

Excerpts from French Law as published on 20 May 2016 in the
OFFICIAL JOURNAL OF THE FRENCH REPUBLIC,
Text 27 of 128, GENERAL TEXTS,
MINISTRY OF SOCIAL AFFAIRS AND HEALTH

**Ordinance No. 2016-623 of 19 May 2016 transposing Directive 2014/40 / EU on
manufacturing, presentation and sale of tobacco products and related
products**

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Art. L. 3512-7. - I. - Manufacturers, importers and distributors of tobacco products, as well as companies, professional organizations or associations representing them, submit a report each year to the Minister of Health detailing all the expenses related to activities influence or representation of interests.

II. – The following are considered expenses related to activities of influence or representation of interests:

1. The remuneration of personnel employed in whole or in part to exercise influence or interest representation activities;
2. Purchases of services from consulting firms in influential or interest representation activities;
3. Benefits in kind or in cash, in any form whatsoever, directly or indirectly, the value of which exceeds 10 €, provided to:
 - a. Members of the Government;
 - b. Members of ministerial offices or collaborators of the President of the Republic;
 - c. Collaborators of the President of the National Assembly or the President of the Senate;
 - d. Parliamentarians;
 - e. Persons entrusted with a public service mission which their mission or the nature of their function calls for taking or preparing the decisions and opinions of the public authorities relating to tobacco products;
 - f. Experts, natural or legal persons, appointed by agreement with a public person, to advise on behalf of a public person whose mission it is to take or prepare the decisions and opinions of the authorities public information on tobacco products.

III. - The report mentioned in I indicates, for each company required to establish it:

1. The total amount of remuneration mentioned in 1 of II and the number of persons concerned;
2. The total amount and the identity of the beneficiaries of the expenses mentioned in 2 of II;
3. The nature and identity of the beneficiary of each expenditure mentioned in 3 of II.

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Art. L. 3512-18. - Manufacturers and importers of tobacco products communicate to the public institution designated by by-law, internal and external market studies and consumer groups' preferences for ingredients and emissions, and synthesis of studies for launching new products. They report annually to this establishment the volume of their sales for the past year, by brand and by type.

Art. L. 3512-19. - Any declaration mentioned in Articles L. 3512-17ⁱ and L. 3512-18 or any modification thereof, shall give rise to the payment by the manufacturer or the importer of tobacco products, for the benefit of the public establishment mentioned in Article L. 3512-17, a right for the receipt, storage, processing, analysis and publication of information, as well as for the verification of the measures referred to in Article L. 3512-16 and studies referred to in Article L. 3512-17.

The amount of these rights is fixed by decree within the limit of € 7,600. These rights are recovered in accordance with the terms and conditions provided for the recovery of the debts of State public administrative institutions.

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Art. L. 3512-26. - A decree in the Conseil d'Etat determines the conditions of application of this chapter, in particular:

1. The model report mentioned in Article L. 3512-7;
2. The conditions of application of Article L. 3512-16;ⁱⁱ
3. The content of the declarations referred to in Articles L. 3512-17 and L. 3512-18, their methods of transmission and updating, the nature of the information that is made public and the terms of this publication;

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Art. L. 3515-5.ⁱⁱⁱ - Is punished with a fine of € 45,000 for manufacturers, importers and distributors of tobacco products, as well as companies, professional organizations or associations representing them not to address to the Minister of Health the report Article L. 3512-7 or to knowingly omit to make public the expenses to be included under the same article.

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Section 3 *Civil Parties*

Art. L. 3515-7. - Associations whose statutory purpose includes the fight against smoking, regularly declared for at least five years at the date of the facts, may exercise the rights granted to the civil party for breaches of the provisions of this title.

Consumer Associations mentioned in Article L.421-1 of the Consumer Code, as well as Family Associations mentioned in Articles L.211-1 and L.211-2 of the Social Action and Family Code, may exercise the same rights.

**Sub-section 2 of Chapter II of Title I of Book V of Part III
of the Public Health Code reads, as follows:**

Subsection 2
Transparency

Art. R. 3512-1-1. - Are activities of influence and representation of interests for the application of the Article L. 3512-7 activities whose object is to influence the public decision, in particular on the content of a law or regulatory act by entering into communication with the persons mentioned in 3 ° of II of Article L. 3512-7.

Art. R. 3512-1-2. - The annual report referred to in Article L. 3512-7 includes the following information:

1. The corporate name, corporate purpose and address of the declarant's registered office;
2. For the remuneration of staff employed in whole or in part to exercise influence and interest representation activities:
 - a. Their total gross amount rounded to the nearest euro, for the year;
 - b. The total number of paid staff and the percentage of their working time assigned to these activities;
3. In respect of expenses for the purchase of services from consulting firms in influence or interest representation activities:
 - a. The total annual amount, including all taxes rounded to the nearest euro, of mission or service purchases by consulting firm;
 - b. The corporate name, corporate purpose and address of the registered office of each consulting firm;
4. For the benefits mentioned in 3 ° of II of Article L. 3512-7:
 - a. The total annual amount, including all taxes rounded to the nearest euro, of the benefits granted or paid;
 - b. The surname, given name, profession or function, and business address, where the beneficiary is a natural person;
 - c. The corporate name, the corporate purpose and the address of the registered office, where the beneficiary is a legal person;
 - d. The amount, inclusive of all taxes, rounded to the nearest euro, the date and nature of each benefit received by the recipient during the calendar year.

Art. R. 3512-1-3-I. - The information mentioned in Article R. 3512-1-2 is transmitted, in French, in dematerialized form and is made public on a public website, according to specified terms, by order of the Minister of Health.

II. - The decision of the Minister of Health mentioned in I is taken after the opinion of the National Commission for Informatics and Liberties. It determines the operating procedures of the site, including establishment, authentication and secure transmission of the information mentioned in Article R. 3512-1-2.

Art. R. 3512-1-4. - The report referred to in I of Article L. 3512-7 shall be sent to the Minister of Health no later than April 1st of the year following the calendar year in which the expenses are incurred/ declared.

Art. R. 3512-1-5. - The authority responsible for the public website publishes the reports mentioned in Article L. 3512-7 no later than 1 July of the year in which these reports are received. These reports remain accessible to the public, under the conditions set out in Article R. 3512-1-3, for a period of five years after they are posted online.

Art. R. 3512-1-6-I. - The authority responsible for the public website takes the necessary technical measures to ensure the integrity of the site on which it publishes the reports mentioned in Article L. 3512-7, their security and the protection of the only directly identifiable data made public mentioned in 4 of Article R. 3512-1-2 against indexing by external search engines. It ensures the information of the people on the collection and the publicity of the data concerning them.

II. - The authority responsible for the public website complies with the provisions of [Law No. 78-17 of 6 January 1978](#) relating to information technology, files and freedoms by completing with the National Commission for Informatics and Freedoms the necessary formalities for the data processing it implements for the application of this section. It indicates, on the public website, the possibility for individuals mentioned in b of 4 ° of Article R. 3512-1-2 to exercise their right to rectification of reports concerning them and the lack of application the right of opposition.

III. - The authority responsible for the public website keeps the data collected for this purpose, in any medium, for a period of ten years from the date on which their last modification took place. The right of access provided by Article 39 of the law of January 6, 1978 for the natural persons mentioned in b of 4 ° of Article R. 3512-1-2 is exercised with the authority responsible for the site public internet.

FOOTNOTES:

ⁱ Art. L. 3512-17. - I. - Before the placing on the market of any tobacco product, manufacturers and importers of tobacco products shall, by brand and type, transmit to the public establishment designated by order the list of all the ingredients used in the manufacture tobacco products and their emissions.

This statement shall include information on, inter alia, the status of ingredients in relation to Regulation (EC) No 1907/2006 of 18 December 2006 and Regulation (EC) No. 1272/2008 of 16 December 2008, the toxicological data and the effects on the health of the product, the reason for the use of the ingredients, as well as a general description of the additives used and their properties.

II. - No later than 18 months after an additive has been placed on the priority list established by European Decision referred to in Article 6 of Directive 2014/40 / EU, manufacturers and importers shall submit in-depth studies that they realized the concerning.

III. - For new tobacco products defined in the third paragraph of Article L. 3512-1, a complementary notification shall be sent six months before the placing on the market. This notification includes studies including toxicity, dependence effects, attractiveness and market of the product.

ⁱⁱ Art. L. 3512-16. - I. - The sale, distribution or offer for free of charge of cigarettes and rolling tobacco is prohibited:

1. Flavorings having a clearly identifiable odor or taste before or during consumption, other than tobacco;
2. Of which filters, paper, capsules, packaging or any other component contain tobacco, nicotine or flavorings;
3. Containing any technical device for modifying the smell or taste of tobacco products or their intensity of combustion;
4. Containing vitamins or other additives implying that a tobacco product has a beneficial effect on health or that the health risks to it have been reduced;
5. Containing caffeine, taurine or other additives and stimulants associated with energy and vitality;
6. Containing additives which confer coloring properties on smoke emissions;
7. Containing additives that facilitate the inhalation or absorption of nicotine;
8. Containing additives which, without combustion, have carcinogenic, mutagenic or toxic properties for human reproduction;
9. Containing additives in quantities which increase, in the course of consumption, in a significant or measurable way, their toxic effects or the addictive effect they engender.

II. - 4 to 6 and 8 of I apply to other tobacco products. 7 of I applies to other smoking tobacco products. The 2 and 3 of I also apply to papers and filters sold, distributed or offered separately.

III. - I enters into force on 20 May 2020 for tobacco products containing a clearly identifiable flavoring whose sales volume represents, within the European Union, as of 20 May 2016, 3% or more of a category of tobacco products determined.

ⁱⁱⁱ Art. L. 3512-5. - Propaganda or advertising in favor of an organization, service, activity, product or article other than tobacco, tobacco product or ingredient defined in Article L. 3512-2 when, by its graphic design, its presentation, the use of a mark, advertising emblem or other distinctive sign, it recalls tobacco, a tobacco product or a tobacco product ingredient defined in Article L. 3512-2.

However, these provisions are not applicable to propaganda or advertising in favor of a product other than tobacco, a tobacco product or an ingredient defined in Article L. 3512-2 which has been placed on the market before 1 January 1990 by an undertaking legally and financially distinct from any undertaking that manufactures, imports or markets tobacco a tobacco product or an ingredient defined in Article L. 3512-2. The creation of a legal or financial link between these companies cancels out this derogation.

Art. L. 3512-6. - The retransmission of mechanical sports competitions, containing direct or indirect advertising for the products mentioned in Article L. 3512-5 and which take place in countries where tobacco advertising is authorized, may be carried out by television channels.