EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health systems, medical products and innovation
Cross-border healthcare and tobacco control

EXPERT GROUP ON TOBACCO CONTROL
MEETING OF THE SUBGROUP ON TRACEABILITY AND SECURITY FEATURES

- SUMMARY RECORD –

Date: 19 November 2020
Location: Video-conference

1. Welcome and introduction

The Chair welcomed the participants, reminded them about the basic rules as to participation in discussions via video-conference and introduced the meeting's agenda as well as its indicative timing. The Subgroup approved the agenda.

2. Communication from the Commission

2.1. Reporting on the functioning of the system

SANTE provided an overview of Dentsu's new technical specifications published on 31 October 2020. The overview presented the main changes, in particular the addition of XI (a code distinguishing Northern Ireland from Great Britain) as a new code in the list of country codes (for a detailed description of the technical specifications, click on the link: https://eu-secondary.dentsuaegistracking.com/eu-secondary-data-dictionary/).

2.2. Statistics on traceability system

SANTE presented an overview of general statistics on the application and movement of UIs, total numbers of economic operators, facilities and machines, packet level UIs and aggregated level UIs, router's and portal's monthly response times as well as monthly uptime of the secondary repository.

2.3. Use management statistics

SANTE reported on Dentsu's statistics concerning support activities during October 2020.

2.4. Data quality statistics

SANTE presented a series of Member State by Member State statistics.

The Subgroup discussed the findings. SANTE pointed out that the statistics signal the existence of certain misreporting/non-compliant practices in a number of Member States, stressed the importance of enforcement actions at national level and invited the Member States to address the discussed cases.

Another research comparing the T&T data to commercial data set from Euromonitor was also presented to the Subgroup. According to SANTE, this comparison proved that the T&T system captures the production-level information by and large in line with the existing estimates for the EU market.

Finally, SANTE presented an overview on the number of the traceability system's national users per Member State.

2.5. Brexit-related issues

SANTE clarified the implications of Brexit on the EU tobacco traceability system and the EO's obligations set out in the relevant EU legislation. The presentation covered a number of issues such as: a) the use of XI as a country code distinguishing Northern Ireland from Great Britain, b) the UK access to the Track & Trace system as of 1/1/2021, c) the handling of goods transported (without dis-/re-aggregations) from the EU to Northern Ireland via Great Britain, d) the adaptations to the system's registries and e) the goods placed on the market before the end of the transition period.

2.6. Approval of external auditors proposed to audit the activities of primary repositories: state of play

SANTE presented the Commission Decision on the approval of external auditors that was adopted on 26 October 2020. Its scope, addressees and main provisions were detailed. The Subgroup was also informed that the deadline for the submission of the first annual audit reports, covering the first operational year of the traceability system was extended from 30 November 2020 to 15 January 2021.

2.7. Joint Controllership Arrangement with regard to the processing taking place in the context of EU tobacco traceability system

SANTE announced that the Commission decided to consult the European Data Protection Board (EDPB). SANTE presented the composition, role and decision making process of the Board as well as the provisions that empower the Commission to submit any question covering the application of the General Data Protection Regulation to the Board.

It was also announced that more information on the timeline regarding the adoption of the Board's decision will be sent to the Subgroup once the Commission submits the relevant request to the Board.

2.8. Inspection app

SANTE informed the Subgroup that the application's main features/messages will be provided in all EU official languages as the Commission prepared and delivered to Dentsu translations of the mobile application's terminology into all the EU official languages. This will ensure that the application can be widely used for inspections and better achieve its objectives.

2.9. Disclosure of data storage contracts

The Subgroup was updated on the progress regarding the disclosure of approved data storage contracts (between manufacturers/importers and providers of primary repositories) to Member States for enforcement purposes.

3. Communication from Member States

BE presented national enforcement actions, which result in the destruction of tax stamps and tobacco when the Track &Trace codes are wrong. The topic was discussed with the other members of the Subgroup.

The Chair thanked BE for its presentation and stressed the importance of national authorities' enforcement activities.

4. Q&As / Discussions

Member States did not submit any question for discussion.

5. AOB & Closing remarks

CY introduced a case where tobacco products sold in duty free shops were not compliant with the rules on tobacco traceability and asked whether enforcement actions must be taken in this case. The Subgroup shortly discussed this scenario.

SANTE stressed that the directive sets out the territorial applicability of Article 15 in terms of geographical scope, and that tobacco products sold in duty free shops located at the airports of Member States – regardless of their destination – are subject to the tobacco traceability rules.

The Chair thanked the participants for their active contribution to the meeting and looked forward to the next meeting in March 2021.

List of participants

Austria   (Ministry of Health, Social Affairs, Care and Consumer Protection, Ministry of Finance - Tax and Customs Administration)

Belgium   (Customs and Excise Administration and FPS Health, Food Chain Safety and Environment)

Bulgaria   -

Croatia   (AKD - Commercial Services Agency, Ltd., Customs Administration)

Cyprus   (Department of Customs and Excise)

Czech Republic (Ministry of Agriculture, Czech Agriculture and Food Inspection Authority, State Printing Works of Securities)

Denmark   (Danish Safety Technology Authority, Sikkerhedsstyrelsen)

Estonia   (Ministry of Social Affairs)

Finland   (Customs department, National Supervisory Authority for Welfare and Health)

France   (Customs department, DGDDI)

Germany   (Bundesdruckerei GmbH, Federal Ministry of Food and Agriculture)

Greece   (Independent Authority for Public Revenue, Ministry of Digital Governance)

Hungary   (NTCA, ND Nemzeti Dohánykereskedelmi Nonprofit Zártkörűen Működő Részvénytársaság)

Iceland   (Ministry of Health)

Ireland   (Department of Health, Office of the Revenue Commissioners)

Italy   (Ministry of Health, Customs and Monopolies Agency)

Latvia   (Department of European Affairs and International Cooperation, State Revenue Service)

Lithuania   (State Tax Inspectorate under the Ministry of Finance)

Luxembourg   (Administration des douanes et accises)

Malta   (Customs department)

Netherlands   (Customs Department, Ministry of Health)

Norway   (Directorate of Health)

Poland   (Ministry of Finance, Polish Security Printing Works, Revenue Administration Regional Office in Katowice)

Portugal   (Tax and Customs Authority)

Romania   (General Directorate of Customs)

Slovakia   (Financial Directorate under the Ministry of Finance, Data centre under the Ministry of Finance of the Slovak Republic)

Slovenia   (Ministry of Health, Financial Administration of Republic of Slovenia)

Spain   (Agencia Tributaria. Ministerio de Hacienda y Administraciones Públicas, Comisionado para el Mercado de Tabacos. Ministerio de Hacienda y Administraciones Públicas, FNMT-RCM, Ministry of Finance)

Sweden   (Public Health Agency)

European Commission

DG SANTE   Filip Borkowski
                      Dimitrios Apostolou
                      Melina Ballario
                      Nicolle Monica Dimitriu
                      Corina Vasilescu
                      Neus Prenafeta Perez-Olivares