



EUROPEAN COMMISSION  
SECRETARIAT-GENERAL

The Secretary General

Brussels, 30 May 2012  
SG

**Private and Confidential**

Mr Fredrik Peyron  
General Counsel  
Swedish Match AB  
Box 7179  
103 88 Stockholm

Dear Mr Peyron

Thank you for your letter of 14 May which reached me on 21 May.

I have referred this matter to OLAF, the European Anti-fraud office. They will investigate the issues raised in the attachment to your letter and will contact you on the follow up. Given the contents of the attachment to your letter I would ask you to respect strict confidentiality on all aspects of this matter to avoid compromising the integrity of any investigation.

Yours sincerely

Catherine Day

## DAY Catherine (SG)

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** 07 September 2012 22:55  
**To:** DAY Catherine (SG); ROMERO REQUENA Luis (SJ)  
**Cc:** SEYCHELL Martin (SANCO); SCHNICHELS Dominik (SANCO); SERVOZ Michel (SG); GAUTRAIS Bruno (SANCO); VALLETTA Marco (SANCO); SLEATH William (SG)  
**Subject:** Tobacco Products Directive  
**Attachments:** 20120907\_Legal Text\_master\_version24\_clean.doc; ATT00001.htm; 20120907\_COMPARE VERSION\_changes introduced afetr meeting of 4 September.doc; ATT00002.htm

Dear Catherine and Luis,

following our constructive meeting, we have worked on a new text along the lines of our agreement.

I attach a clean and track changed version.

In a nutshell we have done the following:

1. Chewing and nasal tobacco is no longer banned, but only subject to labelling and ingredients regulation. For novel products we introduced a notification system, which is even lighter than an authorisation mechanism.
2. The sections on tobacco vending machines and display limitations at point of sale are deleted.
3. The notification system of the cross border internet sales is maintained (*nota bene*: the current solution is essentially based on a proposal from the LS, the still open issue is not the legal basis, but whether MS are entitled to maintain or introduce a complete ban cross border internet sales, which is already established practice in 9 MS).
4. Full standardisation (= plain packaging) as an option in the Directive is deleted, but a recital clarifies that Member States can adopt this approach, given that we agreed that non-harmonised areas would be outside the scope of the Directive.
5. The procedure for establishing characterising flavours was simplified whilst maintaining the possibility of a common EU approach.
6. On nicotine containing products the need to ensure a level playing field for pharmaceuticals and products with high nicotine dose was confirmed. For products with low nicotine content a labelling provision was introduced to facilitate consumer choice/information.

In conclusion I trust the new text reflects our agreement and I hope we could agree to launch the interservice consultation soon.

Paola

## DAY Catherine (SG)

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** 27 September 2012 19:34  
**To:** DAY Catherine (SG)  
**Subject:** RE: Tobacco Products directive

Catherine ,  
Sorry if I did not answer before  
If you really prefer 19 dec it is ok for me, but it is important that is really adopted before  
Christmas holiday  
So I will tell this to my cabinet  
Paola

---

**From:** DAY Catherine (SG)  
**Sent:** Tuesday, September 25, 2012 2:56 PM  
**To:** TESTORI COGGI Paola (SANCO)  
**Subject:** RE: Tobacco Products directive

Paola

Many thanks for your understanding on this. If necessary we will of course help you with the practical aspects - but I would ask you to agree to do this on 19 December - we have the December European Council on 13/14 December so the following week would suit better. Please let me know if this would be a problem for you.

Thanks again

Catherine

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** Tuesday, September 25, 2012 12:43 PM  
**To:** DAY Catherine (SG)  
**Subject:** RE: Tobacco Products directive

Catherine

I can now confirm you that we can accept your request to launch the CIS after the October Council ; however I would like to ask your help to make sure that the adoption by College can take place on 11 december .

This will imply that I have to make a CIS of 10 working days , which I think is not a great problem as LS and SG will have already agreed on the text , and to get a priority for translation

Thanks  
paola

---

**From:** DAY Catherine (SG)  
**Sent:** Sunday, September 23, 2012 12:10 PM  
**To:** TESTORI COGGI Paola (SANCO)  
**Subject:** Tobacco Products directive

Paola

Thanks to your open attitude and willingness to take the views of the LS and SG on board, I think we are making progress with the drafting of the legislation. I would like to have a word with you about the timing of the proposal. Last week I was reviewing a number of issues with Johannes and we came to the view that it would be best not to launch the ISC until after the October European Council - this is a text that might well leak even from ISC and we are keen to avoid too much controversy before the European Council. I don't know what your timing horizon is - can we have a word about it during the coming week?

Thanks

Catherine

## DAY Catherine (SG)

---

**From:** DAY Catherine (SG)  
**Sent:** 25 September 2012 14:56  
**To:** TESTORI COGGI Paola (SANCO)  
**Subject:** RE: Tobacco Products directive

Paola

Many thanks for your understanding on this. If necessary we will of course help you with the practical aspects - but I would ask you to agree to do this on 19 December - we have the December European Council on 13/14 December so the following week would suit better. Please let me know if this would be a problem for you.

Thanks again

Catherine

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** Tuesday, September 25, 2012 12:43 PM  
**To:** DAY Catherine (SG)  
**Subject:** RE: Tobacco Products directive

Catherine

I can now confirm you that we can accept your request to launch the CIS after the October Council ; however I would like to ask your help to make sure that the adoption by College can take place on 11 december .

This will imply that I have to make a CIS of 10 working days , which I think is not a great problem as LS and SG will have already agreed on the text , and to get a priority for translation

Thanks  
paola

---

**From:** DAY Catherine (SG)  
**Sent:** Sunday, September 23, 2012 12:10 PM  
**To:** TESTORI COGGI Paola (SANCO)  
**Subject:** Tobacco Products directive

Paola

Thanks to your open attitude and willingness to take the views of the LS and SG on board, I think we are making progress with the drafting of the legislation. I would like to have a word with you about the timing of the proposal. Last week I was reviewing a number of issues with Johannes and we came to the view that it would be best not to launch the ISC until after the October European Council - this is a text that might well leak even from ISC and we are keen to avoid too much controversy before the European Council. I don't know what your timing horizon is - can we have a word about it during the coming week?

Thanks

Catherine

## DAY Catherine (SG)

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** 25 September 2012 12:43  
**To:** DAY Catherine (SG)  
**Subject:** RE: Tobacco Products directive

Catherine

I can now confirm you that we can accept your request to launch the CIS after the October Council ; however I would like to ask your help to make sure that the adoption by College can take place on 11 december .

This will imply that I have to make a CIS of 10 working days , which I think is not a great problem as LS and SG will have already agreed on the text , and to get a priority for translation

Thanks

paola

---

**From:** DAY Catherine (SG)  
**Sent:** Sunday, September 23, 2012 12:10 PM  
**To:** TESTORI COGGI Paola (SANCO)  
**Subject:** Tobacco Products directive

Paola

Thanks to your open attitude and willingness to take the views of the LS and SG on board, I think we are making progress with the drafting of the legislation. I would like to have a word with you about the timing of the proposal. Last week I was reviewing a number of issues with Johannes and we came to the view that it would be best not to launch the ISC until after the October European Council - this is a text that might well leak even from ISC and we are keen to avoid too much controversy before the European Council. I don't know what your timing horizon is - can we have a word about it during the coming week?

Thanks

Catherine

## DAY Catherine (SG)

---

**From:** TESTORI COGGI Paola (SANCO)  
**Sent:** 23 September 2012 18:27  
**To:** DAY Catherine (SG)  
**Subject:** Re: Tobacco Products directive

Catherine,

I take note of your request however

i have to tell you that our timing horizon is much closer; in fact our idea was to launch CIS already next week, as we would like to have the proposal adopted well before the end of the year so that Irish Presidency can make progress on it ( it is one of their priority).

We have now been delayed by quite difficult discussions with LS ( not always ready at desk level to take on board our political agreement) but we are confident to be able to conclude end of next week.

To wait until after European Council implies another 3 weeks delay , which will bring final adoption to be very late; maybe we can find a way to be quicker after CIS ?

We can surely discuss it, in the meantime I will also speak with my Cabinet and come back to you

Thanks

paola

Paola Testori Coggi  
Envoyé de mon iPhone

Le 23 sept. 2012 à 12:10, "DAY Catherine (SG)" <[Catherine.Day@ec.europa.eu](mailto:Catherine.Day@ec.europa.eu)> a écrit :

Paola,

Thanks to your open attitude and willingness to take the views of the LS and SG on board, I think we are making progress with the drafting of the legislation. I would like to have a word with you about the timing of the proposal. Last week I was reviewing a number of issues with Johannes and we came to the view that it would be best not to launch the ISC until after the October European Council - this is a text that might well leak even from ISC and we are keen to avoid too much controversy before the European Council. I don't know what your timing horizon is - can we have a word about it during the coming week?

Thanks

Catherine