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Background

- The 2014 European Union (EU) Tobacco Product Directive (TPD) mandates and suggests a range of policy domains for regulating nicotine-containing e-cigarettes
- Nine mandated provisions include: reporting and notification, safety and quality (five provisions), packaging and labeling (two provisions), advertising/promotion/sponsorship; suggested provisions include regulations around importation and cross border sales, application of taxes, vape-free laws, minimum age of purchase
- All 28 EU Member States were required to transpose these rules by May 20, 2016
- **Objective:** to identify which EU Member States have implemented the TPD and assess the extent of implementation

Methods

- As part of an ongoing effort to capture how countries are regulating e-cigarettes, national policies regulating e-cigarettes in the 28 EU Member States were identified through searching the respective Ministry of Health websites, as well as media monitoring and general web searches
- Findings report data through December 31, 2016
 - Policy domains identified include mandated provisions, as well suggested provisions
 - The interpretation of each policy was reviewed by a country expert

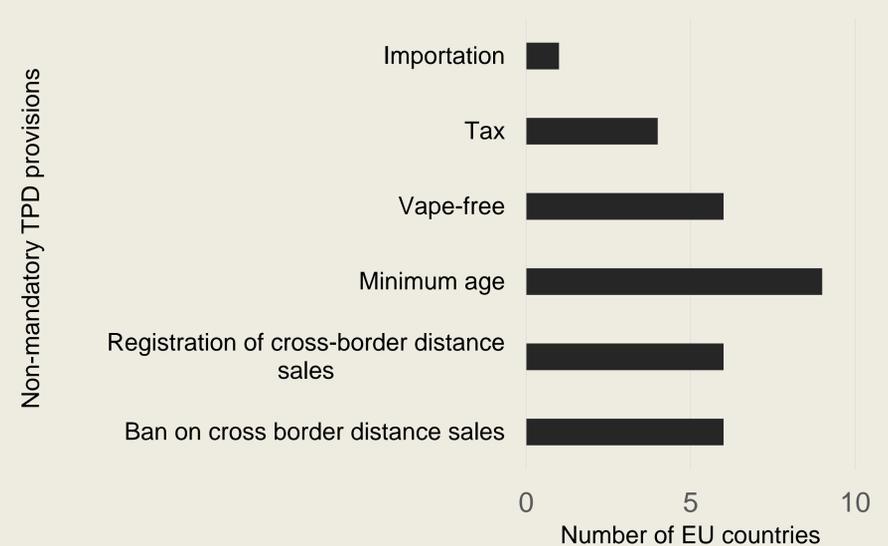
Results

- 14 of the 28 EU countries have implemented the TPD provisions regarding e-cigarettes as of December 31, 2016
- Approach to implementing provisions on health warning labeling varies across countries
 - Of the 13 countries with rules on labeling, nine countries require warnings that cover 30%, two countries specify 32%, and two are unclear about coverage
- 12 EU countries have transposed some of the recommended provisions of the TPD as of December 31, 2016 (Figure 1)
 - In regards to regulating cross-border distance sales, six countries prohibit cross-border distance sales, while six countries require manufacturers/importers/retailers to register with the competent authorities in the relevant countries

Policies that transcend EU TPD mandates or recommendations

- Applying the TPD to non-nicotine e-cigarettes (Denmark, Germany and Malta)
- Prohibiting use by minors (Estonia, Germany, and Lithuania)
- Prohibiting possession by minors (Finland and Lithuania)
- Prohibiting use on school premises (France, Italy)

Figure 1: Implementation of non-mandatory provisions of the TPD across EU countries



Note: the 14 countries identified as having implemented the TPD include: Austria, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal and the United Kingdom

Legal challenge:

Belgium is in the process of reworking its policy due to a legal challenge by an e-cigarette company

Conclusion and Implication

- A number of EU countries have not transposed the EU TPD provisions; among countries that have implemented the TPD, there are inconsistencies or variations in how certain provisions are implemented
- Inconsistencies in implementation may undermine the EU's TPD intended impact on public health and present enforcement challenges