TPD implementation – maximising harm by going beyond the minimum

written by Clive Bates | 5 February 2016



Caption contest: the hills are alive with the sound of…

It's hard to keep up with the public health madness in Europe. Not content with creating the worst EU Directive ever made, laden with unintended consequences, many member states are now working hard on compounding their error by gold-plating the directive's wholly unjustified costs, burdens and limitations on e-cigarettes and smokeless tobacco with additional measures that go beyond the minimum.

Professor Gerry Stimson and I have made a small effort of resistance – here are two submissions to the Austrian consultation on TPD implementation. Austria proposes to ban internet sales of e-cigarettes and to ban all forms of smokeless tobacco, not just snus. We have tried to place these in the wider context of harm reduction and unintended consequences of poor policy-making.

1. E-cigarettes

First the covering email…

Minister Sabine Oberhauser
Ministry of Health
leg.tavi@bmg.gv.at
CC: begutachtungsverfahren@parlinkom.gv.at
5 February 2016

Dear Dr Oberhauser

Further to our letter of 3 February, please find attached a second submission on Austria's approach to implementing the Tobacco Products Directive. This letter relates to e-cigarettes (TPD article 20).

We believe that Austria and all EU member states should recognise the great public health potential of e-cigarettes and implement only the minimum mandatory measures required by the directive, and no more. In particular, a ban on internet sales would be a wholly unjustified protection of the cigarette trade and restriction of Austrian citizens access to much less harmful products. There is no ethical, legal or public health case to limit access to e-cigarettes or to favour the tobacco industry in this way, but that is the likely effect of such a ban.

I hope you will be able to take these views into account and go only as far as this ill-conceived European legislation requires, but no further.

Clive Bates
Professor Gerry Stimson

See full letter on e-cigarettes: Austrian implementation of TPD and the public health potential of e-cigarettes

2. Smokeless tobacco

3 February 2016

Dear Dr Oberhauser

Please find attached a submission on Austria's proposal to extend the European Union ban on oral tobacco (TPD article 17) to include other forms of smokeless tobacco.

We believe the EU ban on oral tobacco is already a significant mistake, given the highly positive health consequences of snus use evident in Sweden, but overlooked by the European legislature. To ban other forms of low-risk tobacco would compound the mistake and undoubtedly cause harm to Austria's 14,000+ smokeless tobacco users, as well as denying cigarette smokers much less risky alternatives to smoking.

I hope you will be able to take these views into account and go only as far as this ill-conceived European legislation requires, but no further. There is no scientific or ethical case to ban smokeless tobacco, and it is wrong to limit access to products far less risky than cigarettes, which will remain freely available.

Clive Bates
Professor Gerry Stimson

See full letter on smokeless: Austrian implementation of TPD and the public health potential of smokeless tobacco

All submissions

See all submissions on the Austrian Parliament website (ours are at 344 and 467)