COUNCIL OF EUROPEAN DENTISTS

MAY 2013

// CED RESOLUTION

ON THE PROPOSED TOBACCO PRODUCTS DIRECTIVE

COUNCIL OF EUROPEAN DENTISTS (formerly EU Dental Liaison Committee)
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// INTRODUCTION

The Council of European Dentists (CED) is the representative organisation of the dental profession in the European Union, representing over 340,000 practicing dentists from 32 national dental associations in 30 European countries. Established in 1961 to advise the European Commission on matters relating to the dental profession, the CED promotes high standards of oral healthcare and effective patient-safety centred professional practice across Europe.

The CED welcomes the Commission's initiative to review EU legislation on tobacco and the opportunity to comment from the perspective of European dentists 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 (COM(2012)788 final), hereinafter "the Proposal".

European dentists, as health professionals strongly support any initiative that has as its aim improving general and oral health of Europeans. As health professionals directly and most immediately concerned with the diseases and conditions of the mouth we particularly support initiatives related to tobacco use and call for de-normalisation of tobacco products, especially of their availability and presence in non-specialized retail outlets where new smokers might be recruited. We are concerned that the progressive decline in the number of smokers in the EU appears to have levelled off and that there appears to be a trend for the tobacco industry to purposefully target young people as potential future smokers by focusing on additives to disguise the taste of tobacco, on visual imagery and on branding. We further welcome the Commission's intention to be guided in preparation of the Proposal by the need for a high level of health protection and the decision to focus on provisions that would reduce the prevalence and uptake of smoking, especially among young people. Finally, we support the intention for the Proposal to encourage full implementation of the WHO Framework Convention on Tobacco Control to which the EU and Member States have signed up.

// SCOPE

The CED welcomes the extension of the scope of the Directive as suggested in the Proposal. The CED further believes that any tobacco products or related products containing nicotine should not be exempted from the scope of the Directive, such as e-cigarettes, cigars, cigarillos, water pipes and pipes chewing and nasal tobacco; exemption of any of these products cannot be scientifically defended as they still present significant risks to health and a gateway to smoking. For instance, while it has been argued that smoking cigars might not be as harmful to the smoker's lungs as smoking cigarettes, they are just as harmful as cigarettes to the mouth.

// INGREDIENTS AND EMISSIONS

The CED calls for prohibition of all ingredients of tobacco products that increase their addictiveness or toxicity, are cancerogenic or create appearance of health or vitality benefits, as well as prohibition of characterising flavours and colour emissions. Flavoured tobacco products that particularly appeal to younger and potential new smokers are especially dangerous since they help recruit and retain these smokers.

The CED consequently supports the Commission's proposal to ban placing on the market tobacco of tobacco products with a characterising flavour; however, we believe that the Proposal could be improved by banning all additives, such as sugar which is carcinogenic. We also support prohibition to use vitamines, caffeine, taurine, additives having colouring properties for emissions as additives.

// LABELLING AND PACKAGING

The CED draws attention to scientific evidence and international experience showing that labelling and packaging have a significant impact on smokers' perceptions and behaviour. Specifically, plain packaging combined with large health warnings and cessation-support information on packets of tobacco products have been demonstrated to have a deterrent effect on smoking and should be implemented across the EU in the interest of public health.

The CED supports the Commission's proposal for combined health warnings to cover 75% of the unit packet and any outside packaging of tobacco for smoking (Article 9 of the Proposal) which is a step in the right direction. However, the CED stresses that Member States should retain the power to go further and to fully standardise packaging of tobacco products. While the Commission states this in the Explanatory memorandum (3. Legal elements of the proposal, 3.2. Labelling and packaging), we believe that this should be also clearly stated in the main body of the Proposal (Articles) to avoid legal ambiguity and to allow those Member States who have progressed further towards full standardisation to take the next logical step.

The CED is in favour of replacing information about the levels of tar, nicotine and carbon monoxide (TNCO) with an information message referring to harmful substances of tobacco with a view of avoiding the impression that products containing lower levels of mentioned substances are less harmful. This is in compliance with Article 11 paragraph 1 point a of the WHO Framework Convention on Tobacco Control (and in line with Article 12 of the Proposal).

// TOBACCO FOR ORAL USE

The CED is strongly in favour of a ban on tobacco for oral use. Evidence from dentists from Nordic countries where oral tobacco such as snus is currently consumed shows that it not only has important detrimental effects on health, starting with oral health, but that it is also used as an initiation product for young people who eventually start smoking.

The CED therefore supports Article 15 of the Proposal which maintains the ban on snus.

// CROSS-BORDER DISTANCE SALES OF TOBACCO PRODUCTS

The CED favours a ban on the cross-border distance sales of tobacco products in the interest of health protection. We believe that the Commission's suggestion requiring retail outlets to register with competent authorities in Member States where consumers are located (Article 16 of the Proposal) is overly bureaucratic and at the same time does not lend itself to practical implementation which would provide a sufficiently high level of protection for existing and potential new consumers (for instance, provisions related to age verification).

// EXERCISE OF THE DELEGATION

The CED welcomes the intention of the Commission to elaborate provisions of the Directive through delegated acts (Article 22 of the Proposal). However, we believe that delegated acts should only be prepared after thorough consultation with stakeholders, particularly with consumers and health professionals at both national and EU level. This would be in line with Article 4, paragraph 7 and Article 5, paragraph 3 of the WHO Framework Convention on Tobacco Control and would ensure that scientific evidence and interest of relevant stakeholders are taken into consideration rather than the self-serving interests of the tobacco industry which can be expected to attempt to unduly influence the process.

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Unanimously adopted by the CED General Meeting on 24 May 2013