



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

SANTE.B.4/CMDAP/sante.b.4(2023)12524514

Dear Mr van Ooijen,

Thank you for your letter of 18 October 2023 addressed to Commissioner Kyriakides regarding methods for the measurement of tar, nicotine, and carbon monoxide (TNCO) emissions from cigarettes. The Commissioner has asked me to reply on her behalf. Please accept our apologies for the delayed response to your letter.

The Commission is working relentlessly with the Member States to protect citizens from the hazardous effects of tobacco use and is aware of the limitations of the currently available methods for the measurement of TNCO emissions from cigarettes. Measurement methods have been a recurrent topic in discussions between Commission services and Member States, including within the Expert Group on Tobacco Policy.

The issue was carefully considered already during the 2012-2014 revision of the Tobacco Products Directive. At the time, in the absence of a universally accepted "gold standard", and to maintain regulatory consistency, it was collectively decided that the ISO methodology would continue to be used for emission measurements.

I would like to assure you that we will continue to monitor discussions on this matter, both within the EU and in the larger international context. As regards the latter, we note that in the Working Group established under the Framework Convention on Tobacco Control (FCTC) in Articles 9 and 10, there has so far been no consensus on the most appropriate measurement method for TNCO emissions.

The Commission also follows the rulings of the Dutch courts on this issue, as well as the preliminary rulings of the Court of Justice of the European Union. The Commission is also aware that the Dutch Trade and Industry Appeals Tribunal decided to seek a further preliminary ruling from the Court of Justice of the European Union on the interpretation of the Tobacco Products Directive and appropriate measurement methods for TNCO emissions.

I encourage you to share with my services any additional insights and developments in this area, and I thank you for your valuable cooperation on this important matter to protect the health of European citizens.

Yours faithfully,

Sandra GALLINA