



EUROPEAN COMMISSION

Brussels, 24.6.2013
C(2013) 3742 final

Dear President,

The Commission would like to thank the Országgyűlés for its Opinion on the Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products {COM(2012) 788 final}.

The Commission would like to make the following remarks.

The Commission welcomes the Országgyűlés' support of the proposed directive and its aim to discourage young people from taking up tobacco smoking.

The Országgyűlés considers that the proposed delegation of powers contained in the proposal, such as in Articles 6 (3) and 9 (3), could only concern non-essential elements and might not meet the requirements laid down by Article 290 TFEU. The Commission would like to underline that, in order to make this Directive fully operational in the view of technical, scientific and international developments in the tobacco manufacture, consumption and regulation, the power to adopt acts in accordance with Article 290 TFEU has been deemed necessary. The delegations of power in the proposal provide for clear and concise criteria, giving limited discretion to the Commission. The Commission would involve the Member States in the preparation of these acts and will ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

The Országgyűlés considers that the proposal should not preclude Member States from maintaining more stringent national provisions on packaging, cross-border distance sales and access or sale of tobacco products. According to Article 24 of the proposal, Member States would be allowed to maintain more stringent national provisions for aspects falling within the scope of this Directive on grounds of overriding needs relating to the protection of public health. Member States would also be allowed to introduce more stringent provisions on grounds relating to its specific situation provided that the provisions envisaged are justified by the need to protect public health. Stricter national provisions would require prior notification to, and approval from, the Commission.

*Mr László Kövér
President of the Országgyűlés
Kossuth Lajos tér 1-3.
HU – 1357 BUDAPEST*

Member States would also remain free to maintain or introduce national legislation for aspects falling outside the scope of the proposed directive. Thus, Member States could for example introduce provisions on the standardisation of the surface of the package not covered by the Directive, provided that those provisions are compatible with the Treaty, with WTO obligations and do not affect the full application of the proposed directive. For this, a prior notification under Directive 98/34/EC would be required.

The Commission hopes that these clarifications address the comments and concerns raised by the Országgyűlés and looks forward to continuing our constructive political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*