NEW RULES REGULATING THE TOBACCO INDUSTRY – TRANSPOSING THE MEASURES FOR A TRANSPARENT AND MONITORED MARKET

The provisions of the new Tobacco Products Directive 2014/40/EU[1] adopted on 14 March 2014, aim to reflect the developments concerning tobacco and related products, while focusing on health protection and prevention of illicit trade of such products on the territory of the European Union. The general focus areas of the adopted text that need to be transposed into National law by 20 May 2016, are the following:

- regulation concerning the ingredients used in the manufacture of tobacco products and the related reporting obligations by the competent authorities of the Members States;
- maximum emission levels for tar, nicotine and carbon monoxide for cigarettes, which remain unchanged from the first Tobacco Products Directive 2001/37/EC2, and the related reporting obligations;
- labelling and packaging requirements, the purpose of which is to provide a more complex and expressive health warning to end-consumers;
- traceability and the security features applied to tobacco products;
- prohibition on placing tobacco for oral use on the market;
- regulation of cross-border distance sales of tobacco products between Member States;
- notification submission requirements for novel tobacco products;
- electronic cigarettes and refill containers, and herbal products for smoking, these being related to tobacco products, and their packaging and labelling, and placing on the market.

A draft Bill on Tobacco and Tobacco Products was introduced in the Bulgarian Parliament on 28 January 2015, which transposes some of the aspects of Directive 2014/40/EU, namely the provisions on ingredients and maximum emissions, on tobacco

[1] Directive 2014/14/EU of the European Union and the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture and sale of tobacco and related products and repealing Directive 2001/37/EC (OJ L 127, 29.4.2014, p. 1)

[2] Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26)

for oral use and, partly, on reducing illicit trade. It is expected that the Bill and related secondary legislation will be amended in order to fully implement the Directive.

As a result, manufacturers of tobacco products will have stronger reporting obligations on the ingredients and additives used, as well as on sales volumes, consumer groups and mode of sales. The new tracking and tracing system introduced by the Directive will prevent illicit trade by enabling authorities to monitor the movements of tobacco products throughout the European Union. The packaging and labelling processes will also need to be altered by the manufacturers in the following months, but it has it be further determined to what extent. The overall result of the transposition of the Directive is that the market is expected to be more transparent and protective of consumers' health.

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