

Translation

Ares(2018) 418429

Dear Mr von Foerster,
Dear Mr [REDACTED],

Thank you for your letter of 18 January 2018 to Prof. Selmayr, former Head of the President's Cabinet, regarding the secondary legislation on the establishment and operation of a traceability system for tobacco products. Mr Selmayr has asked me to reply to you on his behalf.

I would like to reiterate our view that, in line with Article 15(1) of Directive 2014/40/EU, as Article 8(2) of the Protocol to Eliminate Illicit Trade of the Framework Convention for Tobacco Control (FCTC), that tobacco products destined for export are to be covered by the traceability system. In this respect, it is important to recall that Article 15 of the Directive is also intended to implement the EU's obligation under Article 8 of the FCTC Protocol.

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Michael VON FOERSTER
General Manager
Mr [REDACTED]
[REDACTED]
German Smoking Tobacco Association
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I would further like to stress that, as noted in a recent Commission report¹, false exports continue to fuel illicit trade in the EU, hence harming citizens and State budgets.

I would moreover like to confirm that the Commission is addressing the subject matter of exports in its dialogues with third countries, in order to ensure that any divergence in regulatory and technical requirements between Union and third country legislation will be limited to the extent possible. In addition, the upcoming meeting of the Parties to the FCTC Protocol in October 2018 provides an opportunity to discuss this matter in a wider setting, provided that the Protocol obtains the number of ratifications necessary for it to enter into force.

Finally, I would like to note that, for tobacco products other than cigarettes and roll-your-own tobacco, which are often produced by small and medium-sized companies, the secondary legislation becomes applicable only as of 20 May 2024.

I hope that this information is useful.

Yours sincerely,

¹ COM(2017) 235 final, p. 8.