



## **BFTG CONTRIBUTION TO THE CALL FOR EVIDENCE**

### **Revision of EU Rules on Tobacco Products and Tobacco Advertising**

The Bündnis für Tabakfreien Genuss (BfTG) welcomes the European Commission's evaluation of the current tobacco control framework and the opportunity to contribute to the revision of the Tobacco Products Directive (TPD) and related legislation.

Over the past decade, the Tobacco Products Directive has established a harmonised regulatory framework for electronic cigarettes across the European Union. The existing framework provides common standards on product safety, ingredient reporting, packaging, labelling and market surveillance, while supporting the free movement of compliant products within the Internal Market.

As the Commission considers possible revisions, BfTG believes that future legislation should build upon the strengths of the current framework and avoid measures that would undermine the availability of regulated alternatives to smoking for adult smokers.

In particular, the revised framework should:

- preserve a harmonised, proportionate and science-based regulatory framework for vaping products across the European Union;
- recognise the significantly different risk profile of non-combustible nicotine products compared with combustible tobacco products;
- support adult smokers' access to regulated vaping products as less harmful alternatives to smoking;
- recognise the important role of flavours in helping adult smokers switch away from cigarettes;
- avoid unintended regulatory consequences, particularly in the areas of consumer and youth protection, SMEs and the illicit trade;
- strengthen enforcement against illicit and non-compliant products while protecting legitimate businesses operating within the legal framework.

## **Internal Market, SMEs and Employment**

The primary objective of the revision should remain the proper functioning of the Internal Market while ensuring a high level of health protection.

The European vaping sector is largely composed of independent small and medium-sized enterprises. In Germany alone, the sector consists of approximately 3,000 companies - most of them SMES - and supports around 15,000 jobs across manufacturing, wholesale, distribution and retail.

These businesses have invested significantly in compliance with the existing TPD framework. Regulatory stability and legal certainty are therefore essential to maintain investment, innovation and employment.

BfTG believes that future legislative proposals should be subject to a comprehensive assessment of their impact on SMEs, employment and market functioning. Disproportionate restrictions, excessive compliance burdens or legal uncertainty risk weakening compliant businesses while strengthening illicit markets.

The [European Anti-Fraud Office](#) (OLAF) confirms that “the illicit trade in tobacco and e-cigarettes is a serious and growing threat to public health and public finances.” The Commission should therefore focus on improving enforcement against non-compliant products rather than introducing additional restrictions on products that already comply with existing EU rules.

## **Harm Reduction and Public Health**

BfTG supports the objectives of reducing smoking prevalence, protecting public health and preventing youth uptake.

At the same time, tobacco control policy should recognise the growing body of scientific evidence demonstrating that vaping products differ fundamentally from combustible cigarettes because they do not involve tobacco combustion, which is responsible for the vast majority of smoking-related diseases.

The European Commission’s own evaluation of the EU tobacco control framework acknowledges that replacing conventional cigarette smoking with e-cigarettes is likely to reduce the overall risk of adverse health effects when products comply with appropriate standards and are used as intended.

This distinction should be reflected in future regulation.

Germany continues to face a smoking prevalence that has remained largely unchanged for many years. In this context, regulated vaping products can play an important role for adult smokers who would otherwise continue smoking. According to [Special Eurobarometer 539](#) (2024), 92 percent of consumers in Germany start with a tobacco product, while only 2 percent start with an e-cigarette. Tobacco should therefore remain the focus of regulation.

The revised framework should therefore preserve adult smokers' access to regulated vaping products and ensure that consumers can receive accurate, factual and science-based information regarding the relative risks of different nicotine products.

## **Flavours and Adult Smokers**

BfTG fully supports strong measures to prevent youth access to nicotine products.

However, youth protection and smoking reduction objectives should not be treated as mutually exclusive.

A substantial body of evidence indicates that flavours play an important role in helping adult smokers transition away from cigarettes. For many former smokers, non-tobacco flavours are a key factor in maintaining abstinence from smoking and preventing relapse.

For this reason, BfTG does not support blanket flavour bans.

Such measures fail to distinguish between products intended for adult smokers and practices that may appeal to minors. They also risk making regulated vaping products less attractive to adult smokers while increasing demand for unregulated products.

Instead, policymakers should focus on targeted and enforceable measures addressing marketing, packaging and product presentation that are clearly aimed at minors.

## **Illicit Trade and Market Distortions**

The experience in several European countries demonstrates that excessive restrictions on vaping products can lead to significant unintended consequences. The Netherlands is a current example: according to the Dutch government, the black market has grown to [87 percent within a few years](#).

Germany has already witnessed substantial growth in illicit trade. Industry estimates suggest that the illegal vaping market now accounts for a significant share of 40 percent of overall consumption. Consumers purchasing products outside the regulated market are not protected by age-verification systems, product notification requirements, quality standards or market surveillance mechanisms.

Future EU legislation should therefore carefully assess the potential impact of regulatory measures on illicit trade and consumer behaviour.

A well-functioning regulatory framework should encourage consumers to remain within the legal market while ensuring effective enforcement against illegal products.

## **Conclusion**

BfTG supports a revision of the EU tobacco control framework that is evidence-based, proportionate and aligned with the principles of better regulation.

The revised framework should:

- maintain a harmonised Internal Market for vaping products;
- recognise the differentiated risk profile of non-combustible products;
- preserve adult smokers' access to regulated alternatives to cigarettes;
- maintain the availability of flavours for adult smokers;
- strengthen enforcement against illicit and non-compliant products;
- protect SMEs, employment and innovation within the independent European vaping sector.

By adopting a balanced and evidence-based approach, the European Union can simultaneously advance public health objectives, protect young people and support smoking reduction among adult smokers.

### **About the BfTG**

The BfTG has been representing small and medium-sized companies in the German e-cigarette industry since 2015. It represents around three quarters of the market and operates absolutely independently of the tobacco industry. In doing so, it advocates a factual dialogue on necessary regulations as well as the health and economic policy potential of the e-cigarette. Its members include well-known liquid and hardware manufacturers as well as wholesalers and retailers from all over Germany. We remain available anytime for any further questions or comments you may have:

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