

APORVAP's Contribution to the Public Consultation on the Draft Bill on Reducing Points of Sale for Tobacco Products and Related Products

APORVAP – Associação Portuguesa de Vaporizadores- would like to contribute to the Dutch government's public consultation on its Draft Bill on Reducing Points of SALE for Tobacco Products and Related Products (*Wijziging van de Tabaks- en rookwarenwet in verband met een verkoopverbod voor tabaksproducten en aanverwante producten in andere verkooppunten dan speciaalzaken*).

We would like to express our concern regarding the Bill's provision to restrict the sale of vaping products to specialised tobacco stores by 2026. **APORVAP believes that this restriction amounts to an unfair, ineffective and unacceptable measure for numerous reasons:**

- It will further restrict access of ex-smokers and smokers trying to quit to a proven harm reduction and smoking cessation tool, leading to a rise in smoking rates;
- It will reinforce the already thriving black market of unregulated and dangerous e-cigarettes;
- It will further impede the activities of the legal vaping industry in the Netherlands, which is already subjected to the most restrictive regulations in Europe

APORVAP is furthermore appalled at the draft bill's provision exempting tobacco products from the same restriction until 2032, i.e. six years after the application of the sales restriction for vaping products.

Overall, we respectfully call on the Dutch government to refrain from imposing this points of sale's restriction on vaping products, in the light of the information we provide in this contribution.

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

Before detailing our arguments regarding the points of sale 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.

2. Restricting points of sale will reinforce the already strong black market in the Netherlands

The Netherlands is the European country with the strictest restrictions on vaping products, best illustrated by its e-liquid flavour ban (only allowing the use of sixteen substances in its

composition) and its prohibition of online sales. These restrictions already had important negative consequences, such as a boom in the vaping black market.

Restricting points of sale for vaping products will only strengthen this **black market selling non-compliant and unsafe products**. Besides the impact on the legal economy, on fiscal revenue and on criminal activities, black market products represent a public health danger. In Estonia, the Parliament actually introduced a [bill](#) to roll back a restriction on vaping, stating that *"the reduction of consumer choice and the growth of the clandestine market have led to a reduction in compliance with the law and a loss of trust in the state"* and due to the use of black market products, *"the health risk of consumers has increased significantly, which was until then mitigated by the mandatory control established in the EU Tobacco Product Directive"*.

It is also important to note that **the current restrictions** (flavour ban and online sales prohibition) **have already greatly reduced access to legal vaping products** by reducing the number of outlets selling them, such as specialised vape shops. The points of sale restrictions will therefore further prevent adult smokers from accessing a considerably less harmful alternative and an effective method to stop smoking, to the point that it will become virtually impossible for many of them to purchase it legally. As a consequence, **former smokers will either revert to tobacco cigarettes or purchase unsafe black market products**. Both options are considerably more harmful to their health.

This measure is therefore **not consistent with the public health goals** that the Dutch government intends to reach.

3. An ineffective measure that unfairly favours the tobacco industry

In the public consultation's "policy compass", the authorities claim that the restrictions are *"expected to reduce smoking rates among adults and youth, resulting in health benefits"*. This claim is highly questionable, as young people in the Netherlands mostly purchase illegal products due to the already strict legislation and because underage people are not allowed to buy vaping products anywhere in the first place. As a consequence, **youth uptake of vaping will remain unaffected by the ban of vaping**

products' sale in other places than specialised tobacco shops, which will only penalise adult ex-smokers.

APORVAP also considers unacceptable the exemption of tobacco products from these restrictions until 2032. In practice, this means that vaping products will be prohibited in convenient stores by 2026, while **combustible cigarettes, a product that is considerably more harmful, will still be allowed for six years after that**. The Dutch authorities have provided no justification for this exemption. Besides being nonsensical given the difference of harm level between vaping and tobacco products, it will unfairly favour the big tobacco companies over vaping SMEs in the Netherlands.

The proposed restriction will not only lead to a rise in smoking rates, as explained before, but also appears to be in **total contradiction with the goal of protecting public health professed by the Dutch authorities**. It will, to the contrary, lead to net losses in "health benefits".

Conclusion

The proposed restriction on the points of sales in the Netherlands presents severe risks to public health. By further eliminating legal outlets for adult smokers to access tools to transition to less harmful alternatives and to stop smoking, the measure risks increasing smoking rates and reinforcing an already thriving black market. Additionally, the Dutch authorities unfairly and inexplicably favour tobacco companies by providing an exemption to traditional tobacco products.

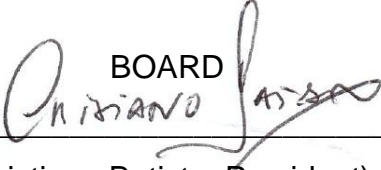
For these reasons, we respectfully urge the Dutch government to reconsider this measure and explore more effective and proportionate alternatives to protect public health and youth.

About APORVAP

APORVAP is a non-profit association, which aims, before its members and the general population, to defend the use of personal vaporizers, supported by scientific evidence that it is a less harmful method of nicotine consumption than tobacco products.

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BOARD


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