



**Open Letter to the European Commission and EU Member States**

04.03.2025

Subject: Protecting Harm Reduction, Consumers, and Public Health in Tobacco and Nicotine Regulation

Dear Members of the European Commission,  
Dear Representatives of EU Member States,

We are writing to express our deep concern regarding the initiative led by the Netherlands and supported by some member states. This initiative proposes stricter regulations on tobacco harm reduction products such as vaping devices, nicotine pouches, and other non-combustible alternatives. These proposals include flavour bans, stricter nicotine caps, plain packaging, and restrictions on cross-border sales. While we share the goal of reducing smoking rates and protecting youth, these measures risk undermining harm reduction strategies that have proven to help millions of smokers transition to safer alternatives.

More than [100,000 citizens across Europe](#) have signed our petition opposing these misguided measures. This overwhelming response demonstrates the widespread public support for harm reduction policies that preserve access to safer alternatives for adult smokers. We urge both the European Commission and EU Member State representatives to listen to these voices and reject these proposals in favour of a balanced approach that prioritises harm reduction, consumer choice, and evidence-based policymaking.

### **Why These Proposals Are Misguided:**

#### **1. Preservation of Flavours: Rejecting Flavour Bans**

Flavours are a cornerstone of harm reduction for adult smokers. They play a critical role in encouraging smokers to switch to less harmful alternatives like vaping or nicotine pouches. Research shows that flavours such as mint, fruit or dessert options are instrumental in helping adult smokers quit cigarettes. Banning flavours would eliminate a key incentive for smokers to transition and could push them back to smoking or unregulated markets where product safety cannot be guaranteed. Instead of banning flavours, regulators should focus on enforcing strict age verification measures to prevent youth access.

#### **2. High Taxation Harms Public Health**

Excessive taxation on vaping products and nicotine pouches makes them less affordable for smokers trying to quit cigarettes. This disproportionately affects lower-income people, who represent a significant proportion of current smokers. Studies show that higher prices on harm reduction products lead to increased smoking rates—a clear setback for public health. For example, research from the US National Bureau of Economic Research found that for every e-cigarette pod eliminated due to taxation, approximately 2.1 packs of cigarettes were sold instead. Keeping harm reduction products affordable is essential for reducing health inequalities caused by smoking.



### **3. Cross-Border Sales Restrictions Undermine EU Principles**

Proposals to restrict cross-border sales contradict the principles of the European Single Market by limiting consumer access to regulated products across borders. Instead of imposing barriers, efforts should focus on ensuring compliance with EU regulations for all products sold within member states.

### **4. Nicotine Limits Must Be Increased or at Least Maintained**

The current nicotine cap of 20 mg/ml under the Tobacco Products Directive (TPD) is already insufficient for heavy smokers who need higher nicotine levels to successfully transition away from cigarettes. Lowering this limit further would make these products less effective as smoking cessation tools. This applies not only to vaping but also to nicotine pouches, which must remain strong enough to appeal to adult smokers. We recommend increasing or at least maintaining the current cap to ensure that products meet the needs of adult smokers seeking alternatives. Nicotine is not the cause of cancer, lung disease, heart disease, or stroke associated with smoking. In fact, nicotine has been safely utilized for years in smoking cessation aids and medications designed to help people quit smoking.

### **What Should Be Done Instead:**

#### **1. Ensure a Firm Commitment to Harm Reduction**

The EU must embrace harm reduction as a cornerstone of its public health strategy by promoting non-combustible alternatives like vaping devices and nicotine pouches as effective tools for quitting smoking. The European Beating Cancer Plan already acknowledged the potential for vaping as a smoking cessation aid.

#### **2. Better Enforcement of Age Restrictions**

Strengthen enforcement mechanisms for age verification rather than restricting access for adults who rely on these products.

#### **3. Address Root Causes of Youth Uptake**

Policymakers must listen to young people and focus on addressing underlying issues such as stress and anxiety from their studies, economic instability in families, or lack of mental health resources—documented factors that drive risky behaviours like smoking or vaping.

#### **4. Eliminate Bottle Size and Tank Capacity Restrictions**

The current restrictions on e-liquid bottle sizes (10 ml) and tank capacities (2 ml) are unnecessary and counterproductive. Smaller bottles create more plastic waste, harming the environment, while small tanks require frequent refilling, which frustrates users. Larger bottles and tanks reduce waste and make products less appealing to young people without compromising safety.

#### **5. Ensure Affordability and Variety**

Maintain affordability for safer nicotine alternatives by avoiding excessive taxation or over-regulation that could push consumers back toward smoking.

## 6. Promote Risk-Based Regulation

Regulations must reflect the relative risks of different products by differentiating between combustible tobacco and harm reduction tools like vaping devices or nicotine pouches.



## A Balanced Approach Is Needed

We call on both the European Commission and Member States not to support misguided proposals such as flavour bans, stricter nicotine caps, plain packaging expansions, or cross-border sales restrictions. These measures will hinder progress in reducing smoking rates across Europe while limiting consumer choice and innovation in harm reduction.

Instead, we urge you to adopt policies that empower consumers with accurate information about safer alternatives while supporting harm reduction strategies that save lives.

The voices of over **100,000 citizens who signed our petition against these measures cannot be ignored**—they represent individuals who want access to effective tools that help them quit smoking safely without unnecessary barriers.

Comprehensive scientific evidence about harm reduction can be found here: <https://worldvapersalliance.com/harm-reduction-vaping-fact-sheet/>

Sincerely,  
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On behalf of WVA's 150,000 members.