



Notification Number: 2015/241/F

Decree on the conditions of neutrality and standardisation for the packaging and paper of cigarettes and rolling tobacco

Date received : 07/05/2015
End of Standstill : 10/08/2015 (09/11/2015)
Issue of comments by : Ireland
Issue of detailed opinion by : Bulgaria, Czech Republic, Greece, Italy, Lithuania, Portugal, Romania, Slovakia, Spain

Message

Message 002

Communication from the Commission - TRIS/(2015) 01353
Directive 98/34/EC
Translation of the message 001
Notification: 2015/0241/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201501353.EN)

1. Structured Information Line

MSG 002 IND 2015 0241 F EN 07-05-2015 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère des Affaires Sociales, de la Santé et des droits des femmes



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4. Notification Number

2015/0241/F - X40M

5. Title

Decree on the conditions of neutrality and standardisation for the packaging and paper of cigarettes and rolling tobacco

6. Products Concerned

Tobacco products

7. Notification Under Another Act

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8. Main Content

Tobacco is the primary cause of cancer and avoidable death in France, with 73 000 deaths per year, i.e. 200 deaths per day. These deaths represent 22 % of male mortality and 5 % of female mortality.

In France, although previously falling, the percentage of smokers in the population rose between 2005 and 2010 and remained at a very high level in 2014. Thus, the proportion of daily smokers in the 15–75 age group rose from 27 % to 29.1 % between 2005 and 2010 and then to 28.2 % in 2014. Among 17-year-olds, there was a ten-point increase between 2008 and 2011, bringing the rate to 31.5 %.

These alarming findings led to the creation of a national smoking reduction programme, announced by the Minister for Health in September 2014. The objectives are to reduce the number of daily smokers by at least 10 % between 2014 and 2019, to reduce the percentage of daily smokers to below 20 % in 2014, and ultimately to ensure that 95 % of children born in 2014 will be non-smokers when they turn 18.

The programme's approach is threefold:

- 1) protect young people and prevent them from starting to smoke,
- 2) helping smokers to quit,
- 3) acting against the tobacco economy.

The introduction of plain packets is part of the package of measures provided for under this programme (approach 1).

The fight against tobacco requires tobacco to be made less socially acceptable and for these products to be made less attractive, a goal which is served by the introduction of generic packets.

Therefore, the purpose of these regulations, based on Article 24 of Directive 2014/40/EU, is to standardise the appearance of cigarette and rolling-tobacco packets to thwart producers' strategies.

The plain packaging of cigarettes or rolling tobacco will make it lose its appeal so that it will no longer be able to reach its target populations, which particularly consist of women and young people. This draft text therefore sets out the conditions for the standardisation of tobacco product packaging, notably defining:

- colour,
- shape,
- size,
- inscription of the brand and trade name.

The provisions of the draft Decree are aligned with those adopted by the United Kingdom, notified to the



European Commission on 29 August 2014 and adopted on 17 March 2015.

9. Brief Statement of Grounds

Numerous scientific studies have been published to assess the response to plain packets in various target populations (women, young people, smokers and non-smokers) in France and abroad. The results of 54 studies were compiled in two summary reports, one published in 2012 (Moodie C., Stead M., Bauld L., et al. Plain tobacco packaging: A systematic review. Stirling: Centre for Tobacco Control Research, University of Stirling; 2012.) and the second (Moodie C., Angus K., Stead M., Bauld L. Plain tobacco packaging research: An Update. Stirling: Centre for Tobacco Control Research, University of Stirling; 2013) corresponding to an update in 2013.

These studies show that plain packaging:

- improves the effectiveness of textual or visual health warnings appearing on cigarette packets, which are recalled better, especially by teenagers, understood better, and appear more credible;
- reduces consumer misinformation regarding the dangers of cigarettes, since consumers are no longer led astray by the graphics on the packet or certain appellations liable to imply that products are less harmful;
- reduces the attractiveness of the packaging and the brand image, especially to young smokers, non-smokers and women; and
- changes the image of smoking, devaluing it in the eyes of non-smokers.

In order to test the effectiveness of plain packets in the French cultural context, studies were carried out in France (Gallopel-Morvan K., Moodie C., Eker F., Béguinot E., Martinet Y. (2014), Perceptions of plain packaging among young adult roll-your-own smokers in France: A naturalistic approach, Tobacco Control (BMJ Journal), doi:10.1136/tobaccocontrol-2013-051513. / Gallopel-Morvan K. (2013), Le paquet de cigarettes au service de l'industrie du tabac ou de la santé publique? (Cigarette packets: at the service of the tobacco industry or public health?), Revue Communication & Langages, 179, June, 79-92. / Gallopel-Morvan K. (2013), Lutte contre le tabagisme: le paquet de cigarettes neutre est-il efficace? (The fight against tobacco abuse: are plain packets effective?), Bulletin Epidémiologique Hebdomadaire, 20-21, 227-229. / Gallopel-Morvan K., Moodie C., Hammond D., Eker F., Béguinot E., Martinet Y. (2012), Consumer perceptions of cigarette pack design in France: A comparison of regular, limited edition and plain packaging, Tobacco Control (BMJ Journal), 21(5), 502-506. / Gallopel-Morvan K., Béguinot E., Eker F., Martinet Y. and Hammond D. (2011), Perception de l'efficacité des paquets de cigarettes standardisés (Perception of the effectiveness of standardised cigarette packets). Une étude dans un contexte français, (A study in a French context) Bulletin Epidémiologique Hebdomadaire, 20-21, 244-247. These studies show, consistently with research carried out in other countries, that plain packets, in comparison with classic packets:

- are less appealing to young French potential purchasers;
- are less appealing to potential new smokers;
- are more likely to be concealed by smokers and less conducive to smoking in public;
- reduce the pleasure of smoking for smokers;
- increase smokers' desire to stop smoking or to cut down;
- strengthen non-smokers' resolve not to start smoking;
- destroy the marketing function of the packaging;
- reduce the attractiveness of the brand and the packet;
- increase perception of the danger of the product;
- increase the visibility of health warnings; and
- avoid consumers being misled regarding the real danger of the product.

In Australia, a country in which plain packets have been implemented since December 2012, since the introduction of plain packets, 2013 saw a 3.4 % fall in the number of tobacco consumers relative to 2012 before the introduction of neutral packets (<http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-kff>). Among young people, it was found that the age of first smoking a cigarette had risen (from 15.4 years in 2010 to 15.9 years in 2013), the proportion of those aged 18–24 who had never smoked rose (from 72 % in 2010 to



77 % in 2013); the number of cigarettes smoked per week fell (from 111 cigarettes in 2010 to 96 cigarettes in 2013). Another article, published in January 2014, shows a significant (+78 %) and sustainable increase in calls to the Australian tobacco helpline one month after generic packets were introduced.

Furthermore, scientific assessments show that plain packets have had no impact on the illicit tobacco trade in Australia. A study thus concluded, on the basis of three measurements taken before and after the implementation of plain packets, that there had been no increase in the percentage of illicit tobacco. Another study shows that, from 2011–2013, the ways in which tobacco was purchased did not change significantly, the proportion of users purchasing illicit tobacco did not change significantly (2.3 % in 2011 and 1.9 % in 2013), and consumption of low-cost brands remained minimal (1.1 % in 2011 and 0.9 % in 2013).

Besides the short- and medium-term effects of plain packets, they are also an essential tool for the long-term removal of tobacco from social normality.

Furthermore, neutralising the brand image will increase the preventive power of health warnings and should, in the long term, make it possible to modify behavioural intentions.

Moreover, plain packets are intended to neutralise packaging, implying that the tobacco product used is less harmful to the consumer.

Therefore, the French authorities consider the use of standardised packets to be an appropriate measure serving the desired objective of protecting public health, which will be effective in preventing the risks associated with the consumption of tobacco products.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Directive 2001/37/EC

- Directive 2014/40/EU

- Article 5i (new) of the draft Law on the modernisation of our health system, submitted to the National Assembly on 27 October 2014, recorded by the Senate on 15 April 2015, text No 406 (not yet adopted)

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect



Yes

SPS aspect

No - the draft is neither a sanitary nor a phytosanitary measure.

European Commission

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