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	country	The Netherlands
	age	
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<b>questions scope</b>	problem definition	Yes
	explanations	
	which option	Extend the scope of the Directive
	recommend option	
	additional comments	The Netherlands agrees with the problem definition as worded by the European Commission. Especially in recent years, there have been many examples where it is not clear to what extent products are covered by the current Directive. The Netherlands supports having a broad debate on the current definition and the issue of which products must be included in the new Directive. Some uncertainty already exists concerning electronic cigarettes (e-cigarettes). Because this is regulated by each Member State individually, uncertainty is created for consumers and companies alike, at both the legal level and consumer level. The Netherlands hopes to see the legal status of e-cigarettes clarified when the new Directive is introduced, even if it becomes clear from the discussion on e-cigarettes in their current form that it would be better to definitively include them under legislation on medicinal products. A comparison with the definitions set out in the legislation and regulations on excise duties also fits into this discussion. Currently, the definition of tobacco products is different in the two Directives. Certain products, such as herbal cigarettes, are currently covered by the Excise Duty Directive but not the Tobacco Products Directive, and the Netherlands wonders if this difference is justified in all cases. A new definition will make it necessary to take into account the fact that existing requirements will therefore apply to new products. The requirements concerning health warnings and advertising restrictions must be proportionate to the harmfulness of the product and the regulatory pressure and administrative burden that such additional requirements entail for businesses. Broadening the definition will also affect enforcement.
<b>questions smokeless</b>	problem definition	Yes
	comments	
	which option	No change
	additional option	
	additional comments	The Netherlands, along with the Commission, wonders whether snus and smokeless tobacco in general should be regarded as products that encourage people to start or stop smoking, and hopes to see this answered in the new Directive. In addition, the smokeless tobacco market is expanding rapidly. Although the adverse effects are perhaps less serious than those for smoking tobacco, they do nevertheless present health risks. The Netherlands is of the opinion that there is insufficient scientific evidence that smokeless tobacco products, including snus, are effective aids to stop smoking. In addition, smokeless tobacco products may increase the risk of tobacco-related illness and are therefore harmful to public health. However, despite cigarettes being more harmful to public health than some smokeless tobacco products, they continue to be a legal product. The Netherlands therefore wonders whether the ban is still proportionate, given that other smokeless tobacco products are now allowed. There is no evidence that snus is widely used on the Dutch market. The Netherlands does in any case agree with option 1. With regard to option 2, a ban on snus must, in terms of proportionality, take into account the bigger picture of banned and permitted tobacco products.
<b>questions consumer</b>	problem definition	Yes
	explanations	
	which option	No change; Improve consumer information

	which improvement	
	additional option	
	additional comments	The Netherlands shares the Commission's view that objective consumer information should be an important part of the compulsory health information on the packaging. The Netherlands advocates including factual information on the harmful effects of tobacco products. This means that the Netherlands supports option 1 and only supports other changes to consumer information if they are sufficiently factual and objective. The Netherlands believes that including consumer information on the inside of the package is too much of an administrative burden for businesses. The Netherlands is critical of making photos on packaging compulsory. The Netherlands considers such a requirement to be a domestic issue which should not be determined at European level. The current Directive, under which pictorial warnings are optional for Member States, is sufficient for the Netherlands. The Netherlands has no objection to including health warnings on water pipe tobacco, but views this issue in the context of the discussion on the Directive's scope and the proportionality of the associated requirements. The Netherlands cannot support the introduction of plain packaging because there is insufficient evidence as to the effectiveness of such a measure, and important legal questions on intellectual property rights remain. The Netherlands furthermore considers that there is no added value in regulating the format of the packaging beforehand.
<b>questions on reporting</b>	problem definition	Yes
	explanations	
	which option	No change; Establish a common compulsory reporting format
	additional options	
	additional comments	The Netherlands agrees with the problem definition and welcomes the harmonisation of the reporting format to facilitate data comparison across Member States. The Netherlands has recently invested in this by developing and putting into operation EMTOC; it hopes other Member States will also use this tool. The Netherlands is critical of introducing fines or yearly surcharges for the processing of data. The Netherlands wonders if this would not amount to an additional consumer tax. Compared to the situation under the current Directive, the administrative burden for businesses would be lightened by harmonising the reporting format and especially by using EMTOC. The Netherlands therefore wonders why there is now a need to move towards introducing an additional surcharge. The Netherlands already has an enforcement system for non-compliance with the requirements for reporting information. This part of option 3 can therefore be supported.
<b>regulation of ingredients</b>	problem definition	Yes
	explanations	
	which option	Introducing the basic criteria on the EU level without a common list
	which one	
	additional option	
	additional comments	As the Netherlands has already stated in the discussion on the guidelines for Articles 9 and 10 of the Framework Convention on Tobacco Control (FCTC), it is critical of the additional measures concerning the regulation of ingredients, especially with regard to flavourings that do not affect how addictive or harmful the product is. The Netherlands is of the opinion that it took a long time for the current information requirements to work satisfactorily and therefore does not support making major adjustments to these arrangements. The Netherlands would like to see work done on the basic criteria with which a possible future list would have to comply. There is still insufficient information available, either positive or negative, as to what kind of list this would be.
<b>access to tobacco products</b>	problem definition	Yes
	explanations	

	<b>which option</b>	No change; Controlled supply and access
	<b>which supply and access</b>	Access to vending machines to be restricted to adults
	<b>which one2</b>	
	<b>additional option</b>	
	<b>additional comments</b>	<p>Option 2a would be acceptable, although the Netherlands has strong doubts as to whether it is achievable in practice. To date it has proven difficult to enforce age limits, and enforcing them for on-line sales will certainly not be easy. The Netherlands is unable to identify a solution which could be implemented at national level in the foreseeable future. Access to tobacco vending machines is already limited in the Netherlands. The Netherlands has an age limit of 16 years for the purchase of tobacco products, including purchases from vending machines. The Netherlands would therefore not object to making option 2b compulsory provided that the compulsory restriction matches the Dutch age limit. As regards option 2c, the Netherlands is sceptical as to whether this measure is sufficiently effective, especially with regard to young people. The Netherlands does not support more far-reaching bans on tobacco sales because these would be restrictive for adults as well as for young people. Furthermore, these bans are a significant burden for businesses. It is possible that such bans could also give a boost to the illicit cigarette trade. The Netherlands is of the opinion that sales from tobacco vending machines are sufficiently regulated at present.</p>