



CONFINDUSTRIA

Il Direttore Generale

Rome, 28th September 2012

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*Dear President,*

I am writing to you with regards to the ongoing process of revision of the so-called "Tobacco Products Directive" (Directive 2001/37/EC).

I would like to draw your attention to some concerns that could affect the Italian industry, highlighting to you three negative impacts that an unconsidered decision may cause in the EU and in Italy, where the tobacco industry is extremely valuable and counts for more than 60.000 workers and about 140.000 retailers.

Firstly, the European Commission has always been engaged in defending and enhancing intellectual property rights at European and international level, and in the recent years efforts in this direction have increased considerably, receiving a constant approval and support from the industry. This is the case, for instance, of the negotiations for the creations of the unique European patent, and of the set up of the European Observatory on Counterfeiting and Piracy.

Based on these thoughts, I believe that the proposal to enlarge health warnings by reducing or even eliminating brand logos and graphical features would contrast with the regulation currently in force on the protection of IPRs. In addition, it would constitute a dangerous precedent that could affect other major industries.

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Dr. José Manuel Barroso  
President of the European Commission  
Rue de la Loi  
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cc

Dr. John Dalli  
Commissioner for health and consumer policy

Dr. Antonio Tajani  
Vice – President of the European Commission  
Commissioner for Industry and Entrepreneurship



Secondly, I would like to stress the negative impact that a possible homologation of the shape, of ingredients and of the design of the tobacco products and their packages would create to the European tobacco industries. This homologation would be harmful for the EU tobacco export industries, directly affecting their competitiveness in the global market. In fact, each firm would be unable to differentiate its products from those of other competitors in the industry and, moreover, consumers' choice would be affected by removing the distinctiveness among products of different brands.

A third important point of concerns is the impact that this revision could have on the fighting against illegal manufacturing and counterfeiting. In recent years, Italy has put a great effort into fighting these illegal acts with positive and rewarding results. I am worried of the harm that standardisation could create to this ongoing conflict, by removing the complexity of recreating brands and design features but also by reducing the costs of doing it.

Based on these considerations, Confindustria believes that the review of the Directive 2001/37/EC requires further investigation through carrying out a deeper impact assessment.

Yours sincerely,

Marcella Panucci