



Forest EU
Square de Meeûs 35
1000 Brussels, Belgium
T +32 2 895 36 12
E contact@forestonline.eu
W forestonline.eu

Romanian Senate
Members of the Romanian Senate
Calea 13 Septembrie nr. 1-3, sector 5,
Bucureşti 050711

Brussels, 16 September 2019

Re: L443/2019 for modifying normative acts regarding tobacco regulations

Dear Members of the Romanian Senate,

We are writing to express concerns of EU adult smokers regarding the draft “*L443/2019 for modifying normative acts regarding tobacco regulations*” registered with the Senate on June 18, 2019 seeking to amend tobacco law to:

- alter the definition of “smoking” to apply it not only to the voluntary inhalation of the smoke released by a burning tobacco product but also to the emissions of an electronic cigarette or of other products that do or don’t contain tobacco or nicotine;
- introduce the prohibition of exposure to packed or unpacked tobacco products and electronic cigarettes inside of stores other than tobacconists.

Our EU campaign is not supportive of this alteration of the definition of smoking as we believe that by qualifying as smoke emissions that by nature aren’t, the considered legislation introduces a dose of confusion into Romanian law that could eventually compromise the adoption by smokers of alternative products considered by European authorities to be less harmful than cigarettes, thus negatively impacting public health.

In view of the upcoming discussions in your Committee on the issue of prohibiting stores other than tobacconists to display tobacco products, electronic cigarettes and their packages, we also wish to underline that there is no credible evidence that hiding cigarette and electronic cigarette packs from view at retail outlets will achieve the objective of further reducing smoking rates. Tobacco products have been hidden from point-of-sale displays across the UK since April 2015 with the objective to curb the number of young people taking up smoking. Four years later, there’s no evidence this display ban has significantly accelerated the long-term trend of declining smoking rates among young people. In our view, such an amendment runs counter to the EU Better Regulation principle which stipulates that any costs connected to the implementation of a measure should be commensurate and justified by major advantages.

Furthermore, we question whether a blanket display ban is proportionate. There exist a range of alternative solutions better able to address the legislator's goals, including targeted education in schools about the serious health risks associated with smoking and criminalizing proxy purchasing and youth purchasing of tobacco.

Finally, we would like to stress how the proposed legislation negatively impacts consumer choice and information. Should a new tobacco product enter the market after the "2019 New Law Project" is passed as it currently stands, the consumer would be entirely unable to be informed of the new scope of her choice since the new way of presenting the products would remove this information from her. This unambiguous loss of information would in practice restrict the range of choices available to Romanian consumers, while placing the best-known and most consumed products and brands in a privileged position at the expense of new entrants and their potential customers.

Therefore, we are calling on the Romanian Senate to properly reflect on the draft "2019 New Law Project", taking into account adult smokers' preferences and concerns, and consider rejecting the amendments altering the definition of smoking and prohibiting the display of tobacco products and electronic cigarettes inside stores.

We thank you for your consideration and remain at your disposal to answer any questions you may have.

Yours sincerely,



Guillaume Périgois
Director
Forest EU