

IEVA's Contribution to Order concerning the introduction of standard packaging for cigars and electronic vaping products

IEVA - the **Independent European Vape Alliance** - as the umbrella organisation representing national associations, manufacturers, distributors, and specialised retailers of vaping products across the EU, would like to express its **serious concerns** regarding the impact of the Netherlands' proposed *Order amending the Tobacco and Smoking Products Order concerning the introduction of standard packaging for cigars and electronic vaping products*.

While IEVA supports robust public health policy and effective regulation, we believe that this proposal - imposing a standard packaging similar to cigarettes' - is not only a danger to the Netherlands' anti-tobacco policy, but also constitutes a disproportionate and unjustified barrier to trade, in violation of Articles 34 and 36 of the Treaty on the Functioning of the European Union (TFEU).

1. Vaping - a proven harm reduction alternative and effective method to quit smoking

Before detailing our arguments regarding the standard packaging measures, it is necessary to highlight the public health opportunities brought by vaping.

Many independent and publicly funded studies have highlighted the **harm reduction potential of vaping products**: a [report](#) commissioned by Public Health England found that vaping is 95% less harmful than smoking combustible cigarettes, and a [study](#) financed by the prestigious Institut Pasteur confirmed that vaping is significantly less carcinogenic than smoking and constitutes an acceptable replacement for traditional tobacco. Other sources pointing to the harm reduction potential in vaping can be found in studies by the [Royal College of Physicians](#) or published in the [British Medical Journal](#). Overall, vaping products reduced the risk of cancer for smokers.

Vaping products also play a **critical role in helping adult smokers to quit traditional tobacco**. Peer-reviewed studies by the [American Journal of Public Health](#) and

research led by the [University of Oxford](#) highlight the smoking cessation potential of vaping. The European Parliament considered in two separate reports - the report on [strengthening Europe in the fight against cancer](#) (2022) and the report on [non-communicable diseases](#) (2023) - that “electronic cigarettes could allow some smokers to progressively quit smoking”.

Undue restrictions on vaping products will therefore do more harm to Dutch public health than good. The Secretary of Health, Welfare and Sport claims that “*exempting certain products, such as electronic cigarettes without nicotine, or components, could suggest that the use of those products or components is not, or is less, harmful*”, which has **not been justified by sound scientific evidence** and is factually incorrect.

2. The Order ignores the necessary differentiation between smoking and vaping

Given the substantial harm reduction potential of vaping, it is crucial that public health policy make a clear and concrete differentiation between tobacco cigarettes and vaping products. In that sense, it is worrying that the Dutch government intends to apply standard packaging to electronic cigarettes, as it is a measure exclusively applied to tobacco products. **It is especially alarming that the Order imposes the Pantone 448C colour (dark, olive brown) on e-cigarette packaging.** This colour is the one associated with cigarette packs in the Netherlands and several other countries.

Such a measure will give smokers wishing to quit the false impression that vaping is as harmful as smoking tobacco, that cigarettes and vaping products belong to the same category, or even have vapers mistake cigarette packs for vaping product packaging.

If the differences between tobacco products and vaping products are not easily seen and understood by the consumer when buying the products, it will reduce the switching rates and revert the consumer back to more harmful tobacco cigarettes.

This standard packaging restriction therefore goes directly against the stated goals of the Order (preventing tobacco products from being accessible to smokers who want to quit and being effective in the interest of public health).

3. The Order will be inefficient in curbing youth uptake and smoking rates

This standard packaging restriction is an extreme measure for the Netherlands, a country that already has one of the strictest vaping regulations in the EU (notably due to its flavour ban forbidding all e-liquid substances but a list of 16 approved chemicals). Since this ban, the total market for legal vaping products has dropped by 80%, but this has not translated into a similar drop of vaping rates. Due to these restrictions, vapers have turned to the black market to buy their products, undermining regulatory goals and **exposing consumers to unregulated and potentially dangerous substances.**

In addition, these restrictions have been associated with a [significant increase](#) of smoking among 12-18 year olds, achieving the exact opposite of the government's goals. It is therefore misguided to claim that standard packaging measures will prevent vaping products and tobacco products from being attractive to young people: the measure will have no impact on the already booming black market and will only penalise an already struggling law-abiding vaping market.

4. The Order violates the free movement of goods in the EU

The proposed Order would unilaterally ban vaping products not sold in this standard packaging. This ban targets goods that are **lawfully marketed in most other EU Member States** and contradicts the principles of mutual recognition and free movement of goods as laid out in Articles 34 and 36 TFEU.

Article 34 prohibits measures that directly or indirectly restrict trade within the EU. A flavour ban would effectively block imports of otherwise compliant products from other Member States. Article 36 allows public health exceptions only if they are strictly **justified** and **proportionate**. **The Secretary for Health, Welfare and Sport has not met this burden of proof.**

IEVA stresses that **this approach undermines the coherence of EU regulation** and poses a **risk of cascading protectionist measures that will disrupt the Single Market**. We urge the Commission to consider this case not only in the context of the Netherlands, but as a test case for the integrity of EU regulatory alignment.

Conclusion

We respectfully call on the Secretary of Health, Welfare and Sports to **reconsider proposed Order** and withdraw the proposal for standard packaging for electronic cigarettes. IEVA also calls on the Secretary to issue **a detailed, evidence-backed justification** demonstrating the necessity and proportionality of the measure.

As the European representative body for the independent vaping industry, IEVA remains committed to supporting EU-wide policies that protect consumers, foster innovation, and uphold the principles of the internal market.

About IEVA

The Independent European Vape Alliance (IEVA) is a European trade body that unites small and medium-sized producers and retailers of vaping products, as well as European countries' national vaping associations. The vast majority of vaping companies are run by self-funded entrepreneurs who saw a problem in society - cigarette smoking - and created vaping products as part of the solution. We are independent and not influenced by tobacco companies.

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