
From: S CHLYTER Carl
Sent: 27 June 2013 09:42
To: 'Ragot, Philippe'
Subject: RE: Tobacco Directive - SWM Position

I do not understand what you mean by "attentive listening" since I have never talked with you or anyone from your company. Could you please clarify that I never have talked with you. I noticed when controlling your e-mail address that you are in fact working for a tobacco company. I would like to inform you that I apply a very strict interpretation of the FCTC and do not meet with any representatives from the tobacco industry.

Your position is not at all legalistic, its purpose is rather to make tobacco products more attractive.

Carl Schlyter

From: Ragot, Philippe [mailto:pragot@swmintl.com]
Sent: 26 June 2013 14:31
To: SCHLYTER Carl
Subject: Tobacco Directive - SWM Position

Dear Mr Schlyter,

I would like to thank you for your attentive listening during the discussions on the revision of the Tobacco Product Directive.

In the light of the drafting of the compromise amendments, I thought it would be useful to share with you the attached tabled, that will help you to understand the unwavering support for SWM positions in all the opinion Committees.

For all practical purposes, you can find below the two main points of our position, relying on purely technical and legal aspects.

I remain at your disposal, should you have any additional question.

With best regards,

Philippe RAGOT

Article 6.5 (technical features)

- **SWM supports the deletion of the paragraph** (amendments 527, 528, 529 and 530).
- If the amendment was to be maintained, **SWM supports the amendments 537 tabled by the EFD group and 538 tabled by Gaston Franco (EPP, FR)**, that give more legal precision on the Commission's proposal, by highlighting the positive effects to be expected from the specific technical features that contribute to reducing, in a selective way, harmful components of smoke or to increasing the biodegradability of cigarette filters.
- If a compromise amendment was to be drafted, we suggest **adding the following two conditions to amendments 537 and 538:**
 - Unequivocal scientific proof demonstrate the toxicity or addictiveness impact of the particular additive (as in ENVI amendment 535),

- The ban must be dealt by delegated acts (according to article 22 of the Commission's proposal)
- **SWM supports the amendments adding the adjective “characterizing” to flavourings.** This amendment, adopted by the JURI Committee, **brings legal consistency with the text proposed by the Commission as it systematically associates « flavour » with the adjective « characterising» (articles 2 and 6, recitals 15, 16 and 37).** This **clarification is crucial for legal certainty**, since, as mentioned by Commissioner Borg in an [interview](#), *“characterising flavours in tobacco products will be prohibited, but not all flavours or additives will be prohibited”*

Article 2.1, point 18

- **SWM supports the deletion of the reference to reconstituted tobacco** (amendments 300, 302, 303, 304, 305 and 306). In line with the current 2001/37/EC Directive on tobacco products, **tobacco leaves (and *a fortiori* reconstituted tobacco) are not an added ingredient, but are the product itself.** The definition of the 2001 Directive is simple and complete as it covers all manufacturing processes of reconstituted tobacco. Thus, deleting the reference to reconstituted tobacco would **maintain a level playing field for all economic operators in the internal market.**
- **SWM does not support the amendments 301, 309 and 310** as they suggest an incomplete and possibly misleading definition. Though if a definition on reconstituted tobacco had to be introduced, **SWM supports the one of amendment 308 by Gaston Franco (EPP, FR), which ensures legal certainty while guaranteeing a level playing field for all operators.**

Philippe Ragot

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