

From: [REDACTED]
Sent: vendredi 7 juin 2019 15:19
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Request of your data storage contract for enforcement purposes

Dear [REDACTED]

Regarding your inquiry about the legal basis for the request of 23 May 2019, we would like to refer you to Tobacco Product Directive 2014/40/EU (TPD). The combined reading of Articles 15(8) and 23 of the TPD require Member States to enforce the provisions of the TPD in terms of ensuring that all manufacturers and importers of tobacco products conclude contracts with providers of repositories. In order to do so effectively, Member States asked the Commission to provide them with copies of the data storage contracts in the Commission's possession.

Please note that in line with the duty of sincere cooperation laid down in Article 4(3) TEU, the Commission is legally obliged to assist Member States and to share the requested documents with them. However, before disclosing these documents, we wanted to provide you with a possibility of introducing potential redactions in relation to business secrets, other confidential information and personal data. Therefore you were asked whether you agreed to full disclosure of the data storage contract currently in possession of the Commission or alternatively you wanted to provide the Commission with a redacted version of the contract in question for disclosure to Member States.

We would appreciate to receive your [response to our original request by 14 June 2019](#). If we do not receive your response by that time, we will assume that you agree to full disclosure and the non-redacted contract will be provided to the competent authorities of Member States.

Kind regards,

[REDACTED]

[REDACTED]



European Commission
Directorate-General for Health and Food Safety
Unit B2 – Track & Trace Team

B232 [REDACTED]
B-1049 Brussels/Belgium
[REDACTED]

From: [REDACTED]
On Behalf Of [REDACTED]
Sent: Monday, May 27, 2019 1:28 PM
To: [REDACTED]
Subject: Information

Dear [REDACTED]

with reference to your email of May 23, with the subject _Request of your data storage contract for enforcement purposes_, I would like to request the following further information, on behalf of Continental Dohányipari Zrt.

Your email described in details how our company should reply in connection with the disclosure and the possible redactions, however, you have not provided any reference to the legal basis of this disclosure procedure (beyond Annex I to Commission Implementing Regulation (EU) 2018/574, and Tobacco Product Directive 2014/40/EU).

We assume that this disclosure request is not based on Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, _as member states have requested the Commission to provide them the contracts.

Based on the above, we do not have information about the legal basis of the request and the disclosure obligation described in your email.

We can provide you with our reply only, if the legal basis of the request is clarified.

Thank you and best regards,

[REDACTED]
[REDACTED]

Continental Dohányipari Zrt.
A Continental Dohányipari Csoport tagja

3980 Sátoraljaújhely, Dohány u 1-3

www.continentaltobacco.com

Borsod-Abaúj-Zemplén Megyei Bíróság
Cégjegyzékszám: 05-10-000070.



CONTINENTAL DOHÁNYIPARI CSOPORT
Szívünk, lelkünk a dohány

De: SANTE-B2-TOBACCO-CONTROL@ec.europa.eu [<mailto:SANTE-B2-TOBACCO-CONTROL@ec.europa.eu>]

Enviado el: jueves, 23 de mayo de 2019 10:45

CC: [REDACTED] SANTE-B2-TOBACCO-CONTROL@ec.europa.eu

Asunto: Request of your data storage contract for enforcement purposes

Dear Sirs,

Member States have requested the Commission to provide them with a copy of the data storage contract signed by your company and the data storage provider, which you submitted to the Commission in line with paragraph 5 of Part A to Annex I to Commission Implementing Regulation (EU) 2018/574. Pursuant to Article 23 of Tobacco Product Directive 2014/40/EU, Member States are responsible for enforcement of the Directive, including the implementing and delegated acts provided for therein.

In this context, your company is requested to:

- a) EITHER: agree to the full disclosure of the data storage contract currently in possession of the Commission;
- b) OR: provide the Commission with a redacted version of the contract in question for the disclosure.

Please note that in option B, any proposed redactions must be limited to specific pieces of information and may only cover the following three categories of information: business secrets, other confidential information and personal data. Business secrets are confidential information about an undertaking's business activity of which not only disclosure to the public but

also mere transmission to a person other than the one that provided the information may seriously harm the latter's interests. Other confidential information is information other than business secrets, insofar as its disclosure would significantly harm a person or undertaking. Personal data is any information that relates to an identified or identifiable living individual.

In option B, you must:

- a) support each claim for confidentiality in writing, explaining:
 - i. the reasons why the information in question constitutes a business secret or other confidential information or personal data;
 - ii. in particular, how the disclosure of this information would cause serious harm to your company or would significantly harm a person or undertaking.
- b) provide a concise but meaningful non-confidential summary of each piece of information claimed to be confidential.

In option B, the justifications and the non-confidential summaries for each piece of information claimed to be confidential should be presented in the form of a list. Please see the format below:

Deletions on page # of original confidential version/paragraph # (please indicate annex # where relevant)	R

The non-confidential, redacted version of the data storage contract and the summaries of the redacted information must be prepared in a way as to enable Member States to assess the scope and nature of the redactions and whether the information deleted is likely to be relevant for their enforcement activities.

We would be grateful for your **response by 14 June 2019**. If we do not receive your response by that time, we will assume that you agree to full disclosure and the non-redacted contract will be provided to the competent authorities of Member States.

Should you have any questions concerning this request, please contact Ms [REDACTED] (email:

[REDACTED]

Kind regards,

[REDACTED]



European Commission

Directorate-General for Health and Food Safety

Unit B2 – Cross-border healthcare and tobacco control

B-1049 Brussels/Belgium

E-mail: SANTE-TT-SW@ec.europa.eu