

Ref. Ares(2011)6276 - 04/01/2011MINISTRY OF AGRICULTURE OF THE CZECH
REPUBLIC

Ivan Fuksa Minister of Agriculture of the Czech Republic

Mr. John Dalli
EU Commissioner for Health and Consumers
European Commission
DG Health and Consumers
Unit C6 Health Law and International
B-1049 Brussels
Belgium

Prague, December 21, 2010

Ref. No 37106/2010-10000

Dear Mr. CommissionerAs for the currently ongoing public consultation on the possible
revision of the Tobacco Products Directive 2001/37/EC please find enclosed the overall
coordinated contribution of the Czech Republic.Yours sincerely,

For information to:

Mr. Petr Nečas

Prime Minister of the Czech Republic

Overall contribution of the Czech Republic to the Public consultation on the possible revision of the Tobacco Products Directive 2001/37/EC:

- Identification Questions on the Scope of the Directive

Do you agree with the problem definition?

YES

In your view, which option addresses the problem most effectively?

EXTEND THE SCOPE OF THE DIRECTIVE

- Questions on smokeless tobacco products

Is the problem definition correct?

YES

In your view, which option addresses the problem most effectively?

NO CHANGE

Do you have any additional specific comments?

In the Czech Republic, there is no strong tradition of this form of tobacco consumption, and there are few users in the country. The Czech Republic is satisfied with the current arrangements regarding tobacco for oral use, which is banned from being placed on the market in the Member States (except Sweden).

- Questions on the consumer information

Do you agree with the problem definition?

YES

In your view, which option addresses the problem most effectively?

IMPROVE CONSUMER INFORMATION

Which improvement? (more than one option can be chosen)

TAR, NICOTINE AND CARBON MONOXIDE LEVELS TO BE REPLACED WITH

GENERAL ON HARMFUL SUBSTANCES IN TOBACCO PRODUCTS

HEALTH WARNINGS TO BE PUT ON WATER PIPES

Do you have any additional specific comments?

Despite the findings of a number of public studies carried out by experts, smoking water pipes is still mistakenly perceived as being less harmful than using other tobacco products. We therefore support the introduction of warning labels on the packaging of water pipes.

Information on tar, nicotine and carbon monoxide content has, in practice, proved misleading for consumers, as lower values may give the impression that the product is lower in harmful substances. The Czech Republic therefore favours Option 2.

Introducing generic packaging and picture warnings on both sides of the packaging and increasing the size of health warnings would lead to less space for trade marks and for commercial information to be conveyed to adult consumers. Reducing the space for displaying the brand name could also make it easier to copy cigarette packaging and could, in turn, lead to an increase in illegal trade, which would have serious tax implications as well as an impact on the citizens' health. Introducing generic packaging for tobacco products would lead to an uneven playing field for the owners of trademark rights (commercial brands) for tobacco products in the EU; it is the trademark rights holders who would be worst affected by such a measure. The Czech Republic is opposed to the introduction of generic packaging. The Czech Republic does not support the proposal for mandatory picture warnings on both sides of the packaging.

- Questions on reporting and registration of ingredients

Do you agree with the problem definition?

YES

In your view, which option addresses the problem most effectively?

1/2ESTABLISH A COMMON COMPULSORY REPORTING FORMÁT

- Questions on the regulation of ingredients

Do you agree with the problem definition? YES

In your view, which option addresses the problem most effectively?

ESTABLISH A COMMON LIST OF TOBACCO INGREDIENTS

Do you have any additional specific comments?

The Czech Republic is in favour of the creation of a common EU list (negative or positive), as this would lead to the increased harmonisation of the ingredients of tobacco products. The Czech Republic retains doubts, however, regarding the selection criterion of the ingredients' "attractiveness", as referred to in the public consultation document. The term "attractiveness" is open to broad and subjective interpretation and can vary from country to country and from consumer to consumer. As regards insufficient scientific grounds, the implications must be considered. This regulation could lead to discrimination against certain cigarette manufacturers, an increase in illegal trade and in the volume of cross-border trade, which are large-scale problems in many countries. .

- Questions on access to tobacco products

Do you agree with the problem definition?

YES

In your view, which option addresses the problem most effectively?

CONTROLLED SUPPLY AND ACCESS

Which kind of control?

AGE VERIFICATION OF BUYERS AND OTHER LEGAL CONDITIONS TO BE SET
FOR CROSS-BORDER RETAIL SALE

ACCESS TO VENDING MACHINES TO BE RESTRICTED TO ADULTS

Do you have any additional specific comments?

The Czech Republic favours the option of implementing measures that control the supply of, and access to, tobacco products via cross-border sales and vending machines. As for Option 2a, the possible increase in the administrative burden and, in turn, increased spending from the national budget on the relevant inspection bodies must also be taken into account.

Option 3c – namely banning the display of tobacco products in retail stores – would represent a barrier to market access and could lead to increased illegal trade in tobacco products and, in turn, to an increase in tax evasion. Such a measure would also have a detrimental impact on tax administration. An essential part of the inspections of tobacco products currently performed by the tax authorities is an initial visual comparison of displayed goods. A ban on displaying tobacco products would therefore make those inspections more expensive and less effective. The measure could also have a significant impact on small businesses operating small kiosks and tobacconists. The Czech Republic does not, therefore, favour Option 3c, namely a ban on the display of tobacco products in retail stores.

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