

Ares(2014)363943

**From:** SCHNICHELS Dominik (SANCO)  
**Sent:** 28 November 2013 16:52  
**To:** 'Crijnen, Marcel'; [REDACTED]  
**Cc:** SANCO CONSULT-D4  
**Subject:** RE: Your email to Cabinet Tajani of 11/11/2013

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Crijnen,

Many thanks for your mail, but I do not think that this is a reply to my question. At the same time I will not insist on an answer at this stage, as I cannot react in substance for the reasons outlined earlier.

Kind regards

Dominik Schnichels

**From:** Crijnen, Marcel [mailto:M.Crijnen@sigaar.nl]  
**Sent:** Thursday, November 28, 2013 1:56 PM  
**To:** SCHNICHELS Dominik (SANCO); [REDACTED]  
**Cc:** SANCO CONSULT-D4  
**Subject:** RE: Your email to Cabinet Tajani of 11/11/2013

Dear Mr Schnichels,

Many thanks for your e-mail.

For your information I have attached a copy of my e-mail dated 13 November, in which I already thought to have answered your question regarding "the other most visible surface". In our view "the other most visible surface" is the external back of a cigar pack. As I explained in the attached e-mail, this is in line with Directive 2001/37/EC, which talks about "the external area of the corresponding surface of the unit packet" and in German for example about "der Außenfläche der entsprechenden Breitseite der Packung".

This view is also in line with paragraph 3.2. (labelling and packaging) of the explanatory memorandum of the TPD proposal (COM(2012) 788 final), where it is being stated: "The proposal exempts tobacco products other than cigarettes and roll-your own tobacco from larger health warnings. In order to increase the visibility of the health warnings on smokeless tobacco products, these will have to be put on both sides of the package according to the proposal, but their size will remain unchanged compared to Directive 2001/37. Other tobacco products (e.g. cigars and pipe tobacco) will be subject to rules corresponding to the provisions set out in Directive 2001/37 EC, i.e. text warnings of not less than 30% (front) plus 40% (back) of the packages. The exemption shall be removed if there is a substantial change of circumstances (in terms of sales volume or prevalence level among young people)".

Kind regards,

Marcel Crijnen

**Van:** Dominik.Schnichels@ec.europa.eu [mailto:Dominik.Schnichels@ec.europa.eu]  
**Verzonden:** donderdag 28 november 2013 12:40  
**Aan:** [REDACTED] Crijnen, Marcel;  
**CC:** SANCO-CONSULT-D4@ec.europa.eu  
**Onderwerp:** Your email to Cabinet Tajani of 11/11/2013

Dear Mr Crijnen,

Thanks for your mail to cabinet Tajani on the labelling of cigars. I ask for your understanding that we cannot comment on the ongoing confidential negotiations of the co-legislators on this issue. At the same time I like to reiterate the question what in your assessment the second most visible surface in a cigar box is.

Kind regards

Dominik Schnichels