



3rd February 2020

Dear BECA Committee Member,

Perverse unintended consequences of proposed tobacco/nicotine policy measures in Europe's Beating Cancer Plan

On behalf of 27 million consumers in Europe, we are writing to express our concern about new measures proposed in Europe's Beating Cancer Plan. The measures would make low-risk products such as e-cigarettes and smoke-free tobacco products, less effective and attractive as alternatives to cigarettes. The effect would be to protect the tobacco industry, reduce the number of Europeans quitting smoking by switching to low-risk alternatives, and add to the overall burden of cancer – exactly the opposite of the aim of Europe's Beating Cancer Plan.

We write as European Tobacco Harm Reduction Advocates (ETHRA), an alliance of 22 grass root consumer groups in 16 European countries, representing approximately 27 million consumers across Europe and supported by scientific experts in tobacco control or nicotine research. We are ex-smokers who have used safer nicotine products, such as vapes and snus, to quit smoking and to remain smoke-free. ETHRA is not funded and has no industry conflicts of interest. ETHRA's transparency register number is 354946837243-73.

It should not be difficult to understand how excessive regulation of e-cigarettes will cause harm by protecting the cigarette business and perpetuating smoking. The Royal College of Physicians (London) explained this in 2016:

... if [a risk-averse and precautionary] approach also makes e-cigarettes less easily accessible, less palatable, or acceptable, more expensive, less consumer-friendly or pharmacologically less effective, or inhibits innovation and development of new and improved products, then it causes harm by perpetuating smoking. Getting this balance right is difficult.

(Nicotine Without Smoke: Tobacco Harm Reduction, Section 12.10 page 187)

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Consumers and public health experts have repeatedly highlighted these dangers. A Road Map and public consultation for the Plan attracted thousands of responses from consumers last year, yet the Commission's proposals completely ignore these submissions. As ex-smokers, we are painfully aware of how difficult it can be to quit smoking, and many of us could only quit using safer nicotine products after other methods had failed us. If these Cancer Plan proposals were already in force, there is no doubt that many of us would still be smoking today.

Specifically, we are concerned that:

- The Plan disregards the substantial evidence that e-cigarettes and cigarettes are substitutes, but e-cigarettes have much lower risk. The exact level of risk reduction is inevitably uncertain, but one study suggested e-cigarette vapour has cancer potencies of just 0.4% of cigarette smoke ([Stephens WE, 2018 Tobacco Control](#), Table 1) and the Royal College of Physicians conservatively estimated that e-cigarettes are unlikely to exceed 5% of the risk of smoking and may be substantially lower. This difference in risk means significant harm reduction is possible and desirable by switching from high-risk to low-risk products. Smart regulation can encourage consumers to switch and the market to move towards much safer products. The Plan fails to seize this opportunity
- Instead, the Plan proposes severe measures such as banning non-tobacco flavours for e-liquids. Such an approach is one step short of outright prohibition. It will trigger a range of undesirable reactions among both vapers and smokers – including relapse to smoking among vapers, reduced switching among smokers, increased illicit activity and cross-border trade, workarounds, more home mixing, and the formation of informal, unregulated markets. Other measures such as taxes, mandatory bans on vaping in public places, or plain-packaging would provide further regulatory protection of the cigarette category. The Plan fails to recognise the interaction between smoking and vaping and is naïve about the perverse consequence of the regulatory interventions proposed.
- The purported aim would be to 'prioritise protecting young people'. However, there is not a particularly high level of youth e-cigarette use in the European Union. Our problem in Europe remains other, more serious, risk behaviours such as smoking, drug use and excessive alcohol consumption. The evidence we have suggests that e-cigarette use is more likely than not to be a diversion from smoking for young people and that frequent e-cigarette use among adolescents is concentrated among those who smoke or would smoke in the absence of e-cigarettes. For these young people, e-cigarettes may be beneficial. If the proposed policy works as intended, it will likely fail to meet the Beating Cancer Plan objectives.
- There is already a clear proof-of-concept for tobacco harm reduction in Sweden and Norway. In Sweden, smoking has fallen to close to the EU's target for 2040 – daily smoking is 5% and current smoking 7% of adults. Lower smoking rates have translated to lower levels of cancer and other serious diseases in Sweden, especially among men, the main snus users. Smoking is down to 1-2% among young women in Norway now – signalling the emerging prospect of a smoke-free generation. The Commission's proposals overlook this striking experience from within Europe.

For more detailed discussion of these points please see our [“Interview on Tobacco Products Directive: note by ETHRA”](#)

We are losing confidence in the European Commission as an objective and evidence-based European institution. It appears to be adopting simplistic and emotive talking-points rather than putting the health and welfare of Europeans first. We are writing to you as our elected representative to urge you to scrutinise the Commission’s proposals. We understand that there will shortly be an exchange of views between the Committee and the Commission. We hope that you will take our views into account and scrutinise and challenge the Commission’s justification for these measures.

We would be happy to provide further information if that would be helpful.

Yours sincerely,

ETHRA and Partners

