

## **IEVA Contribution to TRIS notification 2023/0350/IE**

The Independent European Vape Alliance (IEVA) would like to express its support for the decision of the Irish government to submit the Public Health (Tobacco Products and Nicotine Inhaling Products) Bill to regulate the sale of tobacco products and nicotine inhaling products, notified to the European Commission on the 7th of June 2023, under the reference [2023/0350/IE](#).

According to the impact assessment submitted by the Irish authorities, the measures presented in the Public Health Bill intend to “*reduce children's exposure to and access to tobacco products and to further denormalise tobacco products by restricting the places from which they can be sold.*” The Bill notably proposes the following measures:

- Prohibiting the sale of nicotine inhaling products to persons under 18 years old
- Prohibiting the sale of tobacco products and nicotine inhaling products by persons 18 years old
- Prohibiting the sale of tobacco products and nicotine inhaling products at events primarily intended for children

It also provides for penalties for failure to comply with the abovementioned restrictions.

IEVA welcomes these measures, which aim to prevent traditional tobacco and vaping products from getting into the hands of young people. The Alliance also calls for Irish and EU authorities to take into account harm reduction and smoking cessation potentials of e-cigarettes in their public health policies.

### **1. Protecting young people from accessing vaping products**

IEVA considers that electronic cigarettes and vaping products serve two purposes:

- They are a **considerably less harmful alternative to traditional tobacco**, for smokers unable or unwilling to quit. Vaping helps smokers and former smokers get an intake of nicotine, with a 95% reduction of risks associated with combustible cigarettes.

- They are an **effective tool to help smokers quit traditional tobacco**, by offering a less harmful transition method before a complete cessation of nicotine consumption.

Vaping products thus target adult smokers exclusively. As such, **young people should not be using them at all**. It is critical to protect young people from accessing any nicotine product and IEVA, as the representative of European manufacturers and distributors independent from tobacco companies, is committed to honouring this responsibility.

All IEVA members pledge to abide by the Alliance's [Code of Responsible Marketing](#), which prohibits marketing targeting minors:

- E-cigarette marketing should not make vaping seem appealing to minors in any way. The display of cartoon or fictional characters that could trigger the interest of minors is prohibited. Visual representations that could attract their attention (depiction of candies, etc.) may not be used in product or packaging design.
- No one younger than 30 may be featured in e-cigarette advertisements
- E-cigarettes may not be advertised in establishments or events mainly frequented by underage persons, or anywhere located at fewer than 100 metres of schools' main entrances.

IEVA members agree to be subjected to independent control to assess their adherence to this Code, and commit to comply with all of its guidelines even if their local legislation allows some of the prohibited actions listed.

## 2. Ensuring retailers' compliance

The first line of defence to protect young people from accessing nicotine products is **preventing underage persons from buying them**. Retailers therefore have the responsibility to refuse selling traditional tobacco or vaping products to anyone below the age of 18.

To do so, it is necessary to ensure that the minimum purchase age laws, as well as the laws prohibiting adults from buying tobacco or vaping products to underage persons, are actively enforced.

For these reasons, the measures proposed by Ireland's Public Health (Tobacco Products and Nicotine Inhaling Products) Bill go in the right direction. The Bill clarifies that young people below 18 should not buy nor sell vaping products, and reduces the

opportunities to access them by prohibiting their sales during events primarily catered to children.

Moreover, the Bill lays out clear penalties for failing to comply with its rules, such as fines and suspensions of retail licence, ranging from 2 days to a year depending on the offence.

IEVA stresses the importance of **engaging the sufficient resources to properly enforce these restrictions**, with compliance checks programmes for instance. Retailers' staff should also be trained to ensure that ID checks are conducted effectively during nicotine products' purchase.

### 3. Harm reduction and smoking cessation potential of vaping

In its message attached to the TRIS contribution to the European Commission, the Irish government highlights the research carried out for the Department of Health regarding e-cigarettes. This research found that *"e-cigarettes are not harmless but may represent a reduction in harm relative to smoking"* and that *"e-cigarettes are as effective as approved Nicotine Replacement Therapies for smoking cessation at 6 months"*.

A number of other independent and publicly funded studies have also highlighted the **harm reduction potential of e-cigarettes**: a [report](#) commissioned by Public Health England found that using e-cigarettes 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, e-cigarette were found to reduce the risk of cancer for smokers.

Vaping products also play a **critical role in helping adult smokers to switch to vaping from traditional tobacco**. Studies by the [Yale School of Public Health](#) or by the [Harm Reduction Journal](#) highlight the smoking cessation potential of e-liquids. The European Parliament considered, in its [report on strengthening Europe in the fight against cancer](#) adopted in February 2022, that "electronic cigarettes could allow some smokers to progressively quit smoking".

IEVA commends the recognition by the Irish government of the harm reduction and the smoking cessation potentials of vaping.

#### 4. Vaping products as tools for Ireland and the EU to reach their public health objectives

The European Commission presented its [Beating Cancer Plan](#) in February 2021, setting out a new EU approach to cancer prevention, treatment and care. One of its laudable objectives is to create a **“Tobacco-Free Generation”**, reducing the smoking prevalence in the EU to 5% by 2040. As there are more than 112 million smokers in the EU, this objective entails that **90 million Europeans need to quit smoking**.

The [Tobacco Free Ireland](#) policy, published in 2013, holds an even more ambitious goal: to cut the proportion of smokers to 5% by 2025. According to the EU Barometer, 18% of the population in Ireland smoked, which means that around 660,000 Irish smokers need to quit.

As argued above, vaping has been proven to be 95% less harmful than combustible tobacco and significantly less carcinogenic. It could therefore help in **meeting the Beating Cancer Plan and the Tobacco Free Ireland policy’s goals - bearing in mind that 91% of smokers can’t or don’t want to quit smoking**, at least in the [short term](#). Public health policy should exploit the harm reduction potential offered by e-cigarettes.

#### Conclusion

Against this background, IEVA commends the Irish government's decision to set up legal guarantees to prevent young people from accessing tobacco and vaping products, and to provide for penalties for non-complying retailers. These provisions must however be coupled with the necessary resources to ensure proper enforcement, else they will be ineffective, or even useless.

IEVA takes this opportunity to stress the potential of e-cigarettes and vaping products in achieving the public health objectives of both Ireland and of the EU, by drastically reducing the risks associated with smoking combustible tobacco and providing for an effective smoking cessation tool to motivate smokers to quit.

## About IEVA

*The Independent European Vape Alliance (IEVA) is a trade body that brings together Europe's small and medium sized producers and retailers of vaping products. 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. We remain available anytime for any further questions or comments you may have:*

- [secretariat@eurovape.eu](mailto:secretariat@eurovape.eu)
- [secretary-general@eurovape.eu](mailto:secretary-general@eurovape.eu)
- +32 485 95 46 46