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*****III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products
(C5-0086/2001 – 1999/0244(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Jules Maaten

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 14 June 2000 Parliament adopted its position at first reading on the proposal for a Council directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (COM(1999) 594 - 1999/0244 (COD)).

At the sitting of 8 September 2000 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (9448/1/2000 - C5-0431/2000).

At the sitting of 13 December 2000 Parliament adopted amendments to the common position.

By letter of 12 February 2001 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 27 February 2001.

At the meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

On 5 April 2001 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

On 27 April 2001 Parliament's delegation to the Conciliation Committee adopted the draft legislative resolution by 13 votes to 0, with 1 abstention.

The following took part in the vote: Renzo Imbeni, Vice-President and chairman of the delegation; Ingo Friedrich, Vice-President; James L.C. Provan, Vice-President; Caroline F. Jackson, chairman of the Committee on the Environment, Public Health and Consumer Policy; Jules Maaten, rapporteur; Hans Blokland, Dorette Corbey, Carmen Fraga Estévez, Françoise Grossetête, Bernd Lange, Torben Lund, Maria Martens, Dider Rod and Catherine Stihler.

The report was tabled on 30 April 2001.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (C5-0086/2001 – 1999/0244(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee (C5-0086/2001),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1999) 594²),
 - having regard to the amended Commission proposal (COM(2000) 428³),
 - having regard to its position at second reading on the Council common position⁴,
 - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001) 29 - C5-0022/2001⁵),
 - having regard to Article 251(5) of the EC Treaty,
 - having regard to Rule 83 of its Rules of Procedure,
 - having regard to the report of its delegation to the Conciliation Committee (A5-0162/2001),
1. Approves the joint text;
 2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
 4. Instructs its President to forward this legislative resolution to the Council and Commission.

EXPLANATORY STATEMENT

Background

¹ OJ C 67, 1.3.2001, p. 63.

² OJ C 150, 30.5.2000, p. 43.

³ OJ C 337, 28.11.2000, p. 177.

⁴ OJ C (not yet published).

⁵ OJ C (not yet published).

- 1) On 7 January 2000 the Commission submitted a proposal for a directive concerning the manufacture, presentation and sale of tobacco products. The objective of the proposed directive is to regroup and update the existing directives on the tar content of cigarettes, labelling of tobacco products and oral tobacco. The principal features of the proposed directive were as follows:
 - a reduction of the tar content from 12 mg to 10 mg per cigarette,
 - ceilings for nicotine (1 mg per cigarette) and carbon monoxide (10 mg per cigarette),
 - the application of these ceilings for all products manufactured in the Community (for export and domestic consumption),
 - revised and more stringent health warnings on tobacco packets,
 - an obligation on manufacturers and importers to declare additives, together with toxicological data,
 - a ban on misleading descriptors such as "light", "low-tar", etc.,
 - regular Commission reports on the Directive's implementation.
- 2) On 14 June 2000 Parliament adopted 44 amendments at first reading. The Council agreed on its common position on 31 July 2000. At its second reading on 13 December 2000, Parliament adopted 32 amendments to the common position of the Council.

Conciliation

- 3) The Parliament delegation to the Conciliation Committee held its constituent meeting on 18 January 2001 and mandated the chair of the delegation, Mr IMBENI, the chair of the committee responsible, Mrs JACKSON, and the rapporteur, Mr MAATEN, to meet the Council to begin informal negotiations.
- 4) An initial triologue meeting was held with the Swedish Presidency and the Commission on 6 February 2001. Due to intensive contacts earlier in the procedure and particularly before Parliament's 2nd reading, the positions on some amendments were quite close. The Council was in a position to accept 12 amendments at this early stage and presented compromise texts for some other amendments. However, the main issues, such as a transitional period for exports, prohibition of misleading descriptors and the use of photographs, could not be solved at this stage.
- 5) At the meeting of Parliament's delegation on 13 February 2001 the compromise texts were discussed and partially accepted and the delegation decided to propose that conciliation be opened on 27 February 2001.

6) The meeting of the Conciliation Committee took place on the evening of 27 February 2001, under the joint chairmanship of Mr IMBENI, Vice-President, and Mr ENGQVIST, Swedish Minister for Health. After more than six and a half hours of intense negotiations an agreement was reached. The main points of the agreement may be summarised as follows:

- *tobacco products for export:*

The compromise lays down that after a transitional period until 2007 at the latest, exported tobacco products will also have to meet the same strict ceilings for tar (10 mg), nicotine (1 mg) and carbon monoxide (10 mg) as tobacco products marketed in the European Union. This transitional period allows for changing product specifications and for the negotiation of internationally agreed standards.

- *list of ingredients:*

One of Parliament's main concerns was to guarantee easily accessible information to consumers on the ingredients of cigarettes and other tobacco products. Under the compromise reached, tobacco companies have to submit on an annual basis a list of ingredients of their products to Member States' authorities, which then must make this information available to the public. Furthermore, it was agreed that at the latest by the end of 2004, the Commission will bring forward a proposal for a positive list covering all ingredients authorised for tobacco products.

- *health warnings:*

Parliament particularly insisted on the provision of a health warning which draws the smoker's attention to the danger of passive smoking. In this context, it was agreed that the front of a cigarette package has to show the following general warning: "*Smoking kills/Smoking can kill*" or "*Smoking seriously harms you and others around you*" to be interchanged on a regular basis. An additional health warning with a more exact indication of relevant health risks such as lung cancer or lung diseases has to be printed on the back of the packages. As for the size of the health warnings, the European Parliament insisted on a larger message in order to encourage smokers to give up smoking. The agreement provides for much bigger health warnings than originally proposed by the Commission and Council. These warnings have to cover 30 % of the front side of the package (32 % for two languages and 35 % for three languages) and 40 % of its rear side (45 % for two languages and 50 % for three languages).

- *use of photos and graphics:*

In addition to the above written warnings, Member States should have the possibility to authorise the use of photos and graphics on cigarette packages. In order to avoid any internal market problems the Commission will adopt appropriate rules for the use of pictures by December 2002.

- *prohibition of misleading descriptors:*

The compromise lays down that in future the use of terms or brand names that imply that one brand is less harmful than another (such as "mild", "light", "low tar") will be prohibited.

7) On the morning of 28 February 2001 a joint press conference between the Council and the

European Parliament, with the participation of the Commission, was held in order to explain the details of the agreement reached to the press. This was the first time in the history of conciliation that such a joint press conference had been organised and may be considered a great step forward towards more transparent decision-making in conciliation.

Conclusion

- 8) Parliament's delegation considers that the agreement reached is an excellent one which goes well beyond what was possible before its second reading. It also wishes to thank the Swedish Presidency of the Council and the Commission for their constructive cooperation. The delegation therefore recommends that Parliament adopt the joint text attached.