NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** European Union **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** European Commission**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** European Commission,EU-TBT Enquiry Point,Fax: +(32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euWebsite: <http://ec.europa.eu/growth/tools-databases/tbt/en/>  |
| **3.** | **Notified under Article 2.9.2 [****X], 2.10.1 [****], 5.6.2 [****], 5.7.1 [****], other:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Tobacco Products; HS Headings 2402 (Cigars, cheroots, cigarillos, of tobacco or of tobacco substitutes); 2403 (Other manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences)Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes. (HS 2402), Other manufactured tobacco and manufactured tobacco substitutes; "homogenised" or "reconstituted" tobacco; tobacco extracts and essences. (HS 2403). |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Implementing Regulation on technical standards for the establishment and operation of a traceability system for tobacco products (and its accompanying annexes) (25+4+32 pages, in English)   |
| **6.** | **Description of content:** This draft Commission Implementing Regulation lays down technical standards for the establishment, operation and interoperability of an EU-wide traceability system for tobacco products. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 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 and repealing Directive 2001/37/EC provides, in its Article 15, for the establishment of a traceability system for tobacco products according to which all unit packets of tobacco products produced in, destined for or placed on the EU market are to be marked with a unique identifier and their movements tracked and traced throughout the supply chain (from the manufacturer until the last level before the retail outlet).The provisions of Article 15 shall apply to cigarettes and roll-your-own tobacco products from 20 May 2019 and to all other tobacco products from 20 May 2024.Article 15(11) of Directive 2014/40/EU requires the Commission to determine, by means of implementing acts, technical standards for the establishment, operation and interoperability of the traceability system. The Commission is seeking to fulfil this obligation via the current draft Implementing Regulation. The draft Commission Implementing Regulation should be read in conjunction with draft Commission Delegated Regulation on key elements of data storage contracts to be concluded as part of a traceability system for tobacco products, as well as draft Commission Implementing Decision on technical standards for security features applied to tobacco products. These have been notified to the WTO at the same time as the current draft. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of public health; Improving the harmonization of the internal market |
| **8.** | **Relevant documents:** ISO/IEC 15459-2:2015; ISO 6346:1995; ISO/IEC 16022:2006; ISO/IEC 18004:2015; ISO/IEC 15417:2007; ISO/IEC 15415:2011; ISO/IEC 15416:2016; ISO6346:1995; Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 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 and repealing Directive 2001/37/EChttp://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1504597611185&uri=CELEX:32014L0040  |
| **9.** | **Proposed date of adoption:** December 2017**Proposed date of entry into force:** 20 days from publication in the Official Journal of the EU (The provisions shall apply from 20 May 2019 to cigarettes and roll-your-own tobacco products and from 20 May 2024 for all other tobacco products) |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [ ]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** European Commission,EU-TBT Enquiry Point,Fax: + (32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euThe text is available on the EU-TBT Website : <http://ec.europa.eu/growth/tools-databases/tbt/en/><https://members.wto.org/crnattachments/2017/TBT/EEC/17_3951_00_e.pdf><https://members.wto.org/crnattachments/2017/TBT/EEC/17_3951_01_e.pdf><https://members.wto.org/crnattachments/2017/TBT/EEC/17_3951_02_e.pdf> |