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**From:** Crijnen, Marcel <[REDACTED]@sigaar.nl>  
**Sent:** 28 November 2013 13:56  
**To:** SCHNICHELS Dominik (SANCO); [REDACTED]  
**Cc:** SANCO CONSULT-D4  
**Subject:** RE: Your email to Cabinet Tajani of 11/11/2013  
**Attachments:** RE: Trilogue on the Tobacco Products Directive  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Schnichels,

Many thanks for your e-mail.

For your information I have attached a copy of my e-mail dated 13 November, in which I already thought to have answered your question regarding "the other most visible surface". In our view "the other most visible surface" is the external back of a cigar pack. As I explained in the attached e-mail, this is in line with Directive 2001/37/EC, which talks about "the external area of the corresponding surface of the unit packet" and in German for example about "der Außenfläche der entsprechenden Breitseite der Packung".

This view is also in line with paragraph 3.2. (labelling and packaging) of the explanatory memorandum of the TPD proposal (COM(2012) 788 final), where it is being stated: "The proposal exempts tobacco products other than cigarettes and roll-your own tobacco from larger health warnings. In order to increase the visibility of the health warnings on smokeless tobacco products, these will have to be put on both sides of the package according to the proposal, but their size will remain unchanged compared to Directive 2001/37. Other tobacco products (e.g. cigars and pipe tobacco) will be subject to rules corresponding to the provisions set out in Directive 2001/37 EC, i.e. text warnings of not less than 30% (front) plus 40% (back) of the packages. The exemption shall be removed if there is a substantial change of circumstances (in terms of sales volume or prevalence level among young people)".

Kind regards,

Marcel Crijnen

**Van:** Dominik.Schnichels@ec.europa.eu [mailto:Dominik.Schnichels@ec.europa.eu]  
**Verzonden:** donderdag 28 november 2013 12:40  
**Aan:** [REDACTED] Crijnen, Marcel;  
**CC:** SANCO-CONSULT-D4@ec.europa.eu  
**Onderwerp:** Your email to Cabinet Tajani of 11/11/2013

Dear Mr Crijnen,

Thanks for your mail to cabinet Tajani on the labelling of cigars. I ask for your understanding that we cannot comment on the ongoing confidential negotiations of the co-legislators on this issue. At the same time I like to reiterate the question what in your assessment the second most visible surface in a cigar box is.

Kind regards

Dominik Schnichels

[REDACTED]

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**From:** Crijnen, Marcel <[REDACTED]@sigaar.nl>  
**Sent:** 13 November 2013 16:32  
**To:** SCHNICHELS Dominik (SANCO)  
**Cc:** [REDACTED]  
**Subject:** RE: Trilogue on the Tobacco Products Directive

Dear Mr Schnichels,

Many thanks for your e-mail. I was referring to article 5.5. of Directive 2001/37/EC, which states: "The general warning required pursuant to paragraph 2(a) and the warning for smokeless and oral tobacco products referred to in paragraph 4 shall cover not less than 30 % of the external area of the corresponding surface of the unit packet of tobacco on which it is printed. That proportion shall be increased to 32 % for Member States with two official languages and 35 % for Member States with three official languages. The additional warning required pursuant to paragraph 2(b) shall cover not less than 40 % of the external area of the corresponding surface of the unit packet of tobacco on which it is printed".

In Dutch, for example, this text reads as follows: "De algemene waarschuwing van lid 2, onder a), en de waarschuwing op niet voor roken bestemde tabaksproducten en tabaksproducten voor oraal gebruik van lid 4 beslaat minstens 30 % van de buitenvoorkant of -achterkant van de tabaksverpakkingseenheid waarop zij worden aangebracht. Dit percentage wordt voor lidstaten met twee officiële talen verhoogd tot 32 en voor lidstaten met drie officiële talen tot 35. De bijkomende waarschuwing van lid 2, onder b), beslaat minstens 40 % van de buitenvoorkant of -achterkant van het betreffende oppervlak van de verpakkingseenheid waarop zij wordt aangebracht. Dit percentage wordt voor lidstaten met twee officiële talen verhoogd tot 45 en voor lidstaten met drie officiële talen tot 50". The words "buitenvoorkant of -achterkant" mean "external front or backside". In French the terminology "la superficie externe de la surface correspondante de l'unité de conditionnement de tabac" is being used.

Kind regards,

Marcel Crijnen

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**Van:** Dominik.Schnichels@ec.europa.eu [mailto:Dominik.Schnichels@ec.europa.eu]  
**Verzonden:** woensdag 13 november 2013 16:13  
**Aan:** Crijnen, Marcel  
**CC:** [REDACTED]  
**Onderwerp:** RE: Trilogue on the Tobacco Products Directive

Dear Mr Crijnen,

Many thanks for your mail. We have understood your arguments very well. Considering the very high workload at the moment I ask for your understanding that we cannot agree to a meeting at this stage. Also we are not in a position to comment on the proposals currently discussed between the co-legislators.

Disregarding the above I would like to point out that we have some difficulties to understand how the cigar industry can claim that the existing provision of the 2001 Directive has been implemented correctly by the cigar industry. Would you like to comment on this?

Kind regards

Dominik Schnichels

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**From:** Crijnen, Marcel [mailto:[REDACTED]@sigaar.nl]  
**Sent:** Wednesday, November 13, 2013 4:03 PM  
**To:** SCHNICHELS Dominik (SANCO)

**Cc:** [REDACTED]  
**Subject:** RE: Trilogue on the Tobacco Products Directive

Dear Mr Schnichels,

On behalf of ECMA President Ad Winternmans (with whom you met on 19 December 2011) and following our e-mail of 24 October, I herewith would like to request a meeting concerning the following issue that is said to be part of the ongoing trilogue negotiations on the tobacco products directive.

We were recently advised about the fact that the Lithuanian Presidency is said to have suggested an addition to article 10.1 concerning the labelling of tobacco for smoking other than cigarettes and roll-your-own tobacco. Apparently this addition would read as follows: *"For packets with the hinged lid, the other most visible surface is the one that becomes visible when the packet is open"*. As the 2 health warnings on packets of cigars have to be placed on 1) the most visible surface of the unit packet and 2) *the other most visible surface of the unit pack* respectively, this addition would imply that the second warning would have to be placed on the inside of the cigar packet instead of on the back in future.

We are very much concerned about this proposal of the Lithuanian Presidency, as:

- ) such a proposal was never mentioned before, neither by the Commission, nor by the Council nor by the European Parliament, i.e. this proposal cannot be seen as a 'compromise' that is necessary in the context of the trilogue;
- ) we are not aware of any problems with the current location of the health warnings on cigar packets;
- ) the proposal has not been part of the impact assessment that was carried out by the European Commission in 2012. However, this proposal would have a huge impact on the cigar SMEs, as it is technically impossible to put a health warning sticker on the inside of the cigar packet as suggested by the Presidency. Pre printing of the warnings in the official language(s) of the Member State where the packet is sold is also impossible in most of the cases as the cigar industry generally uses internationally standardised packs as much as possible due to the small sales- and production volumes. Cigar packets are normally produced, put on stock for a while and only made country specific afterwards, by adding country specific requirements such as a tax stamp and the health warning stickers once the member state of destination is known.

Ad Winternmans and I would, as said, highly appreciate to be given the opportunity to explain our concerns in more detail during a personal meeting on short notice.

Yours sincerely,

Marcel Crijnen  
Secretary General

European Cigar Manufacturers Association (ECMA)  
P.O. Box 4076  
5004 JB Tilburg  
The Netherlands  
Phone +31 [REDACTED]  
Mobile +31 [REDACTED]  
Fax +31 13 594 47 48  
Internet [www.ecma.eu](http://www.ecma.eu)  
E-mail [REDACTED]@sigaar.nl

**Van:** [Dominik.Schnichels@ec.europa.eu](mailto:Dominik.Schnichels@ec.europa.eu) [<mailto:Dominik.Schnichels@ec.europa.eu>]

**Verzonden:** donderdag 24 oktober 2013 17:03

**Aan:** Crijnen, Marcel

**CC:** [REDACTED]

**Onderwerp:** RE: Trilogue on the Tobacco Products Directive

Dear Mr Crijnen,

Many thanks for your position paper, which is very clear. If we have questions we will contact you.

Kind regards

Dominik Schnichels

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**From:** Crijnen, Marcel [mailto: [REDACTED]@sigaar.nl]  
**Sent:** Thursday, October 24, 2013 4:11 PM  
**To:** SCHNICHEL Dominik (SANCO)  
**Subject:** Trilogue on the Tobacco Products Directive

Dear Mr Schnichels,

After the vote on the Tobacco Products Directive (TPD) in the European Parliament on 8 October, Health Commissioner Borg noted that the Commission would carefully analyse the amendments adopted and define its position so that negotiations could continue in trilogue.

In the context of these negotiations, the European Cigar Manufacturers Association (ECMA) would like to inform you about its views on some of the issues that are currently on the table.

We would highly appreciate to be given the opportunity to discuss the foregoing with you in a personal meeting.

Yours sincerely,

Marcel Crijnen  
Secretary General

European Cigar Manufacturers Association (ECMA)  
P.O. Box 4076  
5004 JB Tilburg  
The Netherlands  
Phone +31 [REDACTED]  
Mobile +31 [REDACTED]  
Fax +31 13 594 47 48  
Internet [www.ecma.eu](http://www.ecma.eu)  
E-mail [REDACTED]@sigaar.nl

PS. The original copy of this letter will be sent to you by post today as well