



**EUROPEAN COMMISSION**  
HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate D  
**D4 – Substances of Human Origin and Tobacco Control**

Brussels, 3 July 2012

## **MINUTES OF THE MEETING**

**Participants: Dominik Schnichels, Anna-Eva Ampélas and Isabel Holmquist (DG SANCO)**

**Katherine Devlin and Tom Pruen (Electronic Cigarette Industry Trade Association)**

**Date: 20 June 2012**

The main objective of the meeting was to listen to the views/concerns of the electronic cigarette industry regarding the on-going revision of the Tobacco Products Directive (TPD).

The Commission representatives provided an overview on the revision of the TPD. They explained that nicotine containing products (NCPs) currently do not fall under the TPD, but in the context of the revision different options are evaluated regarding their regulation in the TPD. The Commission said that the meeting should also be used to clarify some outstanding factual questions.

### **ECITA**

ECITA currently has 21 members: 18 in the UK, two in Greece and one in France. There are also producers in Latvia, Estonia and Sweden that are interested in joining ECITA. Although ECITA does not represent the majority of producers in terms of numbers (there are many small operators), ECITA stated that their members account for 60-70% of the volumes sold on the UK market.

There are at least six members with turnovers of more than £1,000,000 a year and ECITA reported about monthly growth rates of 20-30%. Members are small independent businesses that are not related to big corporations but do have multiple distributors.

### **E-cigarette Consumers**

E-cigarettes are mainly sold online to smokers. According to ECITA statistics, the majority of users are over 30, come from a variety of backgrounds and have an interest in technology. They estimate that there are more men than women who use e-cigarettes. E-cigarette producers target smokers, as the product is a 'safer' alternative to smoking

traditional cigarettes. According to ECITA the “vast majority of consumers” do use e-cigarettes as a harm reduction alternative to smoking / a substitute for cigarettes / for smoking cessation purposes. Many use them to get around smoke-free environments (including lorry drivers). Due to the high numbers of possible flavours e-cigarettes would also be used as a “fun product” (annual “vape festivals”).

As the number of consumers grows, ECITA considers that the sales of electronic cigarettes will move from predominately online sales to more retail sales, with more supermarkets and specialised shops carrying electronic cigarettes. ECITA expects that there will be some consolidation of the market as consumers become savvier and only larger e-cigarette producers will be work with supermarkets as regular suppliers.

ECITA stated that statistics show that the proportion of users under 20 is low but they cannot exclude that young people or minors might use the products, although the comparatively high start-up costs, together with a lack of peer pressure would make this unlikely. Although there is currently no age-restriction, ECITA would like to see age-restrictions in place. ECITA insists that its members do not sell to minors or target minors in their marketing.

### **Technical Aspects of e-cigarettes**

There are three components to e-cigarettes: an atomiser, a battery and a switch. These often take the form of a cigarette but do come in many different shapes and sizes (for example pipe, cigar or custom/mods). These products are covered under the General Product Safety regulation but there are many different regulations pertaining to the different components of e-cigarettes. According to ECITA these rules are sufficient to ensure product safety, but they currently lack adequate enforcement and unfortunately many non-compliant products are sold on the market by non-ECITA members.

The hardware for e-cigarettes is mainly manufactured in China (due to cost) but the manufacture of e-cigarette liquid in the US and EU is increasing (higher product safety concerns). Consumers are able to create their own blends of liquids by combining nicotine liquid, dilutants and flavourings (DIY). Pharmaceutical-grade nicotine exists in concentrations of 0.5 to 5.4%, but Member States have different rules in place as regards the maximum level allowed (France 2% and UK 7,5%). There are more than 200 different flavours that can be used in electronic cigarettes/cigars/mods.

### **E-cigarettes and the TPD**

ECITA does not consider that e-cigarettes are tobacco products (even if the nicotine is retrieved from tobacco plants, as is all pharmaceutical nicotine) and should consequently not be regulated as such. The regulatory framework for tobacco products is very different to other consumer products and the affordability and available of e-cigarettes would be strongly affected if classified and taxed as tobacco products. They could no longer be an attractive safer alternative to cigarettes.

ECITA mentioned that there is currently a lot of misinformation regarding e-cigarettes because they are novel products. One example is reports in the press that the nicotine concentrations are much higher than those actually used by e-cigarette users.

ECITA stressed that e-cigarettes should neither be treated as medicinal products nor as reduced harm tobacco product subjected to a special authorisation procedure. ECITA knows of only one company that has applied for authorisation as a medicine in the UK but their application is still pending. They stressed that authorisation as a medicine would fundamentally change the characteristics of e-cigarettes, for example in regards to dosing and flavouring.

In ECITA's opinion e-cigarettes should be regulated as consumer products under the General Product Safety Directive and other pre-existing legislation.

The Commission underlined that in the context of the ongoing impact assessment the Commission has, at this stage adopted no final position. The impact of all options on stakeholders is being analysed.