

2.10.2013

A7-0276/164

**Amendment 164**

**Frédérique Ries**

on behalf of the ALDE Group

**Report**

**A7-0276/2013**

**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*

*Amendment*

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

(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, *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.. The Commission should ensure uniform conditions for the implementation of the provision on characterising flavour. *An* independent *European advisory panel* should be used by the Member States and by the Commission to assist in such decision making. The application of this Directive should not discriminate between different tobacco varieties.

Or. en

2.10.2013

A7-0276/165

**Amendment 165**

**Frédérique Ries**

on behalf of the ALDE Group

**Peter Liese**

on behalf of the PPE Group

**Martin Callanan**

on behalf of the ECR Group

**Report**

**Linda McAvan**

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

**A7-0276/2013**

**Proposal for a directive**

**Recital 33**

*Text proposed by the Commission*

(33) Nicotine-containing **products** are sold on the Union market. ***The different regulatory approaches taken by Member States to address health and safety concerns associated with these products have a negative impact on the functioning of the internal market, in particular considering that these products are subject to significant cross-border distance sales including via the internet.***

*Amendment*

(33) Nicotine-containing products - ***including e-cigarettes*** - are sold on the Union market. ***However Member States have taken different regulatory approaches to address health and safety concerns associated with these products. There is a need for harmonized rules, therefore all nicotine-containing products should be regulated under this Directive as a related tobacco product. Given the potential of nicotine-containing products to aid smoking cessation, Member States should ensure that they can be made available as widely as tobacco products.***

Or. en

2.10.2013

A7-0276/166

**Amendment 166**

**Holger Krahmer**

on behalf of the ALDE Group

**Report**

**A7-0276/2013**

**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 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6 a. Tobacco products other than cigarettes, roll-your-own and water pipe tobacco shall be excluded from information requirements relating to emissions and values until measuring methods have been developed at Union level.***

Or. en

2.10.2013

A7-0276/167

**Amendment 167**

**Frédérique Ries**

on behalf of the ALDE Group

**Report**

**A7-0276/2013**

**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 6**

*Text proposed by the Commission*

*Amendment*

Regulation of ingredients

Regulation of ingredients

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

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

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.

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.

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

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

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.

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.

***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***

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*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

3. *An independent advisory panel shall be established at Union level. The Commission and the Member States may consult this panel before taking the decisions pursuant to paragraph 1.* The Commission shall adopt *by means of implementing acts procedures for the establishment and operation of this panel.*

4. Member States shall 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 shall not be 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.***

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 ***significantly increase*** 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 ***water pipe*** tobacco shall be exempted from the prohibitions laid down in paragraphs 1 and 5.

Or. en

### *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.*

2.10.2013

A7-0276/168

**Amendment 168**

**Theodoros Skylakakis and Frédérique Ries**

on behalf of the ALDE Group

**Report**

**A7-0276/2013**

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

Or. en