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Committee on the Environment, Public Health and Food Safety

2012/0366(COD)

14.5.2013

AMENDMENTS

247 - 374

Draft report
Linda McAvan
(PE508.085v03-00)

on the 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 manufacture, presentation and sale of tobacco and related products

Proposal for a directive
(COM(2012)0788 – C7-0420/2012 – 2012/0366(COD))

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PE510.713v01-00

EN

United in diversity

EN

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Amendment 247
Sari Essayah

Proposal for a directive
Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

The aim of this Directive is *to approximate* the laws, regulations and administrative provisions of the Member States concerning:

Amendment

The aim of this Directive is *in the long term to put an end to the use of tobacco products and in the short term to reduce their use by approximating* the laws, regulations and administrative provisions of the Member States concerning:

Or. fi

Amendment 248
Renate Sommer

Proposal for a directive
Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) the labelling and packaging of tobacco products including the health warnings to appear on unit packets of tobacco products and any outside packaging as well as *traceability and* security features to ensure compliance with this Directive;

Amendment

(b) the labelling and packaging of tobacco products including the health warnings to appear on unit packets of tobacco products and any outside packaging as well as security features to ensure compliance with this Directive;

Or. de

Amendment 249
Morten Messerschmidt

Proposal for a directive
Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the prohibition to place on the market tobacco for oral use; **deleted**

Or. en

Amendment 250

Christian Engström, Chris Davies, Christofer Fjellner

Proposal for a directive

Article 1 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the prohibition to place on the market tobacco for oral use; **deleted**

Or. en

Amendment 251

Martina Anderson

Proposal for a directive

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) cross-border distance sales of tobacco products;

(d) *the prohibition of* cross-border distance sales *and internet sales* of tobacco products;

Or. en

Justification

According to the EC impact assessment, the cross-border internet sales of tobacco products facilitate the speculation on lower prices, are open to illicit trade and are mainly used by internet retailers to exploit benefits from differences in Member States' differing tax regimes, thereby undermining their efforts to deter people from smoking by means of high taxation.

Amendment 252
Frédérique Ries, Corinne Lepage

Proposal for a directive
Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) **cross-border** distance sales of tobacco products;

(d) **the prohibition of** distance sales of tobacco products;

Or. fr

Justification

Distance selling, particularly via the internet, within a single Member State can have the same severe health consequences as cross-border selling.

Amendment 253
Cristian Silviu Buşoi

Proposal for a directive
Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) cross-border distance sales of tobacco products;

(d) **the prohibition of** cross-border distance sales of tobacco products;

Or. en

Amendment 254
Eija-Riitta Korhola

Proposal for a directive
Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) cross-border distance sales of tobacco products;

(d) **banning of** cross-border distance sales of tobacco products;

Or. fi

Amendment 255

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 1 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) cross-border distance sales of tobacco products;

(d) ***the prohibition of*** cross-border distance sales of tobacco products;

Or. it

See amendments to Article 16.

Amendment 256

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive

Article 1 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) the placing on the market and the labelling of certain products, which are related to tobacco products, namely nicotine-containing products and herbal products for smoking;

(f) the placing on the market and the labelling of certain products, which are related to tobacco products, namely nicotine-containing products ***such as e-cigarettes*** and herbal products for smoking;

Or. en

Justification

The increasing use of e-cigarettes on the market and their ingredients including nicotine, mean that they should be included within the provisions of a directive related to these products.

Amendment 257

Frédérique Ries

Proposal for a directive

Article 1 – paragraph 1 – point f

Text proposed by the Commission

(f) the placing on the market and the labelling of certain products, which are related to tobacco products, namely nicotine-containing products and herbal products for smoking;

Amendment

(f) the placing on the market and the labelling of certain products, which are related to tobacco products, namely ***tobacco-free*** nicotine-containing products and herbal products for smoking;

Or. fr

Amendment 258
Petru Constantin Luhan

Proposal for a directive
Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

in order to facilitate the functioning of the internal market in tobacco and related products, taking as a ***basis*** a high level of health protection.

Amendment

in order to meet commitments under the WHO Framework Convention for Tobacco Control, taking into account future health research that will be developed under Horizon 2020 tackling the health consequence of tobacco consumption, and in order to facilitate the functioning of the internal market in tobacco and related products, taking as a ***base*** a high level of health protection, ***especially for young people.***

Or. en

Amendment 259
Frédérique Ries

Proposal for a directive
Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

in order to facilitate the functioning of the internal market in tobacco and related products, taking as a basis a high level of

Amendment

in order to facilitate the functioning of the internal market in tobacco and related ***tobacco-free*** products, taking as a basis a

health protection.

high level of health protection, *particularly for young people.*

This directive also seeks to keep the public informed about harmful effects on smokers without in effect rejecting the risk reduction policies that consist in encouraging smokers to turn to lower-risk products.

Or. fr

Justification

The failure of anti-tobacco policies in many Member States means that it is necessary to put in place – including in this European legislation – risk reduction policies that consist in encouraging smokers to turn to lower-risk products. The Commission has made the same gamble on the future in Article 17 concerning novel tobacco products.

Amendment 260

Karl-Heinz Florenz, Peter Liese, Thomas Ulmer, Christa Kläß, Richard Seeber, Renate Sommer

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

in order to facilitate the functioning of the internal market in tobacco and related products, taking as a basis a high level of health protection.

Amendment

Does not affect English version.

Or. de

Justification

Amendment 261

Holger Krahrmer

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'additive' means substance contained in a tobacco product, its unit packet or any outside packaging with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants; *deleted*

Or. de

Justification

To remain in keeping with amended definition 18, 'ingredient'.

Amendment 262

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Salvatore Tatarella, Giovanni La Via, Roberta Angelilli

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'additive' means substance contained in a tobacco product, its unit packet or any outside packaging with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants; *deleted*

Or. it

Justification

It is inappropriate to seek to regulate in this Directive substances which do not migrate from the packaging into the finished product.

Amendment 263

Karl-Heinz Florenz, Thomas Ulmer

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'additive' means substance ***contained in*** a tobacco product, ***its unit packet or any*** outside packaging with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

(2) 'additive' means *a* substance ***which is used in the manufacture of*** a tobacco product, ***including its components such as paper, filter, inks, capsules, adhesives,*** packet ***and*** outside packaging, ***and is still present, including in modified form, in the finished product*** with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

Or. de

Amendment 264

María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'additive' means substance contained in a tobacco product, ***its unit packet or any outside packaging*** with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants;

(2) additive means substance contained in a tobacco product with the exception of tobacco leaves and other natural or unprocessed parts of tobacco plants ***and intended to be present in the finished product.***

Or. en

Justification

Including packaging and labelling in the definition of additives introduces obligations to suppliers who are not in the scope of the Directive (as inks, paper, cardboard, etc.) that, for this reason, were excluded in the discussions held during the Directive 2001/37 EC process of adoption.

Amendment 265

Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik

Proposal for a directive

Article 2 – paragraph 1 – point 3

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Text proposed by the Commission

Amendment

(3) ‘age verification system’ means a computing system that unambiguously confirms the consumer's age in electronic form according to national requirements;

deleted

Or. pl

Amendment 266

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Giovanni La Via, Roberta Angelilli

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) ‘age verification system’ means a computing system that unambiguously confirms the consumer's age in electronic form according to national requirements;

deleted

Or. it

Justification

Cross-border distance sales would jeopardise the safety of consumers – in particular minors – and boost illegal sales of tobacco products.

Amendment 267

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) ‘age verification system’ means a computing system that unambiguously confirms the consumer's age in electronic

deleted

form according to national requirements;

Or. it

See amendments to Article 16.

Amendment 268

Erik Bánki

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product; *deleted*

Or. en

Justification

The term characterising flavours is a subjective category. The objective of the proposal should rather be met with an exhaustive list of flavours allowing menthol to be used in tobacco products.

Amendment 269

Jolanta Emilia Hibner, Małgorzata Handzlik, Bogusław Sonik

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable *deleted*

before or upon intended use of the tobacco product;

Or. pl

Amendment 270
Jaroslav Kalinowski

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

deleted

Or. pl

Justification

Cigarettes with a characterising aroma and taste became popular (i.e. they account for a significant share of the tobacco products market) in a small number of EU Member States. In other countries, the popularity of flavoured cigarettes is negligible, while in other countries it is non-existent. Therefore, the measures proposed by the Commission would hit the markets of countries where flavoured cigarettes are popular hardest, while they would have practically no effect on the markets of other Member States. This measure is disproportionate and, as such, it should be removed.

Amendment 271
Holger Krahmer

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than

*(4) 'characterising flavour' means a **sweet, fruity or confectionery-type** aroma*

tobacco, resulting from *an additive* or combination of *additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla* observable *before or* upon intended use of the tobacco product;

differing from tobacco or *a taste distinguishable from* tobacco, resulting from *a flavouring* or combination of *flavourings, which is* observable upon intended use of the tobacco product. ***For the purposes of this definition, it is assumed that tobacco and menthol do not have a sweet, fruity or confectionery-type taste.***

Or. de

Justification

To ensure that the market can function, tobacco product manufacturers must be allowed to compete fairly for the consumer's custom by developing new products and distinguishing their products from those of their rivals.

Amendment 272 **Renate Sommer**

Proposal for a directive **Article 2 – paragraph 1 – point 4**

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, ***including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla*** observable before or upon intended use of the tobacco product;

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, ***which is*** observable before or upon intended use of the tobacco product

Or. de

Amendment 273 **María Auxiliadora Correa Zamora, Esther Herranz García**

Proposal for a directive **Article 2 – paragraph 1 – point 4**

Text proposed by the Commission

(4) '**characterising** flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, **including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or** upon intended use of the tobacco product;

Amendment

(4) '**non-tobacco dominant** flavour' means **an overt** distinguishable aroma or taste other than tobacco **or menthol**, resulting from an additive or combination of additives **evident** upon intended use of the tobacco product

Or. en

Justification

The terms used are not accurate and can be, therefore, subject to subjective interpretation. With respect to menthol, these products are consumed mainly by adult consumers, not by minors, thus being outside the scope of the objectives of this Directive. Furthermore, the prohibition of menthol could cause its consumers to draw upon illicit trade to purchase these products, with the consequent negative impact on legal consumption and, therefore, in the cultivation of tobacco that this supply demands.

Amendment 274
Marian-Jean Marinescu

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, **spice**, herb, **alcohol**, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, herb, candy or vanilla observable before or upon intended use of the tobacco product;

Or. en

Amendment 275
Frédérique Ries

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘characterising flavour’ means *a distinguishable* aroma or taste other than tobacco, resulting from an additive or combination of additives, including *but not limited to* fruit, spice, herb, alcohol, candy, *menthol or vanilla* observable before or upon intended use of the tobacco product;

Amendment

(4) ‘characterising flavour’ means *an* aroma or taste *distinguishable by everyone* other than tobacco, resulting from an additive or combination of additives, including fruit, spice, herb, alcohol *or* candy, observable before or upon intended use of the tobacco product;

Or. fr

Justification

It is preferable not to mention specific flavours when the list is not exhaustive. Moreover, vanilla could be included under 'spices', while menthol, in view of its impact on consumption by girls and young women in particular, deserves special attention and a specific definition.

Amendment 276

Karl-Heinz Florenz, Peter Liese, Thomas Ulmer, Richard Seeber

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

Amendment

Does not affect English version.

Or. de

Justification

Amendment 277
Christofer Fjellner, Jarosław Leszek Wałęsa

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, ***including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla*** observable before or upon intended use of the tobacco product;

Amendment

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, observable before or upon intended use of the tobacco product;

Or. en

Amendment 278
Jutta Haug

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, ***candy, menthol or vanilla*** observable before or upon intended use of the tobacco product;

Amendment

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol ***or candy*** observable before or upon intended use of the tobacco product;

Or. en

Amendment 279
Ewald Stadler

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco **or menthol**, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product;

Or. de

Amendment 280
Maria do Céu Patrão Neves

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco **or menthol**, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

Or. pt

Amendment 281
Gaston Franco, Jolanta Emilia Hibner, Boguslaw Sonik, Elisabetta Gardini

Proposal for a directive
Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not

Amendment

(4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not

limited to fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

limited to fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product.
Traditional tobacco products flavours such as menthol are not considered to be characterising flavours.

Or. en

Justification

Menthol has not proven its effects regarding the behaviour of young people, it should not be incorporated into the Directive as a characterising flavour but as conventional cigarette. The purpose of the ban is to protect young people from start to smoke which is not proved with the menthol.

Amendment 282

Erik Bánki

Proposal for a directive

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) ‘characterising flavour’ means a distinguishable aroma or taste other than tobacco **and menthol**, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, or vanilla observable before or upon intended use of the tobacco product;

Or. en

Justification

Allowing the placing on the market of mentholated products is in line with the US approach followed by the proposal and eliminates a significant illicit trade risk in countries where the share of mentholated products is high.

Amendment 283

Martina Anderson

on behalf of the GUE/NGL Group

**Glenis Willmott, Kartika Tamara Liotard, Carl Schlyter, Nessa Childers,
Catherine Stihler, Antonia Parvanova**

**Proposal for a directive
Article 2 – paragraph 1 – point 4**

Text proposed by the Commission

(4) '**characterising** flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

Amendment

(4) 'flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, menthol or vanilla observable before or upon intended use of the tobacco product;

Or. en

Justification

The Directive should address flavours as such, and not just 'characterising' flavours.

**Amendment 284
Milan Cabrnoch**

**Proposal for a directive
Article 2 – paragraph 1 – point 4**

Text proposed by the Commission

4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy, **menthol** or vanilla observable before or upon intended use of the tobacco product;

Amendment

4) 'characterising flavour' means a distinguishable aroma or taste other than tobacco **or menthol**, resulting from an additive or combination of additives, including but not limited to fruit, spice, herb, alcohol, candy or vanilla observable before or upon intended use of the tobacco product;

Or. cs

**Amendment 285
Frédérique Ries**

Proposal for a directive
Article 2 – paragraph 1 – point 4 a (new)

Text proposed by the Commission

Amendment

(4a) ‘menthol flavour’ means a characterising flavour based on mint and present in a large number of manufactured cigarettes which, at levels in excess of 0.3%, is tasted with each puff of smoke inhaled.

Or. fr

Justification

A special definition on menthol flavour is needed as menthol is an important tobacco additive, even more so, the only one explicitly declared to the consumer.

Amendment 286
Paul Nuttall, Godfrey Bloom

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘cigarillo’ means a small type of cigar with a diameter of up to 8 mm; ***deleted***

Or. en

Amendment 287
Holger Krahmer

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘cigarillo’ means a small type of cigar with a diameter of up to 8 mm; ***deleted***

Justification

A cigarillo is simply a type of cigar; a separate definition is therefore not necessary.

Amendment 288
Timothy Kirkhope

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

**(8) ‘cigarillo’ means a small type of cigar
with a diameter of up to 8 mm;** **deleted**

Amendment 289
Renate Sommer, Monika Hohlmeier

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

**(8) ‘cigarillo’ means a small type of cigar
with a diameter of up to 8 mm;** **(8) ‘cigarillo’ means a small, *slim* type of
cigar;**

Amendment 290
María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive
Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

**(8) ‘cigarillo’ means a small type of cigar
with a diameter of up to 8 mm;** **(8) ‘cigarillo’ means a *roll of tobacco*
*consumed via a combustion process, as***

defined in Article 4 of Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco;

Or. es

Justification

The definition of ‘cigarillo’ provided by the Directive is not coherent with that provided by the legislation in force in the EU since 2011, pursuant to Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco.

Amendment 291

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive

Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) electronic cigarettes (e-cigarettes) are electrical consumer products, where the smoker inhales a vaporised liquid solution containing nicotine, propylene glycol and glycerol among other substances which enable the user to simulate the act of smoking

Or. en

Justification

E-cigarettes are used primarily by smokers, former smokers and smokers who are trying to quit. They are less hazardous and toxic than traditional cigarettes. Nevertheless, they still deliver nicotine and potentially other harmful substances when inhaled.

Amendment 292

Milan Cabrnoch

Proposal for a directive

Article 2 – paragraph 1 – point 11 – introductory part

Text proposed by the Commission

11) 'cross-border distance sales' means a distance sales service where, ***at the time*** the consumer orders the product, ***the consumer is located in a Member State other than the Member State or the third country where*** the retail outlet is established; a retail outlet is deemed to be established in a Member State:

Amendment

11) 'cross-border distance sales' means a distance sales service where the ***end*** consumer orders the product ***to be delivered to a state other than the state in which*** the retail outlet is established; a retail outlet is deemed to be established in a Member State:

Or. cs

Amendment 293

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 11 – introductory part

Text proposed by the Commission

(11) 'cross-border distance sales' means a distance sales service where, at the time the consumer orders the product, the consumer is located in a Member State other than the Member State or the third country where the retail outlet is established; ***a retail outlet is deemed to be established in a Member State:***

Amendment

(11) 'cross-border distance sales' means a distance sales service where, at the time the consumer orders the product, the consumer is located in a Member State other than the Member State or the third country where the retail outlet is established;

Or. it

See amendments to Article 16.

Amendment 294

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 11 – point a

Text proposed by the Commission

Amendment

(a) in the case of a natural person - if he/she has his/her place of business in that Member State;

deleted

Or. it

See amendments to Article 16.

Amendment 295

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 11 – point b

Text proposed by the Commission

Amendment

(b) in other cases - if it has its statutory seat, central administration or place of business, including a branch, agency or any other establishment in that Member State;

deleted

Or. it

See amendments to Article 16.

Amendment 296

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive

Article 2 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12a) Comprehensive information should be provided by e-cigarette manufacturers concerning the different ingredients of their products, the effects of nicotine vaporization as well as any other impacts on human health due to the inhalation of potentially carcinogenic substances.

Justification

To bring the proposal into line with the fact that definition 2, 'additive', is to be deleted.

Amendment 299

María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) 'flavouring' means an additive that imparts aroma and/or taste;

Amendment

(13) 'flavouring' means an additive that imparts aroma and/or taste, ***with the exception of menthol***;

Or. es

Justification

Mentholated cigarettes are widely consumed in a number of countries, but mainly by older people rather than younger ones. A ban on menthol could push consumers towards purchasing this product on the black market. On the other hand, in some countries with very restrictive tobacco consumption policies menthol is not banned.

Amendment 300

Renate Sommer

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) 'ingredient' means an additive, tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco), as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Amendment

deleted

Or. de

Justification

'Additive' is already defined in Article 2 of Directive 2001/37/EC.

Amendment 301

Karl-Heinz Florenz, Thomas Ulmer

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) 'ingredient' means an additive, tobacco *(leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco)*, as well as any substance present in a finished tobacco product including *paper, filter, inks, capsules and adhesives*;

Amendment

(18) 'ingredient' means an additive **and** tobacco;

Or. de

Amendment 302

Holger Krahmer

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) 'ingredient' means **an additive**, tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants *including expanded and reconstituted tobacco*), as well as **any substance** present in a finished tobacco product including *paper, filter, inks, capsules and adhesives*;

Amendment

(18) 'ingredient' means **any substance, apart from** tobacco leaves and other natural, processed or unprocessed parts of tobacco plants, **which is used in the making or preparation of a tobacco product, including paper, filter, inks, capsules and adhesives, and** is present in a finished tobacco product, including **in modified form**;

Or. de

Justification

The definition of ingredients goes far beyond that in the FCTC Partial Guidelines, which provides for inclusion of all substances deliberately added to the product during the manufacturing process.

Amendment 303

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Salvatore Tatarella, Giovanni La Via, Roberta Angelilli

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘ingredient’ means ***an additive, tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco), as well as any substance present in a finished tobacco product*** including paper, filter, inks, capsules and adhesives;

Amendment

(18) ‘ingredient’ means ***any substance used in the manufacture or preparation of a tobacco product or of any constituent thereof*** (including paper, filter, inks, capsules and adhesives) ***and still present in the finished tobacco product;***

Or. it

Justification

In line with the current directive on tobacco products, the definition of ‘ingredient’ should not include tobacco leaves, residues of crop protection products or the packet, but only substances other than tobacco present in the finished product.

Amendment 304

María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘ingredient’ means an additive, ***tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and***

Amendment

(18) ‘ingredient’ means an additive, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

reconstituted tobacco), as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Or. en

Justification

Tobacco leaves should not be considered an ingredient, as they are the product itself and not an added part, as stated in Article 2 of the current Directive 2001/37 EC.

Amendment 305
Milan Cabrnoch

Proposal for a directive
Article 2 – paragraph 1 – point 18

Text proposed by the Commission

18) 'ingredient' means an additive, ***tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco)***, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Amendment

18) 'ingredient' means an additive, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Or. cs

Amendment 306
Izaskun Bilbao Barandica

Proposal for a directive
Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) 'ingredient' means an additive, ***tobacco*** (leaves and other natural, processed or unprocessed parts of tobacco plants ***including expanded and reconstituted tobacco***), as well as any substance present in a finished tobacco

Amendment

(18) 'ingredient' means an additive, ***(except tobacco*** leaves and other natural, processed or unprocessed parts of tobacco plants), as well as any substance present in a finished tobacco product including paper,

product including paper, filter, inks,
capsules and adhesives;

filter, inks, capsules and adhesives;

Or. es

Amendment 307

**Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni,
Claudio Morganti, Lorenzo Fontana**

Proposal for a directive

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘ingredient’ means an additive, ***tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco)***, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Amendment

18) ‘ingredient’ means an additive, as well as any substance present in a finished tobacco product including paper, filter, inks, capsules and adhesives;

Or. it

Justification

In line with the approach adopted by the Commission in relation to the revision of Directive 2001/110/EC (Honey Directive), it is important to distinguish between a product’s ‘ingredients’ and its ‘natural constituents’. Tobacco should, therefore, be deemed to be a constituent of tobacco products.

Amendment 308

Gaston Franco

Proposal for a directive

Article 2 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘reconstituted tobacco’: result of the enhancement of different parts of the tobacco plant from threshing and the manufacture of tobacco products, used as

sheets or individual strands as a component of the tobacco blend for cigarettes and other tobacco products;

Or. en

Justification

The directive propose plenty of definition. The need to add a definition on 'reconstituted tobacco' is to increase citizens' knowledge on this labelling.

Amendment 309

Karl-Heinz Florenz, Thomas Ulmer

Proposal for a directive

Article 2 – paragraph 1 – point 18 b (new)

Text proposed by the Commission

Amendment

(18b) 'tobacco' means leaves and other processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;

Or. de

Amendment 310

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 18 c (new)

Text proposed by the Commission

Amendment

(18c) 'natural constituent' means tobacco (leaves and other natural, processed or unprocessed parts of tobacco plants including expanded and reconstituted tobacco);

Or. it

(See amendment to Article 2(18).)

Amendment 311
Sergej Kozlík

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘maximum level’ or ‘maximum yield’ **deleted**
means the maximum content or emission,
including 0, of a substance in a tobacco
product measured in grams;

Or. en

Amendment 312
Eleni Theocharous

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘maximum level’ or ‘maximum yield’ **deleted**
means the maximum content or emission,
including 0, of a substance in a tobacco
product measured in grams;

Or. en

Amendment 313
Milan Cabrnoch

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

19) ‘maximum level’ or ‘maximum yield’ **deleted**
means the maximum content or emission,
including 0, of a substance in a tobacco

product measured in grams;

Or. cs

Amendment 314
Holger Krahrmer

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) 'maximum level' or 'maximum yield' means the maximum content or emission, **including 0**, of a substance in a tobacco product **measured in grams**;

(19) 'maximum level' or 'maximum yield' means the maximum content or emission of a substance in a tobacco product;

Or. de

Justification

There is little point in notifying a maximum emission level of zero. Not all substances, moreover, are measures in grams.

Amendment 315
María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) 'maximum level' **or** 'maximum yield' means the maximum content or emission, **including 0**, of a substance in a tobacco product measured in grams;

(19) 'maximum level' **or** 'maximum yield' means the maximum content or emission of a substance in a tobacco product measured in grams;

Or. en

Justification

To establish maximum levels including the zero value can discriminate some of the cultivated varieties of tobacco leaves and, therefore, some growers, and ultimately could lead to a possible ban of entire product categories. This would result in

potential conflicts with international trade agreements signed by the EU or their Member States with third countries

Amendment 316

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Salvatore Tatarella, Giovanni La Via, Roberta Angelilli

Proposal for a directive

Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘maximum level’ or ‘*maximum yield*’ means the maximum content *or emission, including 0*, of a substance in a tobacco product measured in grams;

(19) ‘maximum level’ means the maximum content of a substance in a tobacco product measured in grams;

Or. it

Justification

‘Maximum yield emissions including 0’ could cover every tobacco product currently on the market.

Amendment 317

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) ‘maximum level’ or ‘maximum yield’ means the maximum content or emission, *including 0*, of a substance in a tobacco product measured in grams;

(19) ‘maximum level’ or ‘maximum yield’ means the maximum content or emission of a substance in a tobacco product measured in grams;

Or. it

Amendment 318

Holger Krahrmer

Proposal for a directive
Article 2 – paragraph 1 – point 22

Text proposed by the Commission

(22) 'nicotine-containing product' means a product usable for consumption by consumers via inhalation, ingestion or in other forms **and to which nicotine is either added during the manufacturing process or self-administered by the user before or during consumption;**

Amendment

(22) 'nicotine-containing product' means a product usable for consumption by consumers via inhalation, ingestion or in other forms which **neither contains tobacco nor is a medicinal product within the meaning of Directive 2001/83/EC;**

Or. de

Amendment 319
Holger Krahrmer

Proposal for a directive
Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) '**novel** tobacco product' means a tobacco product **other than a cigarette, roll-your-own tobacco, pipe tobacco, water-pipe tobacco, cigar, cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use placed on the market after entry into force of this Directive;**

Amendment

(23) '**low-risk** tobacco product' means a tobacco product **which has been developed or is marketed as a product posing a lower level of risk or which, according to the manufacturer's claims, is less harmful;**

Or. de

Amendment 320
Erminia Mazzoni

Proposal for a directive
Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) '**novel** tobacco product' means a tobacco product **other than a cigarette,**

Amendment

(23) '**reduced-risk** tobacco product' means a tobacco product **which is marketed on**

roll-your-own tobacco, pipe tobacco, water-pipe tobacco, cigar, cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use placed on the market after entry into force of this Directive;

the basis of its reducing the risk of diseases linked to the consumption of conventional tobacco products;

Or. it

Amendment 321

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive

Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘novel tobacco product’ means a tobacco product other than a cigarette, roll-your-own tobacco, pipe tobacco, water-pipe tobacco, cigar, cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use placed on the market after entry into force of this Directive;

Amendment

(23) ‘novel tobacco product’ means a tobacco product other than a cigarette, roll-your-own tobacco, pipe tobacco, water-pipe tobacco, cigar, cigarillo, chewing tobacco, nasal tobacco or tobacco for oral use placed on the market after entry into force of this Directive;

Or. it

Justification

Linguistic amendment of Italian text. Does not affect the English version.

Amendment 322

Mario Pirillo, Gianni Pittella

Proposal for a directive

Article 2 – paragraph 1 – point 23 – point i (new)

Text proposed by the Commission

Amendment

(i) ‘reduced-risk tobacco product’ means a novel tobacco product with a limited effect on health as attested by scientific evidence;

Justification

Information and prevention campaigns on the damaging effects of tobacco on health are the only effective means of discouraging its use, especially among the young. In the case of heavy smokers, scientifically-proven reduced-risk tobacco products can provide a solution by limiting the harmful effects on those who nonetheless decide to continue to smoke.

Amendment 323

Martina Anderson, Kartika Tamara Liotard

Proposal for a directive

Article 2 – paragraph 1 – point 24 a (new)

Text proposed by the Commission

Amendment

(24a) ‘outside transport packaging’ means any packaging, consisting of an aggregation of unit packets, in which tobacco products are transported from the manufacturer to the subsequent economic operators before being placed on the market, such as cartons, master cases and pallets;

Or. en

Justification

To be consistent with the WHO FCTC Protocol to eliminate the illicit trade in tobacco products, there should be unique identifiers on any outside transport packaging to include cartons, mastercases and pallets.

Amendment 324

Linda McAvan

Proposal for a directive

Article 2 – paragraph 1 – point 24 a (new)

Text proposed by the Commission

Amendment

(24a) ‘outside transport packaging’

means any packaging, consisting of an aggregation of unit packets, in which tobacco products are transported from the manufacturer to the subsequent economic operators before being placed on the market, such as cartons, master cases and pallets;

Or. en

Justification

The Commission's definition of 'outside packaging' only extends to packaging which is placed on the market, e.g. multipacks. The intention of the 'WHO Protocol to Eliminate Illicit Trade in Tobacco Products' is that unique identifiers should also be placed on cartons, master cases and pallets.

Amendment 325

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Giovanni La Via, Roberta Angelilli

Proposal for a directive

Article 2 – paragraph 1 – point 25

Text proposed by the Commission

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment, ***including by means of distance sale; in case of cross-border distance sales the product is deemed to be placed on the market in the Member State where the consumer is located;***

Amendment

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment;

Or. it

Justification

Cross-border distance sales would jeopardise the safety of consumers – in particular minors – and boost illegal sales of tobacco products.

Amendment 326

Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Claudio Morganti, Lorenzo

Fontana

**Proposal for a directive
Article 2 – paragraph 1 – point 25**

Text proposed by the Commission

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment, ***including by means of distance sale; in case of cross-border distance sales the product is deemed to be placed on the market in the Member State where the consumer is located;***

Amendment

(25) 'place on the market' means to make products available to consumers located in the Union, with or without payment;

Or. it

See amendments to Article 16.

**Amendment 327
Milan Cabrnoch**

**Proposal for a directive
Article 2 – paragraph 1 – point 26**

Text proposed by the Commission

26) 'pipe tobacco' means tobacco consumed via a combustion process and exclusively designed for the purpose of being used in a pipe;

Amendment

26) 'pipe tobacco' means tobacco consumed via a combustion ***or heating*** process and exclusively designed for the purpose of being used in a pipe;

Or. cs

**Amendment 328
Frédérique Ries**

**Proposal for a directive
Article 2 – paragraph 1 – point 26 a (new)**

Text proposed by the Commission

Amendment

(26a) 'water pipe tobacco' means tobacco intended solely for use in a water pipe

such as a hookah (shisha), consisting of a moist mixture of tobacco, preservatives and flavours, often with a binding agent such as molasses or honey;

Or. fr

Justification

A definition on water-pipe tobacco is needed and is consistent with the amendments to incorporate clearly water-pipe tobacco in the scope of the directive.

Amendment 329

Frédérique Ries

Proposal for a directive

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘roll-your-own tobacco’ means tobacco which can be used for making cigarettes by consumers *or retail outlets*;

Amendment

(28) ‘roll-your-own tobacco’ means tobacco which can be used for making cigarettes by consumers;

Or. fr

Justification

Deletion to avoid legitimising a fraudulent practice: retailers are not authorised to make cigarettes themselves in order to sell them.

Amendment 330

Marian Harkin, Pat the Cope Gallagher, Jim Higgins

Proposal for a directive

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘roll-your-own tobacco’ means tobacco which can be used for making cigarettes by consumers *or retail outlets*;

Amendment

(28) ‘roll-your-own tobacco’ means tobacco which can be used for making cigarettes by consumers; *and further defined in Article 5(2) of Council Directive 2011/64/EU of 21 June 2011 on*

the structure and rates of excise duty applied to manufactured tobacco¹;

¹ *OJ L 176, 5.7.2011, p. 24.*

Or. en

Justification

The definition of ‘roll-your-own tobacco’ should be aligned with the Council Directive 2011/64/EU. Differing definitions of what ‘roll-your-own tobacco’ is in different Directives will lead to confusion. Retail outlets do not make cigarettes.

Amendment 331
Emma McClarkin

Proposal for a directive
Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘roll-your-own tobacco’ means tobacco which can be used for **making** cigarettes by consumers or retail outlets;

Amendment

(28) ‘roll-your-own tobacco’ means tobacco which can be used for **hand rolling** cigarettes by consumers or retail outlets;

Or. en

Amendment 332
Emma McClarkin

Proposal for a directive
Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

(28a) ‘make-your-own’ tobacco means fine-cut loose tobacco which can be used for making cigarettes by consumers;

Or. en

Justification

'Make-your-own' tobacco is a fine-cut tobacco, usually a loose volume tobacco, especially suitable for producing cigarettes with the help of a small machine.

Amendment 333
Timothy Kirkhope

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

deleted

Or. en

Amendment 334
Frédérique Ries

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least *five* Member States *representing at least*

transmitted in accordance with Article 5(4); **or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on _____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report** or equivalent prevalence studies;

5% of the population of the EU based on sales data transmitted in accordance with Article 5(4), or **on** equivalent prevalence studies;

Or. fr

Justification

More precise and limited criteria are needed, covering a representative sample of the European population.

**Amendment 335
Holger Kraemer**

**Proposal for a directive
Article 2 – paragraph 1 – point 30**

Text proposed by the Commission

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on _____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **20%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on _____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. de

Justification

In most Member States, annual consumption of cigars and pipe tobacco is very low. A 10% mark for fluctuations in sales volumes would therefore be very quickly attained.

Amendment 336
Toine Manders

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **20%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. en

Amendment 337
María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10% in at least 10 Member States** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the

Amendment

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **20% in the 10 biggest volume Member States’ markets** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least **10** percentage points in at least 10 Member States for the respective product category based on ____ [this date will be

Directive] Eurobarometer report or equivalent prevalence studies;

set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. en

Justification

The annual consumption of cigars and pipe tobacco in most of the Member States is very low. A 10% fluctuation in the sales volumes could happen too easily in these Member States.

Amendment 338
Renate Sommer

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **20%** in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. de

Amendment 339
Theodoros Skylakakis

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies, ***provided, however, that the increases in both these cases are higher than 0.1% in the total market in tobacco products;***

Or. el

Justification

The second condition is to ensure that only significant changes are taken into account.

Amendment 340
Milan Cabrnoch

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective

Amendment

30) 'substantial change of circumstances' means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States ***in one calendar year,*** based on ***reliable and available*** sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at

product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. cs

Amendment 341
Andrés Perelló Rodríguez

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10% in at least **the** 10 Member States **with the largest market volume**, based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least **the** 10 Member States **with the largest market volume**, for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. es

Amendment 342
Izaskun Bilbao Barandica

Proposal for a directive
Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10 % in at least 10 Member States based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least 10 % in at least **the** 10 Member States **with the highest per capita consumption**, based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points in at least 10 Member States for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Or. es

Amendment 343

**Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni,
Claudio Morganti, Lorenzo Fontana**

Proposal for a directive

Article 2 – paragraph 1 – point 30

Text proposed by the Commission

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category, such as pipe tobacco, cigar, cigarillo, by at least **10% in at least 10 Member States** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points **in at least 10 Member States** for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies;

Amendment

(30) ‘substantial change of circumstances’ means an increase of the sales volumes by product category (such as pipe tobacco, cigar, cigarillo) by at least **25% throughout the Union** based on sales data transmitted in accordance with Article 5(4); or an increase of the prevalence level in the consumer group under 25 years of age by at least 5 percentage points **throughout the Union** for the respective product category based on ____ [this date will be set at the moment of adoption of the Directive] Eurobarometer report or equivalent prevalence studies

Or. it

Amendment 344
Claudiu Ciprian Tănăsescu, Minodora Cliveti

Proposal for a directive
Article 2 – paragraph 1 – point 33 a (new)

Text proposed by the Commission

Amendment

(33a) ‘Tobacco for water pipes’ means tobacco designed exclusively for use in a water pipe;

Or. ro

Amendment 345
Georgios Koumoutsakos

Proposal for a directive
Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) 'tobacco products' means products usable for consumption by consumers and consisting of, even partly, tobacco, ***whether genetically modified or not;***

(34) 'tobacco products' means products usable for consumption by consumers and consisting of, even partly, tobacco;

Or. el

Amendment 346
Frédérique Ries

Proposal for a directive
Article 2 – paragraph 1 – point 34

Text proposed by the Commission

Amendment

(34) ‘tobacco products’ means products usable for consumption by consumers and consisting of, even partly, tobacco, whether genetically modified or not;

(34) ‘tobacco products’ means products usable for consumption by consumers and consisting of, even partly, tobacco ***or some products containing nicotine,*** whether

genetically modified or not;

Or. en

Justification

E-cigarettes which are not presented as smoking cessation aids, contrary to nicotine replacement therapies, and which are not exceeding a certain nicotine level as set up in the article 18 of the directive, fall within the scope of the definition of ‘tobacco product’ since electronic cigarettes contain nicotine derived from tobacco leaves.

Amendment 347
Cristian Silviu Buşoi

Proposal for a directive
Article 2 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘tobacco products’ means products usable for consumption by consumers and consisting of, even partly, tobacco, whether genetically modified or not;

Amendment

(34) ‘tobacco products’ means products usable for consumption by consumers and consisting of, even partly, tobacco **or derived from tobacco**, whether genetically modified or not;

Or. en

Justification

This amendment aims at bringing e-cigarettes under the definition of ‘tobacco products’ and of ‘smokeless tobacco product’. Indeed, these contain nicotine, which is derived from tobacco. The main objective is to avoid e-cigarettes being governed by the Medicinal Products Directive (Directive 2001/83/EC) as it is suggested in art. 18 since e-cigarettes cannot be considered to be medicines.

Amendment 348
María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive
Article 2 – paragraph 1 – point 34

Text proposed by the Commission

(34) ‘tobacco products’ means products

Amendment

(34) ‘tobacco products’ means products

usable for consumption by consumers and consisting of, even partly, tobacco, *whether genetically modified or not*;

usable for consumption by consumers and consisting of, even partly, tobacco;

Or. es

Justification

The Commission's reference to GMOs is irrelevant to this Directive.

Amendment 349
Theodoros Skylakakis

Proposal for a directive
Article 2 – paragraph 1 – point 36

Text proposed by the Commission

(36) 'unit packet' means the smallest individual packaging of a product that is placed on the market.

Amendment

(36) 'unit packet' means the smallest individual packaging of a product that is placed on the market *and is available to the final consumer*.

Or. en

Justification

This is to differentiate the unit packet from the aggregation of unit packets.

Amendment 350
Esther de Lange

Proposal for a directive
Article 2 – paragraph 1 – point 36 a (new)

Text proposed by the Commission

Amendment

(36a) 'imitation tobacco products' means sweets, snacks, toys or any other products resembling tobacco products which may appeal to minors.

Or. en

Amendment 351
Frédérique Ries, Corinne Lepage

Proposal for a directive
Article 2 – paragraph 1 – point 36 b (new)

Text proposed by the Commission

Amendment

(36b) ‘passive smoking’ means the involuntary inhalation of smoke from the combustion of cigarettes or cigars or from the exhalation of one or more smokers.

Or. fr

Amendment 352
Daniël van der Stoep

Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) **10 mg** per cigarette for tar,

(a) **12 mg** per cigarette for tar,

Or. nl

Amendment 353
Daniël van der Stoep

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) **1 mg** per cigarette for nicotine,

(b) **2 mg** per cigarette for nicotine,

Or. nl

Amendment 354
Daniël van der Stoep

Proposal for a directive
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) **10 mg** per cigarette for carbon monoxide.

Amendment

(c) **20 mg** per cigarette for carbon monoxide.

Or. nl

Amendment 355
Carl Schlyter, Satu Hassi

Proposal for a directive
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) 0.002 picocuries of Polonium 210

Or. en

Justification

Polonium was found to be a significant carcinogen in tobacco. Each cigarette contains about 0.04 picocuries (Rego, Isis, 2009). It is estimated that ‘puff by puff, the poison builds up to the equivalent radiation dose of 300 chest x-rays a year or a person who smokes 30 cigarettes a day’ (Rego, Scientific American, 2011). A combination of several measures could virtually eliminate Polonium 210 from cigarettes (e.g. use of low-uranium fertilizer, wash leaves after harvest, additives, filters).

Amendment 356
Paul Nuttall, Godfrey Bloom

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and

deleted

internationally agreed standards.

Or. en

Amendment 357
Paul Nuttall, Godfrey Bloom

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. **deleted**

Or. en

Amendment 358
Gaston Franco

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. **deleted**

Or. en

Justification

All decisions in this directive are highly political decisions. Any changes have to be made with ordinary legislative procedure.

Amendment 359
Milan Cabrnoch

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. cs

Amendment 360
Sergej Kozlík

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. en

Amendment 361
Holger Krahrmer

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with *deleted*

Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.

Or. de

Justification

The transfer of powers is not only at odds with the subsidiarity principle and any possible legal basis, but also with the guidelines laid down in the Treaty concerning the use of delegated acts (Article 290 TFEU) and implementing acts (Article 291 TFEU).

Amendment 362
Morten Messerschmidt

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. ***deleted***

Or. en

Justification

As definition 19 in article 2 makes clear, zero is an acceptable maximum level of emission, in effect giving the Commission the power to ban all cigarettes through a delegated act. As the directive will be up for revision in just five years, there is no need to give the Commission such sweeping power.

Amendment 363
Eleni Theocharous

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. en

Amendment 364
Cristian Silviu Buşoi

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. en

Justification

The maximum yields are an essential part of the legislative act and should not be the object of a delegation of power to the Commission.

Amendment 365
Renate Sommer, Monika Hohlmeier

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with *deleted*

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Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.

Or. de

Amendment 366

Paolo Bartolozzi, Elisabetta Gardini, Sergio Berlato, Salvatore Tatarella, Giovanni La Via, Roberta Angelilli

**Proposal for a directive
Article 3 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. **deleted**

Or. it

Justification

It would be preferable to use the ordinary legislative procedure for the key aspects of the Directive.

Amendment 367

Ewald Stadler

**Proposal for a directive
Article 3 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and **deleted**

internationally agreed standards.

Or. de

Amendment 368
Andrés Perelló Rodríguez

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. es

Justification

The adaptation of maximum emission yields cannot be considered a mere technical issue to be resolved by means of delegated acts.

Amendment 369
Erik Bánki

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. en

Justification

Commission could unilaterally and fundamentally change the Directive if empowered to adopt delegated acts regarding maximum yields, therefore any further change to maximum yields should rather go through the co-decision procedure.

Amendment 370
Martin Callanan

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. *deleted*

Or. en

Justification

Article 3(2) contains essential elements of the Directive and therefore does not fall within the scope of delegated acts.

Amendment 371
María Auxiliadora Correa Zamora, Esther Herranz García

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards. **2. The Commission may submit proposals to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.**

Or. es

Justification

The purpose of this amendment is to ensure that the Commission and Member States cannot change the maximum yields of tar, nicotine, carbon monoxide and other emissions by means of delegated acts independently of Parliament. Any substantial changes to these yields could affect the tobacco growing sector. This is particularly true of nicotine, which is a major component of Burley.

Amendment 372
Georgios Koumoutsakos

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 22*** to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.

2. ***In order*** to adapt the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards, ***the usual legislative procedure shall be adopted.***

Or. el

Justification

In order to adapt the maximum yields, the usual legislative procedure should be followed rather than the Commission issuing delegated acts.

Amendment 373
Giancarlo Scottà, Oreste Rossi, Matteo Salvini, Francesco Enrico Speroni, Claudio Morganti, Lorenzo Fontana

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1, ***taking into account scientific development and*** internationally agreed standards.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to adapt the maximum yields laid down in paragraph 1 ***to*** internationally agreed standards.

Or. it

Amendment 374
Petru Constantin Luhan

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to **adapt** the maximum yields laid down in paragraph 1, taking into account scientific development and internationally agreed standards.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 22 to **reduce** the maximum yields laid down in paragraph 1, taking into account scientific development, **health burden on citizens for treatments**, and internationally agreed standards.

Or. en