

European public health organisations call on the EU Institutions to lead the transition towards a Tobacco-Free Europe

On the occasion of a special policy dialogue zooming in on the Tobacco Products Directive (2011/64/EU), the **Association of European Cancer Leagues (ECL)**, the **European Heart Network (EHN)**, the **European Lung Foundation (ELF)**, the **European Respiratory Society (ERS)**, and the **Smoke Free Partnership (SFP)**, teamed up to formulate concrete recommendations to deliver effective policies to achieve a sustainable tobacco-free future for the benefit of current and future generations.

Below are civil society recommendations for improving the **Tobacco Products Directive (2014/40/EU)**, the **Tobacco Tax Directive (2011/64/EU)**, the rules for cross-border shopping of tobacco (Article 32 of the **Council Directive 2008/118/EC**), the review of the **Council Recommendation of November 2009 on smoke-free environments**, and the evaluation and possible revision of the **Tobacco Advertising Directive (2003/33/EU)**. We also put forward some general recommendations to deliver a tobacco-free Europe.

OUR GOAL

To achieve tobacco-free generations, free from the death and suffering caused by tobacco consumption.

OUR PRINCIPLES

1

Protect children, adolescents and vulnerable groups from tobacco and nicotine consumption by preventing uptake and encouraging cessation.

2

Create a future-proof tobacco control framework to foresee and respond to the fast-paced developments of the tobacco market through an holistic approach which looks at: product regulation, additives, flavours, advertising, packaging and labelling while ensuring that rules apply to novel products, such as heated tobacco and the array of nicotine products.

3

Drive commitment to tobacco control and encourage coordinated and focused whole-of-government action to help accelerate a sustainable post-pandemic recovery and efforts towards achieving the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.



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OUR JOINT RECOMMENDATIONS

A comprehensive review of the EU tobacco legislation and a strategic plan are urgently needed. A 'Health in all policies' approach is necessary to achieve the target set in the [Europe's Beating Cancer Plan](#) where no children and less than 5% of the adult population use tobacco by 2040, compared to around 25% of adults today.

Tobacco Taxation Directive (2011/64/EU)

The European Commission is [reviewing Directive 2011/64/EU](#) ("Tobacco Taxation Directive") on the structure and rates of excise duty applied to manufactured tobacco. **We call on the European Parliament to support in its Report, and on EU Member States to adopt in the final text of the Directive, the following measures:**

- Convergence of taxes and prices of all tobacco products across Member States to ensure adequate health protection for all EU citizens and to discourage illegal cross-border shopping;
- Equalisation of taxes on roll-your-own (RYO)/make your own (MYO) tobacco to those of cigarettes;
- Introduction of an excise tax category for heated tobacco products at an equivalent level to that of cigarettes on a per-unit basis considering the similar nature, profile, and use of these products to cigarettes;
- Introduction of a specific tax category on e-cigarettes and e-liquids;
- Introduction of a tax category for raw tobacco and relevant intermediate products.

EU Member States, based on the European Commission's proposal and in consultation with the European Parliament, will review [Article 32 of the Council Directive 2008/118/EC](#) concerning the general arrangements for excise duty. **We call on EU Member States to adopt the following measures:**

- Reduced quantitative limits allowed for cross-border shopping with a maximum of 200 cigarettes per person;
- A ban on online sales of tobacco and nicotine products to ensure the adequate implementation, monitoring, and enforcement of Member States' tobacco control and fiscal policies.

Tobacco Products Directive (2014/40/EU)

On 20 May 2021, the European Commission published its [first report on the application of the Directive 2014/40/EU](#) ("Tobacco Products Directive"), five years after it became applicable in 2016. The report envisions its revision in 2022-23. **We call on the EU institutions to begin the revision of this Directive as soon as possible and, in order to improve it, we recommend the following:**

- Packaging and labelling of tobacco products (ref. Article 11 [WHO Framework Convention on Tobacco Control](#) - WHO FCTC)
 - Adopt plain, standardised packaging for all tobacco products across the EU along with larger graphic health warnings covering at least 80% of the front and the back of the packet;
 - Review the list of text warnings on cigarette and RYO/MYO packs and revise it where necessary to be in line with the latest scientific consensus on the effects of smoking, such as including a warning that 'Tobacco smoke increases up to 5 times the relative risk of heart disease and stroke'.



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- Prohibit menthol and other flavours as additives in all tobacco products by eliminating the exemption currently in place to tobacco products other than cigarettes and RYO tobacco in TPD Article 7(12) (ref. Article 9 WHO FCTC)
- Introduce a definition for 'heated tobacco products' (HTPs) and subject them to the full effect of the TPD
- Revise the definition and regulatory pathway of 'novel' tobacco products
- Measurement methods and regulation of filters (ref. Articles 9 and 10 WHO FCTC)

- Introduce a ban on filter ventilation;
- Invest in independent measurement methods for tobacco emissions and in studies of the environmental impact of tobacco filters;
- Explore the possibility and impact of a ban on filters and allow Member States to introduce bans on filters or regulation on health and environmental grounds.

- Reinforce the TPD measures against illicit trade (ref. Article 15 WHO FCTC)

- Safeguard the effective and independent operation of the EU tracking and tracing system for tobacco products by taking from the tobacco industry the following responsibilities: nomination and payment of auditors, the nomination of data storage providers and of anti-tampering devices;
- In general, we call on the EU and its Member States to implement the [International Protocol to Eliminate Illicit Trade in Tobacco Products \(ITP\)](#) and to continue international cooperation at global level to eliminate illicit tobacco trade. We remind the EU and Member States that the tobacco industry has a long-standing track record of participating in illicit trade and should not be considered a partner in the fight against it.

- Include references to the WHO FCTC Article 5.3 (protecting public health policy from tobacco industry interference) and Article 8 of the International Protocol to Eliminate Illicit Trade in Tobacco Products (ITP) in the Tobacco Products Directive

- Other recommendations

- Harmonise definitions of tobacco and related products across the TPD and all relevant EU legislation;
- Reinforce the conditions under which Member States can take further domestic regulatory measures in non-harmonised areas of the TPD, such as plain packaging, regulations to protect public health and the environment, or the prohibition of product categories on public health grounds;
- Consider delegating the product assessment, technical enforcement work, and market surveillance to a fee-funded agency in order to centralise the notification processes at EU-level with a unique database by complementing initiatives currently existing at national level.

2009 Council Recommendation on smoke-free environments

The European Commission intends to review the [Council Recommendation of 30 November 2009 on smoke-free environments](#). **We call on the European Commission in its proposal, on the European Parliament in its Opinion, and on EU Member States to raise the minimum standards for comprehensive protection from second-hand smoke, in line with proven successful policies in force in Member States and with the Guidelines on Article 8 WHO FCTC on Protection from Exposure to Tobacco Smoke:**

- Implement smoke-free laws in all workplaces whether indoors or outdoors;
- Implement smoke-free rules in bus stops, train and metro platforms and other passenger areas;
- Strengthen enforcement of existing smoke-free laws and remove exemptions from smoking bans, as well as smoking rooms;
- Protect vulnerable groups (such as pregnant women, children, the elderly, and mentally impaired adults) from second-hand smoke by informing the people close to these categories (e.g., partner, parents, carers, etc.) of the risks associated with second-hand smoke;
- Ensure novel tobacco products and ENDS are fully covered by smoke-free legislation.

Tobacco Advertising Directive (2003/33/EU)

The European Commission is reviewing the implementation of the [Directive 2003/33/EU](#) (“[Tobacco Advertising Directive](#)”) on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products. **We call on the European Commission to recommend further measures to ensure:**

- Effective enforcement of the ban on advertisement of tobacco and nicotine products online, on social media and on other entertainment platforms;
- Legislative revisions to close any loopholes and ensure that the Directive applies to all tobacco and related products and to any devices used exclusively for their consumption.

Other recommendations to strengthen EU tobacco control for a Tobacco-Free Europe

We call on the European Commission to conduct a thorough strategic review of the existing EU tobacco control framework beyond the legislation mentioned above, in order to maximise public health synergies across all EU policies and legislation as well as with national measures.

We call for adequate funding and resources for the implementation of the WHO FCTC which is vital for delivering any effective public health strategy on prevention. Incorporating tobacco control and enabling the participation of all relevant stakeholders, including civil society, will reduce the death and suffering from non-communicable diseases (NCDs), decrease inequalities in health through a reduced exposure to a major risk factor, decrease economic costs of NCDs, and generate health savings.

We call on EU institutions to adopt and implement effective safeguards against tobacco industry interference in policy making processes. All meetings with the tobacco industry should be disclosed proactively regardless of the seniority of policy officials participating. The Commission should adopt the [European Ombudsman’s Decision of December 2016](#) concerning the European Commission’s compliance with the Tobacco Control Convention.



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We call on the EU institutions and Member States to consider introducing in the TPD a levy on tobacco and related products that would feed into a European Tobacco Control Fund. This Fund could support the implementation of the EU legislation at national level, as well as to support public awareness campaigns (cf Art 12 WHO FCTC).

We call on the EU institutions to coordinate and support national authorities to develop education, communication, training and public awareness campaigns on the risks of tobacco use tailoring the messages to the relevant audience (e.g., teenagers and young adults), such as organising World No Tobacco Day campaigns, and other awareness campaigns in schools, universities/campuses/gyms, workplaces etc.

We call on the European Commission to invest in and adequately fund population-level tobacco control policy research looking at both the national and EU level to identify best practices, measure their impact on the population and on higher-risk groups, and develop independent monitoring and data collection on tobacco products and tobacco control policies.

We call on the European Commission to build on the global evidence on tobacco's impact on the environment and climate change to fill in the gaps in current environmental data, and invest in studies on the impact of filters on health and the environment. This will serve to hold the tobacco industry accountable for the lifecycle of its products, via mandatory human rights and environment due diligence, including through the expected Directive on Corporate Governance.



The **Association of European Cancer Leagues (ECL)** is a non-profit, pan-European umbrella organisation of national and regional cancer societies. ECL provides an exclusive platform for members to collaborate with their international peers, primarily in the areas of cancer prevention, tobacco control, access to medicines and patient support, and creates opportunities to advocate for these issues at the EU level.



The **Smoke Free Partnership (SFP)** is a large European coalition of NGOs that works on EU policy analysis and advocacy, mobilising decision makers to make tobacco control a political priority. The SFP Coalition includes over 50 organisations from all over Europe. SFP's main partners are: the Belgian Foundation Against Cancer, Cancer Research UK, the European Heart Network, the Health Funds for a Smokefree Netherlands, and the Norwegian Cancer Society.



The **European Respiratory Society (ERS)** is one of the leading medical organisations in the respiratory field, with a growing membership spanning over 160 countries. ERS prioritises science, education and advocacy in order to promote lung health, alleviate suffering from disease and drive standards for respiratory medicine globally.



The **European Heart Network (EHN)** is a Brussels-based alliance of foundations and associations dedicated to fighting heart disease and stroke and supporting patients throughout Europe. The EHN plays a leading role in the prevention and reduction of cardiovascular diseases, in particular heart disease and stroke, through advocacy, networking, capacity-building, patient support, and research.



The **European Lung Foundation (ELF)** is a patient-led organisation that works internationally to bring patients and the public together with healthcare professionals to improve lung health and advance diagnosis, treatment and care. Founded in 2000, ELF works in partnership with the European Respiratory Society (ERS) to develop the union between lung health professionals and patients.



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