



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: Polish delegation
to: COUNCIL

Subject: COUNCIL OF THE EUROPEAN UNION (Competitiveness (Internal Market, Industry, Research and Space)) on 26/27 September 2013

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 (**First reading**)

– *Information from Polish delegation*
(Other business item)

Delegations will find attached an information note by the Polish delegation on the above mentioned subject.

Information from the Polish delegation on 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

Considering the note of Polish delegation dated 18 February 2013 (doc. 6565/13) as well as the note dated 22 May 2013 (doc. 9576/13), Poland once again would like to draw the attention of the Competitiveness Council to various problems associated with 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. Poland believes that taking into account the Lithuanian Presidency working programme and the ongoing discussions in the European Parliament and in the Council, it is necessary to emphasize once more the economic consequences of the proposed solutions.

Objective

Poland fully aligns itself with the aim of the proposal and supports all actions undertaken in respect of protection of public health. However, Poland is not in a position to support all the instruments proposed by the European Commission and also submitted during the ongoing negotiations. Despite the progress made on the key elements of the proposal, as regards the shape of cigarettes or implementing powers of the European Commission, Poland could not support the general approach adopted by the Council in June this year. Poland maintains its position that the best possible solutions have not been reached, especially concerning proposed complete ban on tobacco products with characterising flavour. Poland is of the opinion that, apart from its economic consequences, such a ban, affecting only a certain group of EU citizens in few Member States, risks to be perceived as an unjustified limitation on the principle of freedom of choice. This could further weaken citizens' confidence in the EU legislator.

While awaiting the EP formal mandate, Poland would like to express its concern with regard to the result of July voting in EP ENVI Committee. Poland nevertheless strongly hopes that all essential aspects will be properly taken into consideration during voting on the European Parliament's plenary session, scheduled for October. It is crucial to ensure proper cohesion of the EU policies, especially in the context of the need to increase EU industry competitiveness.

In its agenda, the Lithuanian Presidency emphasizes the need to increase the competitiveness of the European industry. Both sectoral and horizontal aspects of industrial policy will be discussed during COMPET Council meetings and the adoption of the Council conclusions on industrial policy in December will be an important step in preparations for the European Council meeting in February. Therefore, it is necessary to safeguard the principle, that every industrial sector in the European Union should operate on equal terms. Poland is strongly convinced that in such a crucial stage of negotiations on TPD, the voice of the COMPET Council should be heard.
