

DAY Catherine (SG)

From: TESTORI COGGI Paola (SANCO)
Sent: 07 September 2012 22:55
To: DAY Catherine (SG); ROMERO REQUENA Luis (SJ)
Cc: SEYCHELL Martin (SANCO); SCHNICHELS Dominik (SANCO); SERVOZ Michel (SG); GAUTRAIS Bruno (SANCO); VALLETTA Marco (SANCO); SLEATH William (SG)
Subject: Tobacco Products Directive
Attachments: 20120907_Legal Text_master_version24_clean.doc; ATT00001.htm; 20120907_COMPARE VERSION_changes introduced afetr meeting of 4 September.doc; ATT00002.htm

Dear Catherine and Luis,

following our constructive meeting, we have worked on a new text along the lines of our agreement.

I attach a clean and track changed version.

In a nutshell we have done the following:

1. Chewing and nasal tobacco is no longer banned, but only subject to labelling and ingredients regulation. For novel products we introduced a notification system, which is even lighter than an authorisation mechanism.
2. The sections on tobacco vending machines and display limitations at point of sale are deleted.
3. The notification system of the cross border internet sales is maintained (*nota bene*: the current solution is essentially based on a proposal from the LS, the still open issue is not the legal basis, but whether MS are entitled to maintain or introduce a complete ban cross border internet sales, which is already established practice in 9 MS).
4. Full standardisation (= plain packaging) as an option in the Directive is deleted, but a recital clarifies that Member States can adopt this approach, given that we agreed that non-harmonised areas would be outside the scope of the Directive.
5. The procedure for establishing characterising flavours was simplified whilst maintaining the possibility of a common EU approach.
6. On nicotine containing products the need to ensure a level playing field for pharmaceuticals and products with high nicotine dose was confirmed. For products with low nicotine content a labelling provision was introduced to facilitate consumer choice/information.

In conclusion I trust the new text reflects our agreement and I hope we could agree to launch the interservice consultation soon.

Paola