



EUROPEAN COMMISSION

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*Mr Pavol PAŠKA
President of the Národná Rada
Námestie Alexandra Dubčeka 1
SK – 812 80 BRATISLAVA*

Dear President,

The European Commission would like to thank the Národná Rada 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 Národná Rada's support of the proposed directive and its aim to improve the functioning of the internal market and to discourage especially young people from taking up smoking tobacco.

The Národná Rada considers that the prohibition of slim cigarettes has no relevance for the protection of public health. The Commission would like to underline that it has provided scientific evidence showing that slim cigarettes can mislead consumers by creating the impression that they are less harmful¹. The Commission recalls that the choice of Article 114 TFEU as legal base of the proposal has been confirmed by the European Court of Justice with regard to the current Directive, which largely pursues the same aims as foreseen under the proposal for its revision. These aims include among others a prohibition of misleading elements with regard to the appearance of tobacco products.

The Národná Rada furthermore considers that the increased size of health warnings would not be necessary and should remain optional for the Member States. The Commission would like to point out that it has provided scientific evidence showing the effectiveness of pictorial health warnings. Moreover, according to the Eurobarometer survey 2012, 76% of EU citizens are in favour of using pictorial warnings and in 17 Member States pictorial health warnings attract the highest level of support among all possible tobacco control measures. Furthermore, there are currently disparities in national regulations on packaging and labelling, creating market distortions and unequal protection of EU consumers. Member States also have different rules in place as regards the minimum number of cigarettes per package, either specifying a minimum pack size of twenty cigarettes, of nineteen cigarettes, or of ten cigarettes. The Commission would also like to underline that the proposal would only standardise certain aspects of the pack such as the number of cigarettes contained in a pack and the

¹ see 24th recital of the proposal

size of health warnings, which would be beneficial for the circulation of the products on the internal market whilst ensuring the full visibility of the health warnings.

The Národná Rada considers that the proposed delegation of powers in the proposal would not meet the requirements laid down by Article 290 TFEU. The Commission would like to point out that in order to make this Directive fully operational in 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 Member States in the preparation of these acts and would ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

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

Yours faithfully,

*Maroš Šefčovič
Vice-President*