
Subject: FW: TPD - nový návrh Litevského predsednictví
Attachments: EU TPD Lithuanian proposal.pdf

From: Poul Jaroslav [<mailto:poul@danczek.com>]
Sent: Friday, November 15, 2013 8:16 AM
To: [REDACTED] (CAB-FULE)
Cc: eu.brussels@embassy.mzv.cz
Subject: TPD - nový návrh Litevského predsednictví

DanCzek Teplice a.s.

Vážený pane Fule,

Posílám vám komentář naší společnosti k absolutně problematickému návrhu, který byl podán v rámci projednávání TPD. Vzhledem k technické nerálnosti celého návrhu bych vás chtěl požádat o maximální podporu při zamítnutí tohoto návrhu.

Za pochopení a snahu pomoci předem děkuji.

S pozdravem

Poul Jaroslav

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Teplice, November 11, 2013
Mr. Štefan Fule
Commissioner for Enlargement
European Commission
200 Rue de la Loi,
B – 1049, Brussels

Copy to :
Permanent Representation of the Czech Republic
Mr J. DURR
Ambassador, Deputy Permanent Representative (Coreper I)

Dear Commissioner Fule,

As managing director of DanCzek Teplice a.s., writing to you on behalf of all cigar importers / distributors in Czech republic, I herewith would like to draw your attention to the following issue that is said to be part of the ongoing trilogue negotiations on the tobacco products directive.

According to Directive 2001/37/EC, the health warnings on packets of tobacco products have to be located on the two most visible external areas of the unit packet. We were recently advised about the fact that the Lithuanian Presidency is said to have suggested an addition to article 10.1 of the proposed new Directive, which deals with the labelling of tobacco for smoking other than cigarettes and roll-your-own tobacco. Apparently this addition would read as follows: "*For packets with the hinged lid, the other most visible surface is the one that becomes visible when the packet is open*". As the 2 health warnings on packets of cigars have to be placed on 1) the most visible surface of the unit packet and 2) *the other most visible surface of the unit pack* respectively, this addition would imply that the second warning would have to be placed on the inside of the cigar packet instead of on the back in future.

We are very much concerned about this proposal of the Lithuanian Presidency, as it would have a huge impact on the mainly small and medium sized enterprises working in the cigar sector. Cigar consumption represents less than 1% of the total consumption of tobacco products in the European Union. For that reason, cigar production volumes are low and the cigar industry generally uses internationally standardised packs as much as possible. The cigar industry is allowed to affix the health warnings by means of stickers, provided that such stickers are irremovable. However, it is technically impossible to put a health warning sticker on the inside of the cigar packet as suggested by the Presidency. Pre printing of the warnings in the official language(s) of the Member State where the packet is sold is also impossible due to the small volumes / internationally standardised packs. Cigar packets are normally produced, put on stock for a while and only made country specific afterwards, by adding country specific requirements such as a tax stamp and the health warning stickers once the member state of destination is known.

Additionally we would like to note that the Presidency proposal was never mentioned before, neither by the Commission, nor by the Council nor by the European Parliament, i.e. this proposal cannot be seen as a 'compromise' that is necessary in the context of the trilogue and has not been part of the Impact Assessment that was carried out by the European Commission in 2012. By the way, the same is true for the location of the surrounding black border: according to the Commission this should be located inside the warning area, whereas the Presidency is said to be of the opinion that it should be located outside the warning area, without the Council or the Parliament having requested such a change.

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On the basis of the above we urge you not to agree to the Presidency proposal that would define the other most visible surface as the one that becomes visible when the packet is open.

Yours sincerely,

Poul Jaroslav

A handwritten signature in black ink, appearing to be 'Poul Jaroslav', written in a cursive style.