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Tobacco policy and the European Union

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Smoking prevalence

Surveys to measure smoking prevalence in European countries vary considerably in scope and frequency making it difficult to compare smoking rates between countries. Furthermore, the European Union's pan-Europe survey, Eurobarometer, relies on small sample sizes, resulting in different figures to those of national surveys.¹ The following data should therefore be used with caution.

According to the 2010 Eurobarometer survey, almost one third of European citizens (29%) currently smoke either cigarettes, cigars or a pipe. Almost half (49%) report that they have never smoked, while 22% are former smokers.² Regular usage of tobacco and nicotine products other than cigarettes, cigars or pipes is very low with only 1% of EU citizens using water pipes, smokeless tobacco or nicotine-only products on a regular basis.² The Eurobarometer survey also found that hand-rolled cigarettes are smoked by one in three EU smokers, with higher than average prevalence in the Netherlands, Belgium and the UK.

Smoking prevalence varies considerably between countries and in some countries between men and women. The following data are taken from national surveys, compiled by the World Health Organization. They reveal that the proportion of adults who smoke in the European Union ranges from 14% in Sweden to 45% in Greece.³ In recent years there has been an overall decline in smoking among men whilst some countries in Eastern Europe have recorded a slight rise in smoking prevalence among women.⁴

Prevalence of adult daily or current smoking³

| Country | Total % | % of men | % of women | Country | Total % | % of men | % of women |
|----------------|---------|----------|------------|---------|---------|----------|------------|
| Austria | 37.8 | 40.2 | 35.5 | Belgium | 23.7 | 28.0 | 19.7 |
| Bulgaria | 39.7 | 46.6 | 32.7 | Cyprus | 23.9 | 38.1 | 10.5 |
| Czech Republic | 22.6 | 26.1 | 19.3 | Denmark | 23.0 | 24.0 | 22.0 |
| Estonia | 27.8 | 40.5 | 19.5 | Finland | 20.6 | 25.8 | 16.6 |
| France | 25.0 | 28.2 | 21.7 | Germany | 23.2 | 27.9 | 18.8 |
| Greece | 45.0 | 51.0 | 39.0 | Hungary | 32.8 | 38.6 | 27.7 |

| | | | | | | | |
|--------------------|------|------|------|------------------|------|------|------|
| Ireland | 29.0 | 31.0 | 27.0 | Italy | 22.2 | 28.6 | 16.3 |
| Latvia | 30.4 | 46.6 | 18.2 | Lithuania | 26.5 | 43.4 | 14.5 |
| Luxembourg | 31.0 | 36.0 | 26.0 | Malta | 20.4 | 26.2 | 16.5 |
| Netherlands | 28.0 | 31.0 | 25.0 | Poland | 29.0 | 34.0 | 23.0 |
| Portugal | 18.7 | 27.6 | 10.6 | Romania | 30.9 | 41.3 | 21.3 |
| Slovakia | 22.1 | 32.8 | 14.3 | Slovenia | 19.4 | 23.1 | 15.9 |
| Spain | 26.0 | 32.0 | 22.0 | Sweden | 14.0 | 12.0 | 16.0 |
| UK | 21.0 | 22.0 | 20.0 | | | | |

Source: WHO Report on the Global Tobacco Epidemic, 2009. Note the data are not directly comparable between countries as the year of data collection varies from one country to another (mostly 2004-2008, but 2002 in the case of Greece) as do the definitions of a current or daily smoker. In addition, the age groups vary, with some countries defining an adult as a person aged 15+ while in others an adult is aged 18 or over.

Tobacco-related deaths

Tobacco is the single largest cause of avoidable death in the European Union (EU) accounting for more than 650,000 deaths each year – about one in seven of all deaths across the EU. A further 13 million people suffer from a serious disease caused by smoking.⁵ In addition, it is estimated that over 79,000 non-smoking Europeans die each year as a result of exposure to secondhand smoke.⁶

Tobacco control policy in the European Union

EU policy on tobacco tends to be covered by four broad areas: agriculture, taxation, public health and workplace health and safety. Much of the EU's policy on tobacco control was initiated and developed by the Europe Against Cancer programme which began in 1987.⁵

In 1992, the Community Fund for Research and Information on Tobacco was created from a levy on the subsidies given to the growing of tobacco in the EU. From this fund, about five million euros was made available for public information projects on the dangers of smoking and a similar amount for research into developing less dangerous varieties of tobacco.⁷ A Council Recommendation on the prevention of smoking (COM (2002) 303) was adopted on 2 December 2002.⁸ This is a non-binding policy statement from the Council to the member states of the EU, covering issues that are not regulated at EU level, including retailing, vending machines, passive smoking, indirect advertising and disclosure of marketing budgets. It may be used for forming EU positions in international negotiations. However, the FCTC (see below) has subsequently become the framework under which tobacco control policies are now set at EU level.

A report on progress in tobacco control in 30 European countries (EU & Iceland, Norway, Switzerland) gave the UK the highest rank overall while Luxembourg and Austria were ranked least active and therefore lowest.⁹ A follow-up report in 2010¹⁰ found that the UK had retained the top position, noting that the UK was doing well on all of the main tobacco control policies as well as having in place a policy to protect public health policies on tobacco from commercial interests (as required by Article 5.3 of the FCTC).

Framework Convention on

On 1 June 2004, the EU Council approved the World Health Organization's Framework Convention on Tobacco Control (FCTC). Created under the auspices of the World Health Organization, the FCTC is the first-ever global

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health treaty. It provides a framework for countries to enact comprehensive tobacco control legislation. The EU and member states ratified the FCTC in November 2004 and the treaty entered into force in February 2005. For more information about the FCTC see: www.who.int/fctc/en/index.html

European Union Directive on Tobacco Advertising

A Directive to ban tobacco advertising was enacted in May 2003. The directive replaces an earlier law that was annulled following a legal challenge by the tobacco industry and the German government. The European Commission had introduced the original legislation under single-market rules, which are intended to facilitate the free movement of goods within the European Union. However, the tobacco industry and the German government challenged the legal basis of the law and this was upheld by the European Court of Justice (ECJ) on the grounds that the ban did not facilitate trade in the single market. Whilst overturning the directive, the Court acknowledged that advertising does cross national boundaries, for example, in printed publications, and that legislation prohibiting this type of advertising would be within the competence of the European Union.

Taking into account the ECJ ruling, the revised directive covers advertising that crosses national borders (such as press, radio or internet advertising) and sponsorship of sport but does not apply to indirect advertising (brand-sharing) or advertising within member states (e.g. billboards). However, member states are at liberty to implement legislation that places even tighter restrictions on advertising than the directive requires.

Germany raised a fresh legal challenge but in December 2006 the European Court of Justice held that the Directive has a valid legal base and does not compromise the freedom of expression. The judgment confirmed that the EU can legitimately ban cross-border advertising, sponsorship and promotion of tobacco. Following the judgment Germany rapidly transposed the Directive into their national law, as all other Member States had already done.

During 2006 the Commission opened four infringement proceedings against Member States that had exempted cross-border events (Formula One, motoGP) from the sponsorship ban (Hungary, Czech Republic, Italy and Spain). Following the Commission's strong reaction, all these Member States have now changed their laws to comply with the Directive.

Tobacco advertising on television is banned in the EU by a separate law, the Audiovisual Media Services Directive (formerly the Television without Frontiers Directive), which also prohibits the sponsorship of television programmes by tobacco companies.¹¹ For further information see the [ASH Law Guide: Advertising, promotion & sponsorship](#).

Public places and the workplace

In 1989 the EU adopted a resolution on banning smoking in public places and in all forms of public transport. Resolutions are not binding on member states; they represent a guideline for action. In 1996, a European Commission report on the implementation of the resolution found that all member states had some measures to restrict smoking in public places.¹² Since then most European countries have implemented laws that offer some degree of protection from secondhand smoke. By January 2011, 16 countries had laws prohibiting smoking in bars and restaurants, with more planning to do so.¹⁰

Tobacco product

In May 2001, a directive regulating tobacco products became law ("the Tobacco Products Directive").¹³ The directive was challenged by the tobacco industry on the grounds that it did not comply with single market

regulation rules and infringed intellectual property rights. However, the European Court of Justice dismissed the industry case, with the exception of tobacco products destined for export from the EU are now exempt from the rule requiring the removal of misleading descriptors such as 'light' and 'mild'.¹⁴ The directive imposes upper limits on the tar (10mg), nicotine (1mg) and carbon monoxide (10mg) content of cigarettes. The law also requires tobacco companies to disclose details of additives in tobacco products and their purpose, and bans misleading descriptors such as "light" and "mild".

In addition, the European Commission is required to provide a report on the application of the directive and to recommend a review in the light of scientific knowledge.

Health Warnings

Under the terms of the 2001 Tobacco Products Directive, cigarette health warnings were increased from the previous minimum 4% to at least 30% of the front and 40% of the back surfaces of the pack. Member States have the option of using pictorial warnings. Belgium was the first EU Member State to adopt pictorial warnings which were introduced in November 2006. Romania followed in July 2008 and the UK in October 2008. The UK is the only EU country to require pictorial warnings on cigars and hand-rolled tobacco as well as on cigarette packs.

The European Commission is undertaking a revision of the current Tobacco Products Directive. The revision is likely to include a proposal to require plain packaging of tobacco products. Other likely proposals include: making pictorial warnings mandatory, on both sides of the pack and larger (80% of the back and front), banning the display of tobacco at the point of sale, and regulating flavourings and additives in cigarettes. The European Commission is expected to publish its recommendations on the future of the Directive in 2012.¹⁵

In February 2006, the European Commission adopted a Decision requiring all cigarette lighters sold in the EU to be child-resistant.¹⁶

RIP Cigarettes

The European Union has adopted a standard for Reduced Ignition Propensity ("fire-safer") cigarettes. Reduced ignition propensity cigarettes have ultra-thin concentric bands or "speed bumps" to restrict oxygen access to the burning end of the cigarette, causing the cigarette to go out if not "puffed" by the smoker, thus reducing the risk of fires. All cigarettes manufactured and sold in the EU are expected to be compliant with the new standard by November 2011.¹⁷

Smokeless tobacco

A form of oral tobacco known as snus in Sweden, where it has been historically popular, has been subject to some legislative debate across the EU, starting in 1994 when Sweden began EU membership negotiations. The EU adopted a directive in 1992 prohibiting the sale of tobacco for "oral use not intended to be smoked or chewed," which included the Swedish snus but not, for example, chewing tobacco or nasal snuff. The law prohibits the sale, but not the use, of snus. Sweden was given an exemption to the ban on the sale of snus.

Following a legal challenge from the tobacco manufacturing industry, the European Court of Justice upheld the decision to prohibit the sale of snus across the rest of the EU and on 15 December 2004 ruled that the prohibition on the marketing of tobacco products for oral use is valid.¹⁸ Lifting the ban on snus is also currently being considered during the revision of the Tobacco Products Directive. Despite a very strong tobacco industry lobby to lift the

ban¹⁵ it is very unlikely that this measure will change as there is no demand for snus in other Member States.

Smuggling In 2000 the European Commission and ten Member States sued a number of tobacco companies in the United States for smuggling tobacco into the EU. In 2004 the EU agreed to drop the case against Philip Morris International (PMI) in return for an Agreement under which the company was required to take steps to ensure that its products were not traded illegally in the EU. In 2007, Japan Tobacco International, which was also involved in the original legal action, signed a similar Agreement to that of PMI. All 27 Member States are now signatories to the Agreements, the UK being the last country to sign.^{19 20} In 2010, BAT and Imperial Tobacco also signed similar agreements.²¹ The EU's anti-fraud office, OLAF, works with national governments in developing measures to combat illicit trade including tobacco smuggling.²²

Taxation Tobacco is a very heavily taxed product in most Member States. This is justified on public health grounds as it helps discourage consumption, especially among young people due to their limited disposable income. A review of the link between price and consumption found that, on average, smoking consumption in Europe decreases by 5% - 7% for a 10% increase in the real price of cigarettes.²³ Three directives on the taxation of tobacco products were adopted in 1992. These defined the structure of taxation for tobacco products and provided for a limited degree of harmonisation of these taxes. Under the terms of these directives, Member States were required to set taxes on cigarettes at a minimum of 70% of the final retail price (minimum rates of 57% for excise taxes and 13.04% for VAT).

In November 2009, a political agreement was reached on the new tax structure of manufactured tobacco. According to the agreement, the Council decided to increase, by 1 January 2014, the monetary minimum excise rate to 90 euros per 1000 cigarettes and the proportional minimum to 60% of the weighted average sales price, from 64 euros per 1000 and 57% at present. However, the new rules allow for transitional arrangements until 1 January 2018 for member states that have not yet achieved, or only recently achieved, the current minimum rates. These countries are Bulgaria, Greece, Estonia, Latvia, Lithuania, Hungary, Poland and Romania.

The minimum excise levels on cigarettes will apply to all cigarettes and not just to one category (the cigarettes most in demand), which account for only one third of cigarette sales in the EU. In future, the new tax regulations will make all cigarette categories more expensive. In addition, the new Directive allows more flexibility to increase the specific component of the excise duty which again, allows Member States to make all cigarettes more expensive and to increase the price of discount brands which are particularly attractive to young smokers. However, tax levels on hand rolling tobacco remain very low.

A separate directive (2007/74/EC) which entered into force in December 2008, gives Member States the option of reducing the duty-free limit from 200 cigarettes to 40 for travellers arriving from a non-EU country. (Duty free sales to individuals travelling within the EU have been banned since 1999.) For further information see: [ASH Fact Sheet on Tobacco Smuggling](#)

The Common Agricultural Policy (CAP)

The CAP as a system of support for farmers is intended to replace national support schemes to ensure that a product is produced on an equal footing across Member States and does not benefit from more support in one location than another. For many years tobacco was the most heavily subsidised crop per hectare. In 207, tobacco growers in the EU, based mainly in Italy and Greece, received a subsidy of €335.5 million.²⁴

In April 2004, the Council of Agriculture Ministers agreed to a package of reform measures including the gradual phasing out of tobacco subsidies, to be completed by 2010.²⁵ Between 2003 and 2011 the EU spent €44.8 million on assisting tobacco growers to switch to other activities. The last payment was made under the 2011 budget.²⁶

For a brief description and links to official texts of tobacco related legislation and policy view the [ASH Law Guide](#). This also covers EU directives. See: [EU Tobacco policy](#) on the Europa website for a full list of EU Directives and related information on tobacco.

References

- 1 Bogdanovica, I et al. Smoking prevalence in the European Union: a comparison of national and transnational prevalence survey methods and results. Tobacco Control Oct. 2010 doi: 10.1136/tc.2010.036103
- 2 Eurobarometer 72.3 Tobacco. TNS Opinion & Social on behalf of Directorate General Health and Consumers, European Commission, 2010
- 3 WHO Report on the Global Tobacco Epidemic, 2009. Geneva, WHO, 2009.
http://www.who.int/tobacco/mpower/2009/appendix_viii/en/index.html
- 4 The European Tobacco Control Report 2007. WHO Regional Office for Europe, 2007 (PDF)
- 5 Tobacco or Health in the European Union – Past, present and future. The ASPECT Consortium, European Commission, 2004
- 6 Lifting the smokescreen. 10 reasons for a smoke free Europe. Smoke Free Partnership. Published by the European Respiratory Society, Brussels, 2006. (PDF)
- 7 Council Regulation (EEC) 2075/92 OJ no. L 215 of 30/7/92 and Commission Implementing Regulation 2427/93 OJ no. L223 of 2/9/93
- 8 [EU Council Recommendation on the prevention of smoking](#)
- 9 Joossens L & Raw M. Progress in tobacco control in 30 European Countries, 2005 to 2007. Berne, Swiss Cancer League, 2007.
- 10 Joossens L & Raw M. The Tobacco Control Scale 2010 in Europe. Association of European Cancer Leagues, 2011.
- 11 [EU Council Directive 89/552/EEC \(In Force\)](#)
- 12 Report of the Commission of the European Communities. COMMA(96) 573 final. 14/11/96
- 13 Council Directive on the regulation of tobacco products. [\[View text\]](#)
- 14 [Judgment of the European Court of Justice](#) 10 December 2002
- 15 Public consultation on the tobacco products Directive and consultation response.
http://ec.europa.eu/health/tobacco/consultations/tobacco_cons_01_en.htm
- 16 [Europa press release](#): Child-resistant lighters: Commission calls on Member States to back measures to reduce accidents, 2 February 2006
- 17 See <http://www.firesafecigarettes.org.uk/>
- 18 Official Journal of the European Communities, 18 January 2001: http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_194/l_19420010718en00260034.pdf
- 19 Fact sheet about the EU Agreements with tobacco manufacturers to control the illicit trade in cigarettes. Framework Convention Alliance, 2008. www.fctc.org
- 20 Government signs agreements to tackle tobacco smuggling. HMRC press release 20/4/09. http://www.hm-treasury.gov.uk/press_38_09.htm
- 21 European Commission and British American Tobacco sign agreement to combat illicit trade in tobacco. [Europa press release 15 July 2010](#) . [Imperial Tobacco agreement 27 Sept 2010](#)
- 22 [European anti-fraud office](#)
- 23 Gallus, S et al. Price and cigarette consumption in Europe. Tobacco Control 2006; 15: 114-119
- 24 Hansard 1072W 3 July 2008
- 25 Press release of the EU Council of Agriculture Ministers. 8401/04 (Presses 112) 21-22 April 2004 [View text](#)
- 26 European Parliament Question – Tobacco subsidies. E-005831/2011. 16 June 2011