



15-01-2025, Bruxelles

CEDT position on Draft Bill – Notification 2025/0602/ES

The European Confederation of Tobacco Retailers (CEDT) is the European representative organisation of national associations of tobacco retailers. It brings together the professional federations of eight Member States and, for more than fifty years, has ensured the institutional representation of tobacco retailers before the European institutions, defending a balanced regulatory framework based on legality, the protection of minors and consumer safety.

Within the framework of institutional cooperation between representative organisations, the CEDT wishes to express its full support for the positions and considerations put forward by the Unión de Asociaciones de Estanqueros de España with regard to the Draft Bill referred to in notification 2025/0602/ES.

As a European organisation representing tobacco retail networks, the CEDT considers it essential to convey and reinforce, at European level, the concerns expressed by its national members and, in particular, by the above-mentioned Spanish organisation.

Tobacco retailers play an essential role in the distribution of tobacco and nicotine products through a specialised and strictly regulated sales network. The CEDT emphasises that the sale of sensitive products, subject to enhanced obligations in terms of control, traceability and the protection of minors, should be entrusted primarily and exclusively to tobacco retail networks. As genuine guarantors of legality, they make a decisive contribution to the safety of marketed products, the traceability of sales and the protection of minors.

For this reason, the modernisation of legislation in Spain must take into account the crucial role played by tobacconists in Europe, particularly in the management of new tobacco and nicotine products. Indeed, through the tobacco retail network, effective national control is ensured, guaranteeing State tax revenues and protecting minors from tobacco consumption.

That being said, in our view, certain amendment proposals developed by the Spanish government raise serious concerns as to their compliance with the principles of



proportionality, reasonableness and necessity, which must underpin any legislative action, at both national and Union level, in order to achieve an appropriate balance between general interests and individual rights. We refer in particular to the extension of the smoking ban to outdoor areas of bars and restaurants, the indeterminate reference to bans in places that are not clearly identifiable (“areas intended for direct attention to the public”), and the introduction of the same ban within a perimeter of 15 metres from the entrance of many public and private buildings. These measures lack supporting scientific evidence and, in the latter two cases, are difficult to implement due to their absolute indeterminacy.

It remains established that tobacco is a legal product. In this respect, the CEDT considers, in line with its Spanish members, that consumers should be able to access designated areas for consumption in public places, while respecting the necessary balance with the protection of non-smokers and existing national regulations.

Similarly, we observe the same critical issues with regard to the proposed ban on tobacconists carrying out legitimate and regulated informational or promotional activities on tobacco products and alternative products in a manner that is visible or perceptible from outside their premises. The vagueness and general nature of the provision, together with its difficult enforceability, would encourage arbitrary inspection practices, contrary to the aforementioned legislative principles and to the indispensable requirement of legal certainty.

It should also be recalled that product information and presentation at the point of sale constitute an essential element of consumer protection. They enable clear and regulated information, particularly with regard to new products, which are often perceived as less harmful than traditional cigarettes.

At a general level, finally, we wish to underline that the Spanish Draft Bill under consideration anticipates the harmonised European regulatory revision, the launch of which is expected during the current year, with the risk of creating conflicting regulatory frameworks incompatible with the proper functioning of the internal market.

With regard to the timing of the implementation of new regulations, the CEDT wishes to draw the attention of the authorities to a concern shared by all national networks and, in particular, by Spanish tobacco retailers. A clear distinction between the



responsibilities of industry and those of retailers is essential in order to avoid significant commercial risks, such as the accumulation of stocks of products that would become unsaleable if new rules or bans were to be applied to certain products. This aspect should always be taken into consideration in order to prevent a deterioration of the economic situation of our small family-run businesses.

Finally, the CEDT wishes to highlight an additional important aspect. At European level, the CEDT represents thousands of small commercial enterprises, present throughout Europe and deeply rooted in local life. This close connection with the population gives tobacco retail networks a unique role, not only in the distribution of regulated products, but also in the provision of numerous services of general interest for the benefit of local communities.

The CEDT therefore reiterates its full support for the Unión de Asociaciones de Estanqueros de España and invites the competent authorities to take full account of this institutional position defended at European level.

Best regards.

Peter Schweinschwaller

A handwritten signature in black ink, which appears to read 'Peter S.', is written over the printed name 'Peter Schweinschwaller'.