



Comment to the All Party Parliamentary Group for Vaping  
UK Parliament

### **BEYOND THE TPD - SMOKE FREE 2030**

Submitted 27 May 2021 by  
The International Network of Nicotine Consumer Organisations (INNCO)

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INNCO is a global non-profit organization that supports the rights and well-being of People Who Use Safer Nicotine (PWUSN). INNCO represents people, consumers; it does not accept funding from the vape or tobacco industries. We are 40 Member Organizations in 35 countries.

- Toxic tobacco products are, today, the world's leading cause of preventable non-communicable diseases (NCDs) including cancer, heart and lung disease.
- INNCO applauds APPG's position on safer nicotine alternatives to toxic tobacco, and its request for input from adults who use these products.
- The government of Great Britain is courageous in its evidence-based support for nicotine vaping for adult smokers; the UK is a shining example to the world.
- Many countries, and otherwise respected public health organizations in the world, remain sceptical or even dogmatically opposed to tobacco harm reduction.
- The UK's exit from the EU is now an opportunity to reject many of the counterproductive EU tobacco control policies including (a) arbitrary caps on vape liquid nicotine levels and bottle sizes and (b) the ban on snus. Those policies reduce smoking cessation rates.
- We recommend that the UK public health system should continue to recommend nicotine vape products to help adult smokers quit; and we recommend the government add snus and tobacco-free nicotine pouches to official smoking cessation recommendations.
- The UK government should pay close attention to the upcoming November 2021 COP9 meeting of the Framework Convention on Tobacco Control.
- This will be the first time that the UK has a completely independent voice in that key global tobacco control event.
- We urge the UK government to select delegates to COP9 with care, including at least one respected tobacco control scientist and at least one well-informed PWUSN.
- The UK delegation to COP9 should convey a forceful evidence-based and human rights-based message at COP9; in addition, every effort should be made to reach out to, and coordinate with, delegates from other like-minded countries prior to COP9.
- We note that People Who Use Safer Nicotine have been excluded from Observer Status in all previous COP events, and that silencing the voices of the very people who are affected by FCTC policy recommendations represents a fundamental violation of our human rights.

- The FCTC Secretariat's current position is that all advocates for tobacco harm reduction represent "industry influence"; this denies the obvious problem that 98 million people use safer nicotine alternatives to the tobacco industry's toxic products; PWUSN have lived experience including improved health; we are now fighting to save our own lives and a billion more (WHO's estimate for how many people will die from toxic tobacco this century).
- Just as People Living with HIV/AIDS (PLWHA) should not be excluded from policy discussions that affect them, PWUSN should not be excluded from policy discussions that affect us.
- Finally, we recommend the UK Department for International Development (DFID) and Foreign Office should open discussion with health and finance ministers in low- and middle-income countries (LMICs) on the subject of tobacco harm reduction, sharing evidence-based lessons learned from the UK public health system's embrace of tobacco harm reduction.  
NOTE: Many LMICs are now heavily influenced by a well-funded global campaign to reject tobacco harm reduction; this could cost millions of lives.

### Beyond the EU:

1. The European Commission published a report<sup>1</sup> on 20<sup>th</sup> May 2021, updating its opinion on how the Tobacco Products Directive (TPD) has performed, and signalling future directions. European vapers have been given cause for particular concern over threats to open systems and e-liquid flavour bans.

The report's recommendations exhibit:

- a) A naivety and lack of general understanding of the needs and preferences of individual e-cigarette users and the untapped wisdom of the broader vaping community.
- b) A failure to recognise the wide diversity of national regulations within the EU, their enforcement and effectiveness both in the European community and internationally, the vagaries of which contribute significantly to user behaviours and outcomes in each country.
- c) A dismal absence of consensus within scientific communities, public health bodies, governments, tobacco control and ultimately public perception.
- d) A paucity of hands-on practical familiarity with safer nicotine products.

States which adopt a moralistic and condemnatory stance on any form of nicotine use have a tendency to focus exclusively on negative outcomes and the detection of harm. This in turn informs the focus and direction of funding for both policy and biomedical research.

The SCHEER report relied heavily on studies emanating from the United States, many of which are riddled with tenuous correlations, causations claimed from correlations, extrapolated "harms" from cell culture or animal studies, and insubstantial conclusions which, in our opinion, provide an unbalanced framework upon which to base sound recommendations.

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<sup>1</sup> Report From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions on the application of Directive 2014/40/EU concerning the manufacture, presentation and sale of tobacco and related products - [COM/2021/249 final](#)

## **Your request for comments focused on three areas**

### **1. Assess the likelihood of England reaching its smoke-free 2030 target under existing regulations.**

If the UK continues to follow a pragmatic, informed and supportive approach to safer nicotine products together with innovative, person centred tobacco control measures - there is a fair likelihood of success. Brexit will enable the UK to adopt its own regulatory framework which, based on the recommendations of the SCHEER and the European Commission will be essential!

However, as signatories of the WHO FCTC, the UK will be under an obligation to consider and influence the recommendations proposed at the forthcoming conference of the parties (COP9) in November.

### **2. Assess the effectiveness of existing regulations concerning e-cigarettes; nicotine pouches; snus; heated tobacco products and other emerging types of nicotine alternatives.**

- We recommend that the UK public health system should continue to recommend nicotine vape products to help adult smokers quit, and incorporate snus and tobacco-free nicotine pouches into its official smoking cessation recommendations.
- The refusal of the EU Commission to countenance access to significantly reduced-risk smokeless oral nicotine products flies directly in the face of scientific evidence, particularly the “Swedish Experience” with snus. Because of snus, Sweden continues to enjoy both remarkably low smoking rates and one of the lowest rates of lung and oral cancer in Europe. To use the vernacular - it’s a no-brainer. With a health risk of between 95 - 98% lower than combustible tobacco, it makes absolutely no sense to deprive adult nicotine users of a significantly safer alternative. Choice is essential if the UK is to reach its 2030 target.
- Toxic tobacco products, both combustible and some forms of oral smokeless tobacco (particularly in Asian countries), are today the world's leading cause of preventable non-communicable diseases (NCDs) including cancer, heart and lung disease.

### **3. Identify potential legislative areas for development and divergence from EU law.**

1. The EU’s apparent intention to adopt recommendations from the SCHEER report and World Health Organization to prohibit the sale, import and manufacture of open tank systems is extraordinarily unwise. A wealth of national surveys and research confirm that ‘Open Tank’ refillable systems are preferred by approximately 72% of EU and UK vaping consumers, precisely because of their adaptability (temperature control, draw, variety and independent nicotine strength, and the wide interchangeability of parts including batteries).

Citing the need to “restrict device manipulation,” and inclusion of illicit substances is motivated by “it just stands to reason” fears that are not based on reported harms.

The UK should urgently consider increasing the current EU tank capacity limitation of 2ml to at least 4ml and preferably 5ml (however, it is completely unclear to us what the public health rationale for any tank capacity limit might be; if the intention of such limits was to reduce the risk of handling exposures, we note that users who need to refill tanks more often are likely to be exposed more). Current tanks have evolved to incorporate far more sophisticated opening/filling mechanisms that are even-more ‘child-proof’.

This restriction is raised repeatedly by users and producers alike. The restriction, under TPD, just adds to plastic waste, cost, more handling, and increased frustration by consumers.

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