



ECMA

ECMA position on the draft guidelines for the implementation of Articles 9 and 10 of the WHO Framework Convention on Tobacco Control

Recently several EU Member States have requested the cigar industry to comment on the draft guidelines for the implementation of Articles 9 and 10 of the WHO Framework Convention on Tobacco Control, which are currently being discussed at the EU level. On behalf of the European cigar industry, the European Cigar Manufacturers Association¹ (ECMA) would like to take this opportunity to inform you about its views.

Ingredients disclosure:

Under the condition that the companies' trade secrets are duly protected, ECMA supports the requirement that manufacturers and importers of tobacco products should disclose information about the ingredients they use in a similar manner as is currently the case in the European Union. Any disclosure and/or regulation of tobacco product substances or materials which do not fall within the scope of the current EU definition of ingredients², like tobacco, agrochemicals or migrating packaging materials, should be kept separate and be substance-specific.

Due to the limited availability, and variations in the quality, of the specific tobaccos used in cigar manufacture, their combinations may change regularly. ECMA is thus of the opinion that it is more practical for the information to be provided on an annual basis, rather than whenever changes take place.

Ingredients regulation – scope of draft guidelines:

ECMA understands that the proposed ingredient regulations in the draft guidelines would only apply to "cigarette-like tobacco products", i.e. to cigarettes, little cigars³ and roll your own tobacco products. ECMA welcomes this proposed differentiation.

ECMA has been informed, however, that the draft guidelines suggest that parties could consider regulating all other tobacco products in a similar manner. ECMA believes that such a "one size fits all approach" for all tobacco products would not be appropriate as:

- it would create a disproportionate burden for the cigar sector, due to its enormous variety of models, sizes, brands and low consumption volumes.
- cigar manufacturing has a much higher degree of variability, compared to cigarette manufacturing, due to the use of relatively low technology machine systems (or even production by hand) and product-related reasons such as different particles size and therefore non-homogeneity of the cigar filler.
- the annual consumption of cigars barely represents 0,8% of the total consumption of tobacco products in the European Union and

¹ ECMA is the representative body of the European manufacturers of cigars. Together, its member companies manufacture more than 90% of the cigars produced in the European Union.

² Directive 2001/37/EC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products

³ "little cigars" (tobacco filler with a single sheet of reconstituted tobacco paper) are mainly being sold in the United States and Canada and are not being marketed in the EU. Under the EU definitions of tobacco products (Council Directive 2010/12/EU), such products would not be classified as cigars, but as cigarettes.



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- cigar manufacturing is characteristically small scale and craft based, consisting of many small to medium sized businesses.

Ingredient regulations and “attractiveness”:

Should it be decided, notwithstanding the above, that ingredient regulations should also be applied to cigars, ECMA is of the opinion that appropriate ingredients regulation should be based on sound science and meet internationally accepted principles of “Better Regulation”. In ECMA’s view, ingredients cannot be regulated on the basis of “attractiveness” as this concept per se fails established criteria for issue definition in terms of it being a regulatory goal or objective, is lacking in any evidential foundation and is inherently uncertain and arbitrary.

European Cigar Manufacturers Association
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