The EU's Tobacco Products Directive revision: a WVA briefing for policymakers

Summary

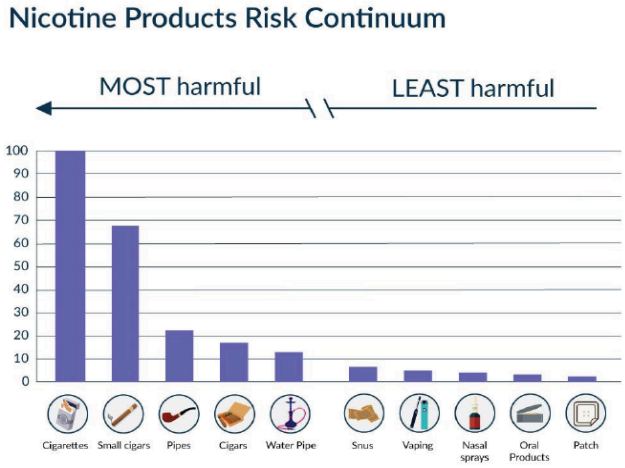
The European Commission will present its proposal for a revised Tobacco Products Directive (TPD) in December 2026. It is expected to regulate vapes, nicotine pouches and heated tobacco as if they were as dangerous as cigarettes, including bans on flavours, pouches and disposable vapes, lower nicotine limits and plain packaging.

These products are far less harmful than smoking and help adult smokers quit. Combustion kills, nicotine doesn't. Vapes, nicotine pouches and heat-not-burn products allow smokers to satisfy their nicotine demands while eliminating most of the risk from smoking cigarettes. Sweden used them to become the first smoke-free country in the EU, while the EU average is stuck at 24%.

Restricting less harmful alternatives would keep smokers on cigarettes, push ex-smokers back to them and hand the market to criminals.

The World Vapers' Alliance asks policymakers to:

1. **Regulate by risk:** treat combustible and non-combustible products differently in scope, labelling and taxation.
2. **Keep every path to quitting open:** no bans on flavours, nicotine pouches, disposable vapes or other product categories.
3. **Protect young people through enforcement, not bans:** strict age verification, retailer licensing and penalties for illegal sales.
4. **Base the law on evidence and listen to consumers:** the people who quit smoking with these products are the ones this law affects most, they deserve to be at the center of this debate.



The process

The European Commission is revising the EU's three tobacco laws at once, with the stated aim of reaching the Europe's Beating Cancer Plan target of less than 5% of the population using tobacco by 2040.

- **Tobacco Products Directive (TPD):** decides which products can be sold, with which ingredients, flavours, nicotine levels and packaging. The Commission published its evaluation in April 2026 despite a negative opinion from its own Regulatory Scrutiny Board, then ran a call for evidence and a public consultation. The proposal is expected in December 2026.
- **Tobacco Advertising Directive (TAD):** regulates cross-border advertising and sponsorship. It is being revised alongside the TPD, with a focus on social media and online marketing.
- **Tobacco Taxation Directive (TTD):** sets minimum excise rates. The July 2025 proposal would tax e-liquids, pouches and heated tobacco for the first time. The European Parliament rejected it by 439 votes to 181 in June 2026, and it has stalled in the Council, where tax decisions need unanimity.

The TPD and TAD follow the ordinary legislative procedure. The European Parliament and the Council each adopt a position, negotiate a final text in trilogues and must both approve it; the Council decides by qualified majority, so no single government can block it. National parliaments have eight weeks after publication to object on subsidiarity grounds. The last revision took 16 months from proposal (December 2012) to adoption (April 2014), and two more years to apply



TPD legislative path · proposal to national law

What to expect in the Commission's proposal

The central change is the scope: the evaluation signals a shift from regulating "tobacco" to regulating "nicotine", bringing every nicotine product under the same framework as cigarettes regardless of whether it burns anything.

The measures below were floated during the evaluation or demanded by eight governments (the Netherlands, Belgium, Finland, France, Hungary, Latvia, Slovenia and Spain) on 6 October 2026.

Measure	What it would do	Impact on adult smokers
Flavour ban	Restrict vapes, pouches and heated tobacco to tobacco (and possibly menthol) flavours	Removes the main reason adults switch and stay off cigarettes
Nicotine pouch ban	An EU-wide ban, or the right for each country to ban them	Closes the path that made Sweden smoke-free; fragments the single market
Disposable vapes ban	Ban single-use devices	Removes the simplest entry product for smokers trying to switch
Lower nicotine limits	Cut the e-liquid limit and set new caps for pouches and heated tobacco	Products too weak to replace a cigarette
Plain packaging	Standardised packs for all nicotine products	Legal, tested products look the same as cigarettes
Market freeze on new products	No new nicotine products allowed on the market	Ends innovation in less harmful products
Online restrictions (TAD)	Tighter rules on online sales and promotion, including social media	Limits accurate information for adult smokers

None of these measures makes it easier for an adult smoker to quit.

Our position: one goal, many paths

We share the EU's goal of a smoke-free Europe. We reject the idea that there is only one way to reach it. Every smoker quits differently, and each product the EU bans or taxes out of reach closes a path that would have worked for someone.

The science is clear. The latest Cochrane review, covering 80 trials and almost 30,000 smokers, gives its highest grade of evidence to the finding that vaping helps more people quit than nicotine patches or gum. The US Food and Drug Administration found that authorised nicotine pouches pose a much lower risk of cancer and other serious conditions than cigarettes. Our factsheet breaks up the relevant studies in full detail.

The countries that let smokers switch are winning.

Country	Smoking rate	How
Sweden	3.7% daily, the only EU country under 5%	Snus, pouches and vapes legal, affordable and taxed by risk
Czech Republic	30% to 23% (2021–2024)	Open flavours, risk-based taxes, national harm reduction strategy
Greece	42% to 36% (2021–2024)	Heated tobacco recognised as less harmful
EU average	28% (2012) to 24%	Restrictions on every product; at this pace the 2040 target is missed by about 70 years

Bans feed black markets. After the Netherlands banned flavours in 2024, youth vaping doubled from 3.7% to 7.6% and 27% of former vapers smoked more or started again. Criminals do not check IDs; licensed retailers do. The European Court of Auditors found in September 2026 that illicit tobacco already costs public budgets about €13 billion a year, with illegal factories spreading across the EU.

Recommendations

Members of the European Parliament shape the text through the lead committee's report and plenary amendments. We ask them to:

1. **Keep combustible and non-combustible products in separate categories**, with rules proportionate to risk.
2. **Reject bans** on flavours, nicotine pouches and disposable vapes, and a freeze on new products.
3. **Address youth access** and waste through age verification, retailer licensing, enforcement and collection schemes.
4. **Reject nicotine limits** that prevent less harmful products to replace cigarettes.
5. **Allow accurate, factual information on relative risk** for adult smokers, including online.
6. **Take consumer petitions into account**.

National parliaments and governments decide the Council's position. We ask them to:

1. Use the eight-week subsidiarity check to scrutinise measures that go beyond what the internal market requires.
2. Build a blocking minority in the Council against category bans.
3. Oppose national bans on products legal elsewhere in the EU, which fragment the single market.

About us: the World Vapers' Alliance amplifies the voices of vapers and consumers of less harmful nicotine products across Europe. More than 100,000 Europeans signed our #EveryLifeCounts petition to protect these products.

Our campaign: Smoke-Free Europe – One Goal, Many Paths.

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