



**RCN Policy and International Department
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Tobacco Products Directive

(2014/40/EU)

RCN Briefing

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About the RCN

With a membership of around 415,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nursing cadets, the RCN is the voice of nursing across the UK and the largest professional union of nursing staff in the world. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European institutions, trade unions, professional bodies and voluntary organisations. The RCN is a member of the European Federation of Nurses Associations (EFN), the European Federation of Public Service Unions (EPSU) and the European Public Health Alliance (EPHA).

Background

On 19 December¹ 2012 the European Commission introduced draft proposals in relation to revising the Tobacco Products Directive. This directive sought to update existing legislation to cover changes in tobacco policy and research and to ensure a high level of health protection amongst EU citizens. The proposal also focused on 'initiation of tobacco consumption, in particular by young people, taking into account that 70 per cent of smokers start before the age of 18 and 95 per cent before the age of 25 years'. Following 18 months of discussions in both the European Parliament and in the Health Council, a final text of the directive (Directive 2014/40/EU) came into force on 19 May 2014. This briefing sets out the main measures in the final text of the directive. Member states will have two years to transpose the directive into their national legislation.

The EU has a clear competence in relation to public health measures and legislation and has agreed directives previously in relation to tobacco advertising and prior rules on tobacco products. This directive updates existing legislation in relation to tobacco products.

The RCN has a long history of supporting measures to enhance tobacco control and reduce smoking rates and has especially 'supported further action to reduce smoking rates and health inequalities; measures to protect children and young people from smoking and from exposure to tobacco promotion'. The RCN developed a position statement in relation to the draft Tobacco Products Directive which was supportive of the draft proposals².

During the progress of the directive in legislative meetings of both the European Parliament and Council, the RCN has actively lobbied MEPs and UK ministers in relation to the content of the directive and in broad support of the proposals. The RCN also worked closely with the European Public Health Alliance (which it is a member of) to support lobbying in Brussels. Whilst not all of the initial proposals were included in the final directive, the RCN supports the final text of the Tobacco Products Directive and calls on the UK Government to transpose the legislation into national law as soon as possible. The directive will also support the RCN's 2014 European

¹ http://ec.europa.eu/health/tobacco/docs/com_2012_788_en.pdf

²

http://www.rcn.org.uk/data/assets/pdf_file/0011/515369/13.13_Revision_of_European_Legislation_on_Tobacco_Products_Directive_Final_Briefing.pdf

Election Manifesto priority of 'promoting healthier lifestyles (particularly in the early years) (...) through effective EU legislation³'.

Content of finalised Tobacco Products Directive

The final directive introduces a number of new controls on tobacco products. These include the following:

Size and content of health warnings

Under the directive, all new packs of cigarettes will need to contain both pictorial and text warnings covering 65 per cent of the pack. These warnings must appear at the top of the pack on both sides. This compares with the mandatory written warning and optional picture warning (30 per cent front and 40 per cent back) in the existing directive. The directive also allows individual member states to take forward measures in relation to plain packaging should they wish. The UK has already announced its intention to bring forward regulations to introduce plain packaging of cigarettes which would apply to all four countries within the UK. While the RCN was supportive of the original proposal for warnings to cover 75 per cent, the RCN welcomes both the increase in the size of health warning in the European legislation and the proposals to bring forward plain packaging in the UK.

Tar, nicotine content and carbon monoxide labelling to disappear

References to tar, nicotine and carbon monoxide levels will now be dropped as it was felt these confused smokers and encouraged individuals to feel that certain brands were 'better' in health terms when in reality smokers would compensate in the way they smoked.

Flavoured cigarettes and rolling tobacco

Under the directive, cigarettes and rolling tobacco with artificial flavouring such as chocolate, menthol or vanilla will be banned. It was felt that these products attracted younger people and both the European Parliament and Council agreed that these should be banned going forward. The RCN welcomes this ban.

Anti-smuggling measures

All cigarette packs will have a new unique hologram to crack down on counterfeiting; and a track-and-trace scheme to reduce smuggling by allowing authorities to track the movement of cigarettes along the supply chain.

³ <http://europeanelections.rcn.org.uk/>

Size of packets of cigarettes

Under the new legislation all packets of cigarettes will have a standard shape and size and will have to include a minimum of 20 cigarettes. This will mean that packets of 10 (which attract younger people due to being more affordable) will be banned. 'Slim' cigarette packages will also be banned although there was not a majority to ban slim cigarettes.

E-cigarettes

The RCN supports the regulation of e-cigarettes. The new directive will offer two routes to regulation: as a medicine or as a consumer product subject to safeguards as set out in the tobacco products directive. If companies choose to make a claim that their e-cigarette helps smokers quit, they will have to seek a medicines licence. In the UK, the MHRA has indicated that nicotine-containing products, including e-cigarettes, will be regulated as medicines from 2016⁴ and it is encouraging those unlicensed providers to apply for a medicines licence.

Conclusion

The RCN supports the final text of the tobacco products directive and encourages the UK to introduce its measures as soon as possible. The RCN will continue to work with other key public health stakeholders to ensure that these measures are transposed across Europe by May 2016 to promote health lifestyles (particularly in the early years) and reduce tobacco consumption.

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⁴ <http://www.mhra.gov.uk/NewsCentre/Pressreleases/CON286855>