



COUNCIL OF
THE EUROPEAN UNION



Brussels, 18 December 2013
17905/13
(OR. en)
PRESSE 589

Council approves compromise on tobacco directive

The Permanent Representatives Committee¹ today approved a compromise text for a revised EU tobacco directive. It herewith endorsed a proposal that has been presented at a trilogue meeting between the Lithuanian presidency and representatives of the European Parliament and of the Commission on 16 December.

The main objective of the directive's revision is to make tobacco products less attractive by strengthening the rules on how tobacco products can be manufactured, presented and sold.

"Today's agreement is a big step towards a healthier and more prosperous society. It is also important for all stakeholders of the EU internal market, since it establishes clearer rules for manufacturers, retailers and consumers", said the Lithuanian Minister for health, Vytenis Povilas Andriukaitis.

The compromise text approved today includes the following key measures to be brought into national law by member states:

- **A ban on** the placing on the market of cigarettes and roll-your-own tobacco with **characterising flavours** such as fruit flavours, menthol or vanilla. This is to make sure that tobacco products taste and smell like tobacco products. The ban on mentholated products will apply only four years after the directive being transposed by the member states. Member states will also have to ban the placing on the market of tobacco products containing additives in quantities that increase in a significant or measurable manner the toxic or addictive effect, or the carcinogenic, mutagenic or reprotoxic properties.

¹ The Permanent Representatives Committee is composed of the ambassadors of the 28 EU member states. Its role is to prepare decisions of the Council.

P R E S S

- **Combined picture and text health warnings** will have to cover 65 % of the front and the back of packages of tobacco products for smoking. In addition, each packet of smoking tobacco must carry a general warning (such as "Smoking kills - quit now") and the information message: "Tobacco smoke contains over 70 substances known to cause cancer".
- A **ban** on any **misleading labelling** (such as "natural" or "organic").
- Introduction of a **tracking and tracing system**, together with **safety features** in order to strengthen the fight against illicit trade and falsified products.
- Member states may decide to ban **cross-border distance sales** of tobacco products.
- Member states may introduce more stringent rules on additives or on packaging of tobacco products (such as **plain-packaging**), subject to certain conditions (such as notification of the Commission).
- The scope of the directive is extended to **electronic cigarettes** which will be subject of a number of safeguards (e.g. maximum concentration of nicotine of 20 mg/ml, maximum single use cartridge size of 2 ml). As regards refillable electronic cigarettes, the Commission will have to report on their potential risk to public health at the latest two years after the entry into force of the directive. If for justified reasons related to a serious risk to human health at least three member states have banned refillable electronic cigarettes the Commission is allowed to extend the ban to all member states. Member states may authorise electronic cigarettes under the rules for pharmaceuticals if they meet the provisions of the pharmaceutical legislation. The agreement is aimed at helping smokers to quit while preventing any incentive for young people to start smoking.

The has still to be formally adopted by the European Parliament and the Council². Once the directive is adopted member states will have two years to transpose the new rules into national law.

² The vote in the Council will take place after the legal-linguistic revision of the text has been finalised.