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Date: Thu, 23 Jul 2026 16:06:33 +0200
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Bcc: info@acvoda.nl
Subject: Re: [Re] Complaint concerning the design of the public consultation
on the revision of the EU tobacco rules (Initiative 17612) - Ares(2026)7082585
In-Reply-To: <3889592.1784299203356@ares-cec.eu.int>
References: <3889592.1784299203356@ares-cec.eu.int>
Message-ID: <b6f569a9f42d621eb36dd855be9750a8@acvoda.nl>
X-Sender: info@acvoda.nl
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Dear Director-General,

Thank you for your letter of 15 July 2026. We write to record, for the file, the points on which it either confirms the defects identified in our letter of 10 June 2026 or does not engage with them. This letter closes the correspondence; the matter is now being placed before the European Ombudsman.

First, your letter states that the 10-24 "young people" definition "follows the nomenclature defined by the WHO," citing the WHO categories of "adolescents" (10-19) and "youth" (15-24). Those are two categories with distinct boundaries. The questionnaire fused them into a single band. The authority you cite therefore supports the disaggregation we requested, not the design you adopted. The objection was never to studying young people; it was to an instrument that cannot distinguish a 13-year-old from a lawful adult consumer, and your letter provides no answer to it.

Second, your letter states that the questionnaire "is not intended to establish a ranking or comparative assessment of the relative harm of different product categories" and does not "differentiate between levels of risk at this stage", despite your acknowledgement that "all the products under consideration carry risks to health, albeit to varying degrees". We note this as an express confirmation of the design choice complained of. An instrument that by design does not differentiate between products of materially different established risk cannot generate objective evidence about the appropriate regulation of those products. Your letter defends the choice as policy; it does not answer the methodological objection.

Third, your letter asserts that the questionnaire "strictly follows the principle of neutrality" but provides no supporting material: no design methodology, no record of piloting or cognitive testing, and no reference to the survey-methodology literature. It further states that the questionnaire's propositions were "guided" by the results of the evaluation of the tobacco control framework. A questionnaire whose premises embed the conclusions of a prior document, and which then invites agreement with those premises in an agree/disagree format, is the definition of a leading instrument. The assertion of neutrality is not evidence of it.

Fourth, the option to upload supporting documents does not cure the defects in the closed questions. Closed-question responses are what the synopsis report will quantify and what the impact assessment will cite;

uploaded documents are treated as qualitative background. The two are not substitutes, and your letter does not contend otherwise.

Fifth, your letter does not address the closing date of 14 August 2026, which falls within the institutional summer break, nor the request to withdraw and re-issue the consultation, beyond the statement that there is "no need to revise the questionnaire." We record that the remedy requested was refused without engagement with the grounds on which it was sought.

Sixth, we note that your letter was presented as answering both our letter of 10 June to you and our letter of 7 July to the Secretary-General. The 7 July letter sought the intervention of the Secretariat-General, in its capacity as owner of the Better Regulation framework, in respect of the conduct of DG SANTE. A reply from DG SANTE cannot answer a request for institutional review of DG SANTE. We record that no reply has been received from the Secretary-General.

We thank you for the engagement of your services. The signatories' complaint, together with the correspondence to date, is being submitted to the European Ombudsman.

Yours sincerely,

Hans Molenaar

Boardmember Acvoda

On behalf of: Anesvap (Spain); Heated Community Hub (Italy); Stichting Acvoda (Netherlands); ACPAN (Romania); EU4Snus (Sweden); AIDUCE (France)

SANTE CONSULT R1 schreef op 2026-07-17 16:40:

> Dear Mr Molenaar,

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> please find attached the reply to your email of 10 June about the design
> of the public consultation on the revision of the EU tobacco rules
> (Initiative 17612).

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> Thank you

> Best regards

> SANTE R1 on behalf of DG SANTE Director General