

# **Study supporting the evaluation of the Tobacco control Acquis**

Task 2A: Survey Questionnaire  
Civil Society Organizations

## Survey draft questionnaire: Civil society organizations

Section 1. Stakeholder profile																																	
General information																																	
<p><b>QI. Please state:</b></p> <p><input type="checkbox"/> Your full name: <b>Panagiotis Chaslaridis</b></p> <p><input type="checkbox"/> Your organisation: <b>European Federation of Allergy and Airways Diseases Patients' Associations (EFA)</b></p> <p><input type="checkbox"/> Your role: <b>Senior Policy Advisor</b></p>																																	
<p><b>QII. Please indicate for your organisation the following:</b></p> <p>Country of headquarters: <b>Belgium</b></p> <p>Transparency register number: <b>28473847513-94</b></p> <p>Number of employees: <b>9</b></p>																																	
<p><b>QIII. How would you characterise the involvement of your organisation within the market for tobacco and related products?</b></p> <p><input checked="" type="checkbox"/> <b>Public Health NGO</b></p> <p><input type="checkbox"/> Environmental NGO</p> <p><input type="checkbox"/> Education sector</p> <p><input type="checkbox"/> Consumers advocacy association</p> <p><input type="checkbox"/> Other (please specify)</p>																																	
<p><b>QIV. Confidentiality</b></p> <p><b>Your feedback can:</b></p> <p><input type="checkbox"/> Be published only in aggregated form</p> <p><input checked="" type="checkbox"/> <b>Be published with attribution to your organisation or in aggregated form</b></p> <p>(Your personal data will never be published under either option)</p>																																	
Section 2. TPD Evaluation																																	
Relevance of the TPD																																	
<p><b>Q1. Which of the following definitions pose challenges (if any)?</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Tobacco</td> <td style="width: 33%;"><input checked="" type="checkbox"/> <b>Herbal product for smoking</b></td> <td style="width: 33%;"><input type="checkbox"/> Combined health warning</td> </tr> <tr> <td><input type="checkbox"/> Pipe tobacco</td> <td><input checked="" type="checkbox"/> <b>Electronic cigarette</b></td> <td><input type="checkbox"/> Cross-border distance sales</td> </tr> <tr> <td><input type="checkbox"/> Roll-your-own tobacco</td> <td><input type="checkbox"/> Refill container</td> <td><input checked="" type="checkbox"/> <b>Age verification system</b></td> </tr> <tr> <td><input type="checkbox"/> Tobacco products</td> <td><input type="checkbox"/> Ingredient</td> <td><input type="checkbox"/> Placing on the market</td> </tr> <tr> <td><input checked="" type="checkbox"/> <b>Smokeless tobacco product</b></td> <td><input type="checkbox"/> Tar</td> <td><input type="checkbox"/> Retail outlet</td> </tr> <tr> <td><input checked="" type="checkbox"/> <b>Chewing tobacco</b></td> <td><input type="checkbox"/> Emissions</td> <td><input type="checkbox"/> Pouch</td> </tr> <tr> <td><input type="checkbox"/> Nasal tobacco</td> <td><input type="checkbox"/> Additive</td> <td><input type="checkbox"/> Health warning</td> </tr> <tr> <td><input checked="" type="checkbox"/> <b>Tobacco for oral use</b></td> <td><input type="checkbox"/> Flavouring</td> <td><input checked="" type="checkbox"/> <b>Waterpipe tobacco</b></td> </tr> <tr> <td><input checked="" type="checkbox"/> <b>Tobacco products for smoking</b></td> <td><input type="checkbox"/> Characterising flavour</td> <td><input checked="" type="checkbox"/> <b>Novel tobacco product</b></td> </tr> <tr> <td><input type="checkbox"/> Cigarette</td> <td><input type="checkbox"/> Addictiveness</td> <td><input type="checkbox"/> None of the definitions face challenges</td> </tr> <tr> <td><input type="checkbox"/> Cigarillo</td> <td><input type="checkbox"/> Toxicity</td> <td><input type="checkbox"/> Don't know/Can't answer</td> </tr> </table> <p><b>Q1.1. Please specify the nature of the challenges for the definitions you previously indicated as posing challenges</b></p>	<input type="checkbox"/> Tobacco	<input checked="" type="checkbox"/> <b>Herbal product for smoking</b>	<input type="checkbox"/> Combined health warning	<input type="checkbox"/> Pipe tobacco	<input checked="" type="checkbox"/> <b>Electronic cigarette</b>	<input type="checkbox"/> Cross-border distance sales	<input type="checkbox"/> Roll-your-own tobacco	<input type="checkbox"/> Refill container	<input checked="" type="checkbox"/> <b>Age verification system</b>	<input type="checkbox"/> Tobacco products	<input type="checkbox"/> Ingredient	<input type="checkbox"/> Placing on the market	<input checked="" type="checkbox"/> <b>Smokeless tobacco product</b>	<input type="checkbox"/> Tar	<input type="checkbox"/> Retail outlet	<input checked="" type="checkbox"/> <b>Chewing tobacco</b>	<input type="checkbox"/> Emissions	<input type="checkbox"/> Pouch	<input type="checkbox"/> Nasal tobacco	<input type="checkbox"/> Additive	<input type="checkbox"/> Health warning	<input checked="" type="checkbox"/> <b>Tobacco for oral use</b>	<input type="checkbox"/> Flavouring	<input checked="" type="checkbox"/> <b>Waterpipe tobacco</b>	<input checked="" type="checkbox"/> <b>Tobacco products for smoking</b>	<input type="checkbox"/> Characterising flavour	<input checked="" type="checkbox"/> <b>Novel tobacco product</b>	<input type="checkbox"/> Cigarette	<input type="checkbox"/> Addictiveness	<input type="checkbox"/> None of the definitions face challenges	<input type="checkbox"/> Cigarillo	<input type="checkbox"/> Toxicity	<input type="checkbox"/> Don't know/Can't answer
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**(Max. 1.000 words)**

Chewing tobacco/ tobacco for oral use: Need a definition that makes a clearer distinction between chewing tobacco (snuff) and tobacco for oral use (snus). The definition of chewing tobacco should explicitly exclude tobacco for oral use, to prevent cases where the tobacco industry presents oral tobacco as chewing tobacco, in order to be able to market it in countries where oral tobacco is banned

Herbal product for smoking: Need to make a distinction between cannabis-based and non-cannabis-based products

Age verification system: not all AVSs are conducting the verification electronically

Novel tobacco products: On the one hand, the definition should become more specific in order to capture the huge variety of products under this category, and their different features. On the other hand, the definition needs to include also novel non-tobacco-based products. Also, useful to specify what they are, apart from what are NOT by adding them by name e.g. e-cigarettes, HTPs (non-exhaustive list); Finally, need to clarify overlap with 'emerging products'.

Add definition on combustion, to enable harmonised application of rules on novel tobacco products. This will also affect the differentiation between smokeless tobacco products and tobacco products for smoking

Add definition for cannabis-based products

Add definition for 'dual users' or 'multiple users'

Add definition for 'smoke-free environments', drawing links with the related Council recommendation

**Q2. Does Art. 17 of the TPD (ban on tobacco for oral use) still meets its objectives?**

Not at all	To a limited extent	To a large extent	Yes, absolutely	Don't Know/ Can't answer
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q2.1. Please briefly explain:**

\_\_\_\_\_ (500 words)

**Q3. Does the TPD effectively cover the challenges arising from the following emerging products?**

	Not at all	To a limited extent	To a large extent	Yes, fully	Don't Know/ Can't answer
E-cigarettes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heated tobacco products	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nicotine pouches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nicotine-free surrogates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

waterpipe tobacco

**Q3.1 Please elaborate on why the selected products hinder the ability of the TPD to remain relevant for tobacco control:**

**(max. 1.000 words)**

- Uneven provisions between traditional and novel tobacco & related products on packaging and flavouring
- Extreme popularity of novel products among the youth
- Lack of measures against waterpipe tobacco/hookah/shisha, which contains hazardous toxicants such as nicotine and carbon monoxide

**Q4. To what scale are the following TPD provisions still relevant...**

*Please provide a value from 1 (not relevant at all) to 4 (remains fully relevant) for each of the following articles and statements. Please select 0 if you don't know or can't answer.*

	(Q4.1) ...to tackle today's reality and address new product developments in the market?	(Q4.2) ...to reach the goal of Europe's "tobacco-free generation" by 2040?
Definitions	2	1
Provisions on ingredients, measurement of emissions and reporting obligations	2	1
Provisions on labelling and packaging of tobacco products, including health warnings	2	1
Provisions on presentation of tobacco products	2	1
Provisions on appearance and content of unit packets	3	2
Provisions on traceability and security features of unit packets	0	0
Provisions on the ban of tobacco for oral use	3	3
Provisions on cross-border distance sales of tobacco products	0	0
Provisions on the notification of the introduction of Novel Tobacco Products on the market	1	1
Product regulations of herbal products for smoking and reporting of its ingredients	2	1

**E-cigarettes**

	(Q4.3) to tackle today's reality and address new product developments in the market?	(Q4.4) to reach the goal of Europe's "tobacco-free generation" by 2040?
Provisions on the notification of the introduction of electronic cigarettes and refill containers on the market	1	1
Provisions on ingredients and other manufacturing requirements	1	1
Provisions on packaging and labelling, including health warnings	1	1
Provisions on the prohibition of commercial communications in printed media and information society services and on commercial communications or contributions on the radio	1	1

Provisions on the prohibition of contribution to events, activities, or person, having cross-border effects for promotion purposes

1

1

Provisions on the prohibition of audio-visual commercial communications

1

1

**Q4.1. If you replied that some of the provisions are not relevant, please provide examples of the loopholes and/or explain possible scope for improvement in methodologies or procedures. You can upload any supporting data available**

**Tobacco products (max. 1000 words)**

**Provisions on:**

**(Definitions)** There is plenty of room for improving the definitions of the TPD, especially in light of new market developments. The controversies around novel tobacco products is a key example. As the Commission TPD implementation report from 2021 stipulates, the provisions applicable for novel tobacco products depends *'..on whether these products are defined as a smokeless tobacco product or a tobacco product for smoking (Art. 19(4))'* (1). However, there are different concepts of combustion among countries, therefore what qualifies as smokeless tobacco products or a tobacco product for smoking is not aligned among Member States. In addition, smokeless tobacco products do not involve a combustion process, This has led to diverging classifications of similar products among countries. Given the growing market of tobacco products, the regulatory framework needs to be flexible to adapt, including by defining new product categories, in order to enable full coverage of harmful products and the protection of health. People with respiratory diseases remain vulnerable at the face of new products.

(1) European Commission Report on the application of Directive 2014/40/EU, 2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0249>

**(Ingredients, measurement of emissions and reporting obligations)** A key aspect of the TPD provisions on ingredients refers to the characterising flavours. Art. 7 establishes a ban of characterising flavours in cigarettes and roll-your-own tobacco, yet paragraph 12 of same article exempts other tobacco-containing products from the same obligation. The Commission Delegated Directive 2022/2100, which removed this exemption for Heated Tobacco Products (HTPs), marked a positive step towards addressing novel tobacco products. However, there is still a wide range of tobacco-based products that still enjoy this exemption, such as waterpipe, cigars, cigarillos, chewing tobacco, tobacco for oral use and pipe tobacco, which creates an imbalance among tobacco products. There is strong evidence suggesting that the use of flavours is a key factor of their increasing popularity among the youth, as flavours tend to make the products more attractive and reduce the perception of harm (1). In addition, the flavouring itself can add harm to people with respiratory diseases, in particular respiratory allergy.

(1) Special Eurobarometer 506 Report, Attitudes of Europeans towards tobacco and electronic cigarettes, 2021, <https://europa.eu/eurobarometer/surveys/detail/2240>

**(Labelling and packaging)** The labelling and packaging requirements established by TPD Art.11 exempt all tobacco products other than cigarettes, roll-your-own tobacco and waterpipe from the obligation to carry information and health warnings. Delegated Directive 2022/2100 removes this exemption for (HTPs). Similarly to characterising flavours, the exemption of many tobacco products, including cigars, cigarillos, tobacco for oral use, pipe tobacco and others, from labelling and packaging obligations leads to imbalances. A key example refers to the exemption of these products from using combined health warnings. This is despite solid evidence that combined health warnings have proven an effective public intervention to counter the appeal of tobacco products (1,2). To this end, EFA strongly suggests full harmonisation of labelling and packaging aspects among all tobacco products, and including a specific warning on COPD, one of the leading causes of death in Europe.

(1) Noar SM, Francis DB, Bridges C, et al. The impact of strengthening cigarette pack warnings: systematic review of longitudinal observational studies. Soc Sci Med 2016;164:118–29, <https://pubmed.ncbi.nlm.nih.gov/27423739/>

(2) Rath SP, Susanna D. Perceived effectiveness of pictorial health warnings on changes in smoking behaviour in Asia: a literature review. BMC Public Health 2018;18:1165 <https://pubmed.ncbi.nlm.nih.gov/30305061/>

**(Presentation)** A key issue here is the implementation of plain packaging. While Art. 13 of the TPD sets certain presentation requirements, it stops short of making plain packaging mandatory, leaving it instead at the discretion of Member States. Plain packaging has been implemented by

8 EU countries so far, with positive results with regards to increasing awareness of tobacco related-diseases, the motivation to quit, and reducing smoking, including among young people (1). Moreover, independent scientific evidence has also demonstrated that plain packaging works: it reduces smoking prevalence, increases thoughts about quitting and calls to quit lines, reduces brand awareness, attractiveness and appeal of the package, and increases the salience and effectiveness of health warnings among adolescents (2). In this light, EFA considers that making mandatory plain packaging for tobacco products across all Member States is key, for the TPD to remain relevant and be prepared in view of future market developments. EFA further recommends that the health warnings are developed in collaboration with respiratory patient organisations among others.

- (1) European Commission Report on the application of Directive 2014/40/EU, 2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0249>
- (2) C. Vardavas, F. T. Filippidis et al., 'Plain packaging of tobacco products in the European Union: an EU success story?', European Respiratory Journal, 2017 <https://erj.ersjournals.com/content/50/5/1701232>

**(Notification of the introduction of Novel Tobacco Products on the market)** As stressed in the Commission implementation report of TPD (2021) there are persistent uncertainties around novel tobacco products. These are due to various shortcomings, including the failure of TPD to capture the full range of new products; the use of flavours, which is still allowed in novel products; the rapid increase in the use of HTPs; the fact that many users become 'dual users' (in fact, in e-cigarettes 'dual use' has become the dominant pattern) (1); and the definition issues outlined above (2).

- (1) A. Bhatnagar et al., 'New and Emerging Tobacco Products and the Nicotine Endgame: The Role of Robust Regulation and Comprehensive Tobacco Control and Prevention: A Presidential Advisory From the American Heart Association', 2019 <https://www.ahajournals.org/doi/10.1161/CIR.0000000000000669>
- (2) European Commission Report on the application of Directive 2014/40/EU, 2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0249>

**(Herbal products for smoking and reporting of its ingredients)** Similarly to the novel tobacco products, existing definitions do not capture the whole range of herbal products entering the market (1).

- (1) European Commission Report on the application of Directive 2014/40/EU, 2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0249>

### E-cigarettes (max. 1000 words)

#### Provisions on:

**Ingredients and other manufacturing requirements:** E-cigarettes contain toxic and harmful chemicals that lead to lung damage, higher occurrence of respiratory disease and more frequent respiratory symptoms among lung patients (1) (2). In addition, they contain nicotine, a highly addictive substance that prevents users from quitting smoking. EFA strongly suggests a ban on flavours, which tend to attract children and young people.

- (1) S. C. Kotoulas, P. Katsaounou et al., 'Electronic Cigarettes and Asthma: What Do We Know So Far?', Journal of Personalized Medicine, 2021 <https://www.mdpi.com/2075-4426/11/8/723>
- (2) I. Thiri6n-Romero, R. P6rez-Padilla et al., 'Respiratory Impact of Electronic Cigarettes and "Low-Risk" Tobacco', Revista de Investigaci6n Cl6nica, 2018 [https://clinicalandtranslationalinvestigation.com/frame\\_esp.php?id=199](https://clinicalandtranslationalinvestigation.com/frame_esp.php?id=199)

**Packaging and labelling:** The provisions for packaging and labelling are not aligned with conventional tobacco, which is key in fostering awareness on the harmful effects of electronic cigarettes.

**Prohibition of commercial communications in printed media/information society services/radio:** The Directive does not establish a total ban on promotion and advertising at the national level, which is needed to prevent the re-normalisation of smoking. Also, a lot of this advertisement is targeting children and young people.

**Prohibition of contribution to events, activities, or person:** The Directive does not establish a total ban on promotion and advertising at the national level, which is needed to prevent the re-normalisation of smoking. Also, a lot of this advertisement is targeting children and young people.

**Prohibition of audio-visual commercial communications:** The Directive does not establish a total ban on promotion and advertising at the national level, which is needed to prevent the re-normalisation of smoking. Also, a lot of this advertisement is targeting children and young people.

Effectiveness of the TPD

**Q5. Did the fragmentation (i.e., the split into TPD, TAD, and other separate pieces of legislation) of the current EU tobacco control framework have a positive or negative effect on the achievement of the TPD legislative objectives?**

Negative	Somewhat negative	Neither negative nor positive	Somewhat positive	Positive	Don't know/Can't answer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q5.1 Please elaborate on which effects it had:**

**(Max. 750 words)**

*If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)*

**Q6. What impact did the divergencies in tobacco control policies across Member States have on the achievement of the TPD legislative objectives?**

Negative	Somewhat negative	Neither negative nor positive	Somewhat positive	Positive	Don't know/Can't answer
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q6.1 Please elaborate on which effects it had:**

**(Max. 750 words)**

*If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)*

**Q7. Were there any unexpected or unintended consequences arising from the application of the TPD ?**

	No	Yes	Don't Know/ Can't answer
Unclear provisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Excessive administrative burden	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Excessively restricting provisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of specific approach(es) per type of product	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (please specify): <b>Lack of harmonisation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q7.1. For each positive response, which were the unintended effects?**

**(Max. 750 words)**

*If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)*

**Unclear provisions:**

While prohibiting it in all other Member States, TPD allows the use of tobacco for oral use (snus) in Sweden. According to the TPD implementation report, this exemption has prompted attempts by tobacco manufacturers to circumvent the snus ban outside of Sweden, by presenting snus-like products as chewing tobacco to gain a legal status (1). This product is increasingly attractive among young people. In addition, in the neighbouring countries of Sweden; Finland, Norway etc, snus is widely used among young people and sports sector because of easy access and causes nicotine addiction and damages oral health.

**Lack of harmonised rules:**

The lack of regulatory harmonisation between traditional and novel tobacco and related products has led to certain unwanted consequences. E-cigarettes and their exemption from the ban on flavourings is a telling example. As demonstrated in the study of the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) on e-cigarettes, there is strong evidence that flavours contribute to the attractiveness of e-cigarette use, playing a key role as a gateway to smoking especially for young users (2). These findings, by the way, directly contradict the traditional industry position that e-cigarettes are used on the way to quitting. Indeed, plenty of studies show that e-cigarettes facilitate continued addiction and increased use (3).

- (1) European Commission Report on the application of Directive 2014/40/EU, 2021 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0249>
- (2) Scientific Committee on Health, Environmental and Emerging Risks (SCHEER), Scientific Opinion on electronic cigarettes, 2021 [https://health.ec.europa.eu/system/files/2022-08/scheer\\_o\\_017.pdf](https://health.ec.europa.eu/system/files/2022-08/scheer_o_017.pdf)
- (3) S. Khalkhoran, S.A. Glantz, 'E-cigarettes and smoking cessation in real-world and clinical settings: a systematic review and meta-analysis', The Lancet Respiratory Magazine, 2016 [https://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(15\)00521-4/fulltext](https://www.thelancet.com/journals/lanres/article/PIIS2213-2600(15)00521-4/fulltext)

**Q8. Has the extension in the use of standardised (plain) packaging across different Member States affected the effectiveness of the TPD in facilitating the smooth functioning of the internal market?**

Not at all    To a limited extent    To a large extent    To a full extent    Don't Know/ Can't answer

                                                                                      

**Q8.1 Please explain in which way it affected the effectiveness of the TPD:**

\_\_\_\_\_ (Max. 500 words)

*If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)*

**Q9. Does the exception provided by TPD article 11 undermine the achievement of facilitating the smooth functioning of the internal market while ensuring a high level of human health protection?**

Not at all    To a limited extent    To a large extent    To a full extent    Don't Know/ Can't answer

                                                                                      

**Q9.1 (except 'not at all') Please explain how:**

\_\_\_\_\_ (max. 500 words)

*If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)*

**Q10. Did the TPD adequately address the issue of tobacco initiation, particularly among the <25 years old age group?**

Not at all    To a limited extent    To a large extent    Yes, completely    Don't know/Can't answer



**Q11. Considering the rise of emerging products, does the TPD effectively regulate the current landscape?**

Not at all    To a limited extent    To a large extent    To a full extent    Don't Know/ Can't answer

                                                                              

**Efficiency of the TPD**

**Q12. Is the extent of compliance costs for each of the following main actors acceptable, considering the inherent conflict of interest between public health and the tobacco industry?**

	Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer
Public authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Economic operators in the tobacco industry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consumers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q12.1. (Except 'To a full extent' and 'Don't know/Can't answer') How can a more adequate distribution be ensured?**

\_\_\_\_\_ (Max. 500 words)

**Coherence of the TPD**

**Q13. Are all of the TPD provisions internally coherent with each other?**

Not at all    To a limited extent    To a large extent    Yes, absolutely    Don't know/Can't answer

                                                                              

**Q13.1. (Except 'Not at all') In which cases is there an overlap?**

\_\_\_\_\_ (Max. 750 words)

**Q14. To what extent is the TPD coherent with other applicable EU legislation relevant for tobacco control?**

	Not at all	To a limited extent	To a large extent	To a full extent	Don't
The Tobacco Advertisement Directive (TAD)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The Council Recommendation on Smoke-Free environments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The Tobacco Taxation Directive	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The Single-Use plastics Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The Audio-visual Media Services Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The Digital Services Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The Common Agricultural Policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Other (specify): \_\_\_\_\_

**Q14.1. (Except 'Not at all' and 'Don't know/Can't answer') In which regards? Please elaborate.**

\_\_\_\_\_ (Max. 750 words)

**Q15. To what extent is the TPD coherent with other policies relevant for tobacco control adopted nationally by Member States?**

Not at all    To a limited extent    To a large extent    To a full extent    Don't know/Can't answer

                                                                                      

**EU Added Value of the TPD**

**Q16. Is there any misalignment between EU and national regulations?**

Not at all                      To a limited extent                      To a large extent    Completely    Don't know/Can't answer

                                                                                      

**Q16.1. (Except 'Not at all' and 'Don't know/Can't answer') On what matters?**

Different overall approaches (e.g., Member States going beyond TPD regulations)	Labelling and packaging (e.g., plain packaging)	Points of sale regulations	Other (specify): _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Sustainability of the TPD**

**Q17. What are the most concerning impacts, for your organisation, regarding the environmental consequences from tobacco and related products?**

(Max. 750 words)

The use of tobacco and related products is linked, among others, with severe environmental degradation. Aspects of this include the disposal of cigarette butts in public areas e.g. beaches, sea, parks etc, the pollution of soil and water, increased risks of wildfires and risks to health. The emergence of e-cigarettes and HTPs creates concerns also for the disposal of their single-use plastic parts. Cigarette or e-cigarette smoke damages the immediate outdoor air which we breathe which is particularly damaging for children and people with respiratory diseases. Combined effect and exhaust of this smoke in outdoor air is not taken in consideration in air quality regulations.

**Q17.1. Which type of measures have been taken (or will be taken) by the European Commission or/and Member States?**

\_\_\_\_\_ (Max. 750 words)

**Q18. What is the level of concern, for your organisation, regarding the environmental cost of single-use (disposable) e-cigarettes (e.g., incorrect disposal of the product, content of critical raw material, etc.)?**

Not concerned    To a limited extent    To a large extent    To a full extent    Don't know/Can't answer

                                                                                      

**Complementarity of the TPD**

**Q19. Are there considerable divergencies in the effective implementation of any of the TPD provisions across the different Member States?**

Not at all    To a limited extent    To a large extent    Yes, completely    Don't Know/ Can't answer

                                                                                      

**Q19.1. Which divergencies are more noticeable?**

Please explain the divergencies in detail (article with divergences, Member States involved, its impact, etc.).

(Max. 750 words)

Diverging classification of similar products due to lack of consensus on the definition of combustion. This is relevant to novel tobacco products and particularly to the differentiation between smokeless and smoking products (Art. 19(4)). No clear definition of combustion leads to differing views on other requirements for such products e.g. labelling, packaging etc.

In addition, as mentioned in the TPD implementation report of 2021, the fast-growing market for novel products, including electronic cigarettes and HTPs, has led to implementation among Member States. This is partly due to the various interpretations of new products. The upcoming revision needs to provide for new definitions of product categories.

**Q20. (Except 'not at all' to previous q.) Did the divergencies in tobacco control policies across Member States have a positive or negative effect on the achievement of the TPD legislative objectives?**

Negative	Somewhat negative	Somewhat positive	Positive	Don't know/Can't answer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q20.1 Please elaborate on which effects it had:**

\_\_\_\_\_ (Max. 750 words)

**Q21. To what extent have Member States implemented national tobacco control policies which support the following objectives of the WHO FCTC (beyond TPD requirements)?**

	Not at all	To a limited extent	To a large extent	National policies perfectly fit the FCTC's objectives	Don't know/Can't answer
Regulating sales arrangements including tobacco vending machines, points of sale and cross-border distance sale of tobacco	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promoting and strengthening public awareness of tobacco control issues by adopting and implementing appropriate measures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Developing and disseminating guidelines based on scientific evidence and best practices and taking measures to promote cessation of tobacco use and adequate treatment for tobacco dependence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protecting the environment and the health of the persons in relation to the environment with respect to tobacco cultivation and manufacture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Developing and promoting national research and coordinating research programmes in the field of tobacco control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify) <b>Nicotine replacement therapy reimbursement and support in quitting</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q22. To what extent did the TPD miss any opportunity to achieve further economic, environmental and/or social benefits?**

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q22.1. (Except 'Not at all') Which were these missed opportunities?**

(Max. 750 words)

Since its entrance into force, TPD represents a positive step for the protection of public health from the harms of smoking and the use of related products. However, its ability to address new market developments has proved limited, due to various legal loopholes and various new products emerging. Even within a short period in the market, novel tobacco and related products, such as electronic cigarettes and HTPs, have been associated to risks for health, including respiratory problems such as lung disease and acute respiratory failure (1)(2). In particular, the use of e-cigarettes has been linked with increased symptoms, more exacerbations, and a more rapid decline in pulmonary function in asthma and COPD patients (3)(4). On the other hand, the use of HTPs is associated with an increase in the occurrence of respiratory diseases such as asthma and allergic rhinitis, as well as a higher inflammation risk (5).

In view of this evidence, and with consensus on the long-term effects of novel products pending, the EU should have seized the opportunity to apply the precautionary principle and harmonise the regulations between traditional and novel tobacco and related products.

- (1) Lietzmann, J., Moulac, M., 'Novel Tobacco Products and their effects on health', HWG workshop proceedings, publication for the Committee on Environment, Public Health and Food Safety, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, 2023 [https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/740068/IPOL\\_IDA\(2022\)740068\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/740068/IPOL_IDA(2022)740068_EN.pdf)
- (2) European Respiratory Society (ERS) and European Lung Foundation (ELF) submission to the European Commission's consultation on tobacco control: 'Evaluation of legislative framework for tobacco control', 2023 [https://www.ersnet.org/wp-content/uploads/2023/06/ERS-ELF-submission-to-the-EC-consultation\\_Evaluation-of-the-legislative-framework-for-tobacco-control\\_16052023.pdf](https://www.ersnet.org/wp-content/uploads/2023/06/ERS-ELF-submission-to-the-EC-consultation_Evaluation-of-the-legislative-framework-for-tobacco-control_16052023.pdf)
- (3) S. C. Kotoulas, P. Katsaounou et al., 'Electronic Cigarettes and Asthma: What Do We Know So Far?', Journal of Personalized Medicine, 2021 <https://www.mdpi.com/2075-4426/11/8/723>
- (4) I. Thiri3n-Romero, R. P3rez-Padilla et al., 'Respiratory Impact of Electronic Cigarettes and 'Low-Risk' Tobacco', Revista de Investigaci3n Cl3nica, 2018 [https://clinicalandtranslationalinvestigation.com/frame\\_esp.php?id=199](https://clinicalandtranslationalinvestigation.com/frame_esp.php?id=199)
- (5) M. Znyk, J. Jurewicz & D. Kaleta, 'Exposure to Heated Tobacco Products and Adverse Health Effects, a Systematic Review', International Journal of Environmental Research and Public Health, 2021 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8296358/>

### Coordination of the TPD

**Q23. To what extent have coordination efforts among Member States been sufficient following the adoption of the TPD?**

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q23.1. To what extent have coordination efforts between Member States and the European Commission been sufficient following the adoption of the TPD?**

Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Q24. Which were the missed opportunities to improve coordination at the Member State-Member State and European Commission-Member State levels?**

\_\_\_\_\_ (Max. 750 words)

### Overall acceptability of the TPD

**Q25. To what extent can the TPD be considered acceptable, considering public health interests?**

Not at all <input type="checkbox"/>	To a limited extent <input type="checkbox"/>	To a large extent <input checked="" type="checkbox"/>	To a full extent <input type="checkbox"/>	Don't know/Can't answer <input type="checkbox"/>																														
<b>Section 3. TAD Evaluation</b>																																		
<b>Relevance of the TAD</b>																																		
<p><b>Q26. Which of the following products pose challenges to the ability of the TAD to remain relevant?</b>  <i>Choose as many as apply.</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">E-cigarettes</td> <td style="width: 15%;">Nicotine Pouches</td> <td style="width: 15%;">Heated tobacco products</td> <td style="width: 15%;">Nicotine-free surrogates</td> <td style="width: 15%;">Other: _____</td> <td style="width: 15%;">None</td> <td style="width: 15%;">Don't know/Can't answer</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>					E-cigarettes	Nicotine Pouches	Heated tobacco products	Nicotine-free surrogates	Other: _____	None	Don't know/Can't answer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>																
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<p><b>Q27. To what extent does the TAD remain pertinent to address the following developments?</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;"></th> <th style="width: 10%;">Not at all</th> <th style="width: 10%;">To a limited extent</th> <th style="width: 10%;">To a large extent</th> <th style="width: 10%;">To a full extent</th> <th style="width: 10%;">Don't Know/Can't answer</th> </tr> </thead> <tbody> <tr> <td>The expansion of novel tobacco products</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>The development of emerging products (non-tobacco)</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>The use of social media</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>The portrayal of some products as a quitting tools</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>						Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/Can't answer	The expansion of novel tobacco products	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development of emerging products (non-tobacco)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The use of social media	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The portrayal of some products as a quitting tools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p><b>Q28. Are any of the definitions from the TAD irrelevant nowadays?</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Yes</td> <td style="width: 20%;">No</td> <td style="width: 60%;">Don't know/ Can't answer</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p><b>Q28.1 (Only if 'Yes' selected) If so, which ones?</b>  <b>Please elaborate.</b>          (Max. 750 words)</p> <p>The definition of 'tobacco products' needs to be replaced by an expanded definition that covers also novel products, including non-tobacco nicotine-containing products, such as electronic cigarettes.</p> <p>Moreover, the definition of 'information society services' in TAD needs to be revised in order to to include all contemporary promotional channels such as social media and AI.</p>					Yes	No	Don't know/ Can't answer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																								
Yes	No	Don't know/ Can't answer																																
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																
<p><b>Q29. Do new corporate social responsibly schemes (including the creation of foundations) undermine the policy objectives of the TAD?</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Not at all</td> <td style="width: 20%;">To a limited extent</td> <td style="width: 20%;">To a large extent</td> <td style="width: 20%;">To a full extent</td> <td style="width: 20%;">Don't Know/ Can't answer</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> <p><b>Q29.1. (Except 'Not at all' and 'Don't know/Can't answer') Please elaborate how and if the TAD could have prevented this.</b>          _____ (Max. 750 words)</p>					Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
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<p><b>Q30. To what extent are the following TAD provisions still relevant...</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 25%; text-align: center;">(Q30.1)</td> <td style="width: 25%; text-align: center;">(Q30.2)</td> </tr> <tr> <td></td> <td style="text-align: center;">... to tackle today's reality and address new product developments in the market?</td> <td style="text-align: center;">... to reach the goal of Europe's "tobacco-free generation" by 2040?</td> </tr> <tr> <td>Definition of tobacco products</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>						(Q30.1)	(Q30.2)		... to tackle today's reality and address new product developments in the market?	... to reach the goal of Europe's "tobacco-free generation" by 2040?	Definition of tobacco products	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																					
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<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>																																										
<p><b>Q32.1 Please elaborate on which effects it had:</b>  <b>(Max. 750 words)</b></p> <p><i>If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)</i></p>																																										
<p><b>Q33. To what extent did the application of the provisions of the TAD cause unexpected and/or unintended effects?</b></p> <p>Not at all      To a limited extent      To a large extent      To a full extent      Don't know/Can't answer</p> <p style="text-align: center;"> <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input checked="" type="checkbox"/> </p>																																										
<p><b>Q33.1. [only for answers different to "Not at all"] Which were these unexpected and/or unintended effects?</b></p> <p>_____ <b>(max. 1.000 words)</b></p> <p><i>If applicable, please define these effects, highlighting positive and/or negative impacts on relevant stakeholders (e.g., public health, tobacco and related products users, MS public authorities, tobacco producers, manufacturers, etc.)</i></p>																																										
<b>Efficiency of the TAD</b>																																										
<p><b>Q34. Did public health benefits outweigh the costs related to the implementation of the TAD?</b></p> <p>Not at all      To some extent      To a large extent      To a full extent      Don't Know/ Can't answer</p> <p style="text-align: center;"> <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input checked="" type="checkbox"/>      <input type="checkbox"/> </p>																																										
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<p><b>Q35. To what extent is the TAD coherent with other applicable EU legislation relevant for tobacco control?</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 10%;">Not at all</th> <th style="width: 15%;">To a limited extent</th> <th style="width: 15%;">To a large extent</th> <th style="width: 15%;">To a full extent</th> <th style="width: 15%;">Don't Know/ Can't answer</th> </tr> </thead> <tbody> <tr> <td>The Tobacco Products Directive (TPD)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>The Council Recommendation on Smoke-Free environments</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>The Tobacco Taxation Directive</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>The Audio-visual Media Services Directive</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>The Digital Services Act</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Other (specify): _____</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>		Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/ Can't answer	The Tobacco Products Directive (TPD)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Council Recommendation on Smoke-Free environments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Tobacco Taxation Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Audio-visual Media Services Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Digital Services Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other (specify): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Other (specify): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																					
<p><b>Q36. To what extent did the TAD miss any opportunity to supplement Member States' policies?</b></p> <p>Not at all      To a limited extent      To a large extent      To a full extent      Don't know/Can't answer</p> <p style="text-align: center;"> <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input checked="" type="checkbox"/> </p>																																										
<p><b>Q37. To what extent are there differences amongst Member States as far as the following provisions of the TAD are concerned?</b></p>																																										

	Not at all	To a limited extent	To a large extent	To a full extent	Don't Know/Can't answer
Article 2: Definitions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Articles 3-5: Advertisement bans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Article 7: Penalties and enforcement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>EU Added Value of the TAD</b>					
<b>Q38. To what extent have EU-wide advertisement bans supported Member States in the development of tobacco control policies compared to what could have reasonably been achieved by Member States acting alone?</b>					
	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
Advertising in printed media and information society services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Radio advertising and sponsorship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sponsorship of events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Q39. To what extent is EU level action in the area of tobacco advertisement essential to ensure that public health objectives are met?</b>					
	Not at all	To a limited extent	To a large extent	To a full extent	Don't know/Can't answer
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Overall Coherence</b>					
<b>Q40. Which are the main challenges faced for reaching the objectives of Europe's Beating Cancer plan to achieve a tobacco-free generation by 2040? (max. 1.000 words)</b>					
<p><b>Regulatory unclarity regarding novel tobacco and related products:</b> The non-stop emergence of novel products always tends to put the legal provisions to the test, as the tobacco industry looks to take advantage of regulatory 'grey zones' and loopholes. The EU needs a future-proof regulatory framework that anticipates for an ever-growing market, offers flexibility for updates when required by the new realities on the ground, and keeps the protection of health as a priority.</p> <p><b>The risk of re-normalising of smoking and the use of tobacco and related products in general:</b> This challenge is mostly present through emerging tobacco and non-tobacco products that appeal particularly to the young people. Such a risk threatens to reverse the progress made so far, and maintain the huge health burden suffered as a result of the use of tobacco and related products.</p> <p><b>Achieving truly smoke-free environments as soon as possible:</b> Smoke from tobacco and related products is a major pollutant of indoor air and immediate outdoor air. It represents a key risk factor responsible for adverse health outcomes, including a grave impact on lung function and impaired respiratory health more broadly. According to the Global Burden of Disease (GBD) study, in 2019 alone exposure to second-hand smoke accounted for over 73,000 deaths and almost 1,760,000 Disability-Adjusted Life Years (DALYs) in the EU (1). Passive exposure to SHS is a factor of growing concern especially for vulnerable groups such as children, pregnant women and people with chronic respiratory conditions, including allergy. Therefore, ensuring 100% smoke-free environments everywhere is key to protect health from exposure to second-hand smoke.</p>					
<p>(1) European Commission Health Promotion and Disease Prevention Knowledge Gateway, Global Burden of Disease Study, 2019 <a href="https://knowledge4policy.ec.europa.eu/health-promotion-knowledge-gateway/tobacco-smoking_en#health">https://knowledge4policy.ec.europa.eu/health-promotion-knowledge-gateway/tobacco-smoking_en#health</a></p>					



**Q41. Which are the major areas of divergencies among national and EU regulations on tobacco control?**

\_\_\_\_\_ (Max. 1.000 words)

**Is there any further evidence you would like to upload supporting any of your answers?**

*Please note any document uploaded here will be considered if necessary and when relevant for the purpose of the study.*