
From: Christine Lucatelli [Christine.Lucatelli@domino-marquage.com]
Sent: 05 September 2013 15:20
To: SCHLYTER Carl
Cc: Yann Gorrity
Subject: Amendments to article 14, Tobacco Products Directive (TPD) proposed on July 10th 2013
Attachments: LET_Mr. Schlyter.pdf

Dear Mr. Schlyter,

Please find here attached the document.
Please accept our apologies for not having joined the letter in the first email.

De : Christine Lucatelli
Envoyé : jeudi 5 septembre 2013 15:14
À : 'carl.schlyter@europarl.europa.eu'
Cc : Yann Gorrity
Objet : Amendments to article 14, Tobacco Products Directive (TPD) proposed on July 10th 2013

Dear Mr. Schlyter,

With the attached letter, which has been sent today to your attention by registered mail, we would like to express our concerns regarding two recent amendments as proposed by the ENVI Committee of the European Parliament on 11th of July 2013 to the Tobacco Products Directive (TPD).

Yours sincerely,



Avant d'imprimer ce mail assurez-vous que cela est nécessaire

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PARLEMENT EUROPEEN
Groupe des Verts/Alliance libre européenne
A l'attention de Monsieur Carl SCHLYTER
Rue Wiertz
Altiero Spinelli 08G115
B-1047 BRUSSELS
BELGIQUE

Concern : Amendments to article 14.3 (a) and 14.6 of the TPD

Dear Mr. Schlyter,

With this letter Domino Printing Sciences Plc would like to express our concerns regarding two recent amendments as proposed by the ENVI Committee of the European Parliament on 11th of July 2013 to the Tobacco Products Directive (TPD). As the text currently enters into negotiations between the EU Council and the European Parliament we would like **to urge your consideration** to remove the said amendments to article 14.3(a) and 14.6 from the Tobacco Products Directive.

Introduction to Domino

Founded in 1978, Domino Printing Sciences plc, has established a global reputation for the continual development and manufacture of its total coding and printing technologies that meet the needs of manufacturers and sets new industry standards in quality and reliability.

Through a global network of 25 subsidiary offices and in excess of 200 distributors, Domino Printing Sciences plc sells to over 120 countries offering extensive customer support. In 2012, Domino Printing Sciences plc achieved a turnover of £312.1 million; it is listed in the FTSE 250 share index on the London Stock Exchange. The Group employs 2,200 people worldwide with manufacturing facilities situated in UK, China, Germany, India, Sweden and USA.

Domino is proud of its export record, and has been awarded the UK's most prestigious award for business performance: the Queen's Award for Continuous Achievement in International Trade. This recognition, the company's fifth since 1985, affirms Domino's position as the one of the UK's leaders in continuous growth and export.

The Continuous Achievement in International Trade Award has been awarded to Domino for substantial overseas earnings with growth and commercial success, sustained over not less than six years, to levels which are outstanding for the goods or services concerned and the size of the company's operations.

Domino Printing Sciences were named Company of the year in 2010 at the PLC Awards, and also won Company and Business of the year for East of England.

Amendments to article 14.3(a) and 14.6 of the TPD

ENVI has proposed on July 10th 2013 a series of amendments to the TPD. The amendment to article 14.3(a) of the TPD states that *"the technology used for tracking and tracing should belong to and be operated by economic entities without any legal or commercial link to the tobacco industry."* The amendment to article 14.6 states that the independent third party storage provider *"shall be free from commercial and other vested interests of the tobacco industry and other related industries"*.

We believe these amendments are counter-productive and will lead to Tracking & Tracing systems that are less effective:

- The proposed amendments exclude industries “with a commercial link to the tobacco industry” from offering Tracking & Tracing systems for tobacco products. This would exclude not only Domino but also all other major Coding device suppliers. Domino is the largest supplier of Coding equipment to the Tobacco industry globally, and has been at the forefront of printing unique identification numbers onto various tobacco packaging formats, which directly helps to prevent & reduce illicit trade in tobacco products. Domino is also involved with printing unique identification on Alcohol & Pharmaceutical products, and connected to the later Domino will be heavily involved with the EU’s imminent Falsified Medicines Directive (FMD)
- We feel it is in the interest of all involved parties to objectively evaluate Tracking & Tracing suppliers on their effectiveness and performance. Domino’s capabilities to deliver effective Coding systems for use with Track & Trace systems are not affected by the fact that in certain countries we have tobacco manufacturers as customer. Domino also has a huge amount of experience with the engineering practicalities of implementing such coding devices on the production equipment.

The proposed amendments to article 14.3(a) and 14.6 are not only counter-productive; they also interfere with legal frameworks on free and fair competition:

- The exclusion of industries “with a commercial link to the tobacco industry” would be anti-competitive and defies basic free market principles designed to ensure that “competition is not distorted” [Article 3 Treaty on European Union; Protocol (No 27) to Treaty on the Functioning of the European Union (TFEU)]. The Union is required to conduct economic policy “in accordance with the principle of an open market economy with free competition” (Art. 119(1) TFEU). Its industrial policy may not lead to a distortion of competition (Art. 173(3) TFEU).
- The exclusion of industries “with a commercial link to the tobacco industry” from participation in free market activities discriminates against these industries and severely impedes their right to conduct business as protected by Articles 20, 21, 17, and 16 Charter of Fundamental Rights.
- Finally, ENVI’s proposed amendments exceed the Union’s competence to regulate internal market barriers to trade (Art. 114 TFEU). Indeed, to the contrary, the proposed measures would create an unjustified barrier to trade for companies with a “commercial link to the tobacco industry”.

Conclusion

Domino Printing Sciences would like to urge your consideration to eliminate the mentioned ENVI Committee of the European Parliament amendments to article 14.3(a) & 14.6 of the Tobacco Products Directive.

Domino would be delighted to discuss this request in more detail with you in a personal meeting at your convenience.



Yann Gorrity
Managing Director
Domino France