

Regulating the vaping industry

Introduction

In April 2014, the European Union (EU) adopted the EU Tobacco Products Directive (TPD). TPD was implemented in EU Member States on 20 May 2016. Its aim is to improve the functioning of the internal market for tobacco and its related products, while ensuring a high level of health protection for European citizens. It regulates the manufacturing, presentation and sale of these products throughout the EU.

Article 20 of the Directive introduced rules concerning electronic cigarettes (e-cigarettes). It sets a maximum nicotine concentration level, packaging and labelling rules, and requirements to monitor and report developments related to e-cigarettes. In 2021, TPD will be subject to a review. This review should recognise the clear difference between combustible tobacco, which kill half their regular users, and vaping, which does not.

Because of this, the United Kingdom's Royal College of Physicians and Public Health England, for example, has concluded that vaping is at least 95% less harmful than smoking. The Economic, Social and Environmental Council (CESE), a French governmental advisory group, stated that current rules on vaping products treating them as if they were tobacco products *"represents a prudence on the part of the public authorities that is probably excessive"* and *"slows their use as a tool for smoking cessation."* Accordingly, the Council hopes for a less-restrictive framework for e-cigarettes, and deplores the restrictive regulations applied to products that are not as close to as harmful as traditional cigarettes.

E-cigarettes in TPD 2014/40/EU and the review of the Directive

In 2019, the European Commission Directorate General for Health and Food Safety (DG SANTE) is launching a study ahead of a formal evaluation required by 2021 under TPD. The research project will be carried out by the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER).

We believe that the review should bear in mind certain fundamental principles:

- While nicotine is addictive, it is not the cause of smoking related diseases. The combustion of tobacco, which results in the formation of the toxicants found in smoke, is the problem, and vaping products do not combust. Extensive studies confirm that there are very few chemicals in the vapour of the e-cigarette.
- As a result, the chemical composition of vapour is significantly less toxic than smoke. Smokers who switch to a vaping product are making a choice which will positively affect their health, and this should be encouraged through differentiated regulation and public health messaging.
- While e-cigarettes are a positive life choice for smokers, they are not appropriate for the rest of the population. No young person or non-nicotine user should start smoking or using electronic cigarettes and measures should be taken to prevent this from happening.

Based on these principles, future regulation should include:

- Provisions to ensure that smokers are given accurate, risk-based information about the differences between vaping and smoking.
- Regulated access to a wide range of vaping products for adults who wish to switch.
- A strong focus on youth prevention, working with manufacturers and retailers to fight against underage use and sale.
- Strong manufacturing, product quality and safety standards.