

AIV'S CONTRIBUTION TO THE PUBLIC CONSULTATION ON THE DRAFT BILL ON REDUCING POINTS OF SALE FOR TOBACCO PRODUCTS AND RELATED PRODUCTS

We would like to contribute to the Dutch government's public consultation on its Draft Bill on Reducing Points of Sale for Tobacco Products and Related Products (*Wijziging van de Tabaks- en rookwarenwet in verband met een verkoopverbod voor tabaksproducten en aanverwante producten in andere verkooppunten dan speciaalzaken*).

AIV (Asociația Industriei de Vaping) unites key players in the Romanian vaping market including producers, distributors, and specialists. Our mission is to advocate for this sector with state authorities and the public in Romania. AIV operates independently from the tobacco and pharmaceutical industries and aims to collaborate closely with government institutions responsible for public health, striving to improve conditions for smokers in Romania.

We wish to express our serious concern regarding the Bill's provision to limit the sale of vaping products exclusively to specialized tobacco stores by 2026. AIV believes this restriction is an unfair, ineffective, and unacceptable measure for several reasons:

- It will further restrict access of ex-smokers and smokers trying to quit to a proven harm reduction and smoking cessation tool, leading to a rise in smoking rates;
- It will reinforce the already thriving black market of unregulated and dangerous e-cigarettes;
- It will further impede the activities of the legal vaping industry in the Netherlands, which is already subjected to the most restrictive regulations in Europe

AIV is deeply concerned by the draft bill's provision that exempts tobacco products from the same restrictions until 2032, a full six years after the sales restrictions on vaping products are set to take effect.

In light of the evidence presented in this contribution, we respectfully urge the Dutch government to reconsider and refrain from implementing the proposed point-of-sale restrictions on vaping products.

1. Vaping is a proven harm reduction alternative and effective method to quit smoking

Before detailing our arguments regarding the vaping taxation measures, it is necessary to highlight the public health opportunities brought by vaping.

Many independent and publicly funded studies have highlighted the **harm reduction potential of vaping products**: a [report](#) commissioned by Public Health England found that vaping is 95% less harmful than smoking combustible cigarettes, and a [study](#) financed by the prestigious Institut Pasteur confirmed that vaping is significantly less carcinogenic than smoking and constitutes an acceptable replacement for traditional tobacco. Other sources

pointing to the harm reduction potential in vaping can be found in studies by the [Royal College of Physicians](#) or published in the [British Medical Journal](#). Overall, vaping products reduced the risk of cancer for smokers. Vaping products also play a **critical role in helping adult smokers to quit traditional tobacco**. Peer reviewed studies by the [American Journal of Public Health](#) and research led by the [University of Oxford](#) highlight the smoking cessation potential of vaping. The European Parliament considered in two separate reports the report on [strengthening Europe in the fight against cancer](#) (2022) and the report on [non-communicable diseases](#) (2023) - that “electronic cigarettes could allow some smokers to progressively quit smoking”.

Excessive restrictions on vaping products are likely to harm Dutch public health rather than benefit it.

2. Restricting points of sale will reinforce the already strong black market in the Netherlands

The Netherlands already imposes the strictest regulations on vaping products in Europe, as evidenced by its e-liquid flavor ban—permitting only sixteen substances in their composition—and the prohibition of online sales. These measures have had significant negative consequences, including a surge in the black market for vaping products.

Further restricting points of sale for vaping products would only exacerbate this black market, leading to the proliferation of non-compliant and unsafe products. Beyond its detrimental impact on the legal economy, fiscal revenue, and criminal activity, the black market poses a serious threat to public health.

Estonia provides a cautionary example: its Parliament introduced a [bill](#) to reverse vaping restrictions after observing that reduced consumer choice and the expansion of the clandestine market had diminished legal compliance and eroded trust in the state. They acknowledged that the use of black-market products significantly increased health risks – risks previously mitigated by the mandatory controls established under the EU Tobacco Product Directive.

It is also crucial to highlight that the **current restrictions** – such as the flavor ban and the prohibition on online sales – **have already significantly limited access to legal vaping products** by reducing the number of outlets that offer them, including specialized vape shops. The proposed points of sale restrictions will further obstruct adult smokers' ability to access a far less harmful alternative and an effective smoking cessation method, making it virtually impossible for many to purchase these products legally. As a result, **former smokers will either return to tobacco cigarettes or turn to unsafe black-market products – both of which pose far greater health risks.**

This measure is, therefore, inconsistent with the public health objectives the Dutch government aims to achieve.

3. An ineffective measure that unfairly favours the tobacco industry

In the public consultation's "policy compass," the authorities assert that the restrictions are "expected to reduce smoking rates among adults and youth, resulting in health benefits." This claim is highly questionable, as young people in the Netherlands primarily purchase illegal products due to the already stringent regulations, and underage individuals are prohibited from

buying vaping products altogether. Therefore, youth uptake of vaping will remain unaffected by the restriction on sales outside of specialized tobacco shops, which will primarily penalize adult ex-smokers.

AIV also finds the exemption of tobacco products from these restrictions until 2032 completely unacceptable. In practice, **this means vaping products will be banned from convenience stores by 2026, while combustible cigarettes – significantly more harmful – will continue to be sold for another six years.** The Dutch authorities have yet to provide any justification for this exemption. Besides being illogical, given the stark difference in harm between vaping and tobacco products, this measure will unfairly benefit large tobacco companies over small and medium-sized vaping enterprises in the Netherlands.

As previously explained, the proposed restriction is likely to increase smoking rates and is in direct contradiction with the Dutch government's stated goal of protecting public health. On the contrary, it is expected to result in a net loss of "health benefits."

Conclusion

The proposed restriction on points of sale in the Netherlands poses significant risks to public health. By further limiting legal outlets where adult smokers can access tools to transition to less harmful alternatives and quit smoking, this measure threatens to increase smoking rates and strengthen an already flourishing black market. Furthermore, the Dutch authorities unjustifiably and inexplicably favor tobacco companies by granting an exemption for traditional tobacco products.

For these reasons, we respectfully urge the Dutch government to reconsider this measure and explore more effective and proportionate alternatives that will better protect public health and youth.

Chairman AIV - Ciprian Boboi

