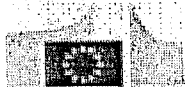


From: [REDACTED] (CAB-TIMMERMANS)
Sent: Monday 23 November 2015 18:19
To: [REDACTED] (CAB-TIMMERMANS)
Subject: FW: Minutes meeting with JTI - 23/11/2015

Please register.

[REDACTED]



European Commission
Cabinet of the First Vice President
Frans Timmermans

[REDACTED]

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From: [REDACTED] (CAB-TIMMERMANS)
Sent: Monday, November 23, 2015 6:19 PM
To: [REDACTED]
CC: [REDACTED] (CAB-TIMMERMANS)
Subject: Minutes meeting with JTI - 23/11/2015

On 23/11/2015, [REDACTED] met with [REDACTED] Japan Tobacco International [REDACTED] and [REDACTED] at their (repeated) request. While the meeting was agreed upon due to the stated intention to raise issues related to the May better regulation package "new measures relating to implementing and delegated acts and how the measures can be as effectively as possible drafted at EU and transferred to the Member State level", the JTI representatives only raised a very specific issue related to the interpretation of the primary and secondary legislation provisions concerning the placing of health warning on cigarette packs with bevelled sides.

In a nutshell, given current legal requirements on the health warning (minimum width in mm and size in % of packet) and current (JTI) packet formats, it is not possible to abide by the legal

requirements without (an apparently very marginal) part of the health warning being printed on the bevelled side.

Industry is concerned about an interpretative non-paper distributed by DG Sanco to MS experts to facilitate transposition of the revised tobacco directive which apparently suggests the health warning should never spill over to the beveled side. The example of Canada is used in the non-paper. JTI provided some written background information and claimed that:

- This makes no sense as the spill over is so marginal it has no effect on the impact of the health warning in terms of public health results.
- This restrictive interpretation is not in line with the primary and secondary legislation (which has explicitly recognized the existence of beveled packets)
- This interpretation indicates a desire by DG SANCO "to get by the backdoor something they did not manage to during the legislative process"
- Since all packets will have to be compliant by May 16 2016, the required change in the size of packets is not only unnecessary but also an additional requirement that comes in late into the process and with high compliance costs (15% of the packaing industry apparently uses beveled packets). No cost estimates were provided when specifically asked.
- The example of Canada is wrong

JTI has already sent a multi-Commissioner letter (also to FVP). They are not satisfied with the answer provided by the responsible Commissioner and plan a further letter (which will be copied to us). They know that a revised non-paper will be distributed to MS experts for a meeting in December 16 and will look at it with interest (with the fear the only changes will be the elimination of the Canadian example and its substitution with the case of Singapore).

In his response, [REDACTED] indicated that he did not know and would not get into the substance of the arguments but noted how the Commission is often asked to provide indicative interpretations to help transposition and how by facilitating a more harmonized interpretation, this could help businesses who clearly would not want to be faced with 28 different interpretations of health warning requirements in the case of beveled packets. Obviously various solutions were possible and, to the extent possible, one should look for a solution that drew on any available evidence in terms of both the benefits / risks and the costs. Clearly, however, this sort of interpretations cover marginal issues relative to those which were impact assessed and settled in the primary legislation (or even its delegated and implementing measures). [REDACTED] indicated that he would contact the cabinet of the responsible Commissioner to hear their side of the story. No further commitments were undertaken.

[REDACTED]



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