

ECDA's response - Public consultation "Evaluation of the legislative framework for tobacco control"

Deadline: 17 June 2022	Open form	Character limit: 4000	More information here
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The European Chronic Disease Alliance (ECDA) welcomes the opportunity to provide input on the evaluation of the tobacco control policies covering product regulation, advertising, promotion and sponsorship; including current legislation (such as the Tobacco Products Directive (TPD), Tobacco Tax Directive). Despite advances in the past decades, much remains to be achieved to realise a 'tobacco-free generation' by 2040, as per the Europe's Beating Cancer Plan.

Alignment with UN and WHO tobacco reduction targets is essential, but the EU should firmly strive for reaching the ambition of less than 5% of the EU population using tobacco by 2040. This would be a major achievement for public health across Europe and would save the lives of millions of Europeans, considering that tobacco use is the cause of around one fourth of all cancers and a major risk factor for all other main chronic diseases.

ECDA would like to recommend:

1. Extending the scope of the current EU tobacco control framework to novel and emerging tobacco products

Updates of taxation and tobacco product regulations, as well as frameworks governing tobacco advertising, cross border sale of tobacco and smoke-free environments should not only focus on smoked tobacco products but also take into account the harmful health effects of alternative nicotine delivery products and novel tobacco products like e-cigarettes and heated tobacco products; and adopt robust measures to regulate these.

Indeed, there is consensus among the health community that novel tobacco products pose a substantial threat to health, notably lung health¹. ECDA strongly recommends to address novel tobacco products in the same way as known tobacco products, and to focus prevention frameworks on long-term consequences by clearly conveying the risks of prolonged exposure.

Further, the revised EU TPD should include a definition (harmonised at EU level) of novel tobacco products to ensure uniform implementation of measures across EU countries.

2. Reinforcing rules on prices and taxation at EU level, covering all tobacco products

- Harmonising taxation rules and prices of tobacco products, to prevent illegal cross border sales and ensure equal protection of EU citizens
- Introducing an excise tax category for heated tobacco products at an equivalent level to that of cigarettes

3. Adopting plain, standardised packaging for all tobacco products across the EU along with larger graphic health warnings

¹ European Respiratory Society (2020). Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) Preliminary Opinion on electronic cigarettes: ERS Comments

4. Ensuring effective enforcement of bans on advertising of tobacco and nicotine products online, including on social media; and strengthening rules to cover novel tobacco products and platforms where gaps in legislation exist – in particular those used by children and young people

Further, we would like to emphasize the following aspects:

- It is crucial that **independent, science-based research informs the revision of the TPD and other tobacco control policies and measures**
- Any updated and future EU tobacco control legislation should include references to Article 5.3 of the WHO Framework Convention on Tobacco Control and **reinforce rules related to interactions with the tobacco industry**
- **Definitions of tobacco and related products should be harmonised** across all relevant EU legislations
- **Ensuring proper enforcement and implementation at national level** of EU tobacco control policies will be necessary to make progress
- The Commission should further **support member states in transitioning towards a full prohibition of smoking in public spaces, where these are not in place, and extending existing bans**, ensuring that novel tobacco products are fully covered. This will not only incentivize citizens to quit smoking, but also improve protection of the population from exposure to second-hand smoke, which is a main cause of mortality in the EU.

Beyond individual's health, tobacco consumption has a high impact on our societies and economies. EU legislation should reflect and help achieve the level of ambition of the European Union and its international commitments in the area; and address appropriately the multi-faceted and growing burden that tobacco use and tobacco-related diseases – mostly chronic diseases – place on us all.