Dear [Name],

Thank you for your email dated January 9, 2019. We noted with interest several developments that we would like to further comment here below.

Secondary Repository appointment

We welcome the appointment of the Secondary Repository provider that has provided the technical specifications and the common data dictionary on February 21, 2019. We already sent a formal letter to the provider (please see Attachment I), concerning certain technical questions on how to integrate economic operators’ internal systems with the repositories and the router. Indeed, given the number and frequency of orders for unit-level unique identifiers (ULIs), the common data dictionary has to provide crucial guidance for ID issuers to be directly connected with importers and manufacturers.

ID Issuers readiness

We also welcome the intention of the European Commission to increase the number of Subgroup’s meetings and facilitate the technical dialogue among the authorities and the IT providers. This is indispensable to ensure that the system will be ready for the testing phase and go live by May 20, 2019. With the same objective, PMI developed and shared with appointed ID Issuers an on-boarding procedure to provide them with assistance on how to securely connect with production environments. There are several Member States who have not taken any actions up to now, which makes it highly unlikely that they will be able to be ready by the deadline. Moreover, some ID issuers have already informed industry representatives that they will not be able to provide any unique identifiers by May 20, 2019 and are looking at a potential postponement of the due date. PMI is taking all the necessary actions (please see Attachment II) for a timely implementation of Articles 15 and 16 of the Directive.

However, the developments above seem to indicate that the system will not be operational in several Member States by the foreseen deadline. Since a partial implementation of the system will make it impossible for economic operators to meet the requirements of the implementing acts, we would kindly ask the following questions:
• Does this mean the European Commission and the Member States are considering to officially delay the introduction of the system?
• If not, what are the provisions planned to ensure that a fragmented implementation will not disrupt the production and distribution of legitimate tobacco products in the European Union after May 20, 2019?
• In case of delays, how will the Commission adapt the start date of the transitional period, provided in Article 37 of Implementing Regulation (EU) 2018/574?

Economic Operators registration

We share the pragmatic suggestion of the European Commission that the first operative ID issuers will be asked to help succeeding ID issuers in setting up the practical aspects of registering economic operators, facilities and machines. This seems to be the only way to timely issue identifier codes for economic operators with standard, non-repetitive code structure and length. Indeed, a facility identified with different codes or the same code given to different facilities by different ID issuers would undermine the consistency of the entire system.

Again, we thank you in advance for your attention and hope that you continue to find our remarks both informative and useful. We would be available to meet with you and elaborate further, in case you would have any further questions.

Attachments:

Attachment I – Letter to Denstu Aegis Network

Attachment II – Summary of PMI activities in preparation for TPD Article 15 and 16 implementation
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