

EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Health systems and products
Substances of human origin and Tobacco control

Brussels,
Sanco.ddg1.d.4/DS/mp (2014)212630

Dear Mr Bates,

Thank for your mail of 23 October 2013 addressed to Ms Joanna Darmanin and myself.

First of all, please accept our apologies for not having replied earlier. We felt that the main objective of your mail was to inform the Commission of your views on electronic cigarettes. But with hindsight a reply might have been appropriate.

We can confirm that we have read your mail with great interest and carefully considered your arguments at the time. Overall we also appreciate your active involvement in the debate on electronic cigarettes, even if we might not agree on a number of important points.

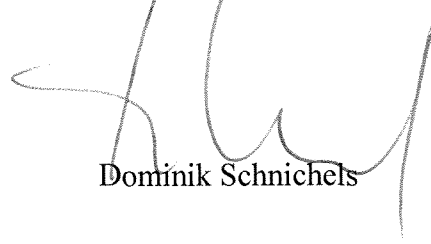
In your mail you suggested in particular that the Commission proposal for electronic cigarettes should be withdrawn and a new proposal should be tabled under the new Parliament after May 2014. You will have seen that the co-legislators preferred to go ahead with the trilogue negotiations, also on electronic cigarettes. From our perspective this decision is to be welcomed as the sector is in need of a more comprehensive/elaborated legislative framework.

In your email you also make a number of suggestions on what would be “elements of good regulation” for electronic cigarettes. When comparing the final outcome of the trilogue with your proposals we see a significant degree of convergence, in particular as regards product standards, labelling, accountability arrangements, safety assessments etc. In certain areas the final text agreed upon in the trilogue is even more lenient than your proposals (e.g. flavour legislation) or silent on certain matters, which are better regulated at national level (e.g. age limitations).

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The Commission's role in the trilogue process was to facilitate the negotiations, but we are content to say that we fully support the compromise reached between the co-legislators. As you are aware the final text still requires formal adoption by the European Parliament and the Council, which will hopefully be achieved during spring 2014. Once adopted, the Commission will carefully monitor the situation. In any event the right of initiative for the Commission to propose amendments to the legislative framework if this should be deemed necessary is of course maintained.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Schnichels', written over the printed name.

Dominik Schnichels