ESIP Feedback to the European Commission's public consultation on the revision of the Tobacco Products Directive (2014/40/EU) and the Tobacco Advertising Directive (2003/33/EC)

27-07-2026

The European Social Insurance Platform (ESIP), representing statutory social and health insurance organisations across Europe, welcomes the European Commission's initiative to revise the Tobacco Products Directive-TPD (2014/40/EU) and the Tobacco Advertising Directive-TAD (2003/33/EC).

According to the Commission's own Impact Assessment, smoking costs EU economies close to €61 billion a year in direct healthcare costs and lost productivity.[1] Thousands of working-age Europeans are already out of the labour market through early retirement or incapacity benefit attributable to smoking, and smokers face a higher risk of drawing a disability pension.

ESIP Members are health, pension and accident insurers who ultimately carry the cost of tobacco- and nicotine-attributable disease. To achieve a 'Tobacco-Free Generation' by 2040, with smoking prevalence below 5% down from 24% today, to slow the rising uptake of novel nicotine products among young people, and to reduce the related costs, we strongly support a comprehensive and coordinated approach across the relevant legislative texts and leveraging all policy tools available.

Alongside the proposed revision of the Tobacco Taxation Directive-TTD, the regulatory framework on tobacco products and advertising should be updated to reflect recent market developments. Among young people, the use of novel tobacco and nicotine products, including e-cigarettes, now exceeds that of traditional tobacco products. Novel products are particularly attractive to young people: adolescents are three times more likely to vape than adults, and around one in five young users of tobacco and nicotine products began by regularly using e-cigarettes.[2] Flavours, colourful designs and other youth-oriented product features are central to this appeal.[3,4] At the same time, new forms of digital promotion - including social media advertising, influencer marketing and user-generated content - have emerged and often fall outside the effective scope of the TAD.

The position laid out is continuous with ESIP's established arguments. In our feedback on the revision of the TTD, we called for extending the scope to novel tobacco and nicotine products and we supported an EU-wide advertising and promotion ban for novel products, a flavour ban, and plain packaging for e-cigarettes and refill containers, among others.[5]

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[1] European Commission (2025). SWD(2025) 560.
[2] European Commission (2025). Safe Hearts Plan, COM(2025) 1024.
[3] WHO (2026). Exposing marketing tactics and strategies driving the global growth of nicotine pouches.
[4] WHO Regional Office for Europe (2025). Flavour accessories in tobacco products enhance attractiveness and appeal.
[5] ESIP (2025), TTD feedback.

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In the context of the upcoming revision of the TPD and TAD, we call to:

- **Extend the scope of the tobacco legislation to cover all non-therapeutic nicotine products, through technology-neutral definitions.** Regulating products according to their public health impact, rather than their origin or format, would ensure that novel and emerging products are captured and that the framework remains resilient to future product innovation.

- **Introduce a comprehensive EU-wide flavour ban across all tobacco and nicotine products and accessories.** Flavours are a key driver of the appeal of novel nicotine products to young people: it is demonstrated that flavoured products are particularly popular among first-time users and facilitate transition to regular nicotine consumption.[6] While it has been demonstrated that flavour bans can reduce consumption,[7] the restrictions should be comprehensive and include flavour accessories to prevent circumvention, as recommended by the World Health Organisation (WHO).[8]

- **Regulate advertising comprehensively with stricter rules on digital marketing.** The TAD, adopted in 2003, no longer adequately covers the digital channels through which much of today's tobacco and nicotine marketing takes place, including online advertising, social media and influencer promotion. The revision should address these regulatory gaps and apply a comprehensive EU-wide ban on advertising, promotion and sponsoring, combined with stricter rules for digital marketing, equally to tobacco and novel nicotine products.

- **Make standardised plain packaging mandatory and extend it to e-cigarettes, refill containers and novel nicotine products.** Standardised, neutral packaging without logos and distinctive branding can reduce attractiveness and prevent initiation of nicotine use. Several European countries have already introduced plain packaging. Mandatory plain packaging should be established as a requirement for all tobacco and nicotine products at European level.

- **Extend the EU traceability system beyond tobacco to novel and nicotine products.** This would help close a monitoring gap and help curb illicit trade.

- **Protect the process from tobacco-industry interference.** In line with Article 5.3 of the WHO Framework Convention on Tobacco Control,[9] the regulatory process should be safeguarded against undue commercial influence. In particular, the overall volume of submissions should not be treated as a reliable measure of genuine public opinion, and industry or industry-driven contributions should not be accorded the same evidentiary weight as independent scientific evidence.

[6] WHO Regional Office for Europe (2025). Flavour accessories in tobacco products enhance attractiveness and appeal.
[7] RIVM / Tobacco Induced Diseases (2024–25).
[8] WHO Regional Office for Europe (2025). Flavour accessories in tobacco products enhance attractiveness and appeal.
[9] WHO Framework Convention on Tobacco Control (FCTC) (2003); Art. 5.3 & 13

As Europe's social and health insurers, ESIP members witness daily the human and financial burden of tobacco-related disease. A coherent and ambitious revision of the TTD, TPD and TAD altogether is a crucial step towards a Tobacco-Free Generation by 2040. To ensure the effectiveness of such legislation, it is essential not only to introduce new rules but also to guarantee their effective cross-border enforcement and monitoring throughout the internal market.