

**From:** [REDACTED]  
**Sent:** Thursday, November 26, 2015 9:41 AM  
**To:** [REDACTED] (CAB-TIMMERMANS)  
**Subject:** JTI and DG SANTE: the 'bevelled edge' cigarette pack issue

Dear [REDACTED]

**JTI and DG SANTE: the 'bevelled edge' cigarette pack issue**

Firstly, thank you for taking the time out of your busy schedule to meet with me and my colleague, [REDACTED], to hear our serious concerns regarding DG SANTE's non-papers in relation to the placement of Combined Health Warnings (CHWs) on cigarette packs with bevelled edges or rounded corners.

In summary, we object to DG SANTE's 'interpretation' that the CHWs must be applied only on the flat surface of cigarette packs with bevelled edges or rounded corners. Our position is that the non-papers (the draft Guidance Document developed by consultants to the Commission, and DG SANTE's non-paper) are in conflict with the Primary Legislation (Tobacco Products Directive 2014/40/EU) and the accompanying Secondary Legislation (Implementing Decision 2015/1842) for CHWs.

Recital 28 of the Directive confirms that cigarette packs with bevelled edges or rounded corners continue to be allowed, and neither the Directive nor the Implementing Decision authorize the Commission to address the placement of CHWs.

As regards evidence, the non-paper wrongly mentions Canada as an example where CHW printing is prohibited on cigarette packs with bevelled edges or rounded corners. By now citing Singapore it is clear that DG SANTE is struggling to 'cherry pick' a country example outside the European Union to back-up its 'interpretation'.

Furthermore, DG SANTE makes an irrelevant and misleading reference to "scientific literature and internal industry documents" which allegedly show that such packs are more "attractive" to consumers. The printing on CHWs on cigarette packs with bevelled edges or rounded corners has been accepted practice since the original Tobacco Products Directive (Directive 2001/37/EC) and no reliable, robust evidence has been put forward to date to justify a different approach. More importantly, since the latest Directive explicitly permits the cigarette packs in question, any discussion on "attractiveness" is moot.

By producing such non-papers, irrespective of them containing several "disclaimers", DG SANTE is exceeding its remit and is surreptitiously encouraging Member States to adopt an incorrect interpretation of the Directive. [REDACTED]

I attach again JTI's letter to the Commission (sent to, amongst others, First Vice-President Timmermans), which includes our key points in more depth, and the

response from the Head of Cabinet to Commissioner Andriukaitis for your records. We shall share with you our reply to the Commission's response once we have issued it.

Finally, our concerns have been further heightened recently by public minutes which disclose that DG SANTE might prepare a revised non-paper around the time of their next meeting with the Member States scheduled for 17/18 December. [REDACTED]

As such, we trust that our points will be urgently addressed by the Commission in advance of the December meetings in order that DG SANTE repeals its non-paper and informs the Member States accordingly.

Yours sincerely,

[REDACTED]

JT International Holding BV  
Boechoutlaan 55, 1853 Strombeek-Bever, Belgium

[jti.com](http://jti.com)

**From:** [REDACTED]  
**Sent:** Thursday, 24 September, 2015 13:25  
**To:** [REDACTED]  
**Subject:** JTI letter to the Commission in respect of Tobacco Products Directive (2014/40/EU) & DG SANTE

Dear [REDACTED]

**JTI letter to the Commission in respect of Tobacco Products Directive (2014/40/EU) & DG SANTE**

Please allow me to introduce myself, my name is [REDACTED]  
[REDACTED] Japan Tobacco International (JTI).

JTI is a leading international tobacco company headquartered in Geneva, Switzerland. Today, our company has over 26,000 employees and operations in 120 countries. In the EU, we employ around 10,000 people in 25 offices, 7 factories and 4 R&D centers across Europe. JTI is registered in the EU Transparency Register under the identification number 71175716023-03.

We would like to take this opportunity to bring to your attention a matter of serious concern to us, which relates to the Tobacco Products Directive (2014/40/EU) and the 'non-binding' guidance associated with the secondary legislation for Labelling as prepared by DG SANTE and its contractors - specifically, how to apply 'Combined Health Warnings' on cigarette packs with rounded corners or bevelled edges.

These concerns have been outlined in detail by us in letters addressed to:

- First Vice-President Timmermans,
- Vice-President Katainen,
- Commissioner Bienkowska, and
- Commissioner Andriukaitis.

Please find the letter attached.

We trust that our points will be urgently addressed by the Commission and that DG SANTE responds accordingly.

I would be glad to answer any questions you may have on this important matter.

Yours sincerely,

[Redacted signature]

[Redacted name]

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