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## Council adopts revised EU tobacco directive

The Council today<sup>1</sup> approved<sup>2</sup> a revised EU tobacco directive, following the first-reading agreement reached with the European Parliament in December ([PE-CONS 143/13](#) + [7346/14 ADD 1](#)).

This means that the directive is now adopted. It is expected to enter into force in May, 20 days after its publication in the Official Journal of the EU. Member states will then have two years to transpose the directive into their national laws, and will have to apply the new rules from the end of this period.

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

The new directive includes the following key measures:

- **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 two years after the entry into force of the directive. This is to make sure that tobacco products taste and smell like tobacco products. For those tobacco products with characterizing flavours whose EU wide sales in their product category represent more than 3% (e.g. mentholated cigarettes) the ban will apply only six years after the entry into force of the directive. 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.

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<sup>1</sup> The decision was taken at the Transport Council.

<sup>2</sup> The Polish delegation voted against.

# P R E S S

- **Combined health warnings** consisting of a text warning and a corresponding colour picture 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".
- Member states may decide to exempt tobacco products other than cigarettes, roll your own and water pipe tobacco (e.g. cigars, cigarillos and pipe tobacco) from the obligation to carry information message and combined health warnings.
- A **ban** on any **misleading labelling** (such as "natural" or "organic") and on small size **"lipstick type" packages**.
- Introduction of a **tracking and tracing system for tobacco products**, 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 and maximum volume of refillable containers of 10 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 specific electronic cigarettes or refill containers, 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.

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