

DECREE of October 25, 2012.

Implementation of Directive 2012/9/EU of the Commission regarding the new health warnings on tobacco products.

THE MINISTRY

Whereas the treaty on the operation of the European Union;

Whereas Directive 2001/37/EC of the European Parliament and Council of June 5, 2001 on the harmonization of legislative, regulatory and administrative provisions of the member states on the processing, presentation and sale of tobacco products;

Whereas, in particular, Art. 9, paragraph 2, of the cited Directive that states that the European Commission will adjust the health warnings set forth in Annex I to the Directive based on scientific and technological progress;

Whereas the Legislative Decree of June 24, 2003, no. 194 on the "Implementation of Directive 2001/37/CE on processing, presenting and selling tobacco products" and, in particular, Art. 6, section 2, letter b);

Whereas Directive 2012/9/EU of the European Commission of March 7, 2012, which modifies annex 1 of Directive 2001/37/EC of the European Parliament and Council on the harmonization of legislative, regulatory and administrative provisions of the member states on the processing, presentation and sale of tobacco products;

Whereas Art. 13, section 1 of the Law of February 4, 2005, no. 11 on the "General Regulations on Italy's Participation in the Regulatory Process of the European Union and the EU Obligation Execution Procedures," which stipulates that the EU regulations that are not independently applicable, which modify the execution and technical features of the directives already implemented by the national law was enacted for the subjects set forth in Art. 117, second section, of the Constitution with the decree of the competent Ministry, which informs the Office of the Prime Minister – Department for EU Policies;

Considering the new scientific knowledge on the effects of consuming tobacco and the principles that must guide efficient tobacco labelling;

Considering the guidelines for packaging and labeling tobacco, adopted in November 2008 by the III Conference for the Parties to the WHO Framework Agreement for the Fight Against Tobacco, they recommend reexamining and periodically updating the packaging and labeling regulations on tobacco products based on new knowledge:

It is decreed:

Art. 1

1. The supplemental warnings set forth in Art. 2, section 2, letter b) of the Legislative Decree of June 24, 2003, no. 193 are replaced by the following:

- 1) Smoking causes 90% of lung cancer;
- 2) Smoking causes mouth and throat cancer;
- 3) Smoking damages your lungs;
- 4) Smoking causes heart attacks;
- 5) Smoking causes strokes and disability;
- 6) Smoking clogs your arteries;
- 7) Smoking increases the risk of blindness;
- 8) Smoking damages your teeth and gums;
- 9) Smoking can kill fetuses;
- 10) Smoking can harm your children, family and friends;
- 11) Children of smokers are more likely to smoke;
- 12) Quit smoking – live for your loved ones.

(rotate through: "Toll-Free Smoking Cessation Number: 800 554088 – Higher Institute of Health" and "Ministry of Health: www.salute.gov.it");

- 13) Smoking reduces fertility;
- 14) Smoking increases the risk of impotence.

Art. 2.

1. Cigarettes not complying with this decree may still be released on the market until March 28, 2014 and sold until March 28, 2016.
2. Tobacco products other than cigarettes not complying with the provisions of this decree can be released on the market until March 28, 2014 and sold until March 28, 2016.
3. The provisions set forth in sections 1 and 2 apply only to products that are already included in the sales rate on the date this decree is enacted.

The provisions of this decree enter into effect on the 31st day following its publication in the Official Gazette of the Italian Republic.

Rome, October 25, 2012

The Minister: BALDUZZI

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