



EUROPEAN COMMISSION

*Brussels, 13.10.2015  
C(2015) 6830 final*

*Dear President,*

*The Commission would like to thank the Assemblée nationale for its Opinion on the prevention and fight against tobacco.*

*The Assemblée nationale addresses a topic of central concern. Tobacco is responsible for nearly 700,000 deaths in the EU every year and, as the Opinion states, is the main cause of premature death. Though significant progress has been made in recent years including the adoption of the new EU Tobacco Products Directive (2014/40/EU) the Commission fully shares the Assemblée nationale's concern about the damage that tobacco inflicts on people's health and the need for continued co-operation at EU level to address this issue, in particular as the provisions of the Directive will apply from 20 May 2016.*

*The Commission notes that the Opinion calls for a number of additional measures to be taken in the fight against tobacco and would like to draw the Assemblée nationale's attention to the attached annex in which the Commission is pleased to offer its detailed response.*

*The Commission would again like to thank the Assemblée nationale for its Opinion on this important issue and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Vytienis Andriukaitis  
Member of the Commission*

*Mr Claude BARTOLONE  
President of the  
Assemblée nationale  
Palais Bourbon  
126, rue de l'Université  
F – 75007 PARIS*

## Annex

*The Commission has carefully considered each of the issues raised by the Assemblée nationale in its Opinion and is pleased to offer the following observations.*

*Points 1 and 2: The Commission would like to emphasise that it is closely monitoring developments relating to the standardised packaging of tobacco products in EU Member States. There is a clear interest for all parties to better understand the effects of such measures, which can – as Article 24 of the Tobacco Products Directive (2014/40/EU) clarifies – be introduced at national level, if adequate justifications are provided. Furthermore, the Commission believes that an evaluation of such national measures, once in place, would be useful. Also, the report which the Commission is due to submit to the European Parliament and Council by 20 May 2021, as provided for under Article 28 of this Directive, will pay special attention to the experience gained with respect to package surfaces not governed by the Directive. The Commission would also like to underline that it has assessed the notifications relating to the UK, Irish and French plans to introduce plain packaging at national level, and based on the information provided, did not issue comments. This is of course without prejudice to further assessments at a later stage.*

*Point 3: The Commission agrees with the Assemblée nationale that price increases are an effective measure in reducing tobacco use and recognises that price disparities in border regions are a concern for Member States pursuing ambitious tax policies aiming to reduce consumption. It supports the Assemblée nationale's call for Member States to work together on this issue, in the spirit of Council Recommendation 2003/54/EC, which calls on Member States to adopt and implement appropriate measures for the pricing of tobacco products so as to discourage tobacco consumption.*

*Point 4: The Commission would like to highlight that its campaigns and awareness-raising initiatives take place at European rather than at national level. National campaigns and their funding are the prerogative of Member States. A number of campaigns have been developed at EU level, such as the “Ex-smokers are unstoppable” campaign which is due to run until 2016.*

*Point 5: The Commission would like to point out that Article 18 of the Tobacco Products Directive enables Member States to ban cross-border distance sales or to subject such sales to strict conditions. The Commission believes that the best forum for discussion of practical arrangements is the Commission's Expert Group on Tobacco Policy, which meets regularly and facilitates exchanges relating to transposition and enforcement of the Directive amongst Member States.*

*Point 6: The Commission takes note of the request of the Assemblée nationale for the development of recommendations relating to civil liability cases. The Commission would like to highlight the work being carried out in the context of the WHO Framework Convention on Tobacco Control, to which the EU and its Member States are Parties. Article 19 of the Framework Convention deals specifically with liability issues, and a dedicated expert group on the subject has been established. Its mandate was recently extended at the 6<sup>th</sup> Conference of the Parties (COP) in October 2014, and the related decision<sup>1</sup> foresees concrete actions to strengthen Parties' civil liability mechanisms ahead of the next meeting of the COP to be held in India next year.*

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<sup>1</sup> Implementation of Article 19 of the WHO FCTC: “Liability”  
[http://apps.who.int/gb/fctc/PDF/cop6/FCTC\\_COP6\(7\)-en.pdf](http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6(7)-en.pdf)