



EUROPEAN COMMISSION

Cabinet of Commissioner Vytenis Andriukaitis  
Head of Cabinet

Brussels, 12.11.2015  
Ares(2015) 5033026

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Dear Mr [REDACTED]

Thank you for your letters of 22 September 2015 sent to President Juncker, First Vice-President Timmermans, Vice-President Katainen, Commissioner Bienkowska and Commissioner Andriukaitis concerning the question of the placement of combined health warnings on unit packets of tobacco products for smoking. As Head of Cabinet to Commissioner Andriukaitis, I have been asked to reply.

In the first instance, I take note of your concerns regarding your preparations for the Directive's May 2016 application date. In this regard, I can inform you that the Commission has in the meantime adopted two Implementing Decisions in the area of labelling and packaging.<sup>1</sup> The Implementing Decision on the technical specifications for the layout, design and shape of combined health warnings is limited to regulating those specific elements and does not regulate the "placement" of such warnings. The implementing act therefore does not go beyond the empowerment conferred on the Commission.

Your letters refer to two documents: a draft non-binding document '*Editing of combined health warnings on smoked tobacco packaging*' developed by an external contractor and a '*Non-Paper*'

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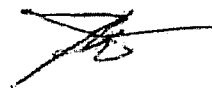
<sup>1</sup> Commission Implementing Decision (EU) 2015/1735 of 24 September 2015 on the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches (OJ L 252, 29.9.2015, p. 49) and Commission Implementing Decision (EU) 2015/1842 of 9 October 2015 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking (OJ L 267, 14.10.2015, p.5).

relating to the combined health warnings prepared by DG SANTE to facilitate discussion with the Member States in the designated groups. It is suggested that by their circulation, the Commission would have exceeded its legal mandate. In this regard, I would point out that, as you rightly observe, both documents carry clear disclaimers highlighting their status and intended purpose. It is clearly apparent from their own terms, that they were prepared merely to facilitate discussion and the exchange of views between Member States as regards their implementation of the Directive.

The Commission further notes certain supplementary views expressed in the Explanatory Note annexed to your letters. As regards, in particular, the content of the Non-Paper, it is acknowledged that a point made in relation to the printing of warnings in Canada was incorrect and the Member States were informed accordingly. I would, however, point out that instances of the prohibition on the printing of warnings on bevelled or rounded edges do exist, for example, in Singapore.<sup>2</sup>

As regards a potential conflict of interest with our external contractors Burson-Marsteller and SmokeFree Partnership, this matter was previously addressed in DG SANTE's response of 14 July 2015 to the Confederation of European Community Cigarette Manufacturers, an organisation of which Japan Tobacco International is a member.

*Yours sincerely,*



Arūnas Vinčiūnas

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<sup>2</sup> Tobacco (Control of Advertisements and Sale) (Labelling) Regulations 2012, S 419/2012.  
<http://statutes.agc.gov.sg/aol/download/u/0/pul/binaryfile/pulfile.pdf?compid:96680352-d4cf-432e-8d56-431e7cd9m92>