

This looks like very good news - but I wouldn't get hopes up too high... at least not yet.

The petitions are one of the attempts to connect remote politicians caught in the Brussels bubble to the real human beings they supposedly represent. It's worth having a glance at what sort of stuff crosses their desk. But it is very encouraging they have taken this on.

As always with something like this you need to cut through the institution's self-congratulation and get down to its mandate, powers and duties. The EP rules of procedure 215-218 govern petitions, but 216 is the most important from our POV. See Rule 216 - you can work from this to see what is possible.

The petitions committee really acts as a mediator, allowing citizens to connect with the institutions. I think the most it can do is to formulate a resolution to the European Parliament. The Petitions Committee has referred the petition to the Commission to investigate, which is certain to come back with a defence of the status quo. It has also referred it to Committee on the Environment, Public Health and Food Safety (ENVI). Of course ENVI was the committee that backed medical regulation initially and then negotiated the TPD compromise in the trilogue process - so it is hardly a new pair of eyes on the problem. However, there has been an election, the Chair has changed, the TPD rapporteur, Linda McAvan, has gone from the committee, and there are many new personnel on it now.

There's no quick route to knocking out the directive here: the trouble is that all the institutions (EP, Council, Commission) agreed the TPD. To my knowledge there are only two ways to undo the directive, either in the Court of Justice of the EU (CJEU), or by the institutions re-opening the directive and agreeing an amendment. There will be a lot of resistance to the second course, now it is agreed. However, I think that dissatisfaction in the EP might help with the background hum that might encourage the CJEU to look with an open mind at the Totally Wicked case.

I would suggest the petitioner (well done that man!) goes back to the secretariat to the petitions committee (email: PETI-secretariat@europarl.europa.eu) and asked what sort of things are possible. They should be willing to explain that in non-technical language. If the petitioner wants to make specific suggestions then I would try to make these investigations as problematic as possible for the Commission, by doing the following.

1. That ENVI committee takes expert advice from the scientists who disputed the 20 mg/ml limit in their letters to the Commission: see [Jan 2014 letter: Scientific Errors in the Tobacco Products Directive and subsequent exchanges and direct challenge to the Commission by a scientist cited: Please Do Not Distort My Words To Justify Your Policy ].
2. That the Petitions Committee invites a response to the findings of the Commissions investigation from experts or the petitioner (who can call on expert support).
3. That the Commission produces an impact assessment for Article 20 of the TPD - this has not been done to my knowledge.
4. Suggest that the Committee considers a resolution to annul Article 20 (3) b - the bit that limits nicotine strengths.

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