



EUROPEAN COMMISSION

Office of the First Vice-President Mr Frans Timmermans

Member of Cabinet

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Dear Mr Michels,

Thank you for your letter of 21 November 2017 to First Vice-President Timmermans regarding the draft secondary legislation on the establishment and operation of systems of traceability and security features for tobacco products, which is published on the Europa website. The First Vice-President has asked me to reply to you on his behalf.

At the outset, I would like to assure you that your comments have been closely analysed and taken into account, along with all other comments received from stakeholders on the draft secondary legislation in question.

I would like to confirm that the European Commission is strictly applying the principles of Better Regulation in relation to the implementation of Articles 15 and 16 of Directive 2014/40/EU. This includes ensuring that the principle of proportionality is fully respected. In this regard, I would equally like to assure you that the needs of small and medium-sized enterprises have been taken into account to the maximum extent possible under our legal requirements. Please also note that the obligations under the secondary legislation in question apply, in general, to tobacco products other than cigarettes and roll-your-own products only from 20 May 2024, that is, five years after the official roll-out of the systems.

I am pleased to inform you that, following detailed discussions with Member States on the draft secondary legislation on tracking and tracing proposed by the European Commission, on 29 November 2017, the Member States have reached agreement on a set of secondary legislation that enables the EU and the Member States to meet their legal obligations on this matter.

Yours sincerely,



Maarten SMIT

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