



Brussels, 8 July 2022
(OR. en)

11049/22

LIMITE

SAN 440
MI 548
COMPET 582
FISC 151
DELECT 108
UD 141

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	10815/22
Subject:	Commission delegated directive (EU) of 29.6.2022 amending Directive 2014/40/EU of the European Parliament and of the Council as regards the withdrawal of certain exemptions in respect of heated tobacco products - <i>Decision to request an extension of the time-limit</i>

1. The Commission notified on 29 June 2022 the above delegated directive to the Council in accordance with the procedure set out in Article 290 TFEU, and with Article 7(12) and Article 11(6) in conjunction with Article 27 of Directive 2014/40/EU¹.
2. In accordance with Article 27(5) of Directive 2014/40/EU, the Council has two months to object to it, i.e. until 30 August 2022. That period for expressing an objection can be prolonged by two months.

¹ 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 (OJ L 127, 29.4.2014, p. 1.).

3. At the Working Party on Public Health on 8 July 2022, several delegations indicated that in light of the holiday period they would need additional time in order to assess the proposed delegated directive. Considering the limited possibilities to take decisions on the item at the level of the Permanent Representatives Committee and Council before the end of the two months period for objection, several delegations requested an extension of the deadline to raise objections.
 4. Given the support by the majority of delegations that the objection period for this delegated act should be extended, the Presidency concluded that the Permanent Representatives Committee would be invited to recommend to the Council to decide to extend the deadline for raising objections to the delegated directive by two months in accordance with Article 27(5) of Directive 2014/40/EU.
 5. It is therefore suggested that the Permanent Representatives Committee invite the Council to decide to extend the time-limit for raising objections by two months.
 6. The Commission and the European Parliament are to be informed accordingly.
-