



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

The Director-General

Brussels
SANTE.R.1.001/ML

by email

Subject: Complaint concerning the design of the public consultation on the revision of the EU tobacco rules (Initiative 17612)

Dear Mr Molenaar,

Thank you for your email of 10 June 2026 on behalf of the signatory associations regarding the public consultation questionnaire for this initiative. We value your engagement in the consultation process and note the concerns raised regarding the questionnaire's design. These concerns were reiterated in your correspondence of 7 July 2026 to the Secretary-General, Ilze Juhansone, which are also addressed in this reply.

The consultation process is designed to uphold the highest standards of transparency, impartiality, and fairness, ensuring that stakeholder input is collected and analysed in an objective manner. The questionnaire for this public consultation was developed in strict adherence to the criteria governing the Commission's stakeholder consultation activities, including ensuring the impartiality of the questions, and to the Code for Good Administrative Behaviour.

Stakeholder consultation is a formal process, by which the Commission collects information and views about its policies, and it is an important instrument to collect information for evidence-based policymaking. In doing so, and when designing the public consultation questionnaire, the Directorate-General for Health and Food Safety (DG SANTE) strictly adhered to the principles, as set out in the Commission's Better Regulation Guidelines and Toolbox. Please allow me to respond to the specific points raised in your message.

1) The grouping of children with lawful adults under a single "young people" band

The definition of the group of "young people" follows the nomenclature defined by the World Health Organization (WHO) where "adolescents" are defined as individuals aged 10-19 years, while "youth" encompasses those aged 15-24 years. The United Nations also uses a similar definition for this age group which highlights the importance of this

demographic group in society. This age group is crucial as it involves significant developmental changes and transitions. Evidence shows that young people aged 10-24 years are potentially most susceptible to novel products and advertising online and in social media, in particular associated with the emergence of novel products. This concern has also been recognised in the [Panama Declaration](#).

2) The treatment of products of materially different risk as a single regulatory category

The questionnaire is structured to capture regulatory perspectives in a way that allows for nuanced policy analysis. It is not intended to establish a ranking or comparative assessment of the relative harm of different product categories. The Commission's position, in line with scientific evidence and public health objectives, is that all the products under consideration carry risks to health, albeit to varying degrees. The purpose of the public consultation is to gather stakeholder views on the regulatory framework, which include questions by product type, rather than to differentiate between levels of risk at this stage.

3) The use of leading premises and one-directional response options across a majority of the substantive questions

The public consultation consists of a questionnaire with closed questions and the possibility to upload a supporting document. The design of the questionnaire strictly follows the principle of neutrality, ensuring that questions are framed in an objective manner to avoid bias. The design of the questionnaire is also based on the results of the recent "[Evaluation of the legislative framework for tobacco control](#)". The evidence presented in the evaluation and the results have guided the propositions while respondents are provided with multiple response options, including the ability to express disagreement with the underlying premises, where applicable.

Public consultations are a tool aimed at different categories of stakeholders, with varying levels of expertise, and are one of the multiple means available for collecting evidence. Therefore, it is essential that they have appropriate length and content to effectively engage a diverse range of users in a proportionate and clear manner. Supporting documents uploaded for the public consultation allow stakeholders to provide more differentiated or substantiated views, provide evidence, and capture or state opinions which, in their view, might or could not be covered by the questionnaire. These documents will be analysed within the public consultation.

The [call for evidence](#) was open for four weeks from 22 May until 15 June 2026 and allowed for the expression of views and the submission of supporting documents. Stakeholders can also submit correspondence to the Commission via standard channels on any topic if they wish to express any views that could not be captured in the structured call for evidence.

All consultation activities and opinions feed into the pool of evidence used for the impact assessment supporting the planned revision of the tobacco control legislation. Therefore, the Commission considers that within the consultation process ample possibilities have been provided for stakeholders to objectively and extensively express their views and thus there is no need to revise the questionnaire. DG SANTE remains committed to conducting consultations in full compliance with the Better Regulation principles, ensuring that all stakeholder contributions are treated with the utmost equality and fairness.

Finally, please note that in relation to the tobacco industry, the Commission is strongly committed to complying with Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC). The Commission strictly follows the guidelines on transparency and has

reinforced its corporate arrangements to limit its interactions with tobacco industry representatives. Such interactions are not essential in carrying out the activities of the Secretariat-General, which thus is not engaging with the tobacco industry.

Yours sincerely,

Sandra Gallina