Amendment 132
Frédérique Ries
on behalf of the ALDE Group

Report
Linda McAvan
Manufacture, presentation and sale of tobacco and related products
COM(2012)0788 – C7-0420/2012 – 2012/0366(COD)

Proposal for a directive
Recital 16

Text proposed by the Commission

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

Amendment

(16) The prohibition of tobacco products with characterising flavours does not prohibit the use of individual additives altogether, but obliges the manufacturers 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, for example sugar to replace sugar that is lost during the curing process, should be allowed, as long as they do not result in a characterising flavour that increases the addictiveness of the product. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. An independent European advisory panel should be used to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. en
Justification
<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Member States shall prohibit the placing on the market of tobacco products with a characterising flavour.</td>
<td>1. Member States shall prohibit the placing on the market of tobacco products with a characterising flavour that increase the addictiveness of the product.</td>
</tr>
<tr>
<td>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.</td>
<td>Member States shall not prohibit the use of additives which are essential for the manufacture of tobacco products, for example sugar to replace sugar that is lost during the curing process, as long as the additives do not result in a product with a characterising flavour that increases the addictiveness of the product.</td>
</tr>
<tr>
<td>Member States shall notify the Commission of measures taken pursuant to this paragraph.</td>
<td>Member States shall notify the Commission of measures taken pursuant to this paragraph.</td>
</tr>
<tr>
<td>2. The Commission shall at the request of a Member State or may on its own initiative determine by means of implementing acts whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.</td>
<td>2. The Commission shall at the request of a Member State or may on its own initiative determine by means of implementing acts whether a tobacco product falls within the scope of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.</td>
</tr>
<tr>
<td>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</td>
<td>deleted</td>
</tr>
</tbody>
</table>
paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

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.

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

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

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

(c) additives having colouring properties for emissions.

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.

6. Member States shall ensure that provisions or conditions set out under Regulation (EC) No 1907/2006 are applied to tobacco products as appropriate.

7. Member States shall, based on scientific evidence, prohibit the placing on the market of tobacco products containing the following additives:

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

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

(c) additives having colouring properties for emissions.

5. Member States shall prohibit the placing on the market of tobacco products containing flavourings in the components of tobacco products such as filters, papers, packages, capsules or any technical features allowing modification of smell or taste or smoke intensity. Filters and capsules shall not contain tobacco.

Technical measures intended to decrease specific harmful components of smoke are not affected.

6. Member States shall ensure that provisions or conditions set out under Regulation (EC) No 1907/2006 are applied to tobacco products as appropriate.

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

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

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.

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.

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.
Justification

Setting up a positive list for allowed additives including characterising flavours as adopted by the Environment and Health committee is not realistic. Neither the Commission, the Council nor any of the five committees consulted for opinion asked for such a positive list.
Amendment 134
Frédérique Ries, Olle Schmidt, Nils Torvalds
on behalf of the ALDE Group

Report
Linda McAvan
Manufacture, presentation and sale of tobacco and related products
COM(2012)0788 – C7-0420/2012 – 2012/0366(COD)

Proposal for a directive
Article 15

Text proposed by the Commission

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

Amendment

Member States shall prohibit the placing on the market of tobacco for oral use, without prejudice to Article 151 of the Act of Accession of Austria, Finland and Sweden. This ban should, however, not affect historically traditional tobacco products for oral use, which may be allowed by individual Member States.

Or. en

Justification

Retabled the original AM 1018 from ENVI committee.