficient for the purpose; there is no need for Member States to construct an entirely new website.*

**Amendment 155**  
**Marian-Jean Marinescu**

**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*

***deleted***

Or. en

**Amendment 156**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**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*

***The use of additives in tobacco products other than those listed in Annex -I, or listed there but not used in accordance with the conditions laid down in that Annex, shall be prohibited. Annex -I shall only contain substances that do not meet the criteria for classification as hazardous in accordance with Regulation EC (No) 1272/2008, and that do not result in such substances upon combustion. Annex -I shall not contain flavours or substances that increase palatability. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to establish and modify Annex -I.***

Or. en

*Justification*

*It is too limited to restrict only additives that give a 'characterising flavour'. Only additives that have received explicit approval should be allowed in tobacco products. All hazardous substances (as such or upon combustion), any flavour and any additive that increases palatability should not qualify. The latter follows WHO guidelines, according to which "Parties should regulate, by prohibiting or restricting, ingredients that may be used to increase palatability in tobacco products".*

**Amendment 157**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik, Bogdan Kazimierz Marcinkiewicz**

**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 a characterising flavour ***other than the traditional flavour of menthol, provided that there is unequivocal scientific proof that the particular additive increases the product's toxicity or addictiveness.***

Or. pl

*Justification*

*Using characterising flavours cannot be prohibited unless proof exists that they make tobacco products more harmful. All tobacco products are harmful, regardless of their flavour; therefore, one product should not be banned without proper justification.*

**Amendment 158**

**Jürgen Creutzmann, Jens Rohde**

**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 a characterising flavour ***where this increases in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product.***

Or. en

*Justification*

*Cigarettes remain a legal product and therefore there is no justification for an intervention regarding flavours unless the products are indeed healthier than usual cigarettes.*

**Amendment 159**

**Pilar del Castillo Vera**



**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 placing on the market **products with additives providing dominant flavour different from tobacco according to the provisions of paragraph 2**.

Or. en

**Amendment 160**  
**Kent Johansson, Hannu Takkula**

**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 a characterising flavour. **This shall not apply in respect of the placing on the market of snus in Sweden, in accordance with Article 151 of the Act of Accession of Austria, Finland and Sweden.**

Or. en

*Justification*

*Since there is an exemption for snus in Sweden, and since it is not a product sold on the internal market, flavour regulation should not apply to snus in Sweden.*

**Amendment 161**  
**Salvador Sedó i Alabart**

**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 give a dominant** flavour **that differs from that of tobacco, taking the provisions of paragraph 2 into account.**

Or. es

**Amendment 162**  
**Jean-Pierre Audy**

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

Or. fr

**Amendment 163**  
**Marian-Jean Marinescu**

**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 **may use** additives which are essential for the manufacture of tobacco products.

Or. en

## Amendment 164

Michèle Rivasi

on behalf of the Verts/ALE Group

### 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*

Additives which are essential for the manufacture of tobacco products **may be included in Annex -I**, as long as the additives do not result in a product with a flavour **and are not linked to attractiveness of tobacco products**.

Or. en

#### *Justification*

*According to repeated statements by Health Commissioner Borg, tobacco should taste like tobacco. As such, no flavour can be seen as essential for the manufacture of tobacco. Only additives that do not result in a flavour and are not linked to attractiveness can qualify as being essential for the manufacture of tobacco products.*

## Amendment 165

Francesco De Angelis, Vincenzo Iovine

### 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 **restrict or** prohibit the use of additives which are essential for the manufacture of tobacco products, as long as the **use of those additives does** not result in a product with a characterising flavour.

Or. en

#### *Justification*

*The concept of an additive or flavouring being "essential" for product manufacture is unclear*

*and is a recipe for inconsistent decision-making and challenges.*

**Amendment 166**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik, Bogdan Kazimierz Marcinkiewicz**

**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

**Amendment 167**

**Salvador Sedó i Alabart**

**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. es

**Amendment 168**

**Pilar del Castillo Vera**

**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. en

**Amendment 169**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same author.*

**Amendment 170**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

*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. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same author.*

**Amendment 171**  
**Salvador Sedó i Alabart**

**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, ***based on scientific evidence***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

Or. es

**Amendment 172**  
**Salvador Sedó i Alabart**

**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

**Amendment 173**  
**Pilar del Castillo Vera**

**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. en

**Amendment 174**  
**Alajos Mészáros**

**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. en

**Amendment 175**  
**Salvador Sedó i Alabart**

**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

**Amendment 176**  
**Laurence J.A.J. Stassen**

**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. nl

**Amendment 177**

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

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

Or. pt

**Amendment 178**

**Jürgen Creutzmann, Jens Rohde**

**Proposal for a directive  
Article 6 – paragraph 3**

*Text proposed by the Commission*

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.

*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 **and where these increase 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 or combination of additives that cause the characterising flavour.

Or. en

*Justification*

*Cigarettes remain a legal product and therefore there is no justification for an intervention regarding flavours unless the products are indeed unhealthier than usual cigarettes.*

**Amendment 179**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 3**

*Text proposed by the Commission*

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.**

*Amendment*

3. In case a certain additive or a combination thereof typically **imparts a** flavour **or increases palatability only** 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 **by modifying Annex -I accordingly.**

*Justification*

*In line with the proposal for a positive list as a precondition for the use of additives, the provision for the Commission to set maximum levels should be applicable to all flavours and all additives that can increase palatability.*

**Amendment 180**  
**Jean-Pierre Audy**

**Proposal for a directive**  
**Article 6 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Member States shall **prohibit** the use of the following additives in tobacco products:

*Amendment*

4. Member States shall **regulate** the use of the following additives in tobacco products:

Or. fr

**Amendment 181**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**Proposal for a directive**  
**Article 6 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. **Member States** shall **prohibit the use of** the following additives in tobacco products:

*Amendment*

4. **Annex -I** shall **not contain** the following additives in tobacco products:

Or. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same authors.*

**Amendment 182**  
**Salvador Sedó i Alabart**

**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, or

Or. es

**Amendment 183**  
**Salvador Sedó i Alabart**

**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, or

Or. es

**Amendment 184**  
**Salvador Sedó i Alabart**

**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 *the additives indicated in paragraphs 1 and 4* in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of flavour or smoke intensity.

**Amendment 185**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**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. 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 **shall be prohibited**. Filters and capsules shall not contain tobacco.

Or. en

*Justification*

*Editorial change to be coherent with the proposal for a positive list.*

**Amendment 186**

**Gaston Franco**

**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 **characterising flavours** in the components of tobacco products such as filters, papers, packages or any technical features allowing modification of flavour or smoke intensity. Filters and capsules shall not contain tobacco.

Or. fr

**Amendment 187**  
**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 188**  
**Gaston Franco**

**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. *Does not affect English. (Linguistic correction to French).*

Or. fr

**Amendment 189**  
**Jürgen Creutzmann, Jens Rohde**

**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 flavourings in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of flavour or smoke intensity ***where these increase in an appreciable manner at the stage of consumption the toxic or addictive effect of a tobacco product.*** Filters and capsules shall not contain tobacco.

Or. en

**Amendment 190**

**Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik, Bogdan Kazimierz Marcinkiewicz**

**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 flavourings in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of flavour or smoke intensity, ***provided that there is unequivocal scientific proof that the particular additive increases the product's toxicity or addictiveness.*** Filters and capsules shall not contain tobacco.

Or. pl

**Amendment 191**

**Gaston Franco**

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

*Text proposed by the Commission*

*Amendment*

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

Or. fr

**Amendment 192**  
**Pilar del Castillo Vera**

**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, ***restrict or, if adequately justified,*** prohibit the placing on the market of tobacco products with additives in quantities that increase in ***a measurable*** manner at the stage of consumption the toxic or addictive effect of a tobacco product.

Or. en

**Amendment 193**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**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

*Amendment*

***Annex -I*** shall ***not contain,*** based on scientific evidence, additives in quantities that increase at the stage of consumption the toxic or addictive effect of a tobacco product.



of a tobacco product.

Or. en

*Justification*

*Additives that increase the toxic or addictive effect of a tobacco product should not be allowed, not just those that increase it in "an appreciable manner".*

**Amendment 194**  
**Salvador Sedó i Alabart**

**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, ***restrict or, if appropriately justified,*** prohibit the placing on the market of tobacco products with additives in quantities that increase in ***a measurable*** manner at the stage of consumption the toxic or addictive effect of a tobacco product.

Or. es

**Amendment 195**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same authors.*

**Amendment 196**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The Commission shall at the request of a Member State or may on its own initiative determine by means of an implementing act whether a tobacco product falls within the scope of paragraph 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21 and shall be based on the latest scientific evidence.** *deleted*

Or. en

*Justification*

*Consequential amendment to the proposal to introduce a positive list in Art. 6(1) first subparagraph by the same authors.*

**Amendment 197**

**Pilar del Castillo Vera**

**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** *deleted*

*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.*

Or. en

**Amendment 198**  
**Alajos Mészáros**

**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. en

**Amendment 199**  
**Salvador Sedó i Alabart**

**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*

*deleted*

*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.*

Or. es

**Amendment 200**  
**Laurence J.A.J. Stassen**

**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. nl

**Amendment 201**  
**Michèle Rivasi**  
on behalf of the Verts/ALE Group

**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

9. In case scientific evidence shows that a certain additive or a certain quantity thereof amplify at the stage of consumption

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.

the toxic or addictive effect of a tobacco product *only when it exceeds a certain level of presence or concentration, including standard safety margins*, the Commission shall be empowered to adopt delegated acts in accordance with Article 22 to set maximum levels for those additives *by modifying Annex -I accordingly*.

Or. en

#### *Justification*

*In line with the proposal for a positive list as a precondition for the use of additives, the provision for the Commission to set maximum levels should also be applicable to additives that are only toxic or addictive when they are present in a certain concentration.*

#### **Amendment 202**

**Laurence J.A.J. Stassen**

#### **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. nl

#### **Amendment 203**

**Konrad Szymański, Evžen Tošenovský**

**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*

*Article 6(10) contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.*

**Amendment 204**  
**Salvador Sedó i Alabart**

**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**.

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, **at the request of a Member State or on its own initiative, be able to determine by means of** delegated acts **whether or not** to withdraw this exemption if there is a substantial change of circumstances **involving an increase in sales volume by product category of at least 20% in the ten largest Member State markets by volume. Those delegated acts shall be adopted in**

*accordance with the examination procedure referred to in Article 21 and shall not apply in the case of new tobacco products regulated in Article 17.*

Or. es

**Amendment 205**  
**Pilar del Castillo Vera**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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*.

*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, *at request of a Member State or on its own initiative, may determine through implementing acts* to withdraw this *exception if* there is a *significant change in circumstances involving an increase in sales volume by product category, at least 20 % in the ten largest markets by volume of the Member States. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21; they shall not apply in the case of novel products as referred to in Article 17.*

Or. en

**Amendment 206**  
**Angelika Niebler**

**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.**

10. Tobacco products other than cigarettes, roll-your-own tobacco and tobacco **for oral use** shall be exempted from the prohibitions laid down in paragraphs 1 and 5.

Or. de

*Justification*

*Consumption of traditional nasal and chewing tobacco is confined to very few regions of Europe and is an element in the maintenance of traditions. Moreover, nasal and chewing tobacco are mainly consumed by older persons. In the case of the labelling provisions referred to in Articles 10 and 11 too, the same, less restrictive provisions apply to nasal and chewing tobacco as to cigars, cigarillos and pipe tobacco. The same exemption should therefore apply in Article 6.*

**Amendment 207**

**Bendt Bendtsen, Jarosław Leszek Wałęsa, Gaston Franco, Bogdan Kazimierz Marcinkiewicz, Marian-Jean Marinescu, Vladimir Urutchev, Pilar del Castillo Vera, Jolanta Emilia Hibner**

**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.**

10. Tobacco products other than cigarettes **and roll-your-own** tobacco shall be exempted from the prohibitions laid down in paragraphs 1 and 5.



**Amendment 208**  
**Jürgen Creutzmann**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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.*

*Amendment*

10. Tobacco products other than cigarettes *and roll-your-own* tobacco shall be exempted from the prohibitions laid down in paragraphs 1 and 5.

Or. en

*Justification*

*Smokeless tobacco products traditionally depend much more on flavourings than cigarettes while the former are actually healthier. Furthermore, they are usually consumed by older people and therefore pose less of a threat to attract younger generations. If there is any change in consumption patterns then this will be a longer process that requires no immediate action. Therefore the decision should be left to the co-legislators.*

**Amendment 209**  
**Bernd Lange**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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*

*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

*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.*

and 5.

Or. de

**Amendment 210**  
**Ioannis A. Tsoukalas**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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.*

*Amendment*

10. Tobacco products other than cigarettes, roll-your-own tobacco and smokeless tobacco products shall **not** be exempted from the prohibitions laid down in paragraphs 1 and 5.

Or. el

**Amendment 211**  
**András Gyürk**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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*

*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.

*this exemption if there is a substantial change of circumstances as established in a Commission report.*

Or. en

**Amendment 212**  
**Maria do Céu Patrão Neves**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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.***

*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.

Or. pt

**Amendment 213**  
**Alajos Mészáros**

**Proposal for a directive**  
**Article 6 – paragraph 10**

*Text proposed by the Commission*

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***

*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.

*a Commission report.*

Or. en

**Amendment 214**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 6 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***10 a. In order to obtain the entry of an ingredient in Annex -I, manufacturers and importers shall make an application to the Commission. The application shall be accompanied by the following particulars:***

***(a) Name or corporate name and permanent address of the applicant;***

***(b) Chemical name of the ingredient;***

***(c) Function of the ingredient and maximum quantity to be used per cigarette;***

***(d) Clear evidence supported by scientific data that the ingredient does not fall under any of the exclusion criteria listed in this Article.***

***The Commission may ask the relevant scientific committee whether the ingredient concerned falls under any of the exclusion criteria listed in this Article as such, or only as of a certain concentration. The Commission shall take a decision in accordance with the procedure laid down in paragraph 1 no later than one year after receiving the application.***

Or. en

*Justification*

*The procedure for listing ingredients in the positive list needs to be set out.*

**Amendment 215**

**Åsa Westlund, Marita Ulvskog**

**Proposal for a directive**

**Article 6 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***10a. Oral tobacco (snus) shall be exempt from the provisions of Article 6 of this Directive.***

Or. sv

*Justification*

*Give the general prohibition of the sale of snus (oral tobacco) in the EU, there is no cross-border interest in regulating the content of snus at EU level. This should instead be regulated at national level by the Member State (Sweden) where the sale of snus is permitted. The Commission's proposal for a Directive is insufficient with respect, for example, to the regulation of harmful additives. Substances that can damage human health are not covered in any way whilst there are strict regulations for common flavourings.*

**Amendment 216**

**Bendt Bendtsen, Salvador Sedó i Alabart, Bogdan Kazimierz Marcinkiewicz, Marian-Jean Marinescu, Vladimir Urutchev, Jan Březina, Pilar del Castillo Vera**

**Proposal for a directive**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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.

3. In order to ensure their graphic integrity and visibility, ***and without prejudice to the labelling provisions in Article 10 and 11***, 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.

Or. en

### **Amendment 217**

**Jürgen Creutzmann, Jens Rohde, Holger Krahmer**

#### **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 printed ***or irremovably affixed***, 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.

Or. en

##### *Justification*

*Health warnings on cigarette packages are already printed on packages. However, on cigar packages and other niche products, a printing on the packaging would pose a disproportionate burden on producers, which are often small and medium sized companies. There have not been any reports on health warning stickers having been removed from packages. Therefore, the added value of printing on the packages is not evident.*

### **Amendment 218**

**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

##### *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.

packets, *taking up most of the surface area in a highly visible manner.* 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. pt

**Amendment 219**  
**Ivo Belet, Philippe De Backer**

**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 *and shall cover 50% of the surface on which they are printed.* 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 220**  
**Salvador Sedó i Alabart**

**Proposal for a directive**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. For cigarette packets the general

*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.

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. es

**Amendment 221**  
**Ioannis A. Tsoukalas**

**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.

Or. el

**Amendment 222**  
**András Gyürk**

**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.

Or. en

**Amendment 223**  
**Konrad Szymański**

**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.

Or. en

*Justification*

*The Directive should not specify pack design, in this case physical pack size. Such specifications will facilitate illicit trade, and reduce consumer choice, innovation and*

*competition. Intellectual property rights will be deprived or impaired. The measure is also disproportionate.*

#### **Amendment 224**

**Jürgen Creutzmann, Jens Rohde**

#### **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. 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 **40%** of the surface on which they are printed.

Or. en

#### **Amendment 225**

**Konrad Szymański, Evžen Tošenovský**

#### **Proposal for a directive**

#### **Article 8 – paragraph 4**

*Text proposed by the Commission*

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

***(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***

*Amendment*

*deleted*

*type and background colour.*

Or. en

**Amendment 226**

**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 227**

**Laurence J.A.J. Stassen**

**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:** *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. nl

**Amendment 228**  
**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*

Or. fr

**Amendment 229**  
**Roger Helmer**

**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. en

**Amendment 230**  
**Alajos Mészáros**

**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. en

**Amendment 231**

**Lara Comi, Aldo Patriciello**

**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. it

*Justification*

*The powers delegated to the Commission under this paragraph would allow it to change vital aspects of the directive without proper involvement of Parliament and the Council and in breach of Article 290(1) of the TFEU.*

**Amendment 232**

**Paul Rübzig**

**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 233**

**Michèle Rivasi**

on behalf of the Verts/ALE Group

**Proposal for a directive**

**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*Health warnings are essential in raising awareness of the negative health effects of tobacco, and in deterring young people from starting to use tobacco products. Therefore the size of health warnings should be increased.*

**Amendment 234**

**Bendt Bendtsen, Marian-Jean Marinescu, Jean-Pierre Audy, Hermann Winkler, Vladimir Urutchev, Alejo Vidal-Quadras, Herbert Reul, Jan Březina, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Aldo Patriciello, Salvador Sedó i Alabart**

**Proposal for a directive**

**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 235**

**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 236**  
**Ioannis A. Tsoukalas**

**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. el

**Amendment 237**  
**Niki Tzavela**

**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 **45 %** of the external area of the front and **60% of the external area of the** back surface of the unit packet and any outside packaging;

Or. en

**Amendment 238**  
**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 **a maximum of 43%** of the external area of the front **surface** and **a maximum of 62% of the external area of the** back surface of the unit packet and any outside packaging;

Or. de

*Justification*

*The most stringent current rules are those in force in Belgium (43% of the front surface and 62% of the back surface). Specifying that an even larger area should be set aside for health warnings would certainly infringe trademark rights. In a Eurobarometer study 82% of those questioned stated that health warnings had no bearing on their decision to smoke.*

**Amendment 239**  
**Jürgen Creutzmann, Jens Rohde**

**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 both the front and back surface of the unit packet and any outside packaging;

Or. en

*Justification*

*The Commission's impact assessment did not clearly state the added effect of a health warning of 75% compared to e.g. 50%. With a view to the property rights in the brands and the effect of cementing market shares in favour of large producers, the surface of health warnings should be reduced.*



**Amendment 240**  
**Werner Langen**

**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 both the front and back surface of the unit packet and any outside packaging;

Or. de

**Amendment 241**  
**Alajos Mészáros**

**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 and **50 % of the external area of the** back surface of the unit packet and any outside packaging;

Or. en

**Amendment 242**  
**Konrad Szymański**

**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. en

**Amendment 243**  
**Roger Helmer**

**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 and **40% of the external area of the** back surface of the unit packet and any outside packaging;

Or. en

**Amendment 244**  
**Roger Helmer**

**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. en

**Amendment 245**  
**Konrad Szymański**

**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;

**Amendment 246**  
**Alajos Mészáros**

**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. en

**Amendment 247**  
**Niki Tzavela**

**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. en

**Amendment 248**  
**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

*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;

the same direction as any other information appearing on the packaging;

Or. pt

#### **Amendment 249**

**Jürgen Creutzmann, Jens Rohde, Holger Kraemer**

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

Or. en

##### *Justification*

*The original provision appears not practical as the brands would in some cases not be visible anymore, whereas - since it covers the larger surface - the health warning will be visible in any case.*

#### **Amendment 250**

**Bendt Bendtsen, Marian-Jean Marinescu, Hermann Winkler, Vladimir Urutchev, Herbert Reul, Jan Březina, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Aldo Patriciello**

#### **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 same direction as any other information appearing on the packaging;

Or. en

**Amendment 251**  
**Derk Jan Eppink**

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

*Text proposed by the Commission*

*Amendment*

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;

e) be positioned in the same direction as any other information appearing on the packaging;

Or. nl

*Justification*

*Requiring the health warnings to appear at the top edge of the unit packet and any outside packaging would make it very difficult for shopkeepers to distinguish between different manufacturers' brands, in view of the design of news agents' shops (and mini-supermarkets). In order to replace shop furniture, shopkeepers, whose margins are already shrinking, would have to make substantial investments. Moreover, research shows that news agents are very financially dependent on tobacco sales.*

**Amendment 252**  
**Ivo Belet, Philippe De Backer**

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

*Text proposed by the Commission*

*Amendment*

(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;

(e) be positioned in the same direction as any other information appearing on the packaging;

Or. en

**Amendment 253**  
**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 254**  
**Niki Tzavela**

**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 255**  
**Ioannis A. Tsoukalas**

**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. el

**Amendment 256**  
**Inês Cristina Zuber**

**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 257**  
**Werner Langen**

**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. de

**Amendment 258**  
**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 259**

**Alajos Mészáros**

**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 260**

**Konrad Szymański**

**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 261**

**András Gyürk**

**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 262**

**Salvador Sedó i Alabart**

**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. es

**Amendment 263**

**Bendt Bendtsen, Marian-Jean Marinescu, Hermann Winkler, Vladimir Urutchev, Jan Březina, Bogdan Kazimierz Marcinkiewicz, Pilar del Castillo Vera, Aldo Patriciello, Salvador Sedó i Alabart**

**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) height: not less than 50 mm;**

Or. en

**Amendment 264**

**Konrad Szymański**

**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) height: not less than **50** mm;

Or. en

**Amendment 265**  
**Konrad Szymański**

**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*

*The Directive should not significantly restrict pack dimensions so as to prohibit, for example, a unit packet of cigarettes including at least 10 cigarettes. Such requirements will impact on legitimate jobs throughout the supply chain including manufacturing whilst facilitating illicit trade, and reduce consumer choice, innovation and competition. Intellectual property rights will be deprived or impaired. The measure is also disproportionate.*

**Amendment 266**  
**Werner Langen**

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

*Text proposed by the Commission*

*Amendment*

***(ga) For the packaging of roll-your-own tobacco and for tobacco packagings with a surface larger than 75 cm<sup>2</sup> in area the health warnings must occupy at least 22.5 cm<sup>2</sup> of the surface. That area shall be increased to 24 cm<sup>2</sup> for Member States***

*with two official languages and 26.25 cm<sup>2</sup>  
for Member States with three official  
languages.*

Or. de

**Amendment 267**  
**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 268**  
**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 269**

**Laurence J.A.J. Stassen**

**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. nl

**Amendment 270**  
**Roger Helmer**

**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 271**  
**Alajos Mészáros**

**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 272**  
**Lara Comi, Aldo Patriciello**

**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. it

*Justification*

*The powers delegated to the Commission under this paragraph would allow it to change vital aspects of the directive without proper involvement of Parliament and the Council and in breach of Article 290(1) of the TFEU.*

**Amendment 273**  
**Paul Rübzig**

**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. de

**Amendment 274**  
**Niki Tzavela**

**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 the position, layout, design, rotation and proportions of the health warnings;

**Amendment 275**  
**Konrad Szymański**

**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, rotation and the health warnings;

**Amendment 276**  
**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;

**Amendment 277**  
**Jean-Pierre Audy**

**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**

*Amendment*

**deleted**

*ensures the graphical integrity and visibility of the text, photographs and cessation information.*

Or. fr

**Amendment 278**  
**Alajos Mészáros**

**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 279**  
**Niki Tzavela**

**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 280**  
**Roger Helmer**

**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