

# TOBACCO HARM REDUCTION

## POLICY BRIEF





## Introduction

The upcoming year is expected to bring major changes on both national and European levels in the area of tobacco and tobacco-related products regulation. The policymakers are trying to find an appropriate regulatory framework for novel products, as well as a more systemic way to make the regulation more reactive to future innovations as they happen. At the same time, they are trying to react to new market trends and changing preferences, in order to achieve positive change in the area of public health, as well as keep the fiscal tax yields to the public budgets.

In doing so, the policymaker has the possible avenues open to them on how to approach tobacco and related products regulation. First is the prohibitionist approach of imposing restrictions as severe as possible and attempting to tax and regulate these products out of the market, or at least strongly limit their usage. The second approach is harm reduction. This approach, rather than implementing the strictest available measures, favours minimising risks to health gradual<sup>2.6</sup> ction

The final chapter then comprises of the summary of both the basic guiding principles that any proposed harm reduction policy should reflect, as well of a series of recommendations of practical steps the government can take to reduce smoking and improve public health.

Jan Mosovsky  
September, 2023

## Overview of past publications

In this section, we briefly revise the main findings from past Research Digests on the current prevalence of different alternative products in the Czech Republic and in the EU, as well as their relative risks compared to traditional smoking.

In recent years, the overall smoking prevalence has been decreasing only very gradually, and stagnated in a number of European countries, as the latest Eurobarometer on the attitude of Europeans to smoking documents (European Commission, 2021), and while the impact of the COVID-19 pandemic is not yet entirely clear, chances are that isolation might have driven the number of daily users up. At the same time, the number of alternative products users increased. Combined, these two facts have spurred increased regulatory activity, but also a renewed interest in the research of the degree of harm of different products, as well as consumer behaviour.

It turns out that fears of increase of nicotine usage and users overall is not justified by the data. While the number of cigarette users declines only slowly, the decrease in the number of cigarettes sold decreases much more dramatically (Taxation and Customs Union, 2023). The number of cigarettes released for consumption in 2021 totalled only 52 % of the number of cigarettes produced in 2002, and 74 % of cigarettes produced in 2012. At the same time, regular users decrease their frequency of usage – with 6 percentage points of smokers who smoke daily or weekly fewer in the latest data, compared the results from 2015 (European Commission, 2021 & 2015).

- Similar level of misinformation exists as with e-cigarettes, with people in 27 EU countries thinking HTPs should be also banned everywhere where smoking is.
- Research also shows that the risks of heated tobacco products, although still very present, are lower than for conventional cigarettes – although the evidence here is more ambiguous than in the case of e-cigarettes.
  
- As a newest product category, nicotine pouches are only getting established on the European market. In the Czech Republic, around 2 % of adults are using them (Vláda ČR, 2023). Modern oral products are therefore represented primarily in Northern Europe and in Sweden in particular, with a historically high popularity of snus, which led to reduction of smoking prevalence to under 7 %.
- Available research shows that nicotine pouches are poised to become a cessation tool with lower risks than most other alternatives, although they will be facing an uphill battle to get established on the markets, as many Member States, including the Czech Republic, are developing severely restrictive regulation.



<p>alternative nicotine products, the additional tax revenue could amount to between CZK 3 and 7 billion per year, while for heated tobacco products and other less harmful smoking alternatives it is essential not to raise the tax rate to or above the tax rate on smoking tobacco."</p>	<p>line with their assumed riskiness to be a clearly good step.</p> <p>When introducing or increasing taxes on alternative products, the final resulting cost of the product per unit of nicotine and per pack compared to cigarettes should always be kept in mind. Due to the regulated number of units per package and nicotine content per pack, these indicators tend to converge. Given the current tax increase on e-cigarettes and nicotine pouches as the least risky category, an increase of taxes on cigarettes and heated tobacco can be discussed, as recommended by some Czech experts.</p> <p>In terms of inflation proofing, percentage rather than absolute tax amounts are understandably more effective, unless the legislator's aim is to create an opportunity for regular revisions as the absolute amounts regularly necessitate.</p> <p>Estimates of tax revenues as reported in the Report on Addictions are good news for the state budget, but as the Report itself states, it is important not to prioritize budgetary considerations over strategic planning of excise taxes to benefit primarily public health. The situation would be slightly different if part of excise tax revenue were directly earmarked to fund addiction programmes or awareness campaigns, for example.</p>
<p>"To effectively address the problem of addiction, there is a need to implement policies based on a scientifically validated and balanced approach to risk prevention and harm reduction and to ensure adequate funding for addiction services and evidence-based prevention programmes and interventions."</p> <p>"In this sense, it is necessary to gradually increase the funding for the provision of prevention and treatment services (in the Czech Republic, public spending on addiction accounts for approximately 0.03% of GDP) to the level of Western countries (up to 0.5% of GDP) or at least neighbouring Austria (0.09% of GDP)."</p>	<p>Increasing the capacity and scope of addiction services, particularly in regions with higher smoking prevalence, is one of the essential prerequisites for effective care. The Action Plan itself also addresses this point in more detail: "Within the framework of the project Systemic Support for the Development of Addiction Services within the Integrated Drug Policy (IP RAS), a new structural framework of the network of addiction services was prepared on the basis of an analysis of the current situation, with the aim of increasing the availability and quality of addiction services, including a proposal for defining these services in the system of health and social services and ensuring their stable financing. One of the options for systemic change is the finalisation and discussion of a draft of the so-called 'Adicticology Act'.</p>







country's regulation, asa

## Conclusions

As mentioned earlier, the Czech government's Report on Addictions (2023) comments that there is a large room for improvement in putting the goal of more presence of harm reduction principles in the country's nicotine products regulation into practice, further commenting that: "

The misconceptions about the relative danger of different products that we discussed in Section 2 definitely contribute to these fears. Nonetheless, our research shows that this concern is not justified. The Report reaches the same conclusion, stating that "

The main question we therefore strive to answer is what are the practical steps that can be taken to create a policy that is more actionable and more likely to achieve good outcomes. Based on our analysis, we conclude that the policy should be guided by these general principles, that sum up the recognized harm reduction approaches:

The upcoming regulation should not listen to the mainstream uninformed sentiment of placing alternative products on the same regulatory level as smoking. The evidence is quite conclusive in the fact that they encourage some degree of smoking cessation, and that they are of a lower degree of harm, at least in the short term and medium term, than conventional cigarettes. Tax and regulatory policy should reflect the degree of harm of various products.

More extensive consultation on health and cessation effects of various products with involvement of a wider body of expert opinion, to guide the risk-informed regulation and fiscal policy.

Researching consumer preferences and shaping regulation so that aspects of alternative products, such as flavours or indoor usage, remain available in situations where it does not increase risk.

Thought-through public information campaign, dispelling the myths surrounding alternative products, and informing of their risks objectively, but in relation to the risks of smoking conventional cigarettes. A step similar to the policy already implemented in several countries, such as the UK (Public Health England, 2022), giving some alternatives an official cessation tool status, could also increase their credibility and dispel misinformation.

Non-prohibitionistic approach especially to emerging product categories, and instead an open, but thorough product safety regulation and contents regulation, to make sure products more harmful than conventional cigarettes do not enter the market, while at the same time products with lower degree of harm remain competitive.

More accountability for retailers, higher penalties, and spot checks to more effectively combat underage use.

More specifically, based on our analysis of the Czech Action Plan, Report on Addictions, and other currently debated legislative changes, what follows are steps that the country's government can implement now to further establish its standing as a leader in the implementation of harm reduction principles into practice:

Regulatory and tax policy already applies the principle of harm reduction to some extent. Nevertheless, cigarettes are among the most affordable in the EU in terms of revenue, and with the tax now being introduced on e-cigarettes and nicotine pouches, it is possible to increase the tax on conventional cigarettes and potentially also on heated tobacco. Conversely, there should be no further regulation of the sale and

use of alternative products beyond the flavour restrictions already in place since October for heated tobacco.

Tighten penalties for sellers who provide nicotine products to persons under 18 years of age and strictly enforce this threshold.

Take steps to create a regulatory default for new nicotine products entering the market that outright implies a ban on use( /MCID 3/Lan5 /7/)-56((y)-3(earsthu)3(csea)12()-6)3(er )-56(1)74(g)2()-6 years strictly(a)12(

# Úvod

Očekává se, že nadcházející

A Politických a vhodný A snaží

Závěrečnou kapitolu pak tvoří shrnutí jak základních hlavních principů, které by měla reflektovat každá navrhovaná politika harm reduction, tak i doporučení praktických kroků, které má vláda podniknout ke snížení kouření a zlepšení veřejného zdraví.

Jan Mošovský

Září 2023

## Přehled obsahu minulých publikací

V této části stručně revidujeme hlavní zjištění z minulých edic našeho sborníku publikací o současně prevalenci různých alternativních výrobků v České republice a v EU a o jejich relativních rizicích ve srovnání s tradičními kouřeními.

V posledních letech celková prevalence kouření klesá jen velmi pozvolna a v řadě evropských zemí stagnuje, jak dokumentuje poslední Eurobarometr o postoji Evropanů ke kouření (Evropská komise, 2021), a i když vliv pandemie COVID-19 není zatím zcela jasný, je pravděpodobné, že izolace mohla počet denních uživatelů zvýšit. Zároveň se zvýšil počet uživatelů alternativních produktů. Kombinace těchto dvou skutečností podnítila zvýšenou regulaci aktivity, ale také obnovený zájem o výzkum míry škodlivosti různých výrobků a také chování spotřebitelů.

Ukázalo se, že obavy z nárůstu užívání nikotinu a uživatelů celkově nejsou na základě údajů opodstatněné. Zatímco počet uživatelů cigaret klesá jen pomalu, pokles počtu prodaných cigaret klesá mnohem dramatičtěji (Tax and Customs Union,











	<p>nejsou žádní kuřáci, a je proto třeba předávat pravdivé a relevantní informace o menší relativní rizikovosti alternativních výrobků, aniž by přitom došlo k jejich propagaci směrem k nezletilým. Decentralizace přístupu ke kampaním ve školách by mohla být lépe schopná reagovat na regionální specifika a problémy, je však třeba najít kompromis s kapacitami regionálních a místních rozpočtů a s regionálními odbornými kapacitami pro informovanou kampaň.</p> <p>Školská prevence již nyní reaguje poměrně agilně na nové trendy. Jak udává Zpráva o závislostech, dokument, který se v roce 2022 aktualizován o problematiku nikotinových sáček.</p>
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„Nastavení monitorovacího systému tak, aby byl schopný pružně reagovat na nové trendy a fenomény i

## Regionální kontext



užívání alternativních produktů nad rámec již nyní odložená platného omezení příchutí u zahřívání tabáku.

Způsobení postihu pro prodejce, kteří poskytnou nikotinové výrobky osobám mladším 18 let, a striktní vymáhání této hranice.

Podniknout kroky ke vzniku regulačního defaultu pro nové nikotinové produkty vstupující na trh, které rovnou předpokládá zákaz užívání osobám do 18 let věku, a omezuje prodej a reklamu podobným

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