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MEMBER OF THE EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY

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Dear Minister Heunicke,

Thank you for your letter of 11 September 2020, in which you raise concerns about the rising tobacco use amongst young people, pointing to the attractiveness of tobacco and nicotine products with flavours for this age group in Denmark. In this context, you refer to the Danish draft measures notified in the framework of the "Single Market Transparency Directive" (Directive 2015/1535/EU).

As you are aware, one of the priorities of my mandate is to take Europe's fight against cancer to a different level through our ambitious Cancer Plan that we will put forward before the end of the year. Let me assure you that I attach great importance to tobacco control policies, which are an indeed essential pillars in cancer prevention, as tobacco use is the leading preventable cause of cancer. "Europe's Beating Cancer Plan" will strengthen the EU tobacco control framework by reinforcing its rigorous application and giving impetus to its evaluation and subsequent adaptation to new market trends and circumstances. It will also support Member States' efforts to fully implement the Framework Convention on Tobacco Control and meet the Sustainable Development Goals, ultimately moving Europe towards a tobacco-free future.

Protecting young people from the hazardous effects of tobacco and related products is at the core of EU tobacco control policies, and is key to achieving our shared tobacco control ambitions. The Tobacco Products Directive aims to reduce the numbers of tobacco users with a particular focus on discouraging young people from taking up smoking, and to ensure that citizens across the EU are fully aware of the harmful effects of tobacco use.

Minister Magnus Heunicke
Minister for Health and Senior Citizens
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In this vein, I would like to assure you that the Commission shares the objective of preventing youngsters from smoking and nicotine addiction and we have welcomed several measures proposed by Denmark as part of the recent notification, such as the introduction of standardised packaging for tobacco and related products. However, the Commission issued a detailed opinion with respect to the proposed introduction of a ban on certain characterising flavours because it is contrary to the temporary exemption allowed by the EU legislator for these products.

However, notwithstanding this legal analysis, let me underline that the objective pursued by the entire set of draft Danish measures (i.e. to prevent use of tobacco and related products by young people) would be undermined by the proposed exemptions for certain flavours such as menthol. Thus, attractiveness of such flavoured products could even increase in future, especially in the context of the recent applicability (20 May 2020) of the EU ban on menthol cigarettes and roll-your own tobacco.

At the same time, I take this opportunity to assure you that this issue will be given specific consideration in the context of the upcoming Commission report on the application of the Tobacco Products Directive to be submitted to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by May 2021. If needed, we will not hesitate to address the necessary modifications. In the meantime, you might consider prohibiting certain categories of tobacco or related products, such as chewing or nasal tobacco.

I hope that you will find this information helpful in clarifying the Commission's approach on these important matters and I look very much forward to working closely with you to prevent and reduce tobacco use among young people.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'D. Kyriakides', is positioned below the text 'Yours sincerely,'.