EVUN.org
European Vapers United Network

6 February 2014

Dear Mr. Schulz,

We, the independent electronic cigarette users associations from across Europe, are deeply concerned about the e-cigarette provisions contained in the TPD.

We know, from the testimony of hundreds of thousands of vapers who exchange their personal accounts on user forums, that the majority of them have quit tobacco thanks to e-cigarettes; with most of the rest having substantially reduced their tobacco consumption. A few, who had abandoned e-cigs for a while, return to them thanks to new products arriving on the market.

We know that virtually all vapers who are aware of the legislative proposals being submitted to the EU Parliament find them unacceptable.

We have read the letter that eminent scientists have sent to the Health Commissioner (http://www.nicotinepolicy.net/n-s-p/672-scientific-errors-in-proposed-eu-tobacco-products-directive ) and are aware that the proposals do not have any evidential basis; worse, that the Commission appears to have misquoted and distorted the work of those scientists. Their subsequent correspondence reinforces that suspicion: http://nicotinepolicy.net/n-s-p/814-further-exchanges-between-the-european-commission-and-scientists.

Our specific concerns are as follows:

- Why should e-cigs be subject to a nicotine concentration of less than 20mg/ml? We know, from the testimony of vapers in countries where the permitted concentration is relatively high, that at least a quarter needed levels above 20mg/ml in order to adopt the ecig. This is backed by research cited in the scientists' letter, which has found that 20 to 30% of users use liquids above 20mg. The letter points out that the limit of 20mg is less than one third of the nicotine delivered by a tobacco cigarette. It seems therefore that the proposed limit favours the continuing use of tobacco cigarettes. We would also point to recent research (http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3880486/ ) that states "the frequent warnings of potential fatalities caused by ingestion of small amounts of tobacco products or diluted nicotine-containing solutions are unjustified and need to be revised in light of overwhelming data indicating that more than 0.5 g of oral nicotine is required to kill an adult".

- Why should ecigs be subject to a requirement for consistent nicotine delivery? Research by Dr K Farsalinos and Prof J-F Etter demonstrates that individual users of the same electronic cigarette differ in their nicotine intake 20-fold. The testimony of every single ecig user backs these findings; the possibility of varying our nicotine doses is one of the key factors that make ecigs attractive. Why should ecigs alone be subject to such a requirement,

when tobacco cigarettes are not? Once again, the Directive seems to favour tobacco cigarettes to the detriment of ecigs.

- Why will we be forced to buy liquid in small bottles? If it is believed, despite the lack of any supporting evidence, that handling e-liquid bottles is dangerous, then surely handling many small ones must be more dangerous than handling fewer large ones? Little bottles are also likely to look more attractive to children, thereby increasing any risk of accidental ingestion. Moreover, the cost of small bottles is much greater per ml than big ones. In Europe, a typical price for 10 ml bottles sold by physical shops is €0.59 per ml, but consumers can purchase larger ones from European suppliers over the internet at far lower prices; for example, 60 ml bottles can be bought from the UK at €0.43 per ml, or 100 ml ones for as little as €0.09 per ml from Poland. Why add completely unjustified costs to consumers? Why substantially increase the environmental impact caused by millions of little plastic bottles being thrown away as waste?

- Why will tanks with a volume larger than 2ml be banned? Again, if it is believed, despite any evidence, that filling tanks is dangerous, surely it would be safer to fill larger ones less often? New products are increasingly offering larger tanks that can be filled more easily and less frequently; why should an unjustified law stop this development? With such provisions being so obviously illogical, the overriding question has to be: what exactly is the problem that smaller tanks and smaller bottles are supposed to solve?

- Why force manufacturers to wait six months before placing new products on the market? Continuous improvement is offering an ever wider choice of products that are increasingly easy to use. There appears to be a direct link between the rate of innovation and the number of smokers leaving tobacco. It is a rate unknown in the pharmaceutical industry, which seems to have inspired this delay. And what would be its purpose? What criteria would be used to decide which products should be authorised? Given the thrust of the other anti-ecig provisions in the TPD, it is all too likely that this requirement will be used to stop new product development altogether, with the direct, if unintended consequence of protecting the tobacco industry even further.

- In a single market, how can some States be allowed to classify ecigs as medicines and others not? Does this not make a mockery of the Medicinal Products Directive and open the door to member states deciding for themselves what are and what are not medicines? In practice, does it not encourage a tremendous black market to develop across our porous borders?

- In a single market, how can some States be allowed to ban cross-border distance sales to the consumer? We have shown above that the availability of e-liquids purchased on the internet from elsewhere in Europe can dramatically push prices down. Banning it will encourage the protection of national markets

and dramatically limit consumer choice. Again, the practical effect will be to encourage a black market.

- We have been fortunate in discovering ecigs. If all publicity is to be banned, how will other smokers do so? In practice, this ban will serve only to protect the tobacco industry, whose products are far better known and more widely available.

In conclusion, we ask you to allow MEPs to consider separately the e-cigarette provisions contained in the TPD so that they have the opportunity to call for ecigs to be properly regulated following an objective and participative process based on hard, scientific evidence. Otherwise, this Directive will serve only to protect the tobacco industry from its most formidable ever competitor; one that hundreds of independent health professionals (such as France's Office de prévention du tabagisme) have determined is infinitely less dangerous.

Yours sincerely

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for and on behalf of the Independent Vapers' Associations and Organisations of Belgium, Netherlands, France, Spain, Denmark, United Kingdom, Switzerland, Germany, Austria, Norway, Poland and Hungary.