

The Standing Committee of European Doctors (CPME) represents national medical associations across Europe. We are committed to contributing the medical profession's point of view to EU and European policy-making through pro-active cooperation on a wide range of health and healthcare related issues.

### CPME Response to the European Commission public consultation on the evaluation of the legislative framework for tobacco control

On 13 April 2023, the CPME Board adopted the 'CPME Response to the European Commission public consultation on the evaluation of the legislative framework for tobacco control' (CPME 2023/049).

# Public Consultation on the Evaluation of the Legislative Framework for Tobacco Control

Fields marked with \* are mandatory.

### Introduction

Thank you for participating to this Public Consultation. The objective of this questionnaire is to collect stakeholders perceptions on the current legislative framework for Tobacco Control in the EU, including the assessment of <u>Tobacco Product Directive</u>, <u>Tobacco Advertising Directive</u>, and the relevant WHO Framework Convention on Tobacco Control.

As mentioned on the <u>Have your say webpage for this initiative</u>, this Public Consultation is part of the broader Evaluation of the legislative framework for tobacco control. The evaluation covers product regulation, advertisement, promotion, and sponsorship, in the broader context of related tobacco control policies. The goal is to evaluate the extent to which the framework has fulfilled its established goals and objectives.

The approximate time needed to complete this questionnaire ranges from 30 to 45 minutes. We thank you in advance for your interest.

When carrying out the consultation activities, the following terms will be employed: **Traditional tobacco products** include:

- Cigarettes
- Cigars
- Cigarillos
- Pipe tobacco
- Waterpipe tobacco
- Roll-your-own tobacco
- Chewing tobacco
- Nasal tobacco

For the purpose of this questionnaire, **Emerging products** include:

- Heated Tobacco Products (HTPs)
- E-cigarettes and refill containers (both nicotine containing and nicotine-free)
- Nicotine pouches (contain tobacco-derivated or synthetic nicotine and other flavouring agents. They are placed in the mouth next to the gums, usually behind the lip)
- Heated herbal products (heated herbal sticks, i.e., tobacco-free, nicotine-free and tar-free herbal cigarettes coming with vape pens which resemble those used for heated tobacco products).

**Herbal products for smoking** refer to a product based on plants, herbs or fruits which contains no tobacco and can be consumed via a combustion process.

**Nicotine Replacement Therapies** (NRTs) refer to nicotine products other than electronic cigarettes which include, for example, nicotine chewing gums, nicotine sprays, nicotine inhalators, nicotine patches, nicotine sublingual tablets and nicotine lozenges.

### About you

\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

#### \* First name

#### \*Surname

### \* Email (this won't be published)

#### \*Organisation name

255 character(s) maximum

The Standing Committee of European Doctors (CPME)

### \*Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

#### Transparency register number

#### 255 character(s) maximum

Check if your organisation is on the <u>transparency register</u>. It's a voluntary database for organisations seeking to influence EU decision-making.

### \* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

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0	Åland Islands	0	Dominica	0	Liechtenstein	۲	Saint Pierre and
							Miquelon
0	Albania	0	Dominican	0	Lithuania	۲	Saint Vincent
			Republic				and the
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							Príncipe
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Belgium	Germany	Montenegro	Spain
Belize	Ghana	Montserrat	Sri Lanka
Benin	Gibraltar	Morocco	Sudan
Bermuda	Greece	Mozambique	Suriname
Bhutan	Greenland	Myanmar/Burma	a <sup>©</sup> Svalbard and
			Jan Mayen
Bolivia	Grenada	Namibia	Sweden
Bonaire Saint	Guadeloupe	Nauru	Switzerland
Eustatius and			
Saba			
Bosnia and	Guam	Nepal	Syria
Herzegovina			
Botswana	Guatemala	Netherlands	Taiwan
Bouvet Island	Guernsey	New Caledonia	Tajikistan
Brazil	Guinea	New Zealand	Tanzania
British Indian	Guinea-Bissau	Nicaragua	Thailand
Ocean Territory		C C	
British Virgin	Guyana	Niger	The Gambia
Islands		0	
Brunei	Haiti	Nigeria	Timor-Leste
Bulgaria	Heard Island and	d <sup>©</sup> Niue	Togo
	McDonald Island	ds	
Burkina Faso	Honduras	Norfolk Island	Tokelau
Burundi	Hong Kong	Northern	Tonga
		Mariana Islands	_
Cambodia	Hungary	North Korea	Trinidad and
			Tobago
Cameroon	Iceland	North Macedoni	a <sup>©</sup> Tunisia
Canada	India	Norway	Turkey
Cape Verde	Indonesia	Oman	Turkmenistan
© Cayman Islands	Iran	Pakistan	Turks and
,			Caicos Islands
Central African	Iraq	Palau	Tuvalu
Republic			
Chad	Ireland	Palestine	Uganda
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Chile	Isle of Man	Panama Ukraine
China	Israel	Papua New United Arab
		Guinea Emirates
Christmas Island	Italy	Paraguay Dited Kingdom
Clipperton	Jamaica	Peru  Vnited States
Cocos (Keeling)	Japan	Philippines United States
Islands		Minor Outlying
	_	Islands
Colombia	Jersey	Pitcairn Islands Uruguay
Comoros	Jordan	Poland US Virgin Islands
Congo	Kazakhstan	Portugal Uzbekistan
Cook Islands	Kenya	Puerto Rico Vanuatu
Costa Rica	Kiribati	Qatar Vatican City
Côte d'Ivoire	Kosovo	Réunion Venezuela
Croatia	Kuwait	Romania Vietnam
Cuba	Kyrgyzstan	Russia Wallis and
		Futuna
Curaçao	Laos	Rwanda Western Sahara
Cyprus	Latvia	Saint Barthélemy Semen
Czechia	Lebanon	Saint Helena Zambia
		Ascension and
		Tristan da Cunha
Democratic	Lesotho	Saint Kitts and Simbabwe
Republic of the		Nevis
Congo		
Denmark	Liberia	Saint Lucia

# \* Have the answers you are providing been officially approved on behalf of your organisation?

- Yes, they have been approved on behalf of the organisation I represent
- No, they are my individual opinions according with my personal knowledge

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. Fo r the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.

Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

### Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

### Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the personal data protection provisions

### Awareness

### \* How familiar are you with the Tobacco Control Legislative Framework across the EU?

- I am an expert (e.g., TPD, TAD, and relevant WHO FCTC Articles)
- I am familiar (e.g., TPD, TAD, and relevant FCTC Articles)
- I am somewhat familiar with certain elements (e.g., TPD, TAD, or relevant FCTC Articles)
- I have no knowledge

### \* What is your perception of Tobacco Control policies in the EU?

- There has been significant improvement in health protection
- There has been some improvement towards ensuring health protection
- There has not been any improvement in health protection
- Don't know/Can't answer

\* How familiar are you with the division of roles and competences between the EU and Member States in the field of Tobacco Control?

- I am aware of the allocation of competences between the EU and Member States, and I have sound understanding of the transposition requirements
- I am somewhat aware of the allocation of competences between the EU and Members, and/or I have a basic understanding of the transposition requirements
- I struggle to identify the differences between EU and Member States competences

### \* Do you have educational experience in any of the fields related to this study (public health, general medical field, tobacco control, etc.)?

- Yes
- No
- \* Are you a healthcare professional?
  - Yes
  - No

### Please, express your opinion on the following statements:

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	Don't know /Can't answer
* Public health objectives should take priority over economic interests whenever possible	0	0	0	O	۲	0
* There is no such thing as "overregulation" in tobacco control	0	0	0	0	۲	0
* EU-level rules on Tobacco Control are essential to ensure that public health objectives are met	0	0	O	O	۲	0
* Emerging products represent a major public health risk due to their addictive nature and their impacts on human health	0	0	0	O	۲	0
* Emerging products can help smokers quit	۲	0	0	0	O	0
* Differences amongst Member States' implementation of tobacco control rules may lead to public health inequities	0	0	0	0	۲	0
* The gaps in the present Tobacco Control Legislative Framework resulted in ineffective and inefficient regulations	0	0	0	0	۲	0

Part I. Tobacco Products Directive (TPD)

# To what extent do you believe the following TPD provisions were adequate to facilitate the smooth functioning of the internal market?

	Very inadequate	Inadequate	Neither adequate or inadequate	Adequate	Very adequate	Don't Know/ Can't answer
* Establishing limits on the emissions of tar, nicotine and carbon monoxide from cigarettes	0	O	0	0	۲	۲
* Banning characterising flavours in cigarettes and roll-your-own tobacco	0	۲	0	0	۲	0
* Setting mandatory combined health warnings and establishing labelling obligations	O	O	0	O	۲	۲
<ul> <li>Harmonising and standardising packaging rules</li> </ul>	۲	۲	0	۲	۲	0
* Banning product presentations that might encourage consumption, downplay health risks, and suggest reduced environmental impacts	0	O	0	0	۲	۲
<ul> <li>Prohibiting placing on the market of tobacco for oral use (except for Sweden)</li> </ul>	O	O	0	0	۲	۲
* Establishing an obligation to submit a notification of novel tobacco products	۲	۲	۲	۲	۲	0
* Setting the amount of the minimum units per package	۲	۲	۲	۲	۲	0
* Addressing tobacco illicit trade by enforcing an EU-wide traceability and security system	0	O	0	0	۲	۲
* Allowing Member States to prohibit cross-border distance sales of tobacco products to consumers	0	O	0	0	۲	0
* Setting mandatory requirements for retail outlets engaged in cross-border distance sales to operate an age verification system	0	0	0	0	۲	0

* Establishing an exemption from the ban on characterising flavours (applicable to cigarettes and roll-your-own tobacco) as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns of young people	۲	©	0	0	0	©
* Setting maximum nicotine concentration for nicotine containing-liquids	0	0	۲	۲	۲	0
<ul> <li>Regulating maximum volumes of refill containers and single-use cartridges /tanks</li> </ul>	O	O	0	O	۲	O
* Establishing reporting obligations for tobacco and related products	0	0	0	0	۲	0
* Not banning the use of individual additives that are related to characterising flavours	۲	O	0	O	O	۲
* Not harmonising additional aspects of electronic cigarettes or refill containers (e.g., adopting rules on flavours)	۲	0	0	0	0	۲
* Establishing a priority list of additives	0	0	۲	0	۲	0
<ul> <li>Prohibiting vitamins or other additives that create the impression that a tobacco product/e-cigarette has a health benefit or presents reduced health risks</li> </ul>	0	©	©	©	۲	©
* Prohibiting caffeine, taurine, or other additives and stimulant compounds that are associated with energy and vitality	O	0	O	O	۲	0
<ul> <li>Prohibiting additives having colouring properties for emissions</li> </ul>	$\bigcirc$	0	۲	۲	۲	0
* Prohibiting additives that facilitate inhalation or nicotine uptake	0	0	0	0	۲	0
* Prohibiting additives that have CMR properties in unburnt form	O	0	0	0	۲	0
* Establishing safety features for electronic cigarettes and refill containers such as high purity requirements, consistent dose delivery and, child- and tamper-proof requirements	0	O	0	0	۲	O

# Considering the following TPD provisions, were they adequate to ensure a high level of protection of human health in the EU?

	Very inadequate	Inadequate	Neither adequate or inadequate	Adequate	Very adequate	Don't Know/ Can't answer
* Establishing limits on the emissions of tar, nicotine, and carbon monoxide from cigarettes	0	0	0	۲	0	۲
* Banning characterising flavours in cigarettes and roll-your-own tobacco	0	0	0	۲	0	0
* Setting mandatory combined health warnings and establishing labelling obligations	0	0	0	۲	0	O
* Harmonising and standardising packaging rules	0	0	0	۲	0	0
* Banning product presentations that might encourage consumption, downplay health risks, and suggest reduced environmental impacts	0	0	0	۲	0	۲
* Prohibiting placing on the market of tobacco for oral use (except for Sweden)	0	0	0	۲	0	0
* Establishing an obligation to submit a notification of novel tobacco products	۲	۲	۲	۲	0	0
* Setting the amount of the minimum units per package	۲	۲	۲	۲	0	0
* Addressing tobacco illicit trade by enforcing an EU-wide traceability and security system	0	0	0	۲	0	۲
* Allowing Member States to prohibit cross-border distance sales of tobacco products to consumers	0	0	0	۲	0	۲
* Setting mandatory requirements for retail outlets engaged in cross-border distance sales to operate an age verification system	0	0	0	۲	0	0

* Establishing an exemption from the ban on characterising flavours (applicable to cigarettes and roll-your-own tobacco) as long as there is no substantial change of circumstances in terms of sales volumes or consumption patterns of young people	۲	0	0	0	0	0
* Setting maximum nicotine concentration for nicotine containing-liquids	$\bigcirc$	0	0	۲	۲	0
<ul> <li>Regulating maximum volumes of refill containers and single-use cartridges /tanks</li> </ul>	0	O	O	۲	O	0
* Establishing reporting obligations for tobacco and related products	0	0	۲	0	0	0
* Not banning the use of individual additives that are related to characterising flavours	۲	0	0	0	0	۲
* Not harmonising additional aspects of e-cigarettes or refill containers (e.g., adopting rules on flavours)	۲	0	0	0	0	0
* Establishing a priority list of additives	0	۲	0	۲	۲	0
* Prohibiting vitamins or other additives that create the impression that a tobacco product/e-cigarette has a health benefit or presents reduced health risks	0	©	©	۲	0	O
* Prohibiting caffeine, taurine, or other additives and stimulant compounds that are associated with energy and vitality	0	O	O	۲	O	۲
* Prohibiting additives having colouring properties for emissions	0	۲	0	۲	۲	0
* Prohibiting additives that facilitate inhalation or nicotine uptake	O	0	0	۲	0	0
* Prohibiting additives that have CMR properties in unburnt form	O	0	O	۲	0	0
* Establishing safety features for e-cigarettes and refill containers such as high purity requirements, consistent dose delivery, and child- and tamper-proof requirements	0	0	0	0	0	۲

## Were the following TPD provisions capable of addressing recent market developments (e.g., emerging products and innovative technical features)?

	Not at all	To a limited extent	To some extent	Completely	Don't Know/ Can't answer
<ul> <li>Overall definitions of tobacco and related products</li> </ul>	0	۲	0	0	0
<ul> <li>Maximum emission levels of tar, nicotine and carbon monoxide</li> </ul>	0	0	۲	0	0
* Measurement methods	۲	0	0	0	۲
<ul> <li>Ingredients and emissions reporting obligations</li> </ul>	۲	0	۲	0	٢
<ul> <li>A priority list of additives and enhanced reporting obligations</li> </ul>	۲	0	۲	0	0
* Regulation of ingredients	0	0	۲	0	0
* Ban on characterising flavours (applicable to cigarettes and roll-your-own tobacco)	۲	0	۲	0	0
* Labelling and packaging of tobacco products	0	0	۲	0	0
* Traceability and security features	0	0	۲	0	0
* Product presentation, appearance, and content of unit packets	0	۲	0	۲	۲
* Cross-border distance sales	0	۲	0	۲	0
* Notification of tobacco and related products	۲	0	۲	۲	0

# Considering the TPD, please rate each of the below product categories according to the level of threat they pose to the public health, particularly among young people.

	Not a threat at all	Somewhat a threat	Threatening	Very threatening	Don't Know/ Can't answer
* E-cigarettes	0	0	0	۲	0
<ul> <li>Heated tobacco products</li> </ul>	0	0	0	۲	0
* Waterpipe tobacco	0	0	0	۲	0
* Nicotine pouches	0	0	0	۲	0

* Heated herbal products	O	0	O	۲	0
<ul> <li>Nicotine-free e- cigarettes</li> </ul>	0	0	0	۲	0
Other(s), please specify below	O	0	O	۲	0

### \* If other(s), please specify.

20 character(s) maximum

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# To what extent do you believe the use of the following products will continue increasing in the next 10 years?

	It will increase	It will remain stable	It will decrease	Don't know/Can't answer
* E-cigarettes	۲	0	0	0
<ul> <li>Heated tobacco products</li> </ul>	۲	0	0	0
* Waterpipe tobacco	۲	0	0	$\bigcirc$
* Nicotine pouches	۲	0	۲	0
* Heated herbal products	۲	۲	۲	0
<ul> <li>Nicotine-free e- cigarettes</li> </ul>	۲	0	0	0
Other, please specify below	0	0	0	0

# \* Which of the following products do you think young people are most attracted to? (Multiple options)

at most 3 choice(s)

- Traditional tobacco products
- Heated Tobacco Products
- E-cigarettes
- Nicotine pouches
- Herbal products for smoking
- Heated herbal products
- Other, please specify below
- Don't know/Can't answer

\* As far as TPD Article 7(12) is concerned, do you believe that allowing an exemption of novel tobacco products from the ban on characterising flavours made these products more appealing to young people?

- Not at all
- To a very limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

\* Do you believe consumers may view those tobacco products exempted according to TPD Article 11(1) from carrying the information message and the tobacco combined health warnings as more attractive and/or less harmful?

- Not at all
- To a very limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

### \* Do you believe the provisions of the TPD take into consideration the phenomenon of 'dual users' or 'multiple users'?

- Not at all
- To a very limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

### \* Do you think that Member States have put enough effort to achieve a timely and effective application of the relevant TPD provisions?

- Not at all
- To a very limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

### Was there any type of support available in your Member State or other Member States to successfully apply the relevant TPD and national requirements?

at most 2 choice(s)

- It was available it my Member State
- It was available in other Member States
- It was not available in my Member State
- It was not available in other Member States
- Don't know/ Can't answer

### \* Did you receive specific support to successfully apply the relevant TPD provisions from your Member State?

- Not at all
- To a limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

### To what extent do you believe the following issues related to cross-border distance sales might hinder the effectiveness of the related TPD provision?

	Not at all	To a very limited extent	They might be to some extent challenging	They are extremely challenging	Don't know /Can't answer
* Emergence of unregistered retailers	$\bigcirc$	0	0	0	۲
<ul> <li>Retailers selling non-compliant or banned products in the country were the delivery takes place</li> </ul>	0	O	0	0	۲
* Unregistered retailers' websites	0	0	0	0	۲
* Age verification systems	0	0	0	0	۲

# Are the relevant provisions of the TPD flexible enough to address the following concerns?

	Not at all	To a very limited extent	Yes, to some extent	Yes, absolutely	Don't know /Can't answer
*					

Increasing use of emerging products amongst the younger generation		۲	0	0	0
<ul> <li>Unclear communication about emerging products' health risks</li> </ul>	0	۲	0	0	O
* Easy access to emerging products through online shopping	O	۲	0	0	0
* Safety concerns about e-cigarettes (i.e., device overheating and explosion)	0	۲	0	0	0
* The use of traditional tobacco products remains far too widespread	0	۲	O	O	0
* Illicit trade of tobacco and tobacco- related products	O	۲	0	0	0

### Have Member States implemented national tobacco control policies which go beyond the minimum requirements provided for in the TPD in the following areas?

	Not at all	To a very limited extent	Yes, to some extent	Yes, national policies go beyond minimum requirements	Don't know /Can't answer
<ul> <li>Ingredients and emissions reporting obligations</li> </ul>	0	0	0	0	۲
* Maximum emission levels	0	0	0	0	۲
*Labelling and packaging of tobacco products	0	0	0	۲	0
<ul> <li>Traceability and security features</li> </ul>	0	0	0	0	۲
* Oral tobacco ban	0	0	0	0	۲
<ul> <li>Cross-border distance sales of tobacco products</li> </ul>	0	0	۲	0	0
* Notification of novel tobacco products	0	0	0	0	۲
* Regulation of e- cigarettes	0	0	۲	0	0
* Regulation of herbal products for smoking	0	0	0	0	۲

۲

 $\bigcirc$ 

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# \* To what extent has the TPD empowered Member States to deal with new market developments (e.g., emerging products and innovative technical features)?

 $\bigcirc$ 

Please choose the most correct.

- Member States are and will be able to address all new market developments with no challenges
- Member States can currently address most new market developments but some challenges are experienced/foreseen
- Member States can address some new market developments through national legislation, but face challenges, which are likely to get worse
- Member States are not able to address most new market developments and do not feel empowered to do so
- Don't know/Can't answer

# Is the TPD coherent with other applicable EU legislation relevant for tobacco control?

	Completely incoherent	Somewhat incoherent	Somewhat coherent	Completely coherent	Don't know/ Can't answer
<ul> <li>The Tobacco Advertisement Directive (TAD)</li> </ul>	0	0	۲	O	0
* The Council Recommendation on Smoke-Free environments	0	0	۲	O	0
* The Single-Use plastics directive	O	0	۲	O	0
<ul> <li>The audio-visual media services Directive</li> </ul>	0	0	۲	0	0
* The Tobacco Taxation Directive	0	0	۲	0	0
* Market surveillance regulation	0	۲	۲	۲	۲
* The Regulation for Classification, Labelling and Packaging (CLP)	0	0	0	0	۲
<ul> <li>General Product Safety</li> <li>Directive</li> </ul>	0	0	O	O	۲
*					

Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	0	0	۲	0	۲
Other, please specify	0	0	0	0	۲

### \* If other, please specify.

20	character(s) maximum		

# \* Do you perceive that any of the relevant TPD provisions overlap with each other?

- Not at all
- To a very limited extent
- Yes, to some extent
- <sup>©</sup> Yes, absolutely
- Don't know/Can't answer

Part II. Tobacco Advertisement Directive (TAD) + TPD art. 20(5)

# Were the following provisions of the TAD and of TPD Article 20(5) effective to ensure a high level of human health protection in the EU?

	Not at all	To a very limited extent	Yes, they were to some extent	Yes, they were effective	Don't know /Can't answer
* Definition of tobacco products	۲	0	۲	0	0
* Definition of e-cigarettes and refill containers	0	۲	0	0	0
* Definition of advertising	0	0	0	۲	0
* Definition of sponsorship	0	0	0	۲	0
* Definition of information society services	0	۲	0	0	0
<ul> <li>Ban on the advertising of tobacco products in the press and on all other non-professional printed publications</li> </ul>	0	O	O	۲	O
* Ban on advertisement of tobacco products in information society services	۲	0	۲	0	0
* Ban on all radio advertisement of tobacco products	0	0	0	۲	0

* Ban on the sponsorship of radio programmes by tobacco sellers or manufacturers	O	O	0	۲	۲
* Ban on the sponsorship of tobacco products in events taking place in several member states	0	O	۲	O	0
* Ban on the sponsorship of tobacco products in events having cross-border effects	O	O	۲	O	۲
* Ban on the free distribution of tobacco products at events	O	O	0	۲	۲
* Ban on the advertisement of e-cigarettes and refill containers in the press and on all other non- professional printed publications	0	0	۲	0	0
* Ban on the advertisement of e-cigarettes and refill containers in information society services	O	0	۲	0	۲
* Ban on the direct or indirect radio advertisement of e-cigarettes and refill containers	0	0	0	۲	0
* Ban on private or public contributions to radio programmes with direct or indirect promotion of e- cigarettes and refill containers	0	0	0	۲	0
* Complete ban on direct or indirect promotion of e- cigarettes and refill containers in events taking place in several Member States or having cross- border effects	0	O	۲	©	©

# Do you think the TAD and TPD article 20(5) are still relevant to deal with the following developments?

	Not relevant all	Somehow relevant	Relevant	Very relevant	Don't know /Can't answer
* Advertising, promotion, and sponsorship of emerging products	0	0	0	۲	0
* Advertising, promotion, and sponsorship on social media	0	0	0	۲	0

Considering the TAD and TPD art. 20(5), please rate each of the below product categories according to the level of threat they posed to the relevance of advertisement legislation, particularly their effect on young people.

	Not a threat at all	Somewhat a threat	Threatening	Very threatening	Don't Know/ Can't answer

* E-cigarettes				۲	
<ul> <li>Heated tobacco products</li> </ul>	O	O	0	۲	0
* Nicotine pouches	0	0	0	۲	0
<ul> <li>Heated herbal products</li> </ul>	0	O	0	۲	0
<ul> <li>Nicotine-free e- cigarettes</li> </ul>	0	0	0	۲	0
Other, please specify below	0	0	0	0	0
* Waterpipe tobacco	0	0	0	۲	0

# Is the TAD coherent with other applicable EU legislation relevant for tobacco control?

	Completely incoherent	Somewhat incoherent	Somewhat coherent	Completely coherent	Don't know/ Can't answer
* The Tobacco Products Directive (TPD)	0	0	۲	0	0
* The Council Recommendation on Smoke-Free environments	0	0	۲	0	0
* The Single-Use plastics directive	0	0	۲	0	0
* The audio-visual media services Directive	0	0	۲	0	0
* The Tobacco Taxation Directive	0	0	۲	0	0
* Market surveillance regulation	0	0	۲	0	۲
* The Regulation for Classification, Labelling and Packaging (CLP)	0	0	0	0	۲
<ul> <li>General Product Safety</li> <li>Directive</li> </ul>	0	0	0	0	۲
* Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)	0	0	۲	0	0
Other, please specify below	0	0	0	0	0

# \*To what extent have the TAD and TPD art. 20(5) empowered Member States to deal with new market developments?

Please choose the most correct.

- Member States are and will be able address all new market developments with no challenges
- Member States can currently address most new market developments, but some challenges are experienced/foreseen
- Member States can address some new market developments through national legislation, but face challenges, which are likely to get worse
- Member States are not able to address most new market developments and do not feel empowered to do so
- Don't know/Can't answer

# \* Do any of the relevant TAD provisions or TPD Article 20(5) overlap with each other?

- Not at all
- To a very limited extent
- Yes, to some extent
- Yes, absolutely
- Don't know/Can't answer

Part III. Other relevant policies and overall coherence

# To what extent have Member States implemented national tobacco control policies which support the following objectives of the WHO FCTC (beyond TPD and TAD requirements)?

	Not at all	To a very limited extent	To some extent	National policies perfectly fit the FCTC's objectives	Don't know /Can't answer
* Regulating sales arrangements including tobacco vending machines, points of sale, and cross- border distance sale of tobacco	0	۲	0	0	0
<ul> <li>Promoting and strengthening public awareness of tobacco control issues by adopting and implementing appropriate measures</li> </ul>	0	0	۲	0	O
*					

Developing and disseminating guidelines based on scientific evidence and best practices and taking measures to promote cessation of tobacco use and adequate treatment for tobacco dependence	O	0	۲	0	٢
* Protecting the environment and the health of the persons in relation to the environment with respect to tobacco cultivation and manufacture	۲	O	0	0	0
* Developing and promoting national research and coordinating research programmes in the field of tobacco control	0	0	۲	0	O
Other, please specify below	۲	O	0	0	۲

# \* How severe do you perceive the fragmentation of national and EU regulations on tobacco control?

- Not at all
- To a very limited extent
- To some extent
- They are severely fragmented
- Don't know/Can't answer

### Which sales channel do you consider to be problematic for age verification regulations?

	Traditional tobacco products	E- cigarettes	Heated Tobacco Products	Nicotine pouches	Herbal products for smoking	Heated herbal products	Don't know/Can' t answer
* In-person purchases	V						
* Vending machines			$\checkmark$			$\checkmark$	
* Cross-border distance sales	V						
* Domestic distance sales	V						

### \* Do you consider that young people have easy access to tobacco and related products?

Yes<sup>®</sup> No<sup>®</sup> Don't know/Can't answer

### \* Amongst the following products, which one do you consider too easily accessible for young people?

Choose up to three options.

at most 3 choice(s)

- Traditional tobacco products
- E-cigarettes
- Heated Tobacco Products
- Nicotine pouches
- Herbal products for smoking
- Heated herbal products
- Don't know/Can't answer

### Do you consider the sale of the following product categories should have been banned at the following locations?

	Near schools	Concerts /festivals	Bars and restaurants	Supermarkets	Vending machines	Don't know/Can't answer
* Traditional tobacco Products						
* Heated Tobacco Products	<b>V</b>				$\checkmark$	
* E-cigarettes	V	$\checkmark$		V	$\checkmark$	
* Nicotine pouches		$\checkmark$		V	$\checkmark$	
<ul> <li>Herbal products for smoking</li> </ul>	<b>V</b>					
* Heated herbal products	V	V		V	$\checkmark$	

# Do you think visibility at points of sale for the following products should have been restricted, if not already?

	No, the established restrictions were enough	Yes, stricter rules were necessary	Don't know/Can' t answer
<ul> <li>Traditional tobacco products</li> </ul>	0	۲	0
<ul> <li>Heated Tobacco Products</li> </ul>	0	۲	0
* E-cigarettes	0	۲	0
* Nicotine pouches	0	۲	0
<ul> <li>Herbal products for smoking</li> </ul>	0	۲	0
<ul> <li>Heated herbal products</li> </ul>	0	۲	0
Other, please specify below	0	0	0

### \* Do you consider adequate public awareness campaigns and actions about tobacco control, including the risks associated with tobacco and nicotine use?

Yes<sup>®</sup> No<sup>®</sup> Don't know/Can't answer

#### \* How important are the role of NGOs in public awareness campaigns?

- Not important (Member States can conduct them on their own)
- Somehow important
- Important
- Very important (Essential)
- Don't know/Can't answer

#### \* Do NGOs receive public funding to carry out their awareness campaigns?

- NGOs do not receive funding for conducting public awareness campaigns in any Member State
- They receive public funding for these in less than half of the Member States
- They receive public funding for these in half or more of the Member States
- They receive public funding to carry out awareness campaigns in all Member States

# What is the level of concern regarding each of the following environmental consequences from tobacco and related products?

	Not concerned	Somehow concerned	Concerned	Very concerned	Don't know/ Can't answer
* Environmental implications of tobacco cultivation (e.g., deforestation, water, soil depletion, etc.)	0	0	0	۲	0
* Occupational hazards arising from the production of tobacco products	0	0	0	۲	0
* Air pollution	0	0	0	۲	0
* Single plastic waste resulting from the disposal of tobacco products	0	0	0	۲	0
<ul> <li>Environmental hazards arising from the disposal of electronic devices</li> </ul>	0	0	0	۲	0
Other, please specify below	0	0	0	0	0

### Do you consider the current legislation to be able to adapt to market developments in the following sustainability terms?

	Yes	No	Don't know/ Can't answer
* In terms of economic sustainability	0	۲	0
* In terms of social sustainability	0	۲	0
* In terms of environmental sustainability	0	۲	0

\* Do you believe that the fragmentation and choice of legal instruments (e.g., a Directive in the case of TPD and TAD) of the current EU tobacco control framework was the most appropriate legal mechanism to achieve the overarching goal of a high level of health protection?

Not at all

- To a very limited extent
- Yes, to some extent
- Yes, it is the best policy instrument
- Don't know/Can't answer

#### (Optional) Is there a final comment you want to share?

500 character(s) maximum

### (Optional) Feel free to upload a document in support of any of you replies.

Only files of the type pdf,doc,docx,odt,txt,rtf are allowed

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