



**Hungarian National Assembly  
Committee on European Affairs  
Chairman**

**Mr. José Manuel Barroso  
President  
European Commission**

Brussels

Budapest, 25 February 2013

Dear Mr. President,

The Committee on European Affairs of the Hungarian National Assembly (hereinafter: the Committee) attaches particular attention to the legislative and non-legislative proposals of major importance adopted by the European Commission.

The Commission proposal for the revision of the Tobacco Products Directive [COM (2012) 788] was put on the agenda of the Committee on 18 February 2013 with a view to examining the application of the subsidiarity principle by virtue of Protocol No. 2 as well as Article 134/D of the Standing Orders of the Hungarian National Assembly.

In the course of the check of the subsidiarity principle, serious concerns were raised by the Committee regarding particularly the following elements of the draft directive:

- the wide scope of adoption of the delegated acts as enshrined in Article 22;
- the extensive Union actions in the field of health policy;
- the limitation of maintaining current national legislations with regard to fight against tobacco initiation among young people.

The opinion of the Committee was adopted in the framework of the political dialogue in accordance with Article 134/G of the Standing Orders on 25 February 2013. Enclosed please find the opinion of the Committee.

Yours sincerely,

Richárd Hörcsik



Hungarian National Assembly  
Committee on European Affairs

COURTESY TRANSLATION

**Opinion  
of the Committee on European Affairs of the Hungarian National Assembly  
by virtue of Article 134/G of the Standing Orders**

**concerning  
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  
[COM (2012)788, 2012/0366(COD)]**

The Committee

- supports the revision of the current Tobacco Products Directive with a view to contributing to the better functioning of the internal market, ensuring high level of health protection in the Member States and discouraging tobacco initiation among young people, but it formulates the following serious concerns with regard to certain Articles thereof:
- considers that the wide scope of adoption of the delegated acts as enshrined in Article 22 of the proposal also include several essential elements, particularly concerning Articles 6(3) and 9(3). The Committee stresses that in conformity with Article 290 of TFEU only non-essential elements should fall under the scope of Article 22;
- points out that pursuant to Article 6 of TFEU in the area of health policy the Union has competence to support, coordinate or supplement actions of the Member States. Consequently the proposal should not preclude Member States from upholding diverging or more stringent measures with regard to combined health warnings (or generally concerning packaging) in order to attain their national health policy targets;
- holds with regard to several new areas of harmonisation, particularly concerning cross-border distance sales of tobacco products that Member States should be explicitly entitled to maintain current national legislations on the ground of public health protection and fight against tobacco initiation among young people;
- deems it necessary that beside the preamble of the proposal the operative part of the text should also include provisions empowering Member States to maintain more stringent national provisions on grounds of public health protection, for example with regard to access or sale of tobacco products.

Budapest, 25 February 2013

Richárd Hörcsik