

John Dalli
Member of the European Commission

Brussels, **28. 06. 2012**

Dear Mr Stoiber,

Thank you for your letter of 10 May 2012 concerning the forthcoming revision of the Tobacco Products Directive.

As explained during the discussion at the High Level group in May, the Tobacco Products Directive dates from 2001 and needs to be revised to bring it in line with market, scientific and international developments. Smoking is the biggest avoidable cause of death in the European Union, responsible for close to 700.000 premature deaths per year. More than 70% of smokers start when they are under age and once they are addicted, smoking cessation becomes a real challenge. This is why it is important to discourage young people from starting to smoke.

I have taken note of your concerns about the possible impact that some of the possible policy options under consideration, such as prohibition of display at points of sale, plain packaging, or prohibition of the use of ingredients increasing attractiveness of tobacco products might have.

As regards plain packaging, the Council Recommendation on smoke-free environments of November 2009 invites the Commission to "analyse the legal issues and the evidence base for the impact of plain packaging". Together with the prohibition of display at the point of sale, plain packaging has also been raised in the framework of the WHO Convention on Tobacco Control. The guidelines on packaging and labelling and on advertising of the Framework Convention, adopted in November 2008, recommend that Parties consider adopting plain packaging and introducing a ban on display of tobacco products at the point of sale.

The role of additives in tobacco products, in particular in enhancing smoking initiation and subsequent addiction, has been thoroughly analysed all over the world. In particular, the link between smoking by young people and flavourings has been shown by market data and in several scientific studies. The Scientific Committee on Emerging and Newly Identified Health Risks adopted an opinion on the attractiveness and addictiveness of tobacco additives on 12 November 2010, confirming that numerous additives are being used to increase the appeal of tobacco products.

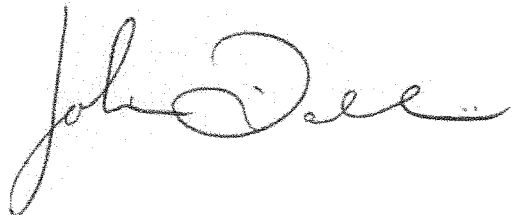
Dr Edmund Stoiber,
Chairman of the High Level Group
of Independent Stakeholders on Administrative Burdens

As regards Smokeless Tobacco Products, these are already covered by harmonised rules set out in the current Directive. In 1992, the reason for exempting chewing and nasal tobacco from a ban was that they were seen as traditional products with virtually no market outside certain socio-professional groups and regions.¹ However, recent years have seen a diversification and multiplication of such types of tobacco products, which are likely to attract those who wish to consume tobacco in places where smoking is forbidden, and an increase in their volume of sales. In this context, the Commission is currently considering all possible ways to effectively regulate Smokeless Tobacco Products, taking into account their growth potential to circumvent smoke free environments, market development and the current differential treatment between oral tobacco and other smokeless products.

Let me underline that my services are currently assessing the economic, social and health impact of all policy options identified within the review of the Tobacco Products Directive. The particular situation of micro-enterprises and SMEs is being taken into account when assessing the proposed options. Exemptions or sufficiently long transitional periods are considered whenever SMEs would be primarily affected by the proposed measures. I personally met with tobacco growers and manufacturers to listen to their concerns and my services have held extensive consultations.

Finally, I would like to reiterate that the European Commission plans to put forward a proposal to revise the Directive before the end of the year and that no decisions have been taken at this stage on the way forward on the various issues highlighted in your letter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John Deere".

¹ OJ C 150 E. 30.5.2006. p 43-51. COM (1999) 594 final. 16.11.1999. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products. See explanatory memorandum.