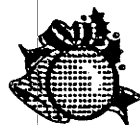




INFO-C

Information from the Consumer Policy Service of the European Commission n° 2



THE CONSUMER POLICY SERVICE WISHES YOU
A HAPPY NEW YEAR 1992!



For all Europeans 1992, as you well know, will be a special year because it is the last year of preparation for the opening of the Single Market, set for 1 January 1993 and the year fixed as the deadline by the 1985 "White Book" on the "completion of the Internal Market".

For consumers in the Community it marks, in addition, the end of the "Three-Year Action Plan" for Consumer Policy, which began in 1990 and reformulated the four priority areas for Commission action.

Of course, arriving at the end of the Three-Year Action Plan does not mean that the Commission will stop taking measures in favour of consumers: on the contrary, the inclusion of an explicit reference to a consumer policy in the new Political Union Treaty will provide a much more solid basis for future initiatives.

Among such initiatives, protection of the consumer's health will be an area of particular concern. The European Commission is very conscious of the fact that this area is one of the major preoccupations for all European citizens. The Commission has taken several steps, at various levels, in order to combat, as far as

possible, any elements or factors detrimental to the consumer.

The Consumer Policy Service has included in this issue of INFO-C, three articles which testify to this concern for health. These articles illustrate three different aspects of consumer safety:

- legislation
- information campaigns
- conferences

and treat General Product Safety (page 7), the fight against nicotine addiction (pages 2, 3 and 4), as well as the Campaign for Child Safety (page 8).

INFO-C also prints the part of the Treaty of Political Union agreed at the European Summit at Maastricht which concerns consumer protection.

At the beginning of this critical year for the Community, the CPS sends you, via INFO-C, its best wishes for a healthy and safe 1992!

INFO-C

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OF SPECIAL INTEREST

2. Nicotine addiction : the fight at Community level
4. Environment : health protection
5. Toy Directive
6. General Product Safety
7. Conference on Child Safety
8. A breakthrough at Maastricht
10. News from the Member States
11. Diary

CEE XXIV/14

NICOTINE ADDICTION : THE FIGHT AT COMMUNITY LEVEL

From the beginning of the programme "Europe against cancer"(1), the management of which was entrusted to a specific unit within DG V, the fight against smoking constituted one of the first priorities.

The strategy for the prevention of nicotine addiction was discussed at length with the relevant scientific institutions, and in particular with the European Committee of cancer experts and the anti-smoking department of WHO. The result was the definition of an overall strategy which envisages that measures be adopted in very varied fields: legislative (labelling, maximum tar content, prohibition of advertising, restriction of smoking in public places, taxation), information to the public, education and the promotion and spread of techniques which help people to stop smoking.

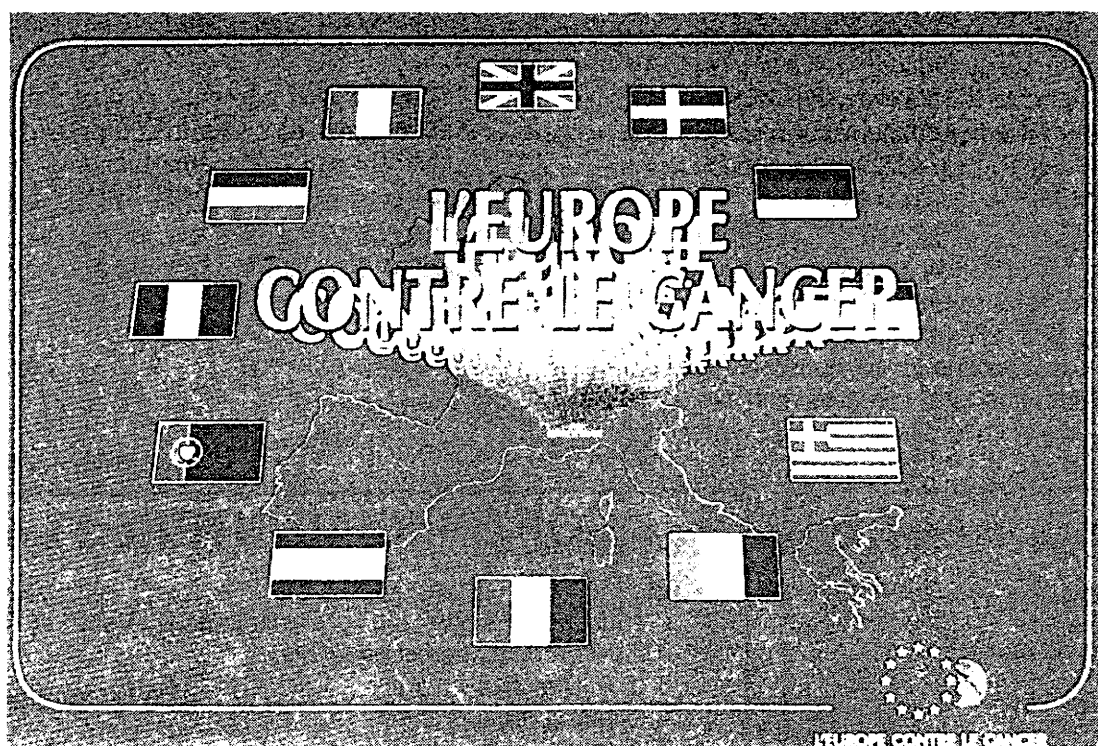
The prevention of nicotine addiction constitutes a relatively new sector of activity and the developments which have occurred since the launching of the programme have been remarkable. In addition, the discussion in legislative bodies, both national and Community, as well as in the press, has helped to raise public awareness of this serious problem for the health of Europeans.

Recently the committee of cancer experts of the European Community, while recognizing the progress achieved, forcefully asked European politicians to face up to their responsibilities vis-à-vis this scourge. Indeed, tobacco causes more than 500.000 premature deaths each year in the European Community. One premature death out of three (in the age group 35-65 years) is due to tobacco.

Under these circumstances, the campaigns to prevent nicotine addiction must obviously be intensified, while seeking to integrate an increasing number of partners in the various Member States.

This article makes it possible, thanks to the Consumer Policy Service, to mobilize the organizations working in the consumer protection field to increase their role in the prevention of nicotine addiction, the cause of so much suffering and so many premature deaths.

(1) Council Resolution and a Resolution of government representatives meeting during the Council meeting on 7 July 1986 (OJ 184 of 23.7.89). Commission proposal for an action plan 1987-1989 for the programme "Europe Against Cancer" (OJ C 50/1 - 26.2.87).



One of the posters used by the "Europe against cancer" Programme

COMMISSION INITIATIVES

The fight against tobacco addiction, following the "14 specific measures in the first action plan of the Commission : "Europe against Cancer"" (1), is developing as follows :

- **Council Resolution** of 18 July 1989 on banning smoking in places open to the public (2). This text invites Member States to take certain measures, either by legislation or other means, in conformity with national practice and conditions. It also mentions a series of public places where smoking should not be permitted. Where necessary, areas reserved for non-smokers should be clearly defined.

In cases of conflict in areas other than those reserved for smokers, the right of non-smokers to health takes precedence over the right of smokers to smoke. Member States are invited to inform the Commission of the action taken in response to the Resolution.

- **The first Directive** in this area was adopted by the Council on 13 November 1989 and must be put into force before 31 December 1999 (3). It concerns the "labelling of tobacco products" and specifies, inter alia, that all units of packaging must bear, on the most visible surface, a general warning "*Tobacco seriously damages your health*". In fact, this Directive adds supplementary provisions concerning cigarette packets on which a specific warning must, additionally, be placed. This warning can be chosen by the Member State from a list annexed to the Directive.

Moreover, an amendment to this Directive was proposed by the Commission to the Council on 14 November 1990 (4). Under this amendment, the specific information given to the consumer should not be limited to cigarettes but should be extended to *all* tobacco products. Thus the general term "*tobacco products*" will cover products intended to be smoked, sniffed, sucked or chewed.

Furthermore, the Commission proposes to ban the sale of moist snuff. This tobacco is a special case which justifies these preventive measures.

As regards the progress of this proposal, it is to be noted that the Council adopted a "common position" on 11 November 1991. The Commission has proposed that, once adopted by the Council, the Directive should enter into force, except where provided otherwise, before the 31 December 1992.

- Since July 1989, the Eurostat price index prepared by the Statistical Office of the European Communities, excludes tobacco products. It is noticeable that in general the index has not been much affected by this.

- In order to reduce the damage caused to people's health by the tar content of cigarettes, a Directive providing for a maximum tar level was adopted by the Council on 17 May 1990 (5). The maximum authorised from 31 December 1992 is 15mg per cigarette and must be reduced to 12 mg by the 31 December 1997. To mitigate the socio-economic difficulties which could arise in Greece, a special time-table has been arranged for that country.

- With regard to the advertising of tobacco products in the press or by means of posters, the Commission submitted a proposal for a directive to the Council on 30 March 1989 (6). This proposal mainly concerned: the limitation of the content of the advertising message; the incorporation of certain warnings; a ban on indirect advertising and a ban on all kinds of advertising in youth publications. But the European Parliament wanted still greater stringency and called for a total ban on direct and indirect advertising of tobacco products.

Following this, the Commission adopted an amendment to its original proposal (7). Although it does not ban direct advertising completely, the modified proposal is now more severe. As the European Parliament has not yet given its opinion on this subject, a "common" position" has not yet been adopted by the Council during the Dutch presidency. The debate has thus been postponed until the Portuguese presidency.

- **Harmonization of the tax** on tobacco products still leaves wide differences but the variety of systems in Member States makes the process difficult. The Commission has nevertheless adopted a modified proposal on the subject (8). In the meantime the Ministers of Finance, who discussed the harmonization of VAT in general, arrived at an agreement on tobacco taxation and, in particular, that duties on cigarettes, excluding VAT, should represent a minimum of 57% of the sale price for those categories most in demand.

Over and above all these initiatives flowing from the "Europe Against Cancer" programme, it is interesting to note that, in the framework of the Common Agricultural Policy, certain reforms have been proposed by the Commission. They are contained in the proposal for a Commission Regulation on the common organization of the market in raw tobacco, dated 9 October 1991 (9).

This document speaks of an encouragement to produce varieties of less toxic tobacco (low tar content). A system of quotas for the change-over by group of varieties will be introduced at Member State level. The total production quota would also be reduced and would

would be brought down from around 400,000 tonnes to 340,000 tonnes, if the Regulation, which has not yet gone to the Council, is adopted by it at the end of the day. Finally the Commission envisages, inter alia, a special triennial reconversion programme to other varieties or products.

Health protection against tobacco addition is carried out at five levels :

- Smoking prevention as part of the "Europe Against Cancer" programme

But also :

- An ongoing monitoring of the attitudes and habits vis-à-vis smoking among European citizens through the use of surveys (five surveys between 1987 and 1990).

- Measures for each anti-smoking offensive, proposed by the Commission at the legislative level but presented individually.

- A public awareness campaign concerning the "Europe Against Cancer" programme, which has led to the creation of the European Bureau for Action on Smoking Prevention (BASP). The BASP has as its main task the coordination of all the European anti-smoking organisations.

In conclusion, it should be pointed out that the Commission maintains good contact with WHO (World Health Organisation) with which the first European conference on anti-smoking policies, was organised in Madrid in November 1988.

- (1) O.J. n° C 50, 26.2.87, p.1
- (2) O.J. n° C 189, 26.7.89, p.1
- (3) O.J. n° L 359, 8.12.89, p.1
- (4) O.J. n° C 26, 5.10.91, p.7
- (5) O.J. n° L 137, 30.5.90, p.36
- (6) O.J. n° C 124, 19.5.89, p.5
- (7) O.J. n° C 167, 27.6.91, p.3
- (8) O.J. n° C 322, 21.12.90, p.16
- (9) Documents COM (91) 339 and COM (91) 338.

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**ENVIRONMENTAL RESEARCH :
Health protection**

The protection of the environment which, in one way or another, affects all aspects of human life, has given rise to acute anxiety on the part of consumers. These increasingly complex problems, of a cross-frontier character, require research to be carried out and proposals to be made through a multinational effort. This is why the Council adopted two programmes in 1989 with the objective of providing a scientific and technical back-up to the European Community's environment policy.

Baptized respectively STEP (Science and Technology for Environmental Protection) and EPOCH (European Programme on Climatology and Natural Hazards), these specific programmes flow directly from the second framework programmes, which sets out research policy in general. In operation until November 1993, they represent a response, at European level, to the pollution due, in general, to man's poor management at various levels of the natural world.

The conversion and the use of energy affects, in particular, cultivation, forests, lakes and people's health.

STEP covers the whole range of research subjects concerning environmental protection and comprises nine research areas including : "environment and health; evaluation of risks linked to chemical products; water quality".

EPOCH is concerned with studying climate (and in particular the climatic changes resulting from the greenhouse effect) and the risks associated with climatic changes.

It is subdivided into four research areas of which an example is the effects of climate and the risks linked to it (landslides, floods, fires).

Finally, the Council adopted (25 November 1991) a "common position" on bilateral cooperation agreements in this field with certain EFTA countries, which clearly shows the international dimension of the problem.

This cooperation, if and when the Council gives its agreement, will begin between the Community and Austria, Finland and Norway in the case of STEP and with Iceland and Sweden in the case of STEP and EPOCH.

Information on STEP and EPOCH : O.J. n° L 359, 8.12.89, page 9.

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TOYS AND SAFETY :**A reminder about the 1988 Directive**

When speaking of "Safety", one must be conscious of how important it is in relation to children. Protection of these "mini-consumers", who are in fact big consumers of toys, appeared to the Council to be essential.

This was why, on 3 May 1988, the Council adopted a Directive intended to increase the safety of toys and therefore to provide better protection for children.

This Directive, it should be mentioned, limits the meaning of the word "toys" to those products designed or intended for use in play by children of less than 14 years of age. As the Directive entered into force on 1 January 1990, all Member States must thereafter make sure that only toys which do not endanger the safety of the users or third persons, are placed on the market. These conditions must be maintained throughout the life of the toy.

The Directive makes it clear that "*placed on the market*" covers both sale and distribution *free of charge*. Toys will in future bear the "CE" mark to denote their compliance with the Directive.

Finally, the Directive has four annexes, concerning the definitions respectively of : "*products not regarded as toys for the purpose of this Directive*" ; "*essential safety requirements for toys*" ; "*the conditions to be fulfilled by the approved bodies*" and "*warnings and indications of precautions*" (with a special provision for toys not intended for children under 36 months).

References: O.J. n L187, 16.07.88, p. 1-13.

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CHRISTMAS - TREE LIGHTS

The recently-ended festive season will have induced the European citizen to make all sorts of purchases, including strings of lights to decorate his or her Christmas tree.

The European Community has, since 1973, been at pains to ensure the protection of users of electrical equipment through the adoption by the Council of Ministers of the so-called "*low voltage*" Directive. This covers the use of electrical products "*designed for use within certain voltage limits*", such as Christmas-tree lights. All electrical equipment in this category must comply with the Directive in order to circulate freely within the Internal Market.

The Directive imposes the basic safety objectives to be achieved but remains "*flexible and adaptable*". Indeed, in order to achieve these objectives, the text makes reference to the adoption of "*voluntary, harmonized technical standards which are drawn up by standards bodies*". A product which does not comply to any of the types of standards (Community, international or national) mentioned in the Directive, may nevertheless be placed on the market if it respects the "*Safety objectives*". Certification procedures are in place in order to attest that products comply with the standards or with the safety requirements, in cases when harmonized standards have not been followed by the manufacturer.

However, a European Standard specifically for Christmas-tree lights was adopted by the European Electrotechnical Standardization Committee (CENELEC), on 10 December 1990. Member States must publish their national equivalent standard by 1 June 1992.

Any national standard which conflicts with the European Standard must be withdrawn by 1 January 1993 at the latest.

In addition, amendments to the standard, still being discussed, are expected.

(1) Source : "Le Marché Unique Européen" - Alfonso Mattera - Jupiter edition- 1988.

References : O.J. n° L 77, 26.03.73, p.29

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