

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products***COM(87) 719 final**(Submitted by the Commission to the Council on 4 February 1988)**(88/C 48/09)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas there are differences between the laws, regulations and administrative provisions of the Member States on the labelling of tobacco products; whereas such differences are likely to constitute barriers to trade and to impede the establishment and operation of the internal market;

Whereas those obstacles should accordingly be eliminated and whereas to that end the marketing and free movement of tobacco products must be made subject to uniform rules concerning labelling;

Whereas such common rules must take due account of public health protection;

Whereas the European Council held in Milan on 28 and 29 June 1985 stressed the importance of launching a European action programme against cancer;

Whereas the Council and the Representatives of the Governments of the Member States, meeting within the Council, in their resolution of 7 July 1986 <sup>(1)</sup>, set for this programme the objective of contributing to an improvement of the health and quality of life of citizens within the Community by reducing the number of cancers; whereas they have for this purpose identified the fight against the use of tobacco products as their prime objective;

Whereas the printing of health warnings on the packaging of all tobacco products concerning the risks of use of tobacco products are a vital factor in the protection of public health;

Whereas, for the purpose of improving health protection, the indication of the tar and nicotine yield on cigarette packets is essential for the health information and education of the general public,

Whereas this Directive calls for minimum provisions which will be reviewed on the basis of experience gained and the development of medical knowledge in this area, the objective being to achieve greater protection of individuals,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The objective of this Directive is the harmonization of the laws, regulations and administrative provisions of the Member States concerning the medical warnings on the unit packet of tobacco products and the indication of the tar and nicotine yield on cigarette packets, taking as a base a high level of health protection.

*Article 2*

For the purposes of this Directive:

1. 'tobacco products' means products for the purpose of smoking, sniffing, sucking or chewing, in as much as they are, even partly, made of tobacco;
2. 'tar' means the raw anhydrous nicotine-free condensate of smoke;
3. 'nicotine' means nicotinic alkaloids.

<sup>(1)</sup> OJ No C 184, 23. 7. 1986, p. 19.

*Article 3*

1. The tar and nicotine yields to be indicated on cigarette packets shall be measured on the basis of the ISO 4387 and ISO 3400 methods respectively, or any other method which yields equivalent results.
2. Indications on packets shall be considered acceptable where they do not differ by more than 1 mg from the results of tests carried out by the bodies designated for that purpose by the Member States.
3. The indications concerned shall be printed in the official language or languages of the consumer's country on the side of the packet or on a mobile part of the packet in clearly visible print on a contrasting background.

*Article 4*

1. All units of packaging of tobacco products shall carry the following warning in the official language or languages of the consumer's country, on one of the two largest surfaces: 'Tobacco seriously damages health'.
2. With regard to cigarette packets, the other large surface shall carry in the official language or languages of the consumer's country a specific warning.

For this purpose, each Member State shall draw up a list of warnings taken from those listed in the Annex. That list must include however the following warnings:

- (a) smoking causes cancer;
- (b) smoking causes heart disease.

Those warnings shall appear on the unit of packaging according to a formula adopted by each Member State in such a way as to guarantee an equal frequency of display for each warning.

3. The warnings provided for in paragraphs 1 and 2 shall be printed in letters of a minimum size of 3 mm and in such a way as to cover at least 2 % of the total surface of the corresponding side of the unit of packaging.

The required warnings on the two sides of each unit of packaging:

- (a) shall be clear and legible;
- (b) shall be printed in bold letters;
- (c) shall be printed on a contrasting background;
- (d) shall not be printed in a place where they may be damaged when the packet is opened;

- (e) shall not be printed on the transparent wrapper or any other external wrapping.

*Article 5*

Adaptation to technical progress in accordance with the procedure provided for in Article 6 shall be limited to the obligatory indications given on cigarette packets as provided for in Article 3 (1) as well as to the health warnings laid down in Article 4 (1) and (2).

*Article 6*

With a view to the adaptation to technical progress referred to in Article 5, the Commission shall be assisted by a Committee of an advisory nature composed of representatives of the Member States and chaired by the representative of the Commission.

*Article 7*

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

*Article 8*

Member States may not prohibit or restrict the sale of products which conform to this Directive.

*Article 9*

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive before 31 December 1990. They shall forthwith inform the Commission thereof. However, products existing at that date which do not comply with this Directive may still be put on sale until 31 December 1992.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

*Article 10*

This Directive is addressed to the Member States.

## ANNEX

## List of health warnings

- I. Which must be included in the list of warnings to be drawn up by Member States:
- (a) Smoking causes cancer;
  - (b) Smoking causes heart disease.
- II. Which may be included in the list of warnings to be drawn up by the Members States:
- (a) Smoking causes fatal diseases;
  - (b) Smoking can kill you;
  - (c) Smoking when pregnant can injure your baby;
  - (d) Stopping smoking reduces the risk of serious disease;
  - (e) Smoking causes lung cancer, bronchitis and other chest diseases;
  - (f) More than (...) people die each year in (name of the country) from lung cancer;
  - (g) Smokers die younger.

**Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes**

*COM(87) 720 final*

*(Submitted by the Commission to the Council on 4 February 1988)*

(88/C 48/10)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas there are differences between the laws, regulations and administrative provisions of the Member States on the limitation of the maximum tar content of cigarettes; whereas such differences are liable to constitute barriers to trade and to impede the establishment and operation of the internal market;

Whereas those obstacles should accordingly be eliminated; whereas to that end the marketing and free movement of cigarettes must be made subject to uniform rules concerning maximum tar content;

Whereas such common rules must take due account of public health protection;

Whereas the higher the tar content of smoked tobacco, the greater the risk of lung cancer; whereas the

European Council held in Milan on 28 and 29 June 1985 stressed the importance of launching a European action programme against cancer;

Whereas in their resolution of 7 July 1986<sup>(1)</sup>, the Council and the Representatives of the Governments of the Member States meeting within the Council considered that measures to combat smoking were a priority;

Whereas this Directive contains minimum provisions which will be reviewed on the basis of experience gained, the development of techniques and medical knowledge in this area, the objective being to achieve greater protection of individuals,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The objective of this Directive is the harmonization of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes, taking as a base a high level of health protection.

<sup>(1)</sup> OJ No C 184, 23. 7. 1986, p. 19.