

From: SANTE B2 TOBACCO CONTROL
Sent: 25 April 2019 10:15
To: [REDACTED]
Cc: SANTE B2 TOBACCO CONTROL
Subject: RE: Track and Trace - Transport Companies

Dear [REDACTED]

The process of trans-loading, as compared to short-term storage, is described in the Q&A document (see link: https://ec.europa.eu/health/sites/health/files/tobacco/docs/tt_qa_en.pdf). Please find the relevant answer below.

Q5: Could short-term storage be regarded as a part of trans-loading (when such storage occurs for the purpose of a transfer of products between vehicles)?

A: No, regardless of its duration, storage has to be differentiated from trans-loading. According to Article 2(19) of the Implementing Regulation, trans-loading is defined as 'the transfer of tobacco products from one vehicle to another during which tobacco products do not enter and exit a facility.'

By contrast, where tobacco products are being stored (which may be the case, for example, when they are left in a warehouse without being handled and no vehicle is present) economic operators will be required to report the arrival of the tobacco products at the relevant storage facility (see 'arrival of tobacco products at a facility' message, Section 3.4 of Annex II to the Implementation Regulation).

This means that trans-loading should be an on-going and uninterrupted handling process during which (at least) one of the two vehicles concerned must be present at all times.

Kind regards,

Unit B2 – Team Track & Trace



European Commission
Directorate-General for Health and Food Safety
Unit B2 – Cross-border healthcare and tobacco control

B-1049 Brussels/Belgium
E-mail: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

From: [REDACTED]
Sent: Friday, April 12, 2019 11:47 AM
To: SANTE B2 TOBACCO CONTROL <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Subject: RE: Track and Trace - Transport Companies

Importance: High

Dear Sir,

We need to know what exactly are the definitions of :

- Storage of Tobacco products
- Trans-Loading

It is very important to know this during the transport of tobacco products. Because if only trans-loading occurs, then only the truck-numbers have to be reported.

But we do not know, what is regarded as storage of tobacco products. 1 hour? 2 hours?

Thank you

S pozdravom / Best regards



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From: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Sent: Tuesday, March 19, 2019 3:07 PM

To: [REDACTED]

Subject: RE: Track and Trace - Transport Companies

Dear [REDACTED]

Implementing Regulation 2018/574 defines an 'economic operator' as any natural or legal person who is involved in the trade of tobacco products, including for export, from the manufacturer to the last economic operator before the first retail outlet. We furthermore recall our previous communication to you that transport operators, which are not engaged in any other activities related to the handling of tobacco products, will only be required to report incidences of transloading. That is, the transfer of tobacco products between vehicles during which tobacco products do not enter and exit a facility. Other logistical operations, in particular dispatches and arrivals, are to be reported by the operators of facilities from which the tobacco products are dispatched or at which they arrive. To that end, please note that the recording and transmitting of information to the traceability system requires the submitting entity to have an economic operator identifier code (see, in particular, section 3.5 of Annex II to the Implementing Regulation on messaging requirements for transloading events).

For further information, including a link to the list of specifications necessary for economic operators to exchange data with the router, please consult our website: https://ec.europa.eu/health/tobacco/tracking_tracing_system_en

Best regards,

Unit B2 – Team 'Track and Trace'

From: [REDACTED]

Sent: Wednesday, March 6, 2019 9:43 AM

To: SANTE B2 TOBACCO CONTROL <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Subject: RE: Track and Trace - Transport Companies

Importance: High

Dear Sir,

Is the transport company regarded as „Economy operator“ ?

If yes, we would like to know how the process of reporting is going to work if there is a trans-loading of goods.

The transport company will have its ID number and will make the scanning/reporting of tobacco products during the trans-loading?

Thank you

S pozdravom / Best regards



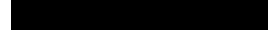
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From: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Sent: Tuesday, September 11, 2018 10:30 AM

To: [REDACTED]

Cc: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

Subject: RE: Track and Trace - Transport Companies

Dear [REDACTED]

We need to reiterate that the situation of transport companies is not different to the situation of any other economic operator involved in the trade of tobacco products. We also reiterate that the direct deliveries, i.e. those that do not involve trans-loading, are only reported at the points of dispatch and arrival (unless delivered to the first retail outlet, when it is not necessary to report the arrivals). However, we cannot comment on the willingness of individual companies to transport or not tobacco products.

In the context of your questions, we would also like to draw your attention to Article 15(7) of Tobacco Products Directive 2014/40/EU:

Member States shall ensure that the manufacturers of tobacco products provide all economic operators involved in the trade of tobacco products, from the manufacturer to the last economic operator before the first retail outlet, including importers, warehouses and transporting companies, with the equipment that is necessary for the recording of the tobacco products purchased, sold, stored, transported or otherwise handled. That equipment shall be able to read and transmit the recorded data electronically to a data storage facility pursuant to paragraph 8.

This provision enables among others the transport companies to ask for the necessary equipment from the manufacturers of tobacco products. Member States are responsible to make this provision effective.

With best regards,



European Commission

Directorate-General for Health and Food Safety

Unit B2 – Cross-border healthcare and tobacco control

B-1049 Brussels/Belgium

E-mail: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

From: [REDACTED]
Sent: Monday, September 10, 2018 2:09 PM
To: SANTE B2 TOBACCO CONTROL
Subject: RE: Track and Trace - Transport Companies
Importance: High

Dear Sir,

Thank you for your e-mail.

You are writing that you do not consider that transport companies could have problems with the implementation of Track and Trace.

But they really do have !!! Can you please name at least one transport company in EU that is able and going to implement Track and Trace?

In Slovakia and Czech republic, transport companies said, they are not able to implement Track and Trace system.

Therefore we are asking, what should small distributors do, in this case?

TPD - Track and Trace system says what we have to do, but it is not telling us how we should do it.

State Authorities in Slovakia are telling us the same: We do not know how to implement Track and Trace. EU Commission is saying the same, and that is the responsibility of Member States to implement Track and Trace.

S pozdravom / Best regards

[REDACTED]

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From: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>

Sent: Monday, September 10, 2018 9:32 AM

To: [REDACTED]

Cc: SANTE-TT-SW@ec.europa.eu; SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

Subject: RE: Track and Trace - Transport Companies

Dear [REDACTED]

Thank you for your e-mail.

At the outset, we would like to recall that, in accordance with Article 15 of Tobacco Products Directive 2014/40/EU, the traceability system applies to all stages of the supply chain and to all economic operators involved in tobacco trade from the manufacturer to the last economic operator before the first retail outlet. The technical complexity of the traceability system, and its related measures, which must be implemented by transport companies are comparable to those that apply to other economic operators. We therefore do not consider there to be any insurmountable technical barriers in the case of transport companies, which would hinder them from complying with the legal requirements.

Please also note in this context that transport operators will only be required to report incidences of transloading, that is, the transfer of tobacco products between vehicles during which tobacco products do not enter and exit a facility. Other logistical operations, in particular dispatches and arrivals, are to be reported by the operators of facilities from which the tobacco products are dispatched or at which they arrive.

With best regards,



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E-mail: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

From: [REDACTED]
Sent: Tuesday, September 4, 2018 12:16 PM
To: SANTE TT SW <SANTE-TT-SW@ec.europa.eu>
Cc: SANTE B2 TOBACCO CONTROL <SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>
Subject: Track and Trace - Transport Companies
Importance: High

Dear Sir,

Thank you for the answer.

I have one more question regarding Transport Companies.

At the moment, there is no Transport company in Slovakia or Czech republic that is able to implement Track and Trace system with the Transloading.

Can you please give us advice how to proceed in this case, when there is no transport company able to work with the Track and Trace system?

Thank you

S pozdravom / Best regards



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From: SANTE-TT-SW@ec.europa.eu <SANTE-TT-SW@ec.europa.eu>

Sent: Friday, April 20, 2018 5:07 PM

To: [REDACTED]

Cc: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

Subject: RE: Track and Trace Questions

Dear Sir,

Article 15(7) of Directive 2014/40/EU (TPD) sets out that manufacturers of tobacco products shall provide all economic operators involved in the trade of tobacco products (up to the last economic operator before the first retail outlet), including importers, warehouses and transport companies, with the equipment necessary to record the traceability

information. This equipment must be able to read and transmit the recorded data electronically to a data storage facility.

As the setting of precise rules in this respect falls outside the scope of the secondary legislation adopted by the Commission on 15 December 2017 (Commission Implementing Regulation (EU) 2018/574 and Commission Delegated Regulation (EU) 2018/573), Member States - who are responsible for the application and enforcement of the TPD - may choose to adopt such rules and/or lay down guidance for how manufactures may meet their obligations under Article 15(7) TPD.

Kind regards,

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Directorate-General for Health and Food Safety
Unit B2 – Cross-border healthcare and tobacco control
B-1049 Brussels/Belgium
E-mail: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

From: [REDACTED]
Sent: Wednesday, April 18, 2018 9:35 AM
To: SANTE TT SW; SANTE B2 TOBACCO CONTROL
Subject: Track and Trace Questions

Dear Sir,

Can you please give me answers to the following questions?

Who is going to provide a pay for scanners for Distributors of Tobacco products?

Are you planning to issue some Manual or Guidance for Track and Trace, where it will be explained step by step what each company has to do?

Thank you

S pozdravom / Best regards

[REDACTED]

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