



World Vapers' Alliance submission to the Call for evidence for an impact assessment on the revision of tobacco products and tobacco advertising EU rules

2 June 2026

The [World Vapers' Alliance \(WVA\)](#) represents vapers and consumers of less harmful nicotine products across Europe and globally. We urge the Commission to build the revision of its tobacco control framework on a genuinely evidence-based, risk-proportionate foundation.

The Commission's evaluation report, published in April 2026, received a [negative opinion](#) from its own Regulatory Scrutiny Board, which found the evidence base insufficient and the conclusions not supported by the analysis. The impact assessment must correct this.

[100,000 people](#) have already signed a petition to ease rules on safer nicotine products, which was submitted to the PETI Committee and demands:

- Preservation of Flavours: Rejecting Bans on Vaping Flavours
- A Firm Commitment to Harm Reduction: Embracing Effective Strategies
- Ensuring Affordability and Variety: Supporting Access to Safer Nicotine Alternatives for Adults
- Risk-Based Regulation: Differentiate and Govern Nicotine Products by Their Harm

Introducing further requirements for tobacco and related products currently covered by the Directives

The current framework has delivered results where Member States have made full use of it. Sweden, with a smoking rate now at 5.4%, achieved the smoke-free benchmark for Swedish-born citizens 16 years ahead of the EU target. [Czech Republic](#) cut smoking by 23% between 2021 and 2024. [Greece](#) reduced it by 14% over the same period. What these countries share is a commitment to harm reduction and adult access to less harmful alternatives, not tighter restrictions on those alternatives.

The EU managed a 14.3% decline in smoking over thirteen years while Sweden cut smoking almost four times faster over the same period by embracing harm reduction.

Recommendation: Adopt a clear commitment to harm reduction as a policy pillar. Encourage current smokers to switch to vaping, heated tobacco, and nicotine pouches, as the governments of the United Kingdom, Canada, and New Zealand have done. Public health campaigns must accurately communicate that these products are significantly less harmful than smoking.

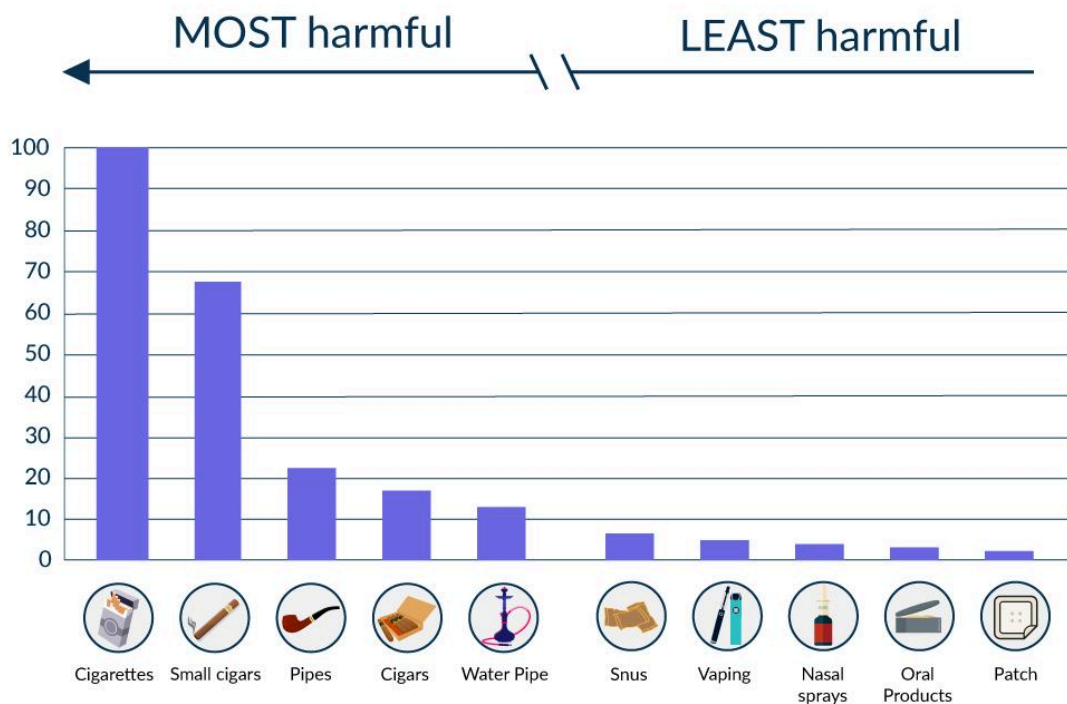


Extending the scope of the legislation to cover novel products and introducing more flexibility to address rapid product developments

We welcome proportionate, risk-based regulation of novel products. Regulation must reflect actual risk. Vaping, heated tobacco, and nicotine pouches occupy a fundamentally different risk category from combustible cigarettes. Treating them identically misleads consumers and undermines cessation efforts.

The evidence on relative harm is consistent across all three product categories. On vaping, the [UK Office for Health Improvement and Disparities](#), drawing on over 100 independent studies, finds that vaping carries only a small fraction of the risks of smoking and is the most effective quitting aid available. On heated tobacco, a [recent review](#) concludes that HTPs generate substantially lower levels of carcinogenic compounds, are associated with reductions in biomarkers of exposure and potential harm compared with cigarettes, and that modelling estimates the excess lung cancer risk from HTPs at approximately 3–4% of that observed among cigarette smokers. On nicotine pouches, [chemical analyses](#) show they sit at the very bottom of the toxicant and risk spectrum among nicotine products, and [population modelling](#) suggests widespread switching from smoking to pouches could avert hundreds of thousands of premature deaths over decades. Regulating these products on a par with cigarettes is not proportionate and not justified by science.

Nicotine Products Risk Continuum



Source: <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-016-3079-9/figures/1>

There is also room to improve the current legislation:

Nicotine caps are a particular concern. Artificially low nicotine levels mean heavy smokers cannot fully substitute cigarettes with less harmful alternatives. The Commission should abolish the general 20mg/ml nicotine limit, or at minimum not lower it further. [Evidence shows](#) that adequate nicotine delivery is critical for successful switching, particularly among dependent smokers.

The current 10ml container limit for e-liquid serves no public health purpose and generates unnecessary plastic waste. A tiered approach based on nicotine concentration — for example, 0–6mg/ml up to 100ml, 9–12mg/ml up to 30ml, above 12mg/ml up to 10ml — would reduce waste, better protect adolescents, and serve adult consumers more effectively.



Introducing rules in relation to flavours in e-cigarettes, disposable e-cigarettes, tobacco heating devices and other novel products such as nicotine pouches and electronic non-nicotine delivery systems

Flavour bans do not protect adolescents. They drive adults back to cigarettes and push consumers to unregulated markets.

Adults using flavoured e-cigarettes have [230% higher odds](#) of quitting than those using tobacco or unflavoured products. [Survey data from Sweden](#) show that 55–60% of former smokers who switched to nicotine pouches cited flavours as a key factor in making the switch. Flavours help differentiate non-combustible alternatives from cigarettes, reducing sensory cues associated with smoking and lowering relapse risk.

Where flavour bans have been implemented, the results are consistently negative. A [new report](#) shows that the Dutch flavour ban has failed on every measure since its introduction in 2024. Vaping among minors more than doubled, from 3.7 to 7.6 percent. Overall, cigarette consumption increased. 27 percent of former vapers reported smoking more or having started smoking again after the ban. 42 percent of inspected retailers did not comply with the ban, and 8 in 10 consumers said flavoured e-cigarettes were still easily available. A [report](#) commissioned by the Dutch Ministry of Health concludes that "the large majority — 87 percent — of vapers use illegal e-cigarettes and/or e-cigarettes obtained through illegal sales channels." What appears well-intentioned leads to negative consequences: less protection for adolescents, more smoking, and more black market. In [Estonia](#), approximately 60% of vapers continued using flavours by buying illicitly or mixing their own. In [Denmark](#), over 90% of vapers reported that banned flavours remained easy to obtain. A recent [Canadian](#) study found that cigarette sales rose by nearly 10% following a similar flavour restriction. The EU's own [SCHEER report](#) concluded that, to date, there is no specific data that flavourings used in the EU pose health risks for e-cigarette users following repeated exposure.

Recommendation: Do not introduce a flavour ban for e-cigarettes or nicotine pouches. Enforce age verification strictly. This is the combination that reduces adolescent access without destroying the harm reduction value of these products for adults.

Strengthening the current rules on labelling and packaging, including plain packaging

Advertisement restrictions and excessive health warnings on less harmful nicotine products prevent the information that smokers need from reaching them. Under EU consumer law, citizens have the right to truthful advertising. Treating vapes, nicotine pouches, and heated



tobacco products identically to cigarettes in warnings and packaging actively harms public health by obscuring the risk difference.

Recommendation: Warnings and labelling must be differentiated according to relative risk. The [Royal College of Physicians](#) is clear that the overwhelming majority of harm from tobacco use arises from inhaling smoke rather than from nicotine itself. Consumers have the right to know this. Information that helps smokers quit should not be classified alongside tobacco advertising.

Strengthening the current rules on digital marketing and advertising

We agree that targeted marketing to adolescents must be regulated effectively. However, restrictions must be proportionate and must not make it harder for adult smokers to find accurate information about less harmful alternatives than it is to buy cigarettes in any corner shop.

Simplifying certain provisions of the Directives to reduce complexity and resource intensity

Risk-based regulation is by definition simpler than attempting to regulate all nicotine products identically. A framework built on relative harm, with proportionate rules for each product category, would be more effective, easier to enforce and to adapt to future innovation, and more coherent than the current patchwork of national regulations that too often treats the least harmful products most restrictively.

The World Vapers' Alliance calls on the Commission to use this revision to build a framework honest about what the evidence shows, proportionate to actual risk, and capable of achieving what 13 years of the current approach has not: a genuine, rapid decline in smoking across Europe.

Separately, we must register our concern about the parallel [public consultation](#) on this same initiative.

That questionnaire is not an objective instrument. It defines "young people" as everyone aged 10 to 24, lumping children together with adults who are lawful consumers in every Member State, then draws child-protection conclusions from the combined figure. It repeatedly presents combustible cigarettes, heated tobacco, vaping, and nicotine pouches



as a single regulatory category, implying they carry equal harm when the science shows the opposite. And across most of its questions, respondents are permitted to agree only on the scope of new restrictions, never to contest whether restrictions are warranted at all. A respondent who supports tough rules on cigarettes but warns against the same rules for less harmful alternatives cannot say so. A respondent who holds the well-documented view that flavour bans drive adult vapers back to smoking cannot record it.

This is not a consultation. It is the manufacture of consent. A questionnaire built to return a predetermined answer is, by the Commission's own Better Regulation standards, not a valid consultation at all, and it breaches the duty of objectivity set out in the Charter of Fundamental Rights. Therefore, we will not participate in this consultation.

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