

IEVA CONTRIBUTION TO THE CALL FOR EVIDENCE

The revision of EU rules on tobacco products and tobacco advertising

Over the past decade, the European Union has established a **comprehensive regulatory framework for vaping products** through the Tobacco Products Directive. This framework has created common standards across Member States on product safety, ingredient reporting, packaging, labelling and market surveillance, ensuring both the free movement of compliant products within the Internal Market and a high level of health protection.

As the Commission evaluates possible revisions to the existing legislation, IEVA believes that future measures should build on the current framework, **preserving its core strengths, while addressing identified gaps, where necessary, and in a proportionate manner**. In particular, the revised framework should:

- ensure the proper functioning of the **Internal Market by maintaining a harmonised, clear and proportionate EU framework for vaping products**, addressing existing legal uncertainties where necessary, while safeguarding SMEs, employment and the independent European vaping value chain;
- **recognise the different characteristics and risk profiles of non-combustible products such as e-cigarettes, compared to combustible cigarettes**. As acknowledged by the European Commission in its evaluation of the EU tobacco control framework, **replacing conventional cigarette smoking with e-cigarettes is likely to be associated with a reduction in the overall risk of adverse health effects**, provided that products are manufactured according to appropriate standards and used as intended¹;
- recognise **the key role of flavours in the smoking cessation/switching process for adult smokers**, while addressing marketing, packaging and product presentation practices that are considered appealing to young people.

SMEs, employment and the Internal Market

The primary objective of the revision is to ensure the smooth functioning of the Internal Market, in line with the principles of subsidiarity and proportionality, while respecting Member States' competences in the area of health. The current Directive was designed to approximate national market rules for tobacco and related products, including electronic cigarettes and refill containers, while ensuring a high level of health protection. **The proper functioning of the Internal Market should therefore remain the legal basis and organising principle of the revised framework**.

In this framework, IEVA would like to point out that the existing notification system for e-cigarettes and refill containers has provided **a structured mechanism for placing products on the EU market**, helping to ensure that consumers have access to **regulated products**

¹ European Commission, [Commission Staff Working Document](#), Evaluation of the Tobacco Products Directive 2014/40/EU, the Tobacco Advertising Directive 2003/33/EC and other related tobacco control policies across the EU, SWD(2026) 112 final.

subject to significant **requirements on safety, quality, labelling and market surveillance**. Therefore, the revised framework should **strengthen market surveillance and enforcement against non-compliant products**, while ensuring **that compliant businesses can continue to operate** under clear, proportionate and predictable rules, in line with the principles of better regulation.

Regarding the specific features of the vaping sector, **IEVA calls on the European Commission to properly assess the impact on SMEs, employment and market compliance**. The European vaping sector is largely composed of independent small and medium-sized businesses operating across manufacturing, distribution, wholesale and retail. According to IEVA, the sector represents more than 25,000 SMEs and over 100,000 jobs across Europe, supported by a value chain largely rooted within the European Union. These businesses are part of a European value chain that contributes to innovation, consumer choice, compliance and employment.

Disproportionate restrictions, excessive compliance burdens or legal uncertainty can produce **unintended consequences for the regulated market** and for public health objectives. In the vaping sector, such **measures could weaken compliant European operators**, particularly SMEs, reduce the diversity of regulated products available to adult smokers, increase administrative complexity and unintentionally **shift consumer demand towards non-compliant products** that do not meet EU safety, notification, labelling or age-verification requirements². This would undermine **consumer protection and public health objectives**, while distorting competition and generating negative externalities for employment across the value chain.

For this reason, the Commission should ensure that any future proposal **is supported by a robust assessment of its impact on SMEs, employment, value chain and authorities' capacity to preserve a well-regulated market**. The revised framework should also strengthen market surveillance and enforcement **against non-compliant products**, while ensuring that compliant businesses can continue to operate under clear, proportionate and predictable rules, in line with the principles of better regulation.

Adult smokers and harm reduction

IEVA supports the objectives of reducing smoking prevalence, protecting public health and preventing youth uptake. Vaping products should be regulated and communicated as **products intended for adult smokers**, while preventing uptake among young people, non-smokers and non-nicotine users.

For adult smokers who are not able to quit smoking, regulated vaping products represent **an alternative to combustible cigarettes** and may **support smoking cessation or smoking reduction efforts**. This is consistent with the European Commission's scientific assessment of electronic cigarettes, which identifies evidence on cessation and smoking reduction³. In this regard, any revision of the EU framework should then take into account the growing body of

² European Economic and Social Committee, [Opinion on the Revision of the Tobacco Taxation Directive](#), ECO/605, 2026.

³ Scientific Committee on Health, Environmental and Emerging Risks (SCHEER), [Opinion on electronic cigarettes](#), 2021;

evidence indicating **that non-combustible nicotine products can play a role in reducing the harms associated with smoking.**

Vaping products are not risk-free products per sé and should not be considered products for the general population. However, **they differ fundamentally from combustible cigarettes because they do not involve the combustion of tobacco**, which is the primary source of smoking-related toxicants⁴. This distinction is central to the development of effective and proportionate public health policies.

The latest Commission's evaluation of the EU tobacco control framework also acknowledges that replacing conventional cigarette smoking with e-cigarettes is likely to be associated with **a reduction in the overall risk of adverse health effects**, provided that products are manufactured according to **appropriate standards and used** as intended. Regulatory measures should therefore reflect **the differentiated risk profile of non-combustible products** compared with combustible cigarettes, while preserving **strong safeguards for young people and non-smokers.**

The revised framework should preserve adult smokers' access **to regulated vaping products** and ensure that they can receive accurate, factual and non-misleading information about the relative characteristics of different nicotine products. Restricting such access, or preventing adult smokers from understanding the differences between combustible and non-combustible products, could unintentionally undermine smoking reduction objectives.

Flavours and youth protection

Flavours are one of the areas where a balanced and evidence-based approach is most important. IEVA recognises that **youth protection must remain a central pillar** of the revised framework and that any practice clearly targeted at, or likely to appeal primarily to, minors should be effectively addressed. This includes ensuring that marketing, packaging and product presentation do not undermine the objective of preventing youth uptake.

At the same time, **flavours play an important role for many adult smokers who transition away from combustible cigarettes.** Non-tobacco flavours can help distinguish vaping from smoking and may make vaping products a more acceptable alternative for adults who would otherwise continue to smoke. For many smokers, **moving away from tobacco flavour is part of the transition away from cigarettes.** A regulatory approach that removes or severely limits flavour options may therefore **reduce the attractiveness of regulated vaping products** for adult smokers and weaken their role as **alternatives to combustible cigarettes**⁵.

For this reason, **IEVA believes that the issue of flavours should not be addressed through blanket prohibitions.** A general flavour ban would treat all flavours in the same way, without taking into account how products are marketed, presented or sold, or the role that flavours play for adult smokers. Such an approach could have unintended consequences for

⁴ [Public Health England 2015](#) Result: E-cigarettes are around 95% safer than smoked tobacco and can help smokers quit smoking;

⁵ *Ibidem*

smoking reduction objectives by making vaping products **less acceptable to adults seeking alternatives to cigarettes.**

Rather than imposing general bans, IEVA supports targeted, **proportionate and enforceable measures focused on preventing underage access** and addressing marketing, packaging or product presentation practices that are clearly targeted at, or likely to appeal primarily to, minors. This approach would allow the revised framework to **strengthen youth protection**, while ensuring **that flavours can continue to play their role in supporting adult smokers** who seek to switch **away from combustible cigarettes**, in line with the EU's public health objectives.

[About IEVA](#)

The Independent European Vape Alliance (IEVA) is the only pan-European association representing independent businesses operating in the vaping sector, bringing together national associations, manufacturers, distributors and wholesalers across Europe. IEVA and its members are fully independent from the tobacco industry.

Over the past decade, the European vaping sector has developed into a significant industrial ecosystem composed predominantly of small and medium-sized enterprises. Today, the sector represents more than 25,000 SMEs and over 100,000 jobs across Europe, supported by a value chain largely rooted within the European Union.