

IEVA Contribution to the Dutch consultation on plain packaging

According to the World Health Organisation and the European Commission, a quarter of Europeans smoke, half of which will die prematurely. The Independent European Vape Alliance (IEVA) is committed to helping overcome this public health issue and supports Member States in creating measures to reduce smoking prevalence.

We understand The Netherlands is considering introducing a set of requirements for the standardization of packaging for both tobacco products and electronic cigarettes by ministerial regulations. We are deeply concerned about the negative effects such a decision could have on the harm reduction and overall health objectives they wish to achieve.

Our members produce and distribute safe and high-quality products that help smokers quit in a vast majority of Member States.

Differentiation is important for consumers and a key to successful quitting strategies

The Tobacco Products Directive (TPD) makes a clear distinction between e-cigarettes and heated and combustion tobacco products by dedicating a specific title to electronic cigarettes (Article 20)¹. Scientific evidence shows that e-cigarettes help smokers switch² and that they are significantly safer than combustible cigarettes³.

Applying a plain packaging regulation without addressing the differences between e-cigarettes and tobacco products would be a missed opportunity for harm reduction and smoking cessation. If these differences are not seen by the consumer when buying the products, they may believe the health risks are equal to smoking, leading to reduced rates of switching, or worse, reverting the consumer back to the traditional, and vastly more harmful, cigarettes.

¹ Article 24(2) of the TPD allows Member States to introduce “further requirements” for tobacco products. However, there is no equivalent provision in the Directive for e-cigarettes.

² In The Netherlands electronic cigarettes are mainly used by smokers or former smokers; only 0.3% of the vapers had never smoked before. See <https://www.trimbos.nl/kennis/cijfers/cijfers-roken> and <https://www.rivm.nl/leefstijlmonitor>.

³ A report, published by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT), in September 2020, concluded that most people who vape are either smokers trying to quit or ex-smokers and that smokers who switch completely to vaping will get a substantial health benefit. There is a considerable reduction in the risk of lung cancer due to lower exposure to harmful compounds.

The lack of differentiated treatment between e-cigarettes and actual tobacco products may run counter to the overall objective of facilitating smoking cessation. Legislation, standards and requirements applying to e-cigarettes need to be differentiated from heated and combustion tobacco products.

The risk of increased counterfeiting

Neutral or plain packing can have other severe unintended consequences for consumers, such as an increase in counterfeit products, as this packaging fails to see the consumer protection aspect of trademarks. Brands are an important indicator of quality. If branding is undermined, consumers will opt for counterfeit products, which do not comply with the safety requirements, creating have significantly contributed to public health harm.

The Tobacco Products Directive (TPD) prohibits most forms of advertising⁴ for electronic cigarettes and restricts communication about them. As a result, it is critical that information about the product can feature on the packaging to allow for consumers to choose which product to buy and make an informed choice.

The importance of adequate and data-driven information

Responsible and adequate advertising by companies in the vaping industry is important to ensure proper information about harm reduction. However, the right to advertising must go hand in hand with rules for responsible advertising and against misleading designs or implementations.

In our "Guidelines for responsible e-cigarette advertising", IEVA states that e-cigarette advertisement must contain clear warnings and references that the ad is exclusively intended for adult smokers and vapers as well as stating that e-cigarettes should not be advertised as a means of circumventing smoking restriction laws.

⁴ See Recital 43 of TPD: « For this reason, it is appropriate to adopt a restrictive approach to advertising electronic cigarettes and refill containers » and Article 20, paragraph 5.

In short

- Products that have the potential to reduce public harm and can support smoking cessation should not be treated the same way as heated and combustion tobacco products;
- Creating plain packaging for e-cigarettes can lead to severe unintended consequences, such as reversing back to the more harmful traditional cigarettes and increasing dangerous counterfeits on the market;
- Responsible advertising, data driven information and strict enforcement of legal buying age controls, are critical tools to allow successful awareness of the harms of smoking.

IEVA respectfully calls on the Ministry of Health, Welfare and Sport to closely consider these elements before taking any decision. We would be honoured to discuss the matter with you further.

Yours sincerely,



About the Independent European Vape Alliance (IEVA)

The Independent European Vape Alliance (IEVA) is the EU's leading association for vaping representing 8 national associations and 13 of the leading companies in the vaping sector. Together, we advocate for vaping products to be considered as a stand-alone category from heated and combustion tobacco products with regards to the harm reduction effect of vaping on smokers.

Some available Data

- A study carried out in 8 EU member countries, shows that The Netherlands have the best long-term quitting success rates for smokers using e-cigarettes⁵.

⁵ Hummel K, Nagelhout GE, Fong GT, et al. Quitting activity and use of cessation assistance reported by smokers in eight European countries: Findings from the EUREST-PLUS ITC Europe Surveys. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6659556/>

- There is no evidence that vaping leads young people to smoking. In The Netherlands youth smoking rates are low and continue to decline, from 2.1% in 2017 to 1.8% in 2019⁶.
- In The Netherlands electronic cigarettes are mainly used by smokers or former smokers; only 0.3% of the vapers had never smoked before⁷.
- According to a report by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) published in September 2020, most people who vape are either smokers trying to quit or former smokers.
- E-cigarettes offer smokers an alternative which is 95% less harmful than smoking, a view shared by Public Health England and the Royal College of Physicians⁸.
- A 2017 a report from the UK Parliament⁹ estimated that investment aimed at doubling the rate of decline in smoking would return £1.1 billion over five years in the UK. If replicated across the EU, the number would be significantly higher.
- A recent study by the Institute Pasteur of Lille draws a comparison between the toxicity of e-cigarette, traditional cigarette and heated tobacco products (HTP) and “provides important data necessary for risk assessment by demonstrating that HTP might be less harmful than tobacco cigarette but considerably more harmful than e-cig”¹⁰

⁶Jeugd en riskant gedrag 2019, Trimbos Institute - <https://www.trimbos.nl/kennis/cijfers/alcohol-drugs-roken-scholieren>

⁷ See <https://www.trimbos.nl/kennis/cijfers/cijfers-roken> and <https://www.rivm.nl/leefstijlmonitor>.

⁸ <https://222.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report>

⁹ www.ash.org.uk/APPG

¹⁰ See <https://www.sciencedirect.com/science/article/pii/S0304389420314060?via=ihub>