

NEWS

EU agrees rules to allow most e-cigarettes to be sold as consumer products

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European diplomats have agreed new antitobacco legislation that will increase the size of health warnings on packaging and introduce rules on electronic cigarettes.

The deal, which is expected to be approved by the European parliament early in 2014 and come into force in 2016, means that most e-cigarettes will be sold as consumer products rather than as medical devices, which would have seen them more tightly regulated.¹ Only those e-cigarettes that have a nicotine level exceeding 2 mg will need to be approved as a medicine. Refillable cartridges will be allowed, although they could be banned if at least three member states decide to ban them on health grounds.

In the United Kingdom the Medicines and Healthcare Products Regulatory Agency (MHRA) has already decided that all e-cigarettes and other electronic products containing nicotine will be regulated as medicines from 2016 to ensure their quality.²

Jeremy Mean, the agency's group manager of vigilance and risk management of medicines, recently described the current state of European Union policy on e-cigarettes as a "dog's dinner."³

The draft agreement also stipulates that health warnings should cover 65% of the front and back of cigarette packets, up from the current 30% to 40%, and bans packets of less than 20 cigarettes. Flavoured cigarettes and tobacco, such as fruit and vanilla, will also be phased out from 2016, and menthol cigarettes will be banned from 2020.

Linda McAvan, the Labour MEP for Yorkshire and Humber and lead negotiator on the directive, said, "We know that it is children, not adults, who start smoking. And despite the downward trend in most member states of adult smokers, the World Health Organization figures show worrying upward trends in a number of our member states of young smokers. We need to stop tobacco companies targeting young people with an array of gimmicky products."

Jean King, Cancer Research UK's director of tobacco control, welcomed the EU directive. "Our research shows that by introducing large picture warnings on the front and back of the pack, regulating flavours, pack size and shape and other measures, the European Union is taking an important step forward in reducing the appeal of cigarettes to children," she said. "In the face of massive lobbying by the tobacco industry, public health has won through. The directive also allows us to progress regulation of e-cigarettes, to ensure they're safe and effective and accessible to smokers. Now we must ensure that the European Parliament supports these crucial measures."

1 European Parliament/Legislative Observatory. Tobacco and related products: manufacture, presentation and sale. Approximation of member states legislation. [www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0366\(COD\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0366(COD)&l=en).

2 Torjesen I. E-cigarettes are to be regulated as medicines from 2016. *BMJ* 2013;346:f3859.

3 Limb M. EU policy on e-cigarettes is a "dog's dinner," says UK regulator. *BMJ* 2013;347:f6871.

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