



Minister for Health and Senior Citizens

Commissioner for Health and Food Safety
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Dear Commissioner Kyriakides,

I am writing to you in relation to our joint effort to prevent and reduce tobacco use among young people. We have previously discussed electronic cigarettes, and I appreciate your commitment to protecting young people from the hazardous effects of these products. As you know, I welcome the European Commission's Initiative Europe's Beating Cancer Plan and find it important to have an ongoing focus on preventing smoking among children and young people and to take measures that can prevent young people from starting smoking.

In Denmark, we have seen a rise in tobacco use among young people. I am deeply concerned about this development and I am committed to initiating actions to change the situation. In December 2019, the Danish Government and a majority of the political parties represented in the Danish Parliament agreed on a national action plan targeting smoking and the use of tobacco, electronic cigarettes and nicotine products among young people.

We know that the tobacco industry has a strong interest in finding ways to attract new users. Therefore, it is important that we adapt our legislation to current threats to public health and that our common EU approach does not prevent Member States from taking adequate and necessary steps in this regard.

We are concerned about reports about how tobacco and nicotine products with flavours attract young people. Therefore, we expect to prohibit the placing on the Danish market of most tobacco products with a characterising flavour other than menthol and tobacco. We have notified our planned upcoming regulations to the EU Commission. However, I must say, I am quite surprised and disappointed in the manner in which the EU Commission has replied.

In our notification, we explained why we found these steps necessary and explicitly referred to the mechanisms of the Tobacco Directive allowing members states to move forward with further regulation including prohibition of certain categories of products. Yet, in its reply, the EU Commission does not address these arguments at all. I would like to note that while some member states have chosen to ban chewing tobacco altogether, our efforts are targeted towards flavored products as they have a particular appeal to young people.

In its reply, the EU Commission makes a point of its own exclusive authority to withdraw exemptions from the ban on characterizing flavors if there is a substantial change of circumstances as established in a Commission report. We would be keen to receive information on any efforts on the part of the Commission to monitor market

developments or other circumstances or providing member states with effective tools to do so in order to determine whether the withdrawal of any or all of these exemptions would be warranted as we regard the health effects of getting young people addicted to tobacco products through the use of characterizing flavors a matter that should be of concern across the EU.

In the spirit of our past cooperation and common goals with regard to improving public health, I request that you look into this matter in order to facilitate a process in which we can move forward in accordance with the intentions behind the Tobacco Products Directive of protecting young people from the harmful effects of using tobacco products.

I look forward to receiving your response to our request and to our continued collaboration on tobacco use and other health policy issues. We are at your disposal if you need any additional information.

Yours sincerely,

Magnus Heunicke