

EUROPEAN SMOKING TOBACCO ASSOCIATION. E.E.I.G.

SUBMISSION TO DUTCH CONSULTATION ON ESTABLISHING A NEGATIVE INGREDIENTS LIST FOR TOBACCO PRODUCTS

The European Smoking Tobacco Association, ESTA E.E.I.G., appreciates the opportunity to comment on the establishment of a 'negative ingredients list' for tobacco products as part of a change to the 'Tabaks- en rookwarenregeling' in the Netherlands.

About the European Smoking Tobacco Association, E.E.I.G.

ESTA represents the interest of its members, which are mainly smaller and mid-sized tobacco companies that manufacture and/or distribute fine-cut tobacco (FCT), pipe tobacco and traditional European chewing tobacco and nasal snuff tobacco. Many of these companies are family-owned, and have been for multiple generations, with several for more than a century. Their factories are still based in the same localities as where they were started in the more rural regions of Europe.

ESTA supports VSK submission

ESTA supports the submission made by the 'Vereniging Nederlandse Sigaretten- & Kerftabakfabrikanten' (VSK) which is also a member of ESTA. Like VSK, ESTA believes that further clarifying the ingredients regulation of the EU's 2014 Tobacco Product's Directive and in particular that of Article 7.6 of the Directive with a 'negative ingredients list', is a worthy development.

Banning ingredients is a last resort and requires unambiguous scientific underpinning

However, ESTA also believes that the criteria, on which such a list is to be based, should be transparent, but above all, be based on evidence resulting from scientific studies. Recent scientific studies on certain ingredients were undertaken by a consortium of tobacco companies as required by the same 2014 Tobacco Products Directive. The outcomes of these 13 priority additive studies do not establish any reason for inclusion of these additives on a negative list.

It is surprising that the RIVM, on whose report the negative ingredients list is modelled, believes that a ban on certain ingredients can be justified with google searches, 'grey' literature and the German and Belgian negative lists, without conducting or contracting any scientific studies itself.

More importantly, where it concerns including menthol and 'menthol related' ingredients, the Scientific Committee of the EU concluded in 2016 that more studies were necessary to be able to qualify menthol as an ingredient that facilitates inhalation. The Belgian list appears to be reliant on the study on menthol use in cigarettes which the EU's scientific committee found needed further studies. The proposed ban on the use of menthol extends to all smoking tobacco products, whilst the reference study only related to cigarettes.

It is impossible for ESTA to evaluate the scientific underpinning of the proposed 'negative list' as the RIVM report does not clarify or explain how it arrived at its recommendations with the references made. Given the severity of any ban of individually specified ingredients, its basis must be fully motivated by, and rooted in scientific studies.

