



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Polish Delegation
to: COUNCIL

Subject: Information note on a
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

Please find attached an information note by the Polish Delegation on the above proposal to be presented as an AOB point at the COMPET Council on 19 February 2013.

Information note from the Polish delegation 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 (doc. 18068/12)

Poland would like to draw attention of Competitiveness Council Members to 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

Background

The Commission presented the proposal for a Directive 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 as the the revision of the Tabaccoo products Directive (TPD). **The overall objective of the proposal is to improve the functioning of the internal market while ensuring a high level of health.** The Commission conducted the impact assessment and presented the results in the documents accompanied the proposal of the directive (doc. 18068/12 ADD 1 – ADD 7). However presented impact assessment pays major attention to the health aspects, while **in the opinion of Poland the competitiveness side of the proposal requires further consideration.**

Objective

Taking into account the competitiveness aspects of the proposal as well as the potential consequences for the economy (i.e new obligations for manufactures and economic operators, restrictions in the forms of ban, deviation from new legislative framework) Poland believes it is important to conduct in the nearer future the debate among the Competitiveness Council members on the assessment of the impact of the proposed solutions on tobacco cultivation and production of tobacco products in the individual Member States, the impact on specific regions where tobacco is grown and/or manufactured, as well as the competitiveness of the European industry in international markets. In the opinion of Poland this proposal should be screened with “competitiveness proofing” toolkit (qualitative screening and quantifying the impacts) in accordance with Commission Staff Working Document Operational Guidance for Assessing Impact on Sectoral Competitiveness within the Commission Impact Assessment System - A “Competitiveness Proofing” Toolkit for use in Impact Assessments (doc. SEC(2012) 91).

In this context Poland recalls Council conclusions on a competitive European economy adopted by the Competitiveness Council on 29 September 2011 where Council invites the Commission to:

- Explore in a more systematic way the positive and negative impacts of legislative initiatives and policy instruments... on the international, regional and sectoral competitiveness of European enterprises,
- Conduct competitiveness proofing whenever an impact on the competitiveness of European enterprises is likely to occur, even if only indirectly,
- Examine the impact at national and sectoral levels, as well as make an international comparison in order to determine if EU enterprises do or could enjoy a level playing field.
