

WIDEFJALL Lena

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Sent: 09 July 2013 13:09
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Subject: ECITA letter to ENVI committee
Attachments: Letter to ENVI ahead of vote on 10 July.pdf

Dear Sir/Madam,

Please find attached a letter from ECITA (EU) Ltd.

Yours faithfully,

Katherine Devlin
President
ECITA (EU) Ltd

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9th July 2013

Dear Sir/Madam,

RE: ENVI COMMITTEE VOTE ON ELECTRONIC CIGARETTES, 10 JULY 2013

On Wednesday, you will vote on the final report on the new Tobacco Products Directive that the European Parliament ENVI Committee will send to plenary. By allowing electronic cigarettes to develop as a consumer product and give millions of European smokers a gateway from tobacco, you could be saving millions of lives.

But regulating them as medicines would do precisely the opposite, denying current users access to products that work for them and forcing them back to tobacco, which will kill at least half of them. Furthermore, such a move would be legally unsustainable. We have an Opinion from Sir Francis Jacob QC, former Advocate-General to the European Court of Justice, in which he describes the proposal to reclassify electronic cigarettes as medicines as *"an unreasonable measure which is liable to be annulled as being contrary to the principle of proportionality and/or the principle of non-discrimination."*

The British medicines regulator, the MHRA, has already made clear that no product currently on the market would be able to obtain a medicines license. There are approximately 1,500,000 users in the UK alone who would be left floundering and would either become involved in an unregulatable black market, or would be forced to return to tobacco cigarettes. Tobacco would then remain unchallenged on the recreational nicotine market, allowing big tobacco corporations to continue to profit from it, with no incentive to change the way they do business.

You will have heard that medicinal regulation is necessary to ensure the quality, safety and efficacy of electronic cigarettes. But this is far from the case – design restrictions and increased costs for consumers would make any authorised device less enjoyable and more expensive for consumers, reducing its ability to compete in the tobacco market.

E-cigarette users from around the EU understand this, but refused to believe that the decision-making process was a closed shop. They saw that the Commission's proposal would remove the devices they currently use from the market. They educated themselves on why this is the case and they wrote to their MEPs in their tens of thousands. Some of them

formed active consumer associations, others started their own online television and radio shows to inform the wider community – all completely independent of the industry. Not a single one of these individuals wants to be forced to rely on some as-yet-unknown medical device when they already use something that works well – for them as individuals, rather than as patients – as an alternative to smoking. To tell citizens that they shouldn't have the products that are saving and/or improving their lives is to reinforce the notion that the EU doesn't care about them. These are ordinary citizens who are attempting to engage in the political process on an issue they care passionately about.

Millions of other European citizens currently depend on tobacco, and will, on Wednesday, have their lives put in your hands. We hope you will see fit to provide them with a gateway out of tobacco use, and help them on their journey towards better health by giving them a safer, appealing alternative which they can enjoy. To this end, we hope that you will see fit to vote against any amendments that would force electronic cigarettes to become medicines and support the proposal from ALDE and ECR which, while not perfect, will ensure they remain available for those that need them.

Please feel free to call me for more information. My mobile telephone number is provided below.

Yours sincerely

Katherine Devlin
President
ECITA (EU) Ltd.

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