



Brussels, 4 March 2013

## MEETING WITH ANA PALACIO ON 4 MARCH 2013

### Participants

<b>Palacio y Asociados</b>	<b>SANCO D4</b>
Ana Palacio Silva Kantareva	Martin Seychell Dominik Schnichels Sigrid Wimmer

Upon a written request, Ana Palacio and her collaborator Silva Kantareva held an informational meeting with DG SANCO on March 4, 2013.

By way of introduction, Ana Palacio explained that she heads a law cabinet (Palacio y Asociados) based in Madrid, Spain, with Swiss company SICPA being a client of their advisory services. Given her background, having served during previous legislatures as Chair of the Legal Affairs and Internal Market Committee at the European Parliament and, in particular, as Rapporteur for the legal basis of the Directive on the Advertising of Tobacco Products, Ana Palacio has maintained interest and engagement into this area of community law. Palacio y Asociados follows actively various tracks of EU legislation and, in particular, the Tobacco Products Directive. In terms of substance, the conversation focused on the Directive's envisioned provisions pertaining to the track and trace of tobacco products:

- Ms. Palacio inquired if it was viable for the Tobacco Products Directive (TPD) to be finished in a single reading and asked if, in the event of the signing of the FCTC Protocol on the part of the EU, the directive could serve as a legally correct instrument for the Protocol's translation into EU law.
- She posed a question regarding the existence of any potential discrepancies between the draft TPD text and the provisions of the FCTC Protocol, particularly as regards the involvement of private actors.
- In conclusion, Ana Palacio asked if, once the Protocol has been signed and ratified, the Commission would adopt a separate instrument in order to address the implementation of Article 8 of the FCTC Protocol, related to track and trace, into EU law.

DG SANCO referred to the Commission proposal for the TPD. It was underlined that there is a need to address illicit trade in tobacco products under the TPD (in particular in order to ensure compliance of products with the TPD). However, when designing the Article 14, due account was taken of the Protocol and the draft provisions in the TPD are in the assessment of DG SANCO compatible with the Protocol. The intention is therefore that no other proposal would be submitted for "translating" Article 8 of the Protocol into EU law. However, it depends on the outcome of the legislative process whether the end result will comply with the Protocol - once ratified and entered into force.

No particular follow-up was agreed. Ana Palacio expressed interest as regards the timeline of the file in the Council.