
Response from the Association of European Cancer Leagues (ECL) to the call for evidence of the Tobacco Products Directive and the Tobacco Advertising Directive

The [Association of European Cancer Leagues](#) (ECL), a non-profit umbrella organisation made up of 35 national and regional cancer leagues advocating for improved cancer control and care across Europe, welcomes the possibility to contribute to the [call for evidence](#) of the [Tobacco Products Directive](#) and the [Tobacco Advertising Directive](#), as well as the European Commission's willingness to review the tobacco framework and ensuring a high level of human health protection in all policies.

EU tobacco control legislation has delivered significant public health benefits

The current EU tobacco control framework has delivered significant public health benefits and remains one of the Union's most successful disease prevention policies. The Tobacco Products Directive and Tobacco Advertising Directive have contributed to reducing tobacco use across Europe by establishing common rules on product regulation, health warnings, ingredients reporting and advertising restrictions. These measures have helped denormalise tobacco use, increase public awareness of health risks and support Member States in implementing effective tobacco control policies. As a result, tobacco consumption has declined substantially across the European Region over the past two decades¹. This demonstrates that strong tobacco control legislation works.

The current framework is no longer fully fit for today's nicotine and tobacco market

Despite the progress achieved, tobacco remains the leading preventable cause of cancer and a major risk factor for other non-communicable diseases in the European Union. While the current legislative framework was designed primarily to regulate conventional tobacco products, the market has evolved rapidly with the emergence of a wide range of novel and emerging nicotine and tobacco products. These products are often introduced and adapted at a much faster pace than the legislative process can respond, creating regulatory gaps and opportunities to circumvent existing rules. In particular, some novel products, such as heated tobacco products, are not fully covered by the current framework or are subject to less stringent requirements regarding product regulation, packaging, flavours, health warnings and marketing. At the same time, the tobacco and nicotine industry continues to develop products, designs and

communication strategies that appeal to young people, contributing to the normalisation of nicotine use among new generations. This raises serious concerns for public health and risks undermining decades of progress in tobacco control. The current framework therefore lacks the flexibility and future-proof mechanisms needed to effectively address an increasingly innovative and rapidly changing nicotine market.

Achieving a tobacco-free generation requires a public health-driven approach

One of the most significant emerging challenges is the increasing targeting of young people by the tobacco and nicotine industry through novel products, attractive flavours, product design, digital marketing and social media promotion. While smoking rates have declined in many countries, the growing popularity of new nicotine products among adolescents and young adults risks creating a new generation addicted to nicotine. At the same time, the pace of product innovation continues to accelerate, with manufacturers regularly introducing new products, technologies and delivery systems that can quickly exploit regulatory loopholes. This dynamic creates a persistent gap between public health objectives, legislative response and market developments. The challenge facing policymakers is no longer only how to regulate existing products, but how to protect citizens from harmful products that have not yet been invented.

Another major challenge is ensuring that the EU regulatory framework remains aligned with the ambition of achieving the tobacco-free generation promised under the [Europe's Beating Cancer Plan](#) and the [EU Safe Hearts Plan](#), and reducing the burden of cancer and other non-communicable diseases. In this context, public health protection must remain the primary objective of EU tobacco and nicotine regulation, and the precautionary principle should guide decision-making whenever evidence on the long-term health effects or population-level impacts of new products remains uncertain.

Important regulatory gaps remain in the current legislative framework

The current legislative framework contains several important gaps that limit its effectiveness in addressing today's nicotine and tobacco market. First, not all novel and emerging nicotine and tobacco products are adequately covered by the existing legislation, resulting in inconsistent regulatory requirements across product categories. This creates opportunities for products to enter the market under less stringent rules regarding ingredients, flavours, packaging, health warnings, reporting obligations and marketing restrictions. Second, the framework lacks mechanisms to rapidly respond to future products and technological developments, meaning that regulation often lags behind industry innovation. Third, the Tobacco Advertising Directive does not sufficiently address modern forms of cross-border promotion, including social media

marketing, influencer marketing, online sponsorship and other digital communication channels increasingly used to reach young audiences. Furthermore, the current framework does not adequately address product characteristics that increase attractiveness and appeal, such as flavours, packaging, design features and product presentation. Finally, there is insufficient recognition of the need to protect children and young people from nicotine addiction across all product categories and to ensure that public health objectives remain at the centre of regulatory decision-making. These gaps risk undermining progress towards a tobacco-free generation and weakening the effectiveness of existing tobacco control measures.

The revised Directives should establish ambitious minimum standards for tobacco and nicotine control across the European Union while fully safeguarding the ability of Member States to adopt more stringent measures where necessary to protect public health. Consistent with Article 2.1 of the [WHO Framework Convention on Tobacco Control](#), the EU framework should be understood as a regulatory floor rather than a ceiling: a minimum harmonisation framework that supports, rather than constrains, national leadership in tobacco control and enables countries to respond to emerging evidence, evolving market developments and national public health priorities.

The revision of the EU tobacco control framework should ensure that legislation is fit for purpose, future-proof and capable of protecting current and future generations from the harms of tobacco and nicotine addiction.

First, the scope of the legislation should be expanded to comprehensively cover all nicotine and tobacco products, including novel and emerging products, ensuring that equivalent public health protections apply across product categories.

Second, the framework should include mechanisms that allow the EU to respond more rapidly to new products and technological developments without requiring a full legislative revision.

Third, stronger measures are needed to reduce the attractiveness of nicotine and tobacco products, particularly among young people, including restrictions on flavours, packaging, design features and other characteristics that increase appeal.

Fourth, the Tobacco Advertising Directive should be modernised to address all forms of cross-border digital marketing, including social media promotion, influencer marketing, online sponsorship and other emerging advertising practices.

Fifth, the precautionary principle should guide the regulation of novel and emerging products, ensuring that public health protection takes precedence where evidence remains still uncertain.

Finally, the revised framework should explicitly support the objective of achieving a tobacco-free generation and remain fully aligned with the WHO Framework Convention on Tobacco Control and Europe's Beating Cancer Plan.

The [Association of European Cancer Leagues \(ECL\)](#) is a non-profit umbrella organisation made up of 35 national and regional cancer societies advocating for improved cancer control and care across Europe. Transparency registry number: 19265592757-25