

The UK: e-cigarettes post the EU TPD and pre-Brexit

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ASH receives funding from:



ash.
action on smoking and health

Declaration of Interest

- ASH (UK) is a public health charity set up by the Royal College of Physicians in 1971 to advocate for policy measures to reduce the harm caused by tobacco.
- Funded primarily by 2 leading UK health charities: British Heart Foundation and Cancer Research UK.
- Has received project funding from the Department of Health in England to support tobacco control.
- ASH does not accept commercial funding – and that includes from the tobacco, pharmaceutical and/or electronic cigarette industry

UK context

- UK is a party to the WHO FCTC
- Leads Europe on tobacco control implementation
- Goes further than the EU TPD, Tobacco Advertising Directive and the Tobacco Tax Directive via
 - Standardised packaging
 - Complete ban on tobacco advertising promotion & sponsorship
 - Commitment to reducing affordability of tobacco through high taxes
- Supports e-cigs as harm reduction

EU TPD standard

Statutory Instrument 2016 No. 507

E-cig regulations

- Notification and annual reporting requirements to MHRA
- Prohibition of cross border advertising
- 30% pack warning: “This product contains nicotine which is a highly addictive substance”
- Max nicotine concentration of 20mg/ml
- Max tank sizes 2 ml and refill bottle 10 ml
- Products must be child-resistant and tamper evident
- Bans certain ingredients including colourings, caffeine and taurine

Reviewing the regulations

- PHE committed to publish an annual review of e-cig regulations – next due by the end of 2017
- By 20 May 2021 the Secretary of State for Health must publish a report on the TPD regulations which:
 - Assesses whether the regs achieve government objectives; and if so
 - Whether they could be achieved through ‘less onerous regulatory provision’
- Subsequent reviews must be published at intervals not exceeding five years.

Current status of the market

MHRA notifications

- To date 30,000 notifications to MHRA by over 400 firms: hundreds more coming in every week
- Once £150 notification fee paid can go on sale as soon as reviewed – currently taking about a month

YouGov smokefree GB survey for ASH Feb-March 2017

- 2.9 million current vapers
- 6% current vapers reported using an e-liquid containing over 20 mg/ml
- 20% daily vapers reported using more than 4ml of e-liquid a day, and only 1% more than 10ml

UK timeline from TPD to Brexit

- 23 June 2016 voted to leave the EU
- 29 March 2017 UK triggered Article 50
- 30 March 2017 published 'Great Repeal Bill' White Paper
- 20 May 2017 EU TPD 1 yr transition period over
- Queen's speech when government announces its legislative programme – next week (?)
- Publication of Great Repeal Bill due shortly thereafter (?)
- 29 March 2019 leave the EU (or later if negotiations extended)

White Paper on Great Repeal Bill

Committed to:

- Repeal the European Communities Act 1972
- Bring all EU laws onto the UK statute books
- Create powers to make secondary legislation

Implications

- Existing legislation will remain in place
- Gives the Government + Parliament time to review, amend or scrap these laws in future
- No immediate changes to legislation even after Brexit except to rectify problems occurring as a consequence of leaving the EU e.g. put a domestic notification process in place for e-cigs
- After the general election result changes even less likely

Evidence from the UK

Smoking still dominant – 9 million smokers in 2015 (national surveys)

- Number of vapers up from 2.8 to 2.9 million between 2016 and 2017:
 - Growth slowed in recent years BUT proportion switched completely growing
 - Just under half dual users (ie still smoking)
 - Just over half don't smoke at all

	2012	2013	2014	2015	2016	2017
Number of e-cigarette users (vapers) in Great Britain	700,000	1.3 million	2.1 million	2.6 million	2.8 million	2.9 million
Prevalence	1.7%	2.7%	4.2%	5.4%	5.7%	5.8%
Year on year rate of change ¹³		+86%	+62%	+24%	+8%	+4%

NB Year on year figures created by ASH during data analysis.

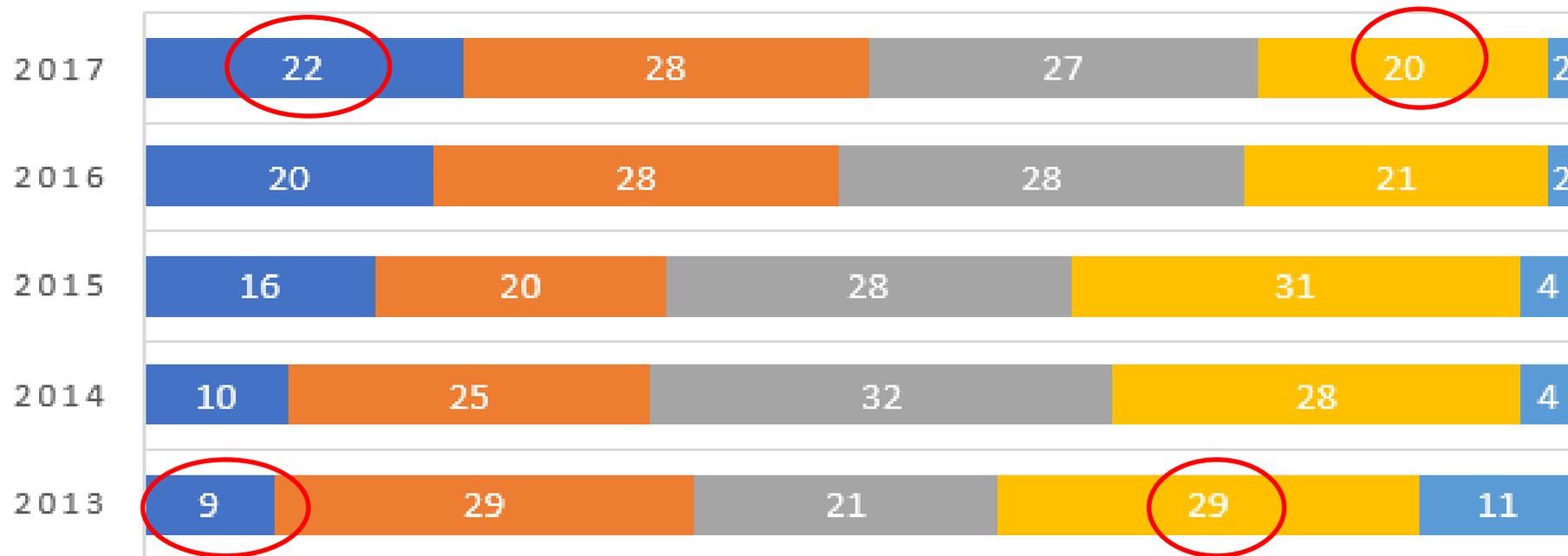
Reasons British smokers give for not vaping (ASH 2017)

- **1/3 smokers never vaped WHY?**
 - main reason concerns about addictiveness (28%) and safety (23%)
- **4/10 smokers tried e-cigs but no longer use WHY?**
 - Not a good enough substitute for smoking (didn't feel like smoking 25%, didn't help with cravings 20%)
 - Ex-vapers would try again if better substitute for smoking (28%); and
 - If felt confident they were safe (16%)

Perceptions of harm going the wrong way: even in the UK

CHANGES IN GB SMOKERS PERCEPTIONS OF HARM FROM E-CIGARETTES (%)

■ More or equally harmful ■ Don't Know ■ Less harmful ■ Lot less harmful ■ Harmless



Conclusions

- TPD regulation has not destroyed the e-cig market in the UK
- Still growing but growth slowed considerably pre-TPD implementation
- Misperceptions of harm not improving among smokers – this has to change
- Vapers remain almost entirely ex-smokers and smokers
- Revision of TPD regulations in next five years unlikely even if there is a hard Brexit
- Longer-term need to decide what regulatory changes are essential to maximise opportunities and manage risks

THANK YOU

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MHRA notification process: <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

ASH Smokefree GB data on e-cigarette use 2017

http://www.ash.org.uk/files/documents/ASH_891.pdf

ASH website: www.ash.org.uk