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NOTE

From: General Secretariat of the Council
To: Council

Subject: A call for action at the EU level to protect young people from harm caused by novel tobacco and nicotine products:
- Information from the Latvian delegation on behalf of the Cyprus, Estonian, Finnish, Irish, Latvian, Lithuanian, Luxembourg, Maltese, Netherlands, Portuguese, Slovenian and Spanish delegations

Delegations will find in Annex an information note from the Latvian delegation on behalf of the Cyprus, Estonian, Finnish, Irish, Latvian, Lithuanian, Luxembourg, Maltese, Netherlands, Portuguese, Slovenian and Spanish delegations on the above mentioned subject to be raised under “Any other business” at the meeting of the EPSCO Council (Health) on 21 June 2024.

A call for action at the EU level**to protect young people from harm caused by novel tobacco and nicotine products**

Information from the Latvian delegation on behalf of the Cyprus, Estonian, Finnish, Irish, Latvian, Lithuanian, Luxembourg, Maltese, Netherlands, Portuguese, Slovenian and Spanish delegations

Information Note

The use of tobacco and nicotine-containing products can lead to serious and chronic diseases. Tobacco smoking is an avoidable health risk and the most significant cause of premature death in the EU. However, today the concept of smoking addiction is much broader, as a result of the increasing range of novel nicotine-containing products (e.g. e-cigarettes), after which the demand has been growing rapidly in recent years. The Tobacco Products Directive (TPD) has contributed to the enhancement and strengthening of tobacco control policies and improvement of public health at the national and EU level. At the same time, there are certain gaps within the TPD, especially related to the fast-developing market of novel tobacco and nicotine products.

It is highly important to draw attention to this worrying trend – namely, **the high popularity of electronic cigarettes (e-cigarettes) among youths**. The new data from the Health Behaviour in School-aged Children (HBSC) study shows that e-cigarettes have surpassed conventional cigarettes in popularity, with 32% of 15-year-olds surveyed reporting e-cigarette use at some point and 20% in the past 30 days. The available research¹ shows that adolescents who use e-cigarettes are more than twice as likely to later use conventional cigarettes than those who do not, and there is a pattern of dual or multiple tobacco and nicotine product use among youth. In youth, nicotine addiction can develop from more infrequent use and lower levels of exposure than among adults.

¹Exclusive and dual use of electronic cigarettes among European youth in 32 countries with different regulatory landscapes.
<https://tobaccocontrol.bmj.com/content/early/2023/04/24/tc-2022-057749#ref-1>

The availability of nicotine and tobacco products to children and young people is facilitated by the possibility to order these products on the internet as well as to market them on social networks (Instagram, Facebook) or communication platforms (Telegram).

Tobacco and related industries market e-cigarettes as safer and healthier alternatives to conventional cigarettes, but all novel products (including e-cigarettes) contain the toxic and addictive substance – nicotine, whose harmful effects on health have already been proven. Moreover, **marketing targets children and young people through several tactics, including making e-cigarettes available in many enticing flavors.** According to the latest research findings, there is strong evidence that flavors in e-cigarette liquids are very attractive to youths, as young people prefer flavors, such as candy, confectionery and sweet beverages, as well as fruits, berries and menthol. These flavors strongly influence young people by decreasing harm perception and increasing the will to try such products.

The restrictions of flavors in e-cigarette liquids based on the studies and recommendations by the WHO are a significant measure that reduces the popularity and usage of e-cigarettes among young people. However, the current approach at the EU level is not comprehensive enough, as there are tobacco and nicotine products that are excluded from the flavor or characterizing flavor EU-level ban, and there are differences in the regulation of this aspect between the Member States. The responsibility for adopting rules on flavors of liquids for e-cigarettes remains within the competence of the Member States. At the same time, the TPD sets restrictions on cigarettes, roll-your-own tobacco as well as heated tobacco products by banning characterizing flavors for these products at the EU level.

Member States face some obstacles to successfully implement and enforce restrictions for flavors in e-cigarette liquids at the national level. The cross-border distance sale for tobacco and/or related products (also including e-cigarettes) is not fully banned at the EU level. Member States shall cooperate to prevent such sales, as TPD allows Member States to decide for themselves whether to prohibit or allow distance sales at the national level and for what kind of products. This situation and differences between Member States place those Member States with restrictions at the national level in an unequal situation because of cross boarder marketing. Furthermore, many international retailer websites provide the opportunity for consumers from all over the world to buy different smoking products online. The control of any restrictions for international marketing and trade is limited, therefore, common legislation at the EU level is needed resolve these problems.

Given the persistent disparities between Member States in regulation of flavors and flavor agents in e-cigarette liquids and cross-border distance sales, there is a need for developing further common regulation at the EU level. Setting stricter rules and common regulations at the EU level will decrease disparities between Member States and increase health protection for EU citizens, especially our youth.
