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Public consultation questionnaire
Revision of the EU rules on tobacco products and tobacco advertising

Fields marked with * are mandatory.

Introduction

Tobacco control refers to a range of measures to protect people from the negative effects of tobacco and nicotine consumption as well as second-hand tobacco smoke and aerosols. The EU tobacco control legislation consists of Directive 2014/40/EU, commonly referred to as the Tobacco Products Directive (hereon referred to as TPD), and Directive 2003/33/EC, commonly referred to as the Tobacco Advertising Directive (hereon referred to as TAD).

The TPD regulates the manufacture, presentation and sale of tobacco products, nicotine-containing electronic cigarettes and herbal products for smoking. The TAD regulates the cross-border advertising of tobacco products in media other than television, as well as the cross-border sponsorship. These Directives aim at ensuring the smooth functioning of the EU single market for tobacco and related products, taking as a base a high level of protection of human health, especially for young people, and meeting the obligations of the Union under the World Health Organisation (WHO) Framework Convention for Tobacco Control (FCTC).

The TPD and TAD have been evaluated and following this evaluation, the European Commission is currently working on a proposal for the revision of the TPD and TAD, as outlined in the Safe Hearts Plan. The evaluation of the TPD and TAD demonstrated that the EU tobacco control legislation has contributed, to a certain extent, to the smooth functioning of the EU single market and resulted in a decline of smoking prevalence and tobacco-related deaths. However, it has not kept pace with recent market developments, consumption trends and digital marketing practices. Certain provisions of the legislation have been outpaced by the emergence and widespread popularity of novel products, especially among young people, such as electronic cigarettes, heated tobacco products and nicotine pouches, and the rapid evolution of digital marketing for tobacco and nicotine products.

The objective of this public consultation is to gather feedback to inform the revision of the EU tobacco control legislation.

Definitions for the purpose of this questionnaire:

- **Electronic cigarettes** (e-cigarettes) or similar electronic vaping devices (e.g. e-shisha, e-pipe) are electronic devices that use nicotine or non-nicotine containing e-liquid for the consumption of vapour. E-cigarettes can be disposable (single use) or refillable by means of a refill container and a tank, or rechargeable with single use cartridges. The questions in this public consultation encompass both nicotine and non-nicotine e-cigarettes. Where a question concerns only nicotine-containing e-cigarettes, this is explicitly stated.

- **Heated tobacco products** are tobacco containing sticks heated by devices to produce an emission containing nicotine and other chemicals, which is then inhaled by the user(s).

- **Nicotine products** are nicotine-containing products that do not contain tobacco, such as nicotine-containing electronic cigarettes and nicotine pouches.

- **Non-nicotine products** refer to nicotine-free electronic cigarettes and herbal products.

- **Nicotine pouches** are tobacco-free nicotine products for oral use that come in sachets. Nicotine pouches should not be confused with snus, which is a smokeless tobacco product that also comes in sachets but contains tobacco.

- **Refill containers** are receptacles that contain nicotine-containing liquids, which can be used to refill an electronic cigarette.

- **Tobacco products** are products that consist, even partly, of tobacco. Tobacco products include cigarettes, roll-your-own tobacco, cigars, cigarillos, pipe tobacco, waterpipe tobacco, chewing tobacco, nasal tobacco and heated tobacco products.

- **Young people** refer to persons aged 10 to 24 years.

About you

* Language of my contribution

- ○ Bulgarian

- Croatian
- Czech
- Danish
- Dutch
- English
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- French
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* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen

- (●) Non-governmental organisation (NGO)
- ( ) Public authority
- ( ) Trade union
- ( ) Other

* First name

Rebecca-Evelyn

* Surname

Papp

* Email (this won't be published)

r-e.papp@eurohealthnet.eu

* Organisation name

255 character(s) maximum

EuroHealthNet

* Organisation size

- ( ) Micro (1 to 9 employees)
- (●) Small (10 to 49 employees)
- ( ) Medium (50 to 249 employees)
- ( ) Large (250 or more)

* Please indicate whether your organisation has received financial support from tobacco industry in the past 5 years

- ( ) Yes
- (●) No

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

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* Country of origin

Please add your country of origin, or that of your organisation.

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- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands

- Central African Republic
- Chad
- Chile
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- Clipperton
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association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

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* 1. To what extent do you agree with the following statement:

Measures and policies aimed at protecting people from the effects of tobacco and nicotine consumption as well as from second-hand tobacco smoke and aerosols are beneficial for society.

- (●) Agree
- ( ) Partly agree
- ( ) Neither agree nor disagree
- ( ) Partly disagree
- ( ) Disagree
- ( ) Don't know

* 2. In your view, which products are most attractive to young people?

Between 1 and 3 selections

- [x] Nicotine e-cigarettes, including e-cigarettes with flavours and disposable e-cigarettes
- [x] Nicotine-free e-cigarettes, including those with flavours
- [ ] Heated tobacco products
- [x] Nicotine pouches, including those with flavours
- [ ] Cigarettes / roll-your-own tobacco
- [ ] Waterpipe tobacco, including those with flavours
- [ ] Other (specify)
- [ ] Don't know

*3. In your view, which products are most attractive to those aged 25 and over?

Between 1 and 3 selections

- [x] Nicotine e-cigarettes, including e-cigarettes with flavours and disposable e-cigarettes
- [ ] Nicotine-free e-cigarettes, including those with flavours
- [x] Heated tobacco products
- [ ] Nicotine pouches, including those with flavours
- [x] Cigarettes / roll-your-own tobacco
- [ ] Waterpipe tobacco, including those with flavours
- [ ] Other (specify)
- [ ] Don't know

*4. Are you a current user or ex-user of tobacco, nicotine or non-nicotine products?

- ( ) Yes
- (•) No

6. At what age do you think young people start using tobacco, nicotine or non-nicotine products?

	Under 16 years	16-18 years	19-24 years	Don't know
* Tobacco products	( )	(•)	( )	( )
* Nicotine products	(•)	( )	( )	( )

* Nicotine-free e-cigarettes and herbal products	◉	○	○	○

7. In your view, through which channels do young people most commonly obtain tobacco, nicotine and non-nicotine products?

	Friends	Family members	Retail shops (in-person)	Online retailers from the young people's country	Online retailers other than from the young people's country	Sellers on social media/messaging apps	Informal sellers /black market	Other (specify)	Don't know
* Tobacco products	☑	☑	☑	☐	☐	☐	☑	☐	☐
* Nicotine products	☑	☑	☑	☑	☑	☑	☐	☐	☐
* Nicotine-free e-cigarettes and herbal products	☑	☑	☑	☑	☑	☑	☐	☐	☐

8. The heated tobacco products market (including tobacco heating devices) reached 12.5 billion EUR in 2023, compared to just 4 million EUR in 2013. The EU e-cigarette market grew from 909 million EUR in 2012 to 5 billion EUR in 2023. Nicotine pouches have seen a similar surge, with sales value increasing from 61 million EUR in 2018 to1 billion EUR in 2023.

To what extent do you agree with the following statement:

Market developments and consumption trends have increased the availability, popularity and use of heated tobacco products, e-cigarettes, and nicotine pouches, particularly among the following groups.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* Among people aged 24 years or less (young people)	◉	○	○	○	○	○
* Among people aged between 25 and 34 years	◉	○	○	○	○	○
* Among people aged between 35 and 54 years	○	◉	○	○	○	○
* Among people aged 55 years or more	○	○	○	◉	○	○

*9. New forms of digital promotion of tobacco and nicotine products have emerged since the adoption of the TAD in 2003. These include promotion on social media platforms, online marketplaces, through influencers, on streaming services, within online video games, in music videos, and in user-generated content without any financial consideration. User-generated content is any content made by individuals without any financial consideration, not by a brand or professional publisher.

To what extent do you agree with the following statement:

The exposure of young people to these new forms of digital promotion of tobacco and nicotine products influences their use and/or uptake of use.

- ◉ Agree
- ○ Partly agree
- ○ Neither agree nor disagree

- Partly disagree
- Disagree
- Don't know

10. To what extent do you agree with the following statement:

Further EU action under the EU tobacco control legislation is needed regarding the following promotion practices to reduce the uptake of tobacco, nicotine and non-nicotine products.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* User-generated content from individuals other than influencers	◉	○	○	○	○	○
* Brand or corporate promotion including through influencers	◉	○	○	○	○	○

* 11. Across the EU Member States, there are differing national laws covering different aspects of tobacco, nicotine, and non-nicotine products. This means that economic operators must comply with these different rules to place their products on the markets of the various Member States.

To what extent do you agree with the following statement:

Differing national laws create legal complexities and hinder the smooth functioning of the EU single market.

- Agree
- Partly agree
- Neither agree nor disagree
- Partly disagree
- Disagree
- ◉ Don't know

12. How important is it to you that the EU tobacco control legislation supports the following objectives with regard to tobacco, nicotine and non-nicotine products?

	Not important	Barely important	Moderately important	Very important	Essential	Don't know
* Preventing the initiation of use	○	○	○	○	◉	○
* Supporting the cessation of use	○	○	○	○	◉	○
* Ensuring that these products do not have attractive features and do not appeal, particularly to young people	○	○	○	○	◉	○
* Ensuring that consumers are well informed about the health risks	○	○	○	○	◉	○
* Minimising the administrative burden on Member States	○	○	○	◉	○	○
* Minimising the administrative burden on business	○	○	○	○	○	◉
* Ensuring that the same conditions for the manufacture, presentation, sale and advertising apply across the EU	○	○	○	○	◉	○
* Ensuring that manufacturers and importers can report the necessary information easily and quickly to national and EU authorities	○	○	○	○	◉	○

13. To what extent do you agree with the following statements:

The following measures are effective in reducing the uptake and/or harmful effects of consuming nicotine and non-nicotine products.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* Prohibiting flavours	◉	○	○	○	○	○
* Prohibiting flavour descriptions and visuals on the packaging	◉	○	○	○	○	○
* Reducing nicotine concentration in the product	○	◉	○	○	○	○
* Standardising the form and size of tanks, refill containers and cartridges for e-cigarettes	○	○	○	○	○	◉
* Setting limits for the nicotine content and/or dose of nicotine pouches	○	◉	○	○	○	○
* Strengthening product standards for device safety (e.g. leakage, overheating, battery safety)	○	○	○	○	○	◉
* Introducing product design requirements to reduce appeal (e.g. restrictions on device appearance, lighting, “toy-like” features)	◉	○	○	○	○	○
* Introducing restrictions on disposable products	◉	○	○	○	○	○
* Introducing a ban on disposable e-cigarettes	◉	○	○	○	○	○
* Requiring mandatory child-resistant and tamper-evident packaging	◉	○	○	○	○	○
* Strengthening restrictions on the ingredients to be used in nicotine and non-nicotine products	◉	○	○	○	○	○
* Requiring reporting and testing by manufacturers and importers on product composition and, emissions or aerosol constituents	◉	○	○	○	○	○

* Introducing requirements on the traceability	◉	○	○	○	○	○

* 14. The scope of the current EU tobacco control legislation covers only tobacco products, nicotine-containing e-cigarettes, and herbal products for smoking. It does not include other nicotine products, herbal products not used for smoking and nicotine-free e-cigarettes, which have been introduced in the market since 2012. As observed in the evaluation of the TPD, nicotine pouches' sales value has increased from 60.8 million EUR in 2018 to 1.09 billion EUR in 2023, whereas traditional tobacco products' sales value has decreased from 153.87 billion in 2012 to 140.75 billion in 2023.

To what extent do you agree with the following statement:

The scope of the EU tobacco control legislation has not kept pace with market developments.

- ◉ Agree
- ○ Partly agree
- ○ Neither agree nor disagree
- ○ Partly disagree
- ○ Disagree
- ○ Don't know

15. How important is it to you that the following products – currently not covered by the legislation – would fall within the scope of the EU tobacco control legislation?

	Not important	Barely important	Moderately important	Very important	Essential	Don't know
* Nicotine pouches and other nicotine products without tobacco	○	○	○	○	◉	○
* Nicotine-free e-cigarettes, including their devices and tanks, refill containers and cartridges	○	○	○	○	◉	○
* Heated herbal products and other new types of herbal products	○	○	○	○	◉	○

* Devices, accessories and items used for the consumption of tobacco and nicotine products	○	○	○	○	◉	○
* Future products	○	○	○	○	◉	○

* 16. To what extent do you agree with the following statement:

EU rules need to include a regulatory mechanism that allows the European Commission to react quickly to market, scientific and technical developments.

- ◉ Agree
- ○ Partly agree
- ○ Neither agree nor disagree
- ○ Partly disagree
- ○ Disagree
- ○ Don't know

* 17. Technology-neutral definitions focus on the general characteristics of a product and could help ensure that all products of the same definition are covered by the legislation, regardless of technological developments. This would allow products which are not on the market when the legislation came into force to also be covered if they fall under the specified technical definition.

To what extent do you agree with the following statement:

Technology-neutral definitions for products are important in ensuring the objectives of the tobacco control legislation.

- ◉ Agree
- ○ Partly agree
- ○ Neither agree nor disagree
- ○ Partly disagree
- ○ Disagree
- ○ Don't know

18. Plain (or standardised) packaging is defined by the World Health Organisation as “measures to restrict or prohibit the use of logos, colours, brand images or

promotional information on packaging other than brand names and product names displayed in a standard colour and font style". The TPD allows an EU Member State to introduce further of such standardisation requirements regarding the packaging of tobacco products, including plain packaging.

To what extent do you agree with the following statement:

Mandatory plain packaging requirements under EU tobacco control legislation would strengthen the functioning of the EU internal market and/or the protection of public health.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* Functioning of the EU internal market	○	○	○	○	○	◉
* Protection of public health	◉	○	○	○	○	○

19. To what extent do you agree with the following statement:

The following labelling and packaging measures are effective in ensuring the objectives of the tobacco control legislation.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* Large health warnings with pictures depicting medical conditions associated with the use of tobacco and nicotine products	◉	○	○	○	○	○
* Plain or standardised packaging of the products	○	◉	○	○	○	○
* Standardised form and size of tanks, refill containers and cartridges for e-cigarettes	○	○	○	○	○	◉
* Prohibition of misleading descriptors on the packaging (e.g. "natural", "organic", "nicotine-free")	◉	○	○	○	○	○
* Leaflets/inserts with quitting information	◉	○	○	○	○	○

* Prohibition of elements that promote the product or encourage its consumption by creating an erroneous impression about its characteristics, health effects or risks	◉	○	○	○	○	○

20. E-cigarettes and nicotine pouches can come in variety of flavours (such as fruit, herb, candy or ice cream). The evaluation of the tobacco control framework has shown that flavours seem to play a key factor influencing young people's decision to start using these products. Flavours can create the impression that the product is less harmful and make the product more attractive and easier to use. Some EU Member States have prohibited flavours in e-cigarettes and refill containers while others have not.

To what extent do you agree with the following statement:

A prohibition of flavours in e-cigarettes and nicotine pouches would strengthen the functioning of the EU internal market (by eliminating different approaches across the Member States) and/or the protection of public health.

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Don't know
* Functioning of the EU internal market	◉	○	○	○	○	○
* Protection of public health	◉	○	○	○	○	○

*21. The EU tobacco traceability system records the movements of legal tobacco products across the EU. It allows EU Member States to determine whether a product has been diverted into the illicit market. The traceability system currently covers only tobacco products and does not extend to e-cigarettes and other nicotine or non-nicotine products.

To what extent do you agree with the following statement:

The EU tobacco traceability system should also cover products other than tobacco products.

- ◉ Agree
- ○ Partly agree
- ○ Neither agree nor disagree

- Partly disagree
- Disagree
- Don't know

22. How important is it that the EU tobacco control legislation be strengthened in the following areas?

	Not important	Barely important	Moderately important	Very important	Essential	Don't know
* Reporting of accurate and complete information on the products by manufacturers and importers for the European Commission and the Member States' enforcement authorities	○	○	○	◉	○	○
* Traceability tools to assist Member States in detecting illicit trade practices	○	○	○	◉	○	○
* The adaptability of the legislation to respond to new market developments	○	○	○	○	◉	○

23. If you wish to upload a concise document, please do so below. The maximal file size is 1MB.

Please note that the uploaded document will be published alongside your response to the questionnaire, which is the essential input to this open consultation. The document is an optional complement and serves as additional background to better understand your position.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

7d9af707-8256-4a64-a9a9-ad9910714264/EuroHealthNet_Policy-brief_on_Reducing_Tobacco_and_Nicotine_Consumption.pdf

END OF SURVEY – THANK YOU FOR YOUR PARTICIPATION

Contact

https://health.ec.europa.eu/tobacco_en