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To: EK-postbus <postbus@eerstekamer.nl>
Subject: FW: [ENGLISH SUMMARY] Scientific report on discouraging tobacco use

Attachments:

Summary report tobacco.docx

Van: "NL.Parlement" <NL.Parlement@natparl.ep.europa.eu>
Datum: 29 april 2026 om 13:45:40 CEST
Aan: 5.1.2.e <5.1.2.e <5.1.2.e@natparl.ep.europa.eu>>
Onderwerp: [ENGLISH SUMMARY] Scientific report on discouraging tobacco use

Dear all,

Hereby I would like to draw your attention to a [report](#) (in Dutch) on **discouraging tobacco use** that has been published on the request of the standing committee on [Health, Welfare and Sport](#) of the Dutch House of Representatives.

It examines whether **practices** used in other EU-countries, such as France and Belgium, could be applied also to The Netherlands. Equally, it examines its potential **effects**, and whether the various methods are in line with **EU-law**.

Please find enclosed an **English summary of the report**. We hope you or your colleagues in the capitals will find it useful. If you would like to find out more, you can get in touch with my colleague, 5.1.2.e (5.1.2.e [@tweedekamer.nl](mailto:5.1.2.e@tweedekamer.nl)).

Kind regards,

5.1.2.e

5.1.2.e

Parlementair Vertegenwoordiger van de Tweede Kamer bij de Europese Unie
Representative of the Dutch House of Representatives to the European Union

European Parliament, Rue Montoyer 70, MTY04R004, B-1047 Brussels, Belgium

Report on discouraging tobacco use and the regulation of related products

Summary

This report was prepared at the request of the Standing Committee on Health, Welfare and Sport of the House of Representatives of the Netherlands. In essence, the Committee has asked whether measures exist in other countries that, without relying on excise duties, influence the pricing of tobacco and related products, and what effects those measures have had where they have been implemented; what the expected effects would be if such measures were introduced in the Netherlands; whether the introduction of such measures is permissible under European Union law; and what amendments to EU law would be required if such measures are not currently permissible.

The report examines five categories of measures from other countries: pricing measures; sales bans (on electronic disposable tobacco and related products and a generational sales ban); the medicalisation and pharmaceuticalisation of products containing nicotine; a deposit-refund scheme for electronic tobacco and related products; and the regulation of product characteristics. Our analysis shows that, taken in isolation, each of these measures is likely to have only a limited effect, and that their effectiveness is further undermined by cross-border trade and the presence of an illicit market. Moreover, the scientific evidence under current conditions is limited, and the scope and quality of the available research are often insufficient to draw firm conclusions on policy effectiveness and long-term effects, such as substitution between products or shifts towards illegal alternatives.

Several examples of pricing measures have been identified. In general, such measures are evaluated positively, but in practice there is often low price sensitivity and an increasing shift from the legal to the illicit market. In addition, it appears that further price increases in the Netherlands would no longer have the intended effect, partly due to already high prices and the availability of grey and black market alternatives. At present, such pricing measures are not permitted; an amendment to the Tobacco Excise Directive would be required before the Netherlands could introduce them.

A sales ban on electronic disposable tobacco and related products has recently been introduced in fellow EU Member States Belgium and France. Although the measure is very recent, early indications suggest positive environmental effects.

The emergence of new “reusable disposable” products, however, is a limitation. As other EU Member States also have introduced this measure, it should in principle also be possible to be implemented in the Netherlands, provided that the European Commission approval procedure is followed. Non-EU Member State the Maldives has recently introduced a generational sales ban, but no results on its effects are available yet. Such a measure appears permissible, provided that the Netherlands can demonstrate, on the basis of sufficient empirical data and evidence, that the ban is necessary and proportionate.

The medicalisation and pharmaceuticalisation of products containing nicotine, which restricts access to pharmacies, with or without a medical prescription, have already been implemented in Australia. The effects remain contested: on the one hand, its effectiveness as a smoking cessation aid is under debate; on the other, there are concerns about a possible shift towards the illicit market. Under EU law, this measure appears permissible, provided that sales from other Member States are not unduly restricted, or that any restriction can be justified on public health grounds. The Netherlands would need to demonstrate that the measure is necessary and proportionate.

A deposit-refund scheme for electronic tobacco and related products has not yet been implemented anywhere in the world. Consequently, there are no findings on its effects. However, the Dutch deposit system for bottles and cans suggests that such a scheme could have positive environmental outcomes. The introduction of such a system appears permissible, provided that products from other Member States fall within the scheme on a non-discriminatory basis and that the measure is justified on public health grounds. The Netherlands would need to demonstrate that the measure is necessary and proportionate.

There are also various ways in which states can regulate the characteristics of tobacco and related products. At first sight, such measures appear effective, particularly for young people. However, the accessibility of products with prohibited characteristics may be undermined by the availability of these products through other Member States or the illicit market. At present, such measures are generally not permitted where the characteristic to be regulated falls within the scope of the Tobacco Products Directive. Our findings indicate that there is still scope to improve enforcement of existing restrictions on product characteristics, thus enabling further price increases for current products. In particular, products are currently circumventing existing requirements relating to child safety and tamper resistance.

Finally, it should be emphasised that uncertainty regarding the effectiveness of measures does not, from a legal perspective, justify inaction. Under EU law,

Member States are allowed to adopt measures to protect public health even where there remains some uncertainty as to their precise effects. As recognised in the case law of the Court of Justice of the European Union, the precautionary principle allows authorities to take preventive measures where there is a plausible risk to public health, without having to await full scientific certainty as to the effects of those measures.