
From: Jeanette van Eijk [jvaneijk@policyaction.com]
Sent: 05 July 2013 10:22
To: SCHLYTER Carl
Subject: AMENDMENTS TO ARTICLE 18 OF TPDII ON ELECTRONIC CIGARETTES
Attachments: Guiding Principles - Regulation of electronic cigarettes - supported by NJOY.pdf; NJOY Letter Schlyter MEP.pdf

Original in attachment

Dear Mr. Schlyter,

We hope that you will be able to support our position on the regulation of electronic cigarettes when considering amendments to Article 18 of TPD II. Those amendments appear to favour either the regulation of electronic cigarettes under Directive 2011/83/EC, or the application of safeguards around their labelling, packaging and marketing whilst work is undertaken to define the most appropriate form of regulation in the light of scientific evidence. We are clear that, **if regulation under Directive 2011/83/EC were to be adopted, we should not be able to compete effectively with traditional cigarettes and thus society would lose the benefits that we can bring to citizens who cannot quit smoking by offering them a less harmful alternative.**

It is our mission to make cigarettes obsolete. To achieve this, and to generate the positive impact on delivering harm reduction that medicines regulators and health campaigners acknowledge this would bring to citizens, we need to be able to compete with traditional cigarettes. We agree that electronic cigarettes require appropriate and proportionate regulation which focuses on their safety and quality (see the Guiding Principles attached); but simply applying Directive 2001/83/EC would create greater barriers to market entry for electronic cigarettes than faced by traditional cigarettes and would prevent their being sold alongside traditional cigarettes in some Member States. Clearly, those electronic cigarettes that make medicinal claims should be regulated under Directive 2001/83/EC; but those that do not require a more tailored approach that does not enhance the competitive position of traditional cigarettes.

Therefore we urge you to support amendments to the Commission's proposal which consider the specific nature of electronic cigarettes and their need to compete directly with traditional tobacco products. Please do not hesitate to let us know if you need any further clarification.

With kind regards,

Jeanette Van Eijk, on behalf of Bo Ekberg, NJOY Innovations Ltd.

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Regulation of electronic cigarettes

-Guiding principles-

We believe the following guiding principles should be the basis of any future regulatory framework for electronic cigarettes:

1. Electronic cigarettes shall not carry any claims that they are a smoking cessation aid unless they have authorisation to do so under the relevant legislation.
2. All electronic cigarette products must comply with all relevant national and EU legislation, rules & regulations relating to product quality and safety; electronic cigarette products that do not make medicinal claims are not medicinal products and they are not tobacco products. We acknowledge the need for harmonised regulation of the quality and safety of electronic cigarettes that allows them to compete with cigarettes across the EU and would like the Commission to review that need and propose further specific and proportionate legislation.
3. All electronic cigarette products shall carry an appropriate health message and the sale of electronic cigarettes shall be restricted to adults and/or those over the legal age for smoking.

We support amendments to the EU Tobacco Products Directive guided by these principles.

NJOY Innovations Ltd

5 July 2013

BO EKBERG
SENIOR VICE PRESIDENT INTERNATIONAL

Carl Schlyter MEP
European Parliament
60, Rue Wiertz
Altiero Spinelli 08G115
B-1047 Brussels

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Bo Ekberg