

**Task 8.3a, TAPS report:
Map and assess tobacco
advertisement, promotion and
sponsorship (TAPS) loopholes
and best practices for TAPS
bans**

Result of the consultation to experts:
contributes to Deliverable 8.3, JATC2



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Abbreviations

AT: Austria
BE: Belgium
BG: Bulgaria
CY: Cyprus
CZ: Czech Republic
DE: Germany
EE: Estonia
ES: Spain
FI: Finland
HTP: Heated Tobacco Products
IE: Ireland
IT: Italy
LT: Lithuania
LU: Luxembourg
LV: Latvia
MT: Malta
NL: Netherlands
NO: Norway
PL: Poland
PT: Portugal
SE: Sweden
SI: Slovenia
TAD: Tobacco Advertising Directive
TAPS: Tobacco Advertising Promotion and Sponsorship
TPD: Tobacco Products Directive
WHO FCTC: World Health Organization Framework Convention on Tobacco Control

Definitions

The European Commission Best Practice Portal considers three types of actions: awards, good practices and best practices. Awards refer to specific actions to promote a policy through recognition from the community. Good practices is a concept usually used to refer to well established interventions in health, which are already proven to be effective and recommended, and are included in a Guide to be implemented and followed regularly by professionals. Best practices are referred more to actions that have been evaluated under certain criteria and that have to be transferred to other areas.

Good practice

A good practice is not only a practice that is good, but a practice that has been proven to work well and produce good results, and is therefore recommended as a model. It is a successful experience, which has been tested and validated, in the broad sense, and which has been repeated and deserves to be shared so that a greater number of people can adopt it. (Joint action CHRODIS, 2014-2017).

Best practice

A best practice is a relevant policy or intervention implemented in a real-life setting and which has been favourably assessed in terms of adequacy (ethics and evidence) and equity as well as effectiveness and efficiency related to process and outcomes. Other criteria are important for the successful transferability of the practice such as a clear definition of the context, sustainability, intersectoriality and participation of stakeholders.

Potential Best Practice

A potential best practice within the JATC2 project is an intervention, policy, practice or initiative in Tobacco control implemented at national, regional or local level and not recognized as best practice by an official European body, but which would be susceptible to being so if it fulfilled the criteria of a European Best Practice.

Difference between European best practices and potential best practices

Best practices are those that were evaluated and recognized by European official bodies (such as the European Commission); while potential best practices are those that have not yet been evaluated and recognized by European official bodies. A potential best practice requires an evaluation to become a best practice.

- **Relevance:** The description of the practice should include information on whether it is a priority public health area, a strategy or a response to an identified problem at Local/Regional level, National level or European level, and/or put in place to support the implementation of legislation.
- **Intervention characteristics:** The choice of the target population is clearly described (scope, inclusion and exclusion group, underlying risk factors, etc. A detailed description of the methodology used is provided. SMART (Specific, Measurable, Assignable, Realistic, Time-related) objectives are defined and actions to take to reach them are clearly specified and easily measurable. The indicators to measure the planned objectives are clearly described (process, output and outcome/ impact indicators).

The contribution of the target population, health professionals and/or other stakeholders as applicable was appropriately planned, supported and resourced. The practice includes an adequate estimation

of the human resources, material and budget requirements in clear relation to committed tasks. Also, the practice includes information on the optimization of resources for achieving the objectives. An evaluation process was designed and developed including elements of effectiveness and/or efficiency and/or equity including information affecting the different stakeholders involved. The documentation (guidelines, protocols, etc.) supporting the practice is presented properly, referenced throughout the text and easily available for relevant stakeholders (e.g. health professionals) and the target population.

- Evidence and theory based: Scientific excellence or other evidence (e.g. grey literature) was used and analysed in a conscious, explicit and thoughtful manner. The intervention is built on well-founded theory/principles and is evidence based. The relevant concepts are stated and explained.
- Ethical aspects: The practice guarantees ethical values. The practice must be respectful of the basic bioethical principles of Autonomy, No maleficence, Beneficence and Justice. The practice includes measures aimed at protecting the rights of individuals, according to national and European legislation. Conflicts of interest (including potential ones) are clearly stated, including measures taken. Relevant information is adequately presented to patients/persons, ensuring conscious and informed decision making.
- Effectiveness and Efficiency of the intervention: The practice must work and achieve measurable results. The practice has been evaluated from an economic point of view. The practice includes an adequate estimation of the human resources, material and budget requirements in clear relation to committed tasks.
- Equity: As the reduction of inequities is a major issue in Europe, a practice that includes elements that promote equity, should be ranked higher (for example, if considering a gender perspective).
- Transferability: This criterion refers to the practice capacity to being transferred to other settings or scaled up to a broader target population/geographic context. The practice uses instruments that allow for replication (e.g. a manual with a detailed activity description). The description of the practice includes all organizational elements, identifies the limits and the necessary actions that were taken to overcome legal, managerial, financial or skill-related barriers. A communication strategy and a plan to disseminate the results have been developed and implemented. The practice has already been successfully transferred. The practice shows adaptability to difficulties encountered during its implementation.
- Sustainability: The practice can be implemented over a long period of time with no (or minor) additional resources, adapting to social, economic and environmental contexts. The practice has institutional/financial support, an organizational and technological structure and stable human resources. The practice presents a financial report. The practice provides training of staff in terms of knowledge, techniques and approaches in order to sustain it. A sustainability strategy has been developed taking into account a range of contextual factors (e.g. health and social policies, innovation, cultural trends and general economy, epidemiological trends). A contingency plan has been drawn up.
- Participation: The structure, organization and content (also evaluation outcomes and monitoring) of the practice were defined and established together with one or more of the following: the target population and families or caregivers and more relevant stakeholders and civil society. Mechanisms facilitating participation of several agents involved in different stages of the intervention as well as their specific role, have been established and well described. Elements are included to promote empowerment of the target population (e.g. strengthening their health literacy, ensuring the right skills, knowledge and behaviour).
- Intersectorial collaboration: Ability of the practice to foster collaboration among the different sectors involved is present. The practice has been jointly implemented by several sectors. A multidisciplinary approach is supported by the agents involved. A continuum-of-care approach is encouraged through collaboration between social, health and/or other services. The practice sets up coordination arrangements involving all different stakeholders (e.g. professional associations, public institutions, educational establishments, employers).

Tobacco advertising and promotion: Means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly. (WHO-FCTC)

Tobacco sponsorship: Means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly. (WHO-FCTC)

Tobacco advertising, promotion and sponsorship are usually abbreviated as TAPS.

1. Introduction

In May 2003, the World Health organization (WHO) Framework Convention on Tobacco Control (FCTC) was adopted to later enter into force in February 2005. It came about with the goal to tackle the global tobacco epidemic and consequently, reaffirming the right of Health for people worldwide. One of the articles within the treaty, Article 13, focuses on Tobacco Advertising, Promotion and Sponsorship (TAPS). (WHO, 2015)

Also in 2003, the European Union (EU) Tobacco Advertising Directive (TAD)¹ was developed, delimiting the main guidelines for TAPS as a first response to article 13 (EU Parliament and Council, 2003). Years later, the EU Tobacco Products Directive (TPD)² was established with the aim to limit TAPS on the EU and state an approximation of laws, regulations, administrative provisions and rules in regards to tobacco and tobacco related products (EU Parliament and Council, 2014).

Within the revised guidelines of WHO FCTC³ for implementation of Article 13 published in 2013, recommendations on how to implement restrictions at both domestic and international levels can be found.¹

The document highlights the need for enforcing comprehensive bans when possible or as comprehensive as possible considering potential constitutional principles in some countries. These TAPS bans do not only need to be comprehensive in terms of the channels of communication but also, tackle cross-border, monitoring, enforcement and sanction issues. Likewise, the need for support from civil society and international cooperation is also pointed up (WHO, 2013).

At the same time, this report establishes that the efforts of the Tobacco Industry to interfere and avoid regulations on TAPS have grown considerably, mainly with the use of new online technologies and social media platforms and the development of other emergent products (WHO, 2013).

Also, to be considered is the very recent report on the working group (document FCTC/COP/10/8) with guidelines supplementing the existent FCTC guidelines.⁴

Given all this context and the established need for a revision of the EU TAD, the Joint Action on Tobacco Control 2 (JATC2) defined within its Work Package 8 (WP8) the following objectives:

- to identify and share actions undertaken by Member States to address challenges in the application of the EU bans on cross-border and internet TAPS; and
- to develop a weight of evidence paper for a new TAD.

In order to achieve this objective, a consultation to experts was launched in May of 2023 to gather information from key informants on barriers, opportunities and potential best practices on TAPS.

1 Tobacco Advertisement Directive (TAD). Directive 2003/33/EC of the European Parliament and the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products. Accessed on 23-01-2024 Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:152:0016:0019:EN:PDF>

2 Tobacco Products Directive (TPD). Directive 2014/40/EU of the European Parliament and the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC Accessed on 23-01-2024 Available at: https://health.ec.europa.eu/system/files/2016-11/dir_201440_en_0.pdf

3 Guidelines for implementation of Article 13. WHO Framework Convention on Tobacco Control. 2013. Accessed on 23-01-2024 Available at: <https://fctc.who.int/publications/m/item/tobacco-advertising-promotion-and-sponsorship>

4 COUNCIL DECISION (EU) 2023/2625 on the position to be taken on behalf of the Union at the 10th session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202302625

2. Methods

In order to gather information on TAPS loopholes and potential best practices for application and enforcement of TAPS bans, both domestic and cross-border, in Europe, we completed the following steps:

- 1- identification of national TAPS experts,
- 2- designing, programming and testing the online questionnaire,
- 3- data collection - consultation with the national TAPS experts,
- 4- data management and analyses.

2.1. Identification of national TAPS experts:

The first task was to create a contact list of national experts within TAPS field in 30 European countries (EU member states, Norway, Serbia and the UK) that we would later invite to participate in the consultation. We were looking for national experts who would be able to provide country's examples of TAPS loopholes and examples of potential best practices for application and enforcement of TAPS bans (both domestic and cross-border) in Europe. Our aim was to identify from three to four experts in each country. The experts could be from the field of TAPS regulation, research, enforcement or NGO.

In order to get the contact information on national TAPS experts, we contacted different stakeholders in target countries. We used the list of institutions relevant to tobacco control, prepared in this JATC2, WP6 (D6.1-contact list version 4.0, 5th of August 2022), which contains the most relevant stakeholders in different areas of tobacco control in different European countries. Some of our target countries were not included in the list and there were countries on the list without contact details of the relevant stakeholders. For these countries and in cases when we did not receive any reply from the contacted relevant stakeholders from the list, we contacted other sources, such as partners of the project, and other personal contacts within relevant organizations (such as Smoke-free Partnership and the European Network for Smoking and Tobacco Control). Additionally, we also conducted internet searches for countries where it was particularly challenging to get experts' contacts.

We sent to identified stakeholders a kind request to help us identify the national TAPS experts. We started with this process in November 2022 and finished it in March 2023, as for some countries we had to contact different sources with reminders. During this process, we received the contact details of 77 national TAPS experts from 27 European countries (except Croatia, Serbia and Slovakia), which is on average close to three experts per country. After contacting them, we obtained responses from 38 experts of 21 countries.

2.2. Designing, programming and testing of the online questionnaire

The aim of the questionnaire was to gather data on TAPS loopholes and potential best practices for application and enforcement of TAPS bans (both domestic and cross-border) in Europe. The questionnaire consisted of an introduction section and two sections with questions. The introduction section included some general information and technical instructions on the consultation and questionnaire, consent for processing respondent's personal data and part with the respondent's contact data. Section 1 of the questionnaire included questions for identifying TAPS loopholes, while section 2 of the questionnaire focused on potential best practices in TAPS. Both sections together contained 85 questions. The questionnaire was programmed using Research Electronic Data Capture (REDCap). Before the official launch and invitation to experts, different WP8 partners commented and tested the questionnaire and it was updated accordingly to their comments and testing.

Online questionnaire on TAPS loopholes (Section 1)

The aim of this part of the questionnaire was to gather information on TAPS loopholes. There is already information available on this issue^{5,6,7} and we reviewed the available data, especially the most recent report from Europe, that is the 2021 European Commission's final report entitled *Study on smoke-free environments and advertising of tobacco and related products*. Our aim was to design this part of the questionnaire in a way that would enable us to collect more detailed data on TAPS loopholes than that already published.

We prepared 25 questions covering recent TAPS regulation changes, current TAPS challenges (domestic and cross-border) and their extent, main reasons behind the challenges in TAPS, most important gaps in TAPS regulation and suggestions of necessary measures to avoid/correct the gaps. The questions on extent of the current challenges in TAPS and main reasons behind these current challenges covered:

- different types of TAPS (within the country; cross-border originating from the country; cross-border entering the country),
- different types of products and devices (tobacco products for smoking (cigarettes, roll-your-own, cigars, cigarillos, pipes of tobacco, water-pipes); heated tobacco products sticks; heated tobacco products devices; tobacco for oral use, snuffing or chewing; electronic cigarettes liquids; electronic cigarettes devices; new products containing nicotine, such as nicotine pouches) and
- twenty four different types of TAPS activities or TAPS areas per each product/device type that were summarized after an exercise of thematic analysis into four main groups (advertising, sales channels, promotion and samples distribution, and sponsorship) as follows:

Order number	TAPS areas
1	Use of products in films or TV without mention of the brand
2	Product placement
3	Print advertising in the trade press
4	Competitions or prize draws linked to products
5	International print advertising for the general public
6	Advertising outside home
7	National or local radio advertising
8	Cinema advertising
9	International TV advertising
10	National or local TV advertising
11	National or local print advertising
12	International radio advertising
	ADVERTISING
13	Wider sales channels
14	Products visible on display in shops, supermarkets and other retail outlets
15	Online sales by specialist
16	Advertising at point of sale in shops, supermarkets and other retail outlets

5 European Commission. Final Report: Study on smoke-free environments and advertising of tobacco and related products. Luxembourg: Publication office of European Union, 2021.

6 WHO Framework Convention on Tobacco Control. Report of the expert group on tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media. World Health Organization, 2018. Accessed on 9th of October 2023 on: <https://iris.who.int/handle/10665/371014>

7 Commission of the European communities. Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee - Report on the implementation of the tobacco advertising directive (2003/33/EC). Accessed on 9th of October 2023 on: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52008DC0330>

17	Non-retailer websites
	SALES CHANNELS
18	Free samples, free gifts and promotional items
19	Free trial of products
	PROMOTIONS & SAMPLES
20	Brand stretching and imitation products
21	Crosses with sponsorship
22	Corporate Social Responsibility actions by tobacco companies
23	Corporate promotion and other public relations
24	Sponsorship
	SPONSORSHIP

We defined the extent of the problem as *high, moderate, low* and *none* and the main reasons behind as *gaps in current regulation, problems with implementation of regulation, problems in monitoring and enforcement, low compliance with regulation, new approaches by the industry*.

Most questions were closed questions with pre-defined answers, including *Don't know* and *Other (please specify)*. Section 1 of the questionnaire included many filters, in order to assure that the respondent answered only the necessary questions. For example, if the respondent did not indicate moderate or high TAPS issues for one or more product types, he/she did not have to answer the questions on different types of TAPS activities for these products.

Online questionnaire on potential TAPS best practices (Section 2)

The aim of the second part of the questionnaire was to gather information on potential best practices in the area of TAPS. The questionnaire was prepared based on *Guidance on how to identify best practices in tobacco control in Europe (M4.4 – Annex 1)*⁸ which was prepared by JATC2 WP4, and a description of Irish best practice on the *European Commission's Best Practice Portal*⁹. We also used the questionnaire experiences from the first consultation in JATC2 WP8 on SAFE best practices (see the *Report of the consultation on best practices for Smoke and Aerosol Free Environments (SAFE) in the EU*). Based on the experience from this previous consultation, that answers to open questions were mostly incomplete, we decided to use closed questions whenever possible.

There were 60 questions in this part of the questionnaire. The questions gathered the information on:

- general information on the practice,
- different types of TAPS, different types of products and devices and different types of TAPS activities that the practice covers (described in detail in questionnaire section 1 description),
- details on development, implementation and enforcement of the practice,
- target population,
- equity,
- ethical considerations,
- empowerment and participation,
- comprehensiveness of the intervention,
- evaluation of the practice,
- sustainability,

8 Joint Action on Tobacco Control 2. Guidance on how to identify best practices in tobacco control in Europe, including the Guidance of the Core module for a Questionnaire to identify potential best practices (M4.4 – Annex 1). Accessed on 9th of October 2023 on: https://jaotc.eu/wp-content/uploads/2023/02/WP4_Guidance-on-best-practices_M4.3_-M4.4_14-July-2022.pdf

9 Tobacco Free Ireland - Ireland's tobacco control policy and programme operating under the Healthy Ireland Framework for Health and Wellbeing 2013-2025. Accessed on 9th of October 2023 on: <https://webgate.ec.europa.eu/dyna/bp-portal/best-practice/50>

- governance and project management and
- transferability and scaling up.

Most questions were closed questions with pre-defined answers, including *Don't know* and *Other (please specify)*. We also included filters in Section 2 in order not to overburden the respondent with unnecessary questions.

2.3. Consultation with the national TAPS experts

After we prepared the final list of national experts, they were contacted via e-mails with a kind invitation to participate in the consultation. The invitations included information on which kind of experts we were looking for and what they should expect from the participation in the consultation. We always offered availability to answer any questions or further clarifications.

We conducted the consultation during May and June 2023 via an online questionnaire. Follow-up on data collection was done on a weekly basis and reminders were sent to those that have not responded. In total, 38 (45.2%) national experts completed the questionnaire. All of them completed the Section 1 of the questionnaire, while 12 (14.2%) national experts completed the Section 2 (potential best practices).

2.4. Data management and analyses

Data management and analyses on TAPS loopholes (Section 1)

We performed descriptive analyses of all questions. Missing values on questions with a “don't know option” were recoded as “don't know”. The list of “text answers” to open questions was compiled according to specific themes.

Data management and analyses on potential TAPS best practices (Section 2)

Thirteen respondents completed the section on potential best practices. We first reviewed the gathered data for quality and completeness. We excluded questionnaires not completed sufficiently or properly –4 questionnaires were excluded from the analyses because respondents:

- did not answer most of the questions (n=1),
- in which respondents answered *Don't know* to most of the questions (n=1)
- and we were not able to gather any sensible information on the practice from such questionnaire.

In the analyses, 9 reported practices from 9 countries were included.

After that, we cleaned the data in all completed questionnaires and we added missing information about the individual practices that we additionally gathered from different sources, provided by the respondents or found on the internet.

We then analysed the remaining data and prepared a short description of each potential best practice in the table with the following sections:

- title of the practice,
- country,
- short description of the practice,
- justification of the practice,
- objectives of the practice,
- type of the practice,

¹ <https://www.ncbi.nlm.nih.gov/mesh>

- coverage of the practice,
- organizations responsible for the practice, their responsibilities,
- target population, empowerment and participation,
- current phase and timeframe,
- information on the design of the practice,
- main outcomes/indicators,
- evaluation,
- equity,
- ethical considerations,
- sustainability,
- funding of the practice,
- project management and
- transferability.

3. Results

3.1 TAPS loopholes (Section 1)

The sample comprises responses from 38 participants representing 21 European countries and the distribution by country is diverse, with each country contributing between one to four respondents. The number of responses provided by each country, identified by their respective acronyms, is detailed: AT (Austria): three answers, BE (Belgium): one answer, BG (Bulgaria): one answer, CY (Cyprus): one answer, CZ (Czech Republic): two answers, DE (Germany): two answers, EE (Estonia): one answer, ES (Spain): three answers, FI (Finland): three answers, IE (Ireland): one response, IT (Italy): one answer, LU (Lithuania): one answer, LX (Luxembourg): one answer, LV (Latvia): one answer, MT (Malta): one answer, NL (Netherlands): three answers, NO (Norway): four answers, PL (Poland): two answers, PT (Portugal): two answers, SE (Sweden): two answers, YES (Slovenia): two answers.

In terms of the type of institutions represented, governmental bodies were the most prevalent, constituting 66% of the sample. These included respondents such as the Department of Health, Ministry of Health, governmental bodies and Health Service Executive, reflecting the involvement of authoritative bodies in the survey. NGOs, Universities, and Other institutions accounted for 18%, 8% and 5%, respectively. Positions held by participants varied widely, with titles like Deputy Director, Epidemiologist, Legal Officer, and Policy Advisor among others. This diversity in positions suggests a broad spectrum of expertise and perspectives within the sample, potentially providing comprehensive insights into the subject matter. Overall, the sample exhibits a well-distributed and diverse representation of countries, institutions, and positions, enhancing the robustness of the data collected.

3.1.1. Changes of TAPS regulation in participating countries during the last three years.

Respondents from five countries (FI, DE, NL, SE and NO) reported change in TAPS regulation in the last three years.

Here are some general conclusions based on the provided responses:

1. Extension of Display Ban to HTPs Devices: In 2022, the display ban was extended to include HTPs in the NL.

2. Advertising Ban: Starting from January 1st, 2022, there is a ban in DE on outdoor advertising for conventional tobacco products, novel tobacco products, and e-cig. There is an exception for the outer surfaces of specialist shops (including windows), although there is no clear definition of what constitutes a specialist shop.

3. Prohibition of Drawings (e.g., Lottery Prizes) for Tobacco Products and E-cig: In DE there is a ban

on using tobacco products and e-cig as prizes in drawings.

4. Restrictions on Visibility of Tobacco Products in Shops: In the NL, the regulation has become more stringent, with no signs or visibility allowed on the outside of shops selling tobacco and related products, except for a discreet indication of their availability. Advertising and product displays are only allowed within registered tobacco specialty shops.

5. Extension of TAPS Regulation to Tobacconist Stores: In the NL, the TAPS ban has been extended to tobacconist stores, with the exception of a number of registered tobacconist stores that can still have tobacco advertising inside the store, not visible from the outside.

6. Inclusion of Nicotine Products (e.g., Nicotine Pouches) in Regulation: In FI and the NL, efforts are being made to incorporate nicotine products like nicotine pouches under the same regulatory framework as tobacco and related products, so that TAPS regulation applies also to these products. This regulatory alignment seeks to ensure consistent oversight and control over emerging nicotine delivery methods, acknowledging the evolving landscape of tobacco alternatives and addressing potential regulatory gaps.

3.1.2. Problems encountered and measures to counteract problems with TAPS within the country or originating from the country

Except for BE and the CZ the majority (95%) of the respondents reported problems with TAPS **within** their countries. We can also find some disagreement within countries since the responses obtained by NO and FI show that for some respondents there are indeed problems with TAPS (with two and three affirmative responses for TAPS problems) and one response from each country that does not identify the problem. This may be the consequence of the different individual respondents' experiences and the level of involvement with TAPS issues within their country, which is something that we will find also when exploring problems **entering** their country or other questions.

Here are some general conclusions based on the provided responses regarding the main problems encountered with TAPS:

1. Challenges in Regulating International Digital Advertising: Concerns arise over cross-border advertisements on social media originating from foreign countries, escaping local advertising regulations. Enforcing bans on social media proves difficult due to non-compliance and indirect advertising through influencers. Online advertising, particularly for tobacco and new products, poses challenges. Despite robust regulations, effective oversight of digital marketing for tobacco products is hindered, with exceptions for online sales and specialist shops being exploited.

2. Advertising Tobacco Heaters as Devices: Some companies promote tobacco heaters by emphasizing them as devices without including tobacco. This argument can be used as a way to bypass regulations.

3. Comprehensive Regulatory Gaps in Nicotine Products: Several countries face challenges in enforcing advertising bans for nicotine-containing products, spanning both traditional and non-tobacco alternatives. Additionally, emerging tobacco products like e-cig and HTP face regulatory hurdles due to gaps in existing laws. Furthermore, oral nicotine products suffer from inadequate regulation, raising concerns regarding advertising and promotional practices.

4. Loopholes in Existing Legislation: Despite having strong advertising laws, there are identified loopholes in the regulations. These include advertising outside the buildings of points of sale, no ban on nicotine pouches, and exceptions for HTPs systems. The lack of restrictions on advertising in areas surrounding retail points may enable marketing strategies that partially bypass the established restrictions within the premises. Furthermore, the absence of a specific ban on nicotine pouches creates a legal loophole that could facilitate broader promotion of these products. Additionally, exceptions for HTPs systems may lead to ambiguous interpretations and advertising practices that

could be perceived as operating outside the regulatory framework. These loopholes in the legislation have the potential to undermine effective regulation of tobacco-related product advertising and, consequently, weaken public health protection efforts.

5. Challenges in Defining and Regulating Sponsorship from Tobacco Industry: Some countries face difficulties in defining and regulating sponsorship, especially when it comes to events or activities with a purely national focus.

6. Confusion Between Devices and Tobacco Products: There can be confusion between the advertising of devices for heating tobacco products and the actual tobacco products themselves.

7. Exploitation of Exceptions in Regulations: Certain exceptions in advertising bans, such as online sales conditions and specialist shops for tobacco, are being exploited by the industry.

The respondents were also asked about the measures taken to overcome the problems encountered with TAPS **within** their countries and the responses are as follows:

1. Legislative Proposals and Updates: Many countries are considering or have proposed new legislation to address issues with advertising. This includes proposals to add nicotine pouches and device systems of HTPs in advertising bans.

2. Enforcement Efforts: Regulatory bodies and supervisory authorities in several countries are actively working to enforce existing laws. This involves actions such as sending letters to non-compliant companies and initiating legal proceedings.

3. Guidance and Cooperation with Social Media Platforms: Some countries are providing guidance to operators and cooperating with social media platforms to monitor and take down advertising of tobacco and related products.

4. Investigations in agreements between tobacco manufacturers and retailers, fines: Regulatory bodies are conducting investigations into agreements between tobacco manufacturers and retailers. In cases of non-compliance, fines are imposed, though court proceedings may be lengthy.

5. Advocacy for EU-Level Solutions: In some cases, countries believe that international issues like this should be addressed at the EU level through directives.

6. Strict Legislation and Enforcement in Certain Countries: Some countries have very strict legislation in place, prohibiting advertising of tobacco and related products altogether.

7. Drafting Alternative Guidance: Efforts have been made to draft alternative guidance to address promotion of specific products, such as HTPs.

8. Work on Protecting Children's Consumer Rights: Some countries are actively working on government-level initiatives to protect children's consumer rights in digital media, including proposals for bans on online sales of tobacco products.

3.1.3. Problems encountered and measures to counteract problems with TAPS entering the country

Respondents from BE, CZ, CY and IT did not report problems with TAPS **entering** their countries. The rest of the countries representing the majority (89.5%) of the respondents mentioned to have problems.

Here are the general conclusions based on the responses provided regarding the problems encountered with TAPS **entering** the country:

1. Influencer Marketing and Social Media: Advertising tobacco and related products through influencers on social media platforms is a common issue. This is seen as an effective way to reach

a younger audience and can be challenging to regulate due to the global nature of social media.

2. Advertising in Entertainment Media: It is noted that TV shows, online series, and movies often display direct or indirect advertising of tobacco products. This can be particularly concerning as these media often have a large viewership, including young audiences.

3. Advertising through Online Platforms and Foreign Websites: Advertising tobacco products on websites operated from countries outside the European Economic Area (EEA) can pose a challenge for regulation and enforcement.

4. Advertising of New Market Products: Newer tobacco products, such as vaping devices and nicotine pouches, often present additional challenges in terms of advertising regulation.

5. Advertising at Sports and Cultural Events: Events like sports competitions and festivals often feature direct or indirect advertising of tobacco products. This can be a particular issue at international or cross-border events.

6. Duty-Free Sales: Duty-free sales of tobacco products in stores that sell tobacco can be an exception to regulations regarding the display of tobacco.

7. Lack of Enforcement Control: In some cases, it is mentioned that the enforcement and regulation of tobacco product advertising can be challenging, especially when companies are located outside of the country.

The respondents were also asked about the measures taken in different countries to overcome the problems encountered with TAPS **entering** their countries:

1. Online Advertising: A significant challenge lies in regulating online advertising, especially through social media platforms and influencer marketing. Efforts have been made to report and remove such content, but it remains a persistent issue.

2. Cross-Border Advertising: Cross-border advertising, particularly through international media platforms like Netflix and social media, presents difficulties in enforcement. It may involve coordination with foreign respondents and international cooperation.

3. Legal Loopholes: There are cases where the current legal framework doesn't adequately cover certain products or advertising methods, creating loopholes that companies exploit. New legislative initiatives are planned by various EU countries to cover existing gaps

4. Regulatory Response: Some countries are advocating for amendments to existing directives or proposing new regulations to address emerging products and advertising practices.

5. Governmental Control: In some instances, there's a need for stronger governmental control and enforcement in regulating TAPS.

6. Awareness and Education: Informing and educating relevant parties about the regulations is a part of the strategy to combat advertising issues.

7. Informing the Industry: Notifying the industry, including registrars and marketing agencies, is sought to ensure compliance and take appropriate enforcement actions.

8. Plain Packaging: Some countries are considering or implementing plain packaging measures to reduce the attractiveness of tobacco products.

9. Monitoring and Supervision: Strong supervision and strict regulation are essential in tackling advertising challenges.

10. International Considerations: Addressing cross-border advertising may require international collaboration and advocacy for changes at a broader level. It's clear that each country faces unique challenges in regulating tobacco advertising, and responses vary based on legal frameworks,

enforcement capacity, and specific industry practices within the country.

3.1.4. Extent of the current problems in TAPS.

This question was answered by 20 out of 38 (53%) respondents from 14 out of 21 (67%) of the countries. Approximately two thirds report high or moderate problems, of which, five respondents (from AT, IE, DE, ES and one respondent from NO) reported a *high extent* of the current problems in TAPS **inside their country**. Eight respondents (from BE, IT, LV, LT, NL, SI and two respondents from NO) reported *moderate extent* of the current problems inside their country. On the other hand, only four respondents from EE, FI, PT and NO reported a *low extent*.

When it comes to the extent of the current problems in TAPS **originating from their country**, approximately one third report high or moderate problems, only IE and one respondent from NO reported a *high extent*. Six respondents (from FI, DE, IT, LV, SI and one respondent from NO) reported *moderate extent* and three respondents (LT, PT and one respondent from NO) reported a *low extent*. Entities from the rest of the countries (AT, BE, BG, CZ, CY, EE, LU, MT, NL, PL, ES and SE) did not have information to answer the question.

Finally, in relation to the extent of the current problems in TAPS **entering their country**, approximately a half report *high or moderate* problems, six respondents (from AT, FI, IE, LT, ES and one respondent from NO) reported a *high extent*. IT, FI, NL, SI and three respondents from NO reported *moderate extent*. On the other hand, BE, EE, DE and PT reported a *low extent*.

3.1.5. Reasons behind the current problems in TAPS.

This question was answered only by those that responded high or moderate in the previous question, 16 out of 38 experts answered the question about inside their country, eight answered the question about originating from their country and 15 informed about entering their country. Taking that into account, the answers were organised by which type of problems are most frequently reported with the following options: *Gaps in current regulation, problems with implementation of regulation, problems in monitoring and enforcement, low compliance with the regulation and new approaches by the industry*. When it comes to the data collected about the **inside of the country**, nine respondents (AT, BE, FI, DE, IE, LT, SI, ES and NO) reported new approaches by the industry. Followed by eight respondents (AT, BE, DE, LV, NL, SI, ES and NO) that reported problems in monitoring and enforcement. Six respondents (AT, DE, IE, NL, ES and NO) reported gaps in the current regulation. Five respondents (AT, NL, SI, ES and NO) reported low compliance with the regulation. Finally, four respondents (AT, SI, ES and NO) reported problems with implementation of regulation.

About problems **originating from the country**, FI, DE, IE and NO reported gaps in the current regulation. SI and NO reported problems with implementation of regulation. FI, DE, LV, SI and NO reported problems in monitoring and enforcement. SI and NO reported low compliance with the regulation. FI, DE, IE, SI and NO reported new approaches by the industry.

When it comes to problems **entering the country**, AT, FI, DE, NL, ES and NO reported gaps in the current regulation. AT, LT, SI and NO Reported problems with implementation of regulation. AT, FI, DE, IE, LV, NL, SI, ES and NO reported problems in monitoring and enforcement. AT, FI, DE, NL, SI, ES and NO reported low compliance with the regulation. AT, FI, DE, IE, NL, SI, ES and NO reported new approaches by the industry.

Overall, the most frequently mentioned problems with TAPS are those coming from **inside or entering the country** (48 and 47 times, respectively), followed by those **originating from the country** (22 times) (Figure 1).

Also, the most frequently mentioned reasons behind the problems with TAPS are the emergence

of new industry approaches and difficulties in monitoring and enforcement (mentioned 31 and 30 times, respectively), followed by gaps in existing regulations (24 times), low compliance rates (20 times) and challenges with regulatory implementation (12 times) (Figure 1).

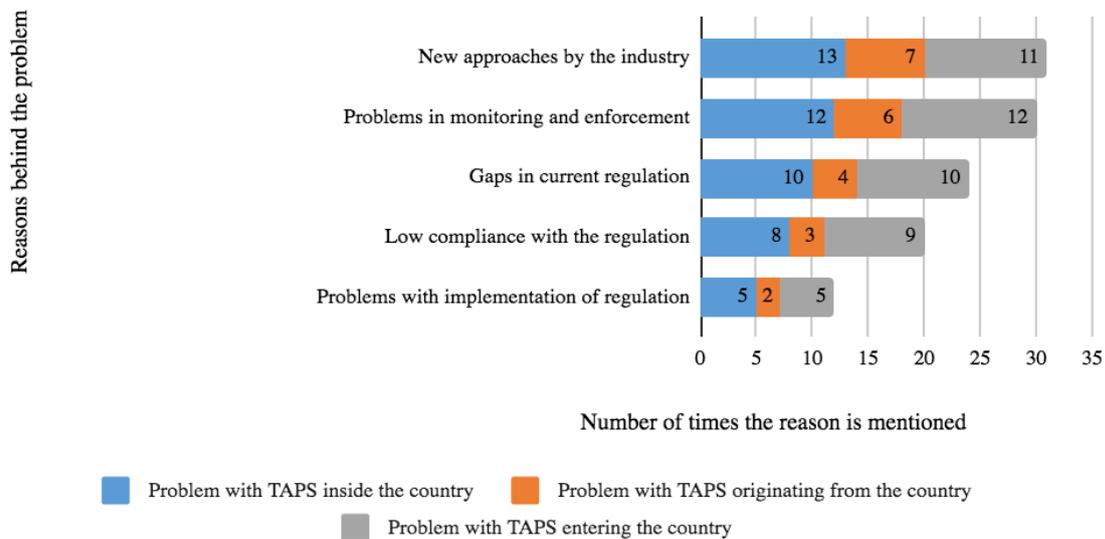


Figure 1: Reasons behind the problems in TAPS by type of problem (from inside, originating or entering the country)

3.1.6. Extent of the current problems in TAPS by different types of products

Respondents from 14 countries (AT, BE, EE, FI, DE, IE, LV, LT, MT, NL, PT, SI, ES, and NO) provided responses addressing current challenges in TAPS across various product categories, 20 respondents in total for each type of product. The focus was on new nicotine-containing products, such as nicotine pouches, e-cig devices, liquids, tobacco for oral use, snuffing or chewing, HTPs, and smoking-related tobacco products. The identified issues encompassed gaps in existing regulations, challenges with regulatory implementation, difficulties in monitoring and enforcement, low compliance rates, and the emergence of new industry approaches.

Overall, the current problems of TAPS mentioned to be of *high extent* by type of tobacco are mainly related to e-cig devices and new products containing nicotine such as nicotine pouches (mentioned 10 and nine times, respectively). Also, HTPs and e-cigarette liquids (seven and six times, respectively), followed by tobacco for oral use, HTPs sticks and tobacco for smoking (four, three and two times, respectively) were mentioned (Figure 2).

Those TAPS problems mentioned to be of *moderate extent* apply mainly to e-cig liquids (mentioned 13 times) and devices (nine times), followed by tobacco products for smoking (seven times), nicotine pouches and tobacco for oral use (4 times, each) and HTPs sticks and devices (three and two times, respectively) (Figure 2).

Low extent of TAPS problems applies mainly to HTPs sticks and devices, and tobacco products for smoking (nine, seven and eight times, respectively) (Figure 2).

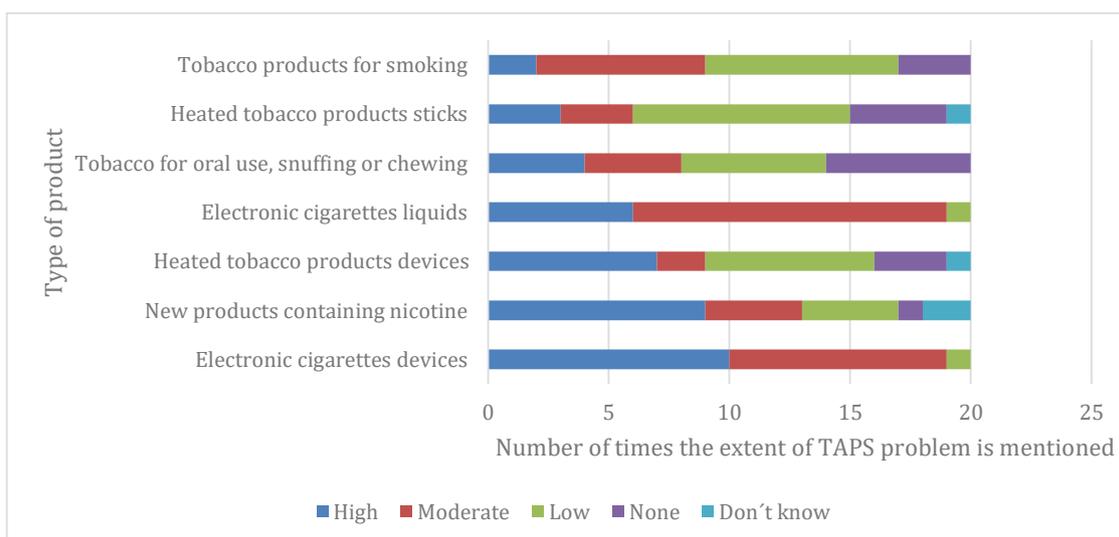


Figure 2: Extent of TAPS problems by type of tobacco and nicotine product

3.1.7. Reasons behind the current problems in TAPS for different types of products

This question was answered only by those that responded high or moderate in the previous question. Nine respondents for the tobacco products for smoking question, six respondents on the HTPs sticks, nine respondents on HTPs devices, eight respondents on tobacco for oral use, 18 for e-cig liquids, 19 for e-cig devices and 13 respondents answered the one related to new products containing nicotine.

Among the different types of tobacco products, e-cigs devices and liquids are the ones for which the respondents identified more reasons behind TAPS problems, followed by nicotine pouches and tobacco for oral use (Figure 3).

Also, the most frequently mentioned reasons behind the problems with TAPS taking into account the type of tobacco and nicotine product are: first, gaps in existing regulations, (mentioned 43 times); the emergence of new industry approaches (mentioned 43 times); difficulties in monitoring and enforcement, (39 times); low compliance rates (32 times); and challenges with regulatory implementation, (22 times) (Figure 3).

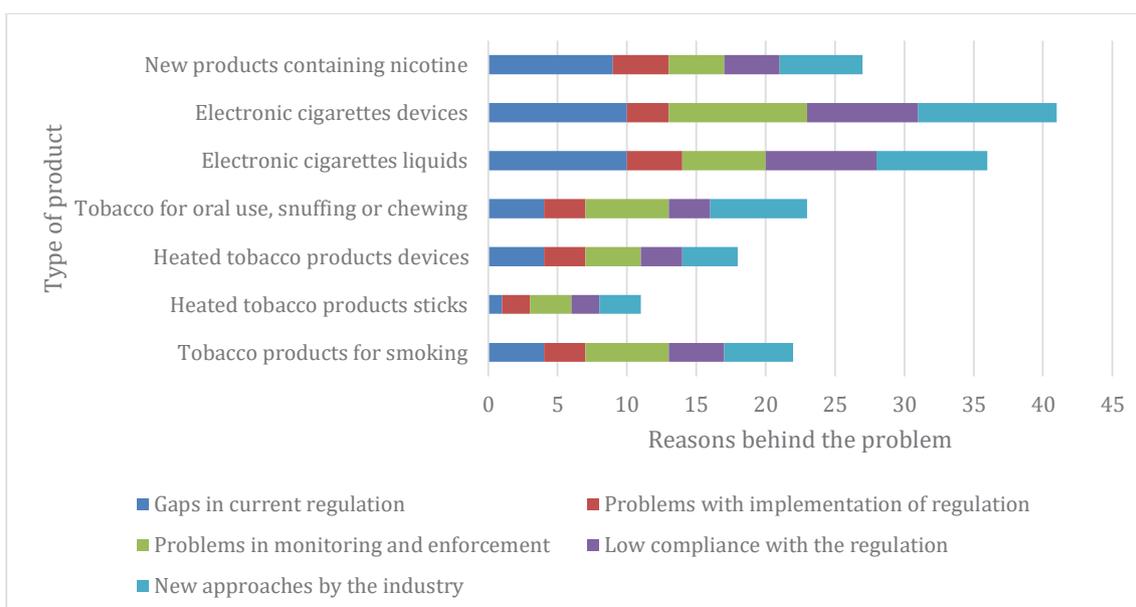


Figure 3: Reasons behind TAPS problems by type of tobacco and nicotine product

3.1.8. Extent of current problems in TAPS for smoking products (cigarettes, roll-your-own, cigars, cigarillos, pipes of tobacco, water pipes)

Respondents from AT, FI, DE, IE, LV, SI, ES, and NO, specifically those that had responded with high or moderate ratings in prior questions, addressed the challenges associated with TAPS for **smoking-related products**, including cigarettes, roll-your-own tobacco, cigars, cigarillos, pipes of tobacco, and waterpipes. This question was answered by 9 (24%) respondents out of 38 in total for each extent.

For a better understanding of figure 4, a thematic analysis has been carried out in which four variables have finally been obtained: **advertising** encompassing the variables of advertising outside the home, cinema advertising, national or local and international print, TV and radio advertising, products placement, use of products in films or TV without mention of the brand, competitions or prize draws linked to products and print advertising in the trade press. The second variable is **sales channels** encompassing the variables of non-retailer websites, online sales by specialist, products visible on display in shops, wider sales channels and advertising at point of sale. The third variable is **promotions and samples** encompassing the variables of free samples, gifts, promotional items and free trial of products and to conclude, **sponsorship** encompassing the variables of brand stretching and imitation products, Corporate promotion and other public relations, Corporate Social Responsibility actions by tobacco companies and crosses with sponsorship.

These problems were evaluated across different levels, including high, moderate, low, none, or an uncertain level of severity. In many of the responses obtained by the countries, information related to this topic is lacking, since the response of *not known* has been one of the most selected.

Among the 108 responses accounting for Advertising

Overall, the current problems of TAPS mentioned to be of *high extent* by its specific TAPS area are sales channels (7 times), the ones of *moderate extent* are sales channels (15 times) followed by advertising and sponsorship (14 times, respectively), those TAPS problems mentioned to be of *low extent* mostly apply to advertising (21 times) and *the none extent* of TAPS problems applies mainly to advertising (38 times).

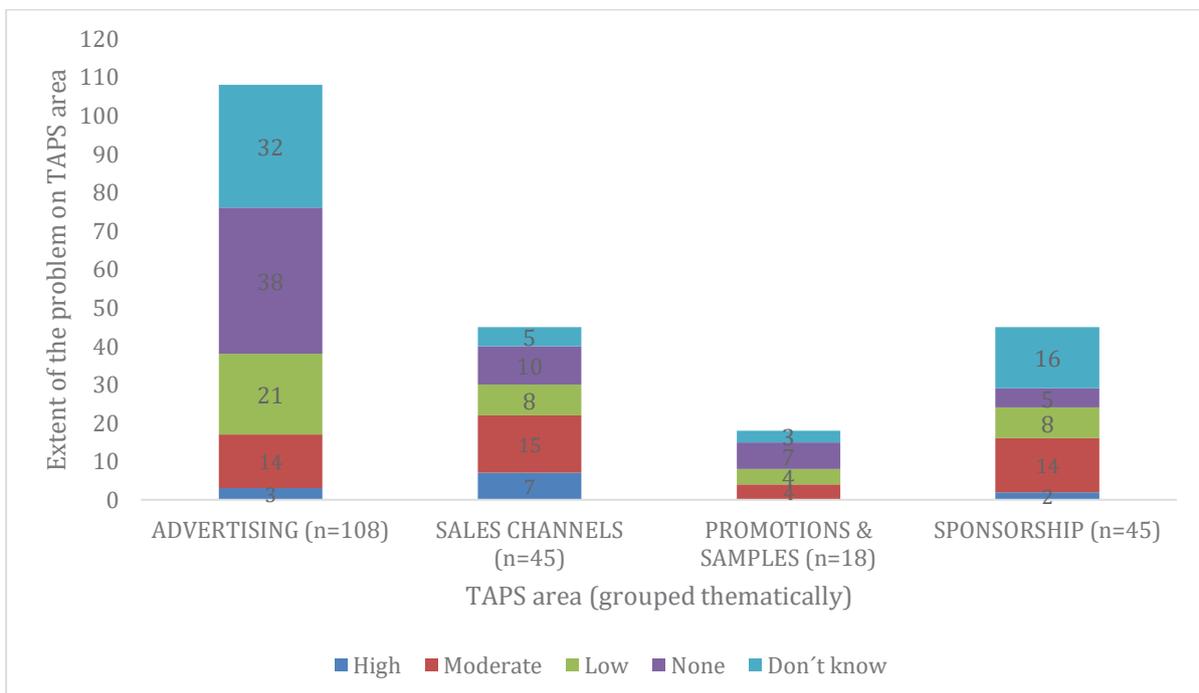


Figure 4: Extent of problems by its specific TAPS area

Example	Taking Austria into account, the Freedom Party, advocating for smoker's rights, secured victories in conjunction with the People's Party (conservatives), forming government coalitions in various provinces, including Lower Austria, Upper Austria, and Salzburg. This coalition now governs several regions. Meanwhile, a novel challenge emerges in the form of influencers with sizable young followers who share ostensibly 'private' images depicting smoking at social events, among friends, or during leisure moments, portraying a positive and cozy image. This new wave of advertising blurs the line between freedom of expression and promotional content, infiltrating public debates and media articles, thereby presenting a distinctive and contemporary challenge at the intersection of social influence, politics, and public health.
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3.1.9. Reasons behind current problems in TAPS for smoking (cigarettes, roll-your-own, cigars, cigarillos, pipes of tobacco, water pipes).

This question was answered only by those that responded high or moderate in previous question for tobacco products for smoking. There are problems related to free samples, free gifts and promotional items or free trial of products (answered by two respondents each) for which AT and SI reported gaps in current regulation and SI also reported problems with implementation of regulation, problems in monitoring and enforcement and low compliance with the regulation. Other problems were new approaches by the industry reported by AT, FI and SI on product placement (answered by three respondents), international print advertising for the general public (answered by one respondent), print advertising in the trade press (answered by two respondents) and brand stretching and imitation products (answered by one respondent).

Regarding product visibility on display in shops, supermarkets and other retail outlets (answered by four respondents), AT, DE and ES reported gaps in current regulation and LV reported problems in monitoring and enforcement. About advertising at point of sale in shops, supermarkets and other retail outlets (answered by 3 respondents), AT and ES reported gaps in current regulation and IE reported problems with implementation of regulation.

	Gaps in current regulation	Problems with implementation of regulation	Problems in monitoring and enforcement	Low compliance with the regulation	New approaches by the industry	TOTAL
Print advertising in the trade press	2	0	0	1	0	3
Advertising at point of sale in shops, supermarkets and other retail outlets	2	1	0	0	1	4
International print advertising for the general public	0	1	1	1	1	4
Free samples, free gifts and promotional items	1	1	1	1	1	5
Free trial of products	1	1	1	1	1	5
Products visible on display in shops, supermarkets and other retail outlets	3	0	1	0	1	5
TOTAL RESPONSES	9	4	4	4	5	.

Table 1: Reasons behind the problems in TAPS for smoking tobacco products

Overall, the most frequently mentioned problems with TAPS are those coming from **products visibility on display shops, free trial of products and free samples, free gifts and promotional items** (five times each), followed by **international print advertising and advertising at point of sale** (mentioned four times each), and finally **print advertising in the trade press** (mentioned three times) (Table 1).

Also, the most frequently mentioned reasons behind the problems with TAPS are the gaps in existing regulations (mentioned nine times), followed by the emergence of new industry approaches (five times) and to conclude with problems with implementation of regulation, problems in monitoring and enforcement and low compliance with the regulation (four times respectively) (Table 1).

3.1.10. Extent of current problems in TAPS for tobacco for oral use, snuffing or chewing

Respondents from FI, LV, SI and NO, specifically those that had responded with high or moderate ratings in prior questions, addressed the challenges associated with TAPS for oral use, snuffing or chewing.

For a better understanding of Figure 5, a thematic analysis has been carried out in which four variables have finally been obtained: **advertising** encompassing the variables of advertising outside the home, cinema advertising, national or local and international print, TV and radio advertising, products placement, use of products in films or TV without mention of the brand, competitions or prize draws linked to products and print advertising in the trade press. The second variable is **sales channels** encompassing the variables of non-retailer websites, online sales by specialist, products visible on display in shops, wider sales channels and advertising at point of sale. The third variable is **promotions and samples** encompassing the variables of free samples, gifts, promotional items and free trial of products and to conclude, **sponsorship** encompassing the variables of brand stretching and imitation products, Corporate promotion and other public relations, Corporate Social Responsibility actions by tobacco companies and crosses with sponsorship.

These problems were evaluated across different levels, including high, moderate, low, none, or an uncertain level of severity. In many of the responses obtained by the countries, information related to this topic is lacking, since the response of *not known* has been one of the most selected. Overall, the current problem of TAPS mentioned to be of *high extent* by its specific TAPS area are sales channels (3 times), the one of *moderate extent* are advertising and sales channels (8 times, respectively), those TAPS problems mentioned to be of *low extent* mostly apply to advertising (17 times) and *the none extent* of TAPS problems applies mainly to advertising (33 times).

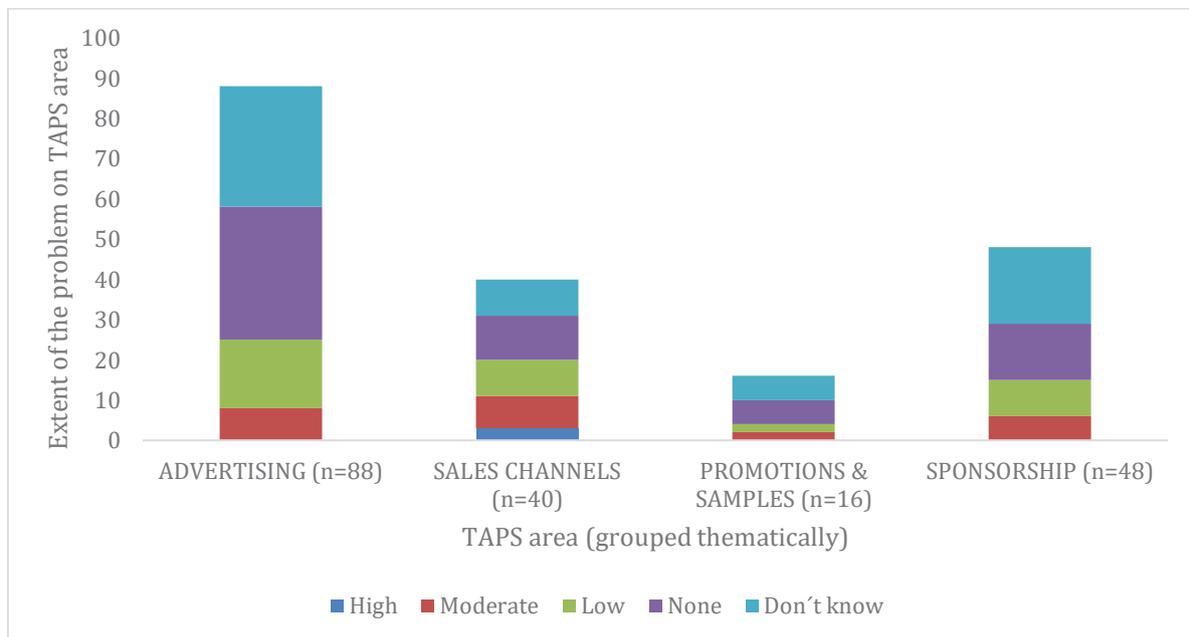


Figure 5: Current problems in TAPS on tobacco for oral use, snuffing or chewing by TAPS area

Example	In NO, the tobacco industry is leveraging various loopholes and exceptions in advertising regulations to promote snus, particularly through influencers and the incorporation of enticing flavours in 'white' snus. The advertising tactics employed often tiptoe on the edges of freedom of expression, blurring the lines between genuine expression and promotional content. Notably, the industry has capitalised on these loopholes to establish trendy pop-up shops for snus in public spaces. Additionally, job announcements have taken a creative form, presenting a poetic narrative that romanticises the history of snus and portrays it as a sophisticated product. These innovative strategies underscore the challenges in regulating tobacco advertising, highlighting the need for comprehensive measures to address emerging promotional tactics in the tobacco industry.
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3.1.11. Current problems in TAPS for tobacco for oral use, snuffing or chewing, by TAPS area and reasons behind the problem

Current problems in TAPS for tobacco for oral use, snuffing or chewing questions were mostly reported by SI, NO and FI. This question was answered by eight respondents out of 38 total for each TAPS area (21%). The problems included gaps in current regulation, problems with implementation of regulation, problems in monitoring and enforcement, low compliance with the regulation and new approaches by the industry on topics such as: Free samples, free gifts and promotional items, free trial of products, international print advertising for the general public, print advertising in the trade press, product placement, use of products in films or television without mention of the brand, online sales by specialist retailers, wider sales channels, non-retailer websites, sponsorship, corporate social responsibility actions by tobacco companies and brand stretching and imitation products.

Overall, the most frequently mentioned problems with TAPS are those coming from **online sales by specialist retailers** (mentioned 17 times) and **non-retailer websites** (14 times) (Table 2).

Also, the most frequently mentioned reasons behind the problems with TAPS are the emergence of new industry approaches (22 times), followed by the difficulties in monitoring and enforcement and low compliance rates (mentioned 19 and 17 times, respectively), challenges with regulatory implementation (mentioned 16 times), and to conclude gaps in existing regulations (12 times) (Table 2).

	Gaps in current regulation	Problems with implementation of regulation	Problems in monitoring and enforcement	Low compliance with the regulation	New approaches by the industry	TOTAL
Product placement	2	1	1	1		5
Use of products in films or TV without mention of the brand	2	2	1	1	2	8
Online sales by specialist	3	2	4	3	5	17
Wider sales channels	0	1	1	1	1	4
Non-retailer websites	3	3	3	2	3	14
Sponsorship	0	1	1	1	1	4
Corporate Social Responsibility actions by tobacco companies	0	1	2	2	3	8
Brand stretching and imitation products	0	1	1	1	1	4
Corporate promotion and other public relations	1	1	1	1	1	5
Print advertising in the trade press	1	0	0	0	2	3

International print advertising for the general public	0	1	1	1	1	4
Free samples, free gifts and promotional items	0	1	2	2	1	6
Free trial of products	0	1	1	1	1	4
TOTAL	12	16	19	17	22	

Table 2: Current problems in TAPS on tobacco for oral use, snuffing or chewing by TAPS area and reasons behind the problem

3.1.12. Current problems in TAPS for E-cig (incl. devices), by TAPS area and extent of the problem

Respondents from AT, BE, EE, FI, DE, IE, LV, LT, MT, NL, SI, ES and NO, addressed the challenges associated with TAPS for E-cig (including devices). The identified issues that were answered by 19 respondents of 38 (50%).

For a better understanding of Figure 6, a thematic analysis has been carried out in which four variables have finally been obtained: **advertising** encompassing the variables of advertising outside the home, cinema advertising, national or local and international print, TV and radio advertising, products placement, use of products in films or TV without mention of the brand, competitions or prize draws linked to products and print advertising in the trade press. The second variable is **sales channels** encompassing the variables of non-retailer websites, online sales by specialist, products visible on display in shops, wider sales channels and advertising at point of sale. The third variable is **promotions and samples** encompassing the variables of free samples, gifts, promotional items and free trial of products and to conclude, **sponsorship** encompassing the variables of brand stretching and imitation products, corporate promotion and other public relations, Corporate Social Responsibility actions by tobacco companies and crosses with sponsorship.

These problems were evaluated across different levels, including high, moderate, low, none, or an uncertain level of severity. In many of the responses obtained by the countries, information related to this topic is lacking, since the response of *not known* has been one of the most selected. Overall, the current problem of TAPS mentioned to be of *high extent* by its specific TAPS area are sales channels (30 times), the one of *moderate extent* are sales channels (27 times), those TAPS problems mentioned to be of *low extent* mostly apply to advertising (31 times) and *the none extent* of TAPS problems applies mainly to advertising (99 times) (Figure 6).

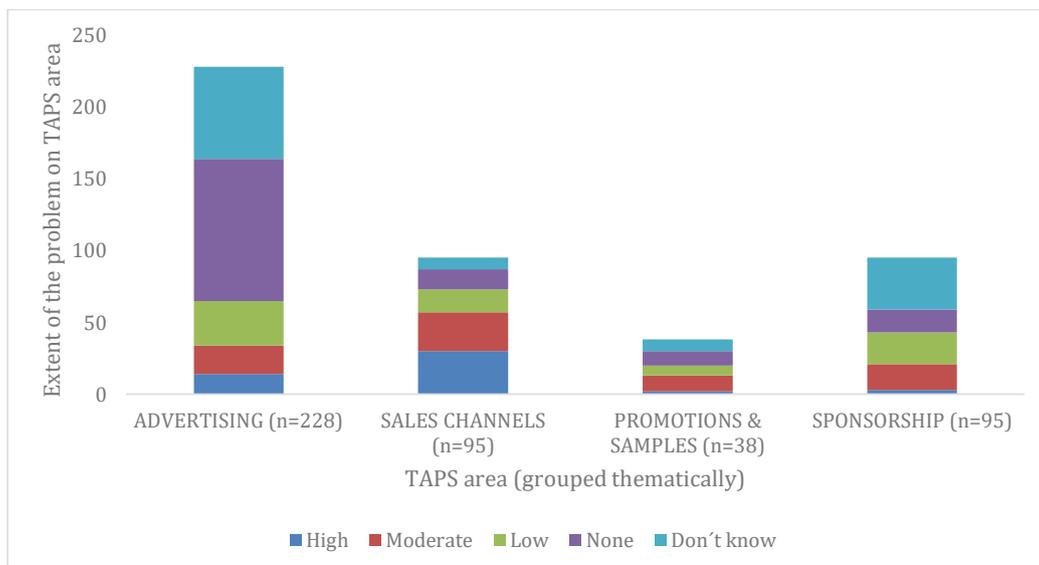


Figure 6: Current problems in TAPS on e-cigs and devices by TAPS area and extent of the problem

The legal prohibition on the advertisement, distribution, and use of e-cig in places designated for tobacco products is in effect; however, compliance with the ban on e-cigarette use remains overlooked in indoor areas (certain night bars, discotheques, and clubs). The more pressing issue arises with the emergence of influencers on social media platforms such as TikTok and Instagram, where some campaigns, specifically targeted at minors, raise concerns, with instances involving individuals as young as 10 years old. While the influence of social media is alluded to in a previous question, it is essential to underline the distinct challenge posed by the use of influencers as a distinct category, highlighting the need for targeted regulations and heightened awareness regarding the potential impact on youth and public health.

3.1.13. Current problems in TAPS for E-cig (incl. devices), by TAPS area and reasons behind the problem

AT and SI have identified significant gaps in the current regulatory framework, along with challenges in implementing regulations, particularly in the domains of advertising outside the home and at the point of sale in various retail outlets. The issue extends to free samples, gifts, and promotional items, with AT, IE, SI, and ES reporting multiple problems. Moreover, AT and SI have highlighted distinct difficulties in international print advertising, encompassing advertisements for the general public, trade press, and national or local TV. FI and SI have raised concerns about international radio advertising, highlighting gaps in regulation, implementation issues, problems in monitoring, enforcement, and low compliance.

In a separate context, the ban on e-cig advertisement, distribution, and use in locations equivalent to tobacco products faces defiance in night bars, discotheques, and clubs. Additionally, there's a call for a more stringent examination of the term "influencer" in social media, emphasising the industry's strategic use of influencers to integrate these products into the socialisation process. This multifaceted issue highlights the necessity for targeted regulatory measures and heightened awareness to address challenges across diverse advertising channels and the evolving landscape of influencer marketing. This question was answered by 19 respondents in total out of 38 (50%) for each TAPS area.

Overall, the most frequently mentioned problems with TAPS are those coming from **non-retailer websites** (mentioned 41 times), followed by **online sales by specialist retailers** (25 times) and **wider sales channels** (16 times) (Table 3).

Also, the most frequently mentioned reasons behind the problems with TAPS are the gaps in existing regulations (64 times), followed by the difficulties in monitoring and enforcement and the emergence of new industry approaches (46 and 36 times, respectively), challenges with regulatory implementation (mentioned 28 times), and low compliance rates (mentioned 25) (Table 3).

	Gaps in current regulation	Problems with implementation of regulation	Problems in monitoring and enforcement	Low compliance with the regulation	New approaches by the industry	TOTAL
Advertising outside home	2	1	0	0	0	3
National or local print advertising	0	1	0	0	1	2
Product placement	3	2	2	1	2	10
Use of products in films or TV without mention of the brand	5	3	3	1	2	14
International TV advertising	1	0	1	0	1	3
Crosses with sponsorship	1	0	0	0	0	1
Online sales by specialist	9	2	6	4	4	25
Wider sales channels	4	3	5	1	3	16

Non-retailer websites	13	5	9	7	7	41
Sponsorship	2	1	4	2	2	11
Corporate Social Responsibility actions by tobacco companies	3	2	3	2	3	13
Brand stretching and imitation products	1	1	1	1	1	5
Corporate promotion and other public relations	4	1	2	1	2	10
Advertising at point of sale in shops, supermarkets and other retail outlets	3	1	2	0	1	7
International print advertising for the general public	0	2	1	1	1	5
Free samples, free gifts and promotional items	3	1	2	1	2	9
Free trial of products	3	2	2	1	2	10
Products visible on display in shops, supermarkets and other retail outlets	7	0	3	2	2	14
TOTAL	64	28	46	25	36	-

Table 3: Current problems in TAPS on e-cigs and devices by TAPS area and reasons behind the problem

3.1.14. Current problems in TAPS for HTPs (incl. devices), by TAPS area and extent of the problem

Respondents from AT, BE, EE, FI, DE, LT, SI and ES, addressed the challenges associated with TAPS for HTPs (including devices). This question was answered by nine respondents out of 38 (24%) in total for each extent.

For a better understanding of Figure 7, a thematic analysis has been carried out in which four variables have finally been obtained: **advertising** encompassing the variables of advertising outside the home, cinema advertising, national or local and international print, TV and radio advertising, products placement, use of products in films or TV without mention of the brand, competitions or prize draws linked to products and print advertising in the trade press. The second variable is **sales channels** encompassing the variables of non-retailer websites, online sales by specialist, products visible on display in shops, wider sales channels and advertising at point of sale. The third variable are **promotions and samples** encompassing the variables of free samples, gifts, promotional items and free trial of products and to conclude, **sponsorship** encompassing the variables of brand stretching and imitation products, Corporate promotion and other public relations, Corporate Social Responsibility actions by tobacco companies and crosses with sponsorship.

These problems were evaluated across different levels, including high, moderate, low, none, or an uncertain level of severity. In many of the responses obtained by the countries, information related to this topic is lacking, since the response of *not known* has been one of the most selected. Overall, the current problem of TAPS mentioned to be of *high extent* by its specific TAPS area are sales channels (15 times), the one of *moderate extent* are advertising (14 times), those TAPS problems mentioned to be of *low extent* mostly apply to advertising (20 times) and *the none extent* of TAPS problems applies mainly to advertising (44 times) (Figure 7).

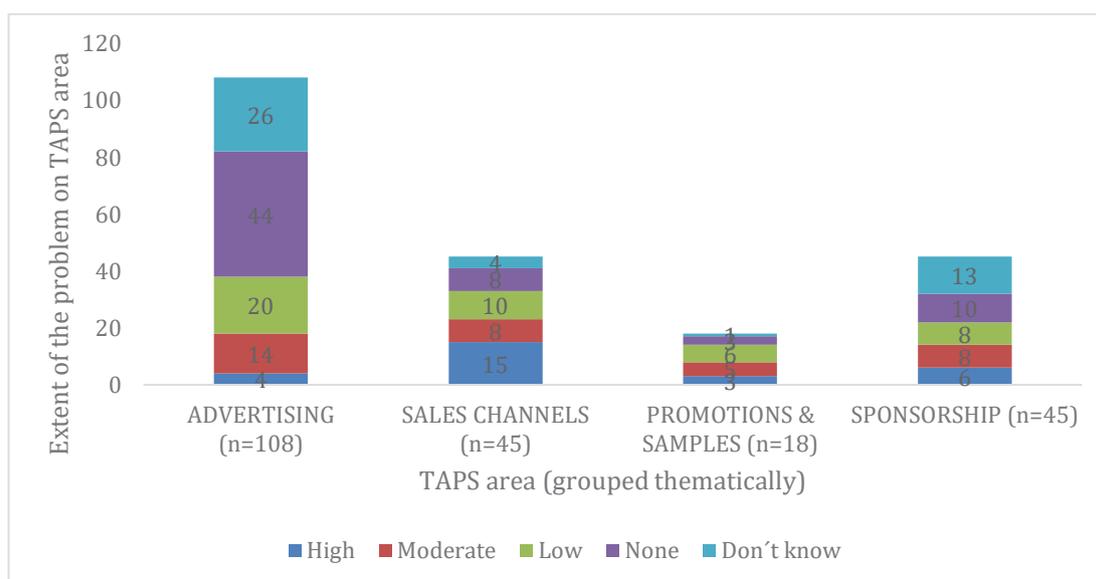


Figure 7: Current problems in TAPS on HTPs and devices by TAPS area and extent of the problem

It is also mentioned that paid newspaper articles advocating for IQOS or endorsing Philip Morris' version of 'harm reduction' in connection with HTPs have emerged as a notable aspect of the tobacco industry's marketing strategy. In these articles, financial incentives drive the promotion of IQOS, blurring the lines between informative journalism and sponsored content. The focus on 'harm reduction' seeks to reshape public perception of HTPs, aligning with the industry's narrative. This advertising approach emphasises the intricate relationship between media, corporate interests, and public health discourse, highlighting the challenges in navigating the landscape of tobacco promotion and harm reduction messaging in traditional print media.

Currently, HTPs are readily available at supermarkets, often placed alongside sweets, without any accompanying warnings or regulatory guidelines. This unregulated placement raises concerns about consumer awareness and safety in relation to these products. Furthermore, influencers play a pivotal role in promoting these items, leveraging their platforms to display and endorse HTPs. This dynamic underscores the need for enhanced regulations and awareness campaigns to address the uncontrolled retail positioning and influential marketing practices surrounding HTPs, ensuring a more informed and protected consumer base.

3.1.15. Current problems in TAPS for HTPs (incl. devices), by TAPS area and reasons behind the problem

Current problems in TAPS for HTPs questions were mostly reported by AT, SI, ES and NO. These countries reported several problems on advertising outside the home, cinema advertising, free trial of products, competitions or prize draws linked to products, advertising at point of sale in shops, supermarkets and other retail outlets, national or local print advertising, print advertising in the trade press, use of products in films or television without mention of the brand, crosses with sponsorship, online sales by specialist retailers, wider sales channels, non-retailer websites, Corporate Social Responsibility actions by tobacco companies, brand stretching and imitation products, and Corporate promotion and other public relations. This question was answered by 9 respondents in total for each TAPS area.

Overall, the most frequently mentioned problems with TAPS are those coming from **non-retailer websites** (mentioned 18 times), followed by **Corporate Social Responsibility actions by tobacco companies** (14 times), to conclude, **free trial of products (11 items), free samples, free gifts and promotional items, online sales by specialist retailers** (10 times, respectively) (Table 4).

Also, the most frequently mentioned reasons behind the problems with TAPS are the difficulties in monitoring (38 times), followed by gaps in existing regulations (32 times), the emergence of new industry approaches and low compliance rates (mentioned 25 times each) and challenges with regulatory implementation (mentioned 26 times) (Table 4).

	Gaps in current regulation	Problems with implementation of regulation	Problems in monitoring and enforcement	Low compliance with the regulation	New approaches by the industry	TOTAL
Advertising outside home	2	1	2	1	1	7
National or local print advertising	0	0	1	1	0	2
Product placement	1	1	2	2	1	7
Use of products in films or TV without mention of the brand	2	2	3	2	1	10
National or local TV advertising	0	0	1	0	0	1
Crosses with sponsorship	1	1	1	1	0	4
Online sales by specialist	3	2	2	1	2	10
Wider sales channels	1	3	1	1	1	7
Non-retailer websites	5	3	4	2	4	18
Sponsorship	1	1	3	2	1	8
Corporate Social Responsibility actions by tobacco companies	3	3	3	2	3	14
Brand stretching and imitation products	0	1	1	1	1	4
Corporate promotion and other public relations	3	1	1	2	2	9
Print advertising in the trade press	1	0	0	0	0	1
Advertising at point of sale in shops, supermarkets and other retail outlets	4	1	2	0	1	8
International print advertising for the general public	0	2	1	1	1	5
Free samples, free gifts and promotional items	0	1	3	3	3	10
Free trial of products	0	2	4	3	2	11
Products visible on display in shops, supermarkets and other retail outlets	5	1	2	0	1	9
Competitions or prize draws linked to products	0	0	1	1	0	2
TOTAL	32	26	38	26	25	

Table 4: Current problems in TAPS on HTPs and devices by TAPS area and reasons behind the problem

3.1.16. Current problems in TAPS for new products containing nicotine, such as nicotine pouches, by TAPS area and extent of the problem

Respondents from AT, BE, EE, FI, DE, IE, LT, NL, SI and NO, addressed the challenges associated with TAPS for new products containing nicotine, such as nicotine pouches. This question was answered

by 13 respondents out of 38 (34%) in total for each extent.

For a better understanding of Figure 8, a thematic analysis has been carried out in which four variables have finally been obtained: **advertising** encompassing the variables of advertising outside the home, cinema advertising, national or local and international print, TV and radio advertising, products placement, use of products in films or TV without mention of the brand, competitions or prize draws linked to products and print advertising in the trade press. The second variable is **sales channels** encompassing the variables of non-retailer websites, online sales by specialist, products visible on display in shops, wider sales channels and advertising at point of sale. The third variable is **promotions and samples** encompassing the variables of free samples, gifts, promotional items and free trial of products and to conclude, **sponsorship** encompassing the variables of brand stretching and imitation products, Corporate promotion and other public relations, Corporate Social Responsibility actions by tobacco companies and crosses with sponsorship.

These problems were evaluated across different levels, including high, moderate, low, none, or an uncertain level of severity. In many of the responses obtained by the countries, information related to this topic is lacking, since the response of *not known* has been one of the most selected. Overall, the current problem of TAPS mentioned to be of *high extent* by its specific TAPS area are sales channels (25 times), the one of *moderate extent* are advertising (15 times), those TAPS problems mentioned to be of *low extent* mostly apply to sponsorship (18 times) and *the none extent* of TAPS problems applies mainly to advertising (44 times) (Figure 8).

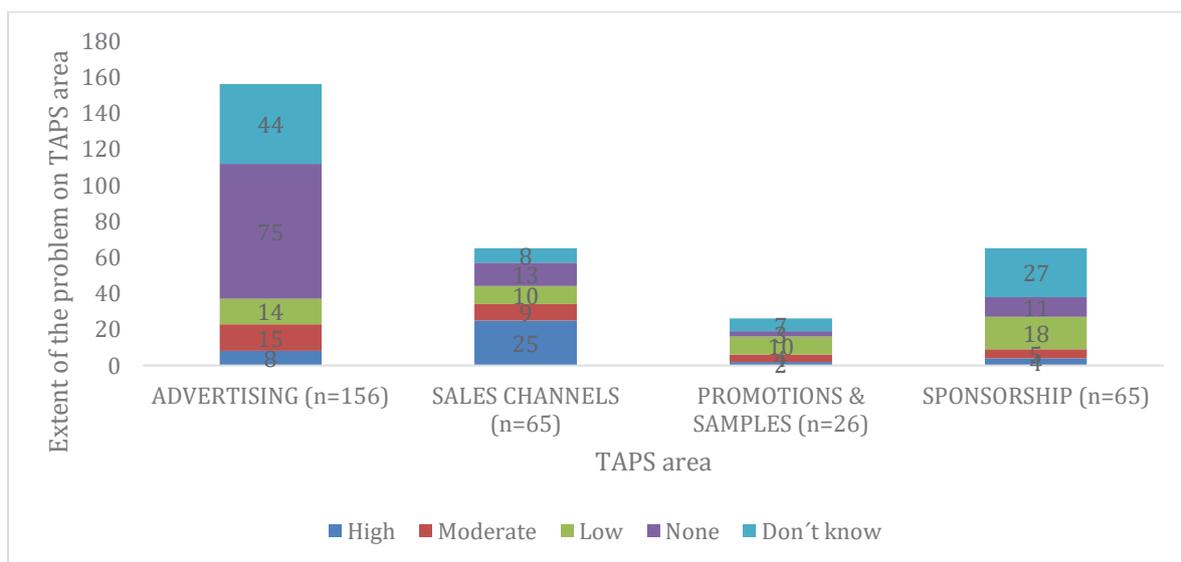


Figure 8: Current problems in TAPS on new products containing nicotine by TAPS area and extent of the problem

3.1.17. Current problems in TAPS for new products containing nicotine, such as nicotine pouches, by TAPS area and reasons behind the problem

Current problems in TAPS for new products containing nicotine questions were mostly reported by AT, IE and SI. These countries reported several problems on advertising outside the home, cinema advertising, free trial of products, competitions or prize draws linked to products, advertising at point of sale in shops, supermarkets and other retail outlets, national or local print advertising, print advertising in the trade press, use of products in films or television without mention of the brand, crosses with sponsorship and Corporate promotion and other public relations. When it comes to online sales by specialist retailers, wider sales channels, non-retailer websites, Corporate Social Responsibility actions by tobacco companies and brand stretching and imitation products most of the countries reported gaps in current regulation and new approaches by the industry. This question was answered by 13 respondents out of 38 (34%) in total for each TAPS area.

Overall, the most frequently mentioned problems with TAPS are those coming from **online sales by**

specialist retailers (mentioned 23 times), followed by **non-retailer websites** (18 times), to conclude, **wider sales channels** (13 times) (Table 5).

Also, the most frequently mentioned reasons behind the problems with TAPS are the gaps in existing regulations (51 times), followed by the emergence of new industry approaches and the difficulties in monitoring (mentioned 23 and 25 times, respectively), low compliance rates (17 times) and to conclude, challenges with regulatory implementation (15 times) (Table 5).

	Gaps in current regulation	Problems with implementation of regulation	Problems in monitoring and enforcement	Low compliance with the regulation	New approaches by the industry	TOTAL
Advertising outside home	3	0	0	0	1	4
Cinema advertising	0	0	0	0	0	0
National or local print advertising	1	0	0	0	0	1
Product placement	1	0	0	0	0	1
Use of products in films or TV without mention of the brand	0	0	0	0	0	0
International radio advertising	0	0	0	0	0	0
National or local radio advertising	0	0	0	0	0	0
International TV advertising	2	1	1	1	1	6
National or local TV advertising	0	0	0	0	0	0
Crosses with sponsorship	0	0	0	0	0	0
Online sales by specialist	6	3	6	3	5	23
Wider sales channels	4	2	3	2	2	13
Non-retailer websites	8	2	3	2	3	18
Sponsorship	1	0	2	0	0	3
Corporate Social Responsibility actions by tobacco companies	0	0	0	0	0	0
Brand stretching and imitation products	2	1	1	0	1	5
Corporate promotion and other public relations	3	1	1	1	2	8
Print advertising in the trade press	5	1	1	1	1	9
Advertising at point of sale in shops, supermarkets and other retail outlets	2	0	1	0	2	5
International print advertising for the general public	2	1	1	1	1	6
Free samples, free gifts and promotional items	2	1	1	1	2	7
Free trial of products	2	1	1	1	2	7

Products visible on display in shops, supermarkets and other retail outlets	7	1	3	3	0	0
Competitions or prize draws linked to products	0	0	0	1	0	1
TOTAL	51	15	25	17	23	

Table 5: Current problems in TAPS on new products containing nicotine by TAPS area and reasons behind the problem

3.1.18. Rating of the identified gaps in current regulation of TAPS

This question was answered by respondents from all the countries from which we have collected data and which appear at the beginning of the report in the descriptive analysis section, rating the suggestions associated with TAPS.

These were suggested issues that the respondents had to rate, issues encompassed collaboration between Member States and other relevant stakeholders, greater cooperation between Member States to improve the enforcement system, mandatory reporting of tobacco industry promotional expenditures, EU-level online compliance tool, TAPS bans accompanied by and efficient enforcement mechanism, a broader definition of advertising, which includes the behaviour of smoking, social media advertising more clearly included and covered by EU regulation and provisions on TAPS in EU regulation covering all emerging products, including HTPs and their devices.

These problems were evaluated across different levels, including *high, moderate, low, none, or an uncertain level* of severity.

Overall, the suggestions that were mentioned to be of *high extent* were provisions on TAPS in EU regulation covering all emerging products, including HTPs and their devices (68%), social media advertising more clearly included (82%), TAPS bans accompanied by and efficient enforcement mechanism (68%), a broader definition of advertising, which includes the behaviour of smoking (66%), mandatory reporting of tobacco industry promotional expenditures and EU-level online compliance tool (both 47%) and greater cooperation between Member States to improve the enforcement system (55%). Also, collaboration between Member States and other relevant stakeholders are mentioned to be of a *moderate extent* (on 47%) (Figure 9).

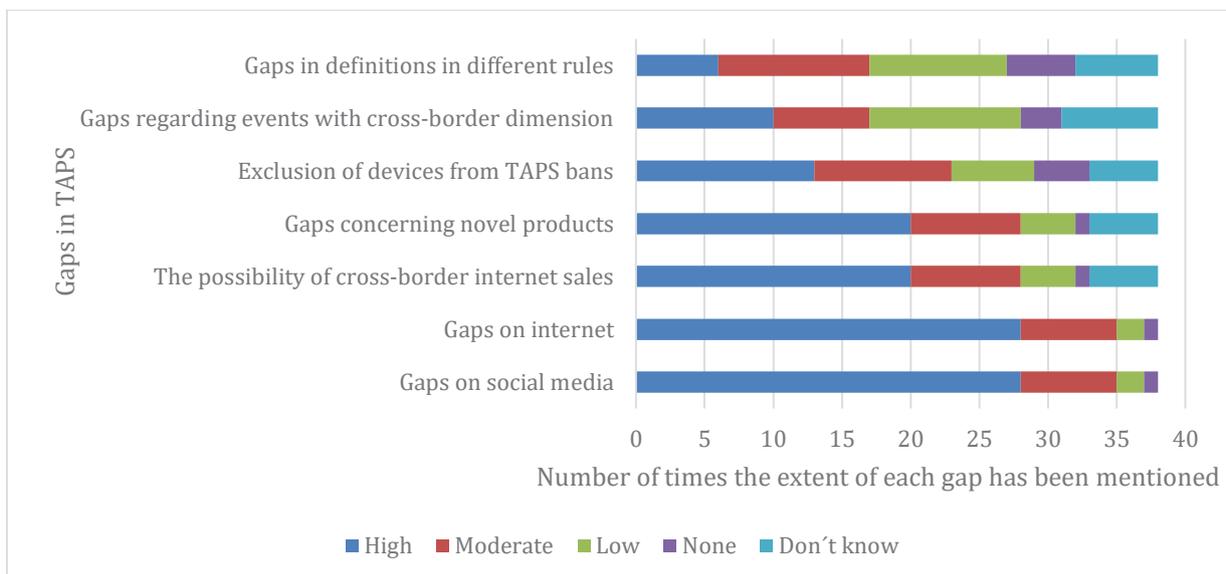


Figure 9: Rating the extent of gaps in TAPS regulation

3.1.19. Rating of the suggestions in current regulation of TAPS

This question was answered by respondents from all the countries from which we have collected data and which appear at the beginning of the report in the descriptive analysis section, rating the suggestions associated with TAPS. These were suggested issues that the respondents had to rate, issues encompassed collaboration between Member States and other relevant stakeholders, greater cooperation between Member States to improve the enforcement system, mandatory reporting of tobacco industry promotional expenditures, EU-level online compliance tool, TAPS bans accompanied by an efficient enforcement mechanism, a broader definition of advertising, which includes the behaviour of smoking, social media advertising more clearly included and covered by EU regulation and provisions on TAPS in EU regulation covering all emerging products, including HTP and their devices.

These problems were evaluated across different levels, including *high, moderate, low, none, or an uncertain level* of severity. Overall, the suggestions that were mentioned to be of *high extent* are provisions on TAPS in EU regulation covering all emerging products, including HTP and their devices and TAPS bans accompanied by an efficient enforcement mechanism (68%, respectively), social media advertising more clearly included and covered by EU regulation (82%), a broader definition of advertising (66%), EU-level online compliance tool and mandatory reporting of tobacco industry promotional expenditures (47%, respectively) and a greater cooperation between Member States (53%). Also, collaboration between Member States and other relevant stakeholders are mentioned to be of a *moderate extent* (on 47%) (Figure 10).

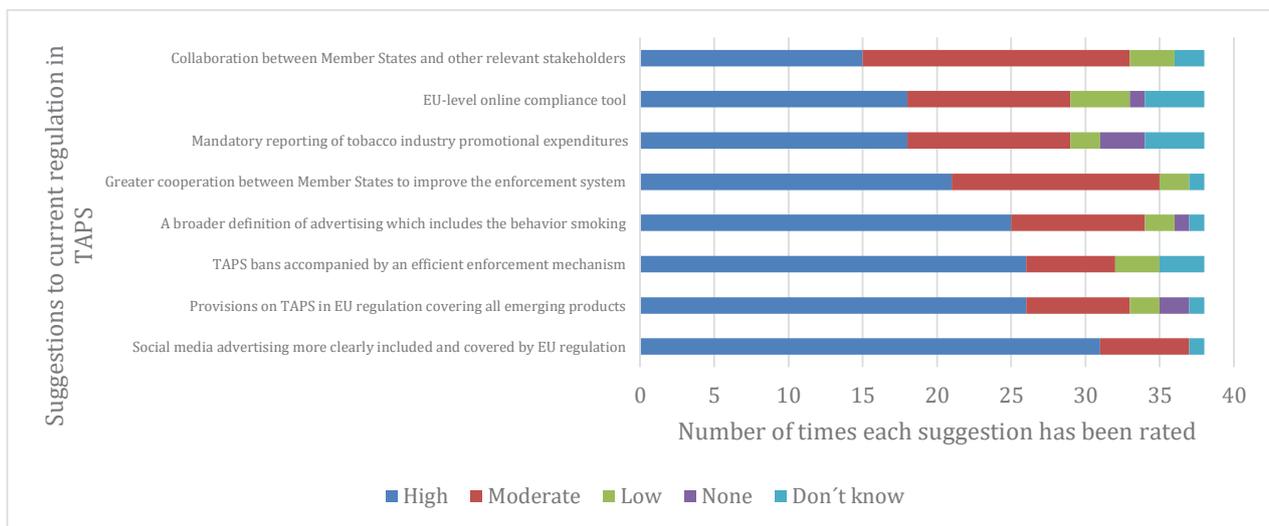


Figure 10: Rating the importance of suggestions in current regulation of TAPS

2.2. TAPS practices. (Section 2)

Thirteen out of 84 national TAPS experts from 27 European countries contacted during the consultation, responded to Section 2 of the online questionnaire. From these, nine national experts from nine countries (Austria - AT, Estonia - EE, Finland - FI, Ireland - IE, Lithuania - LT, Netherlands - NL, Slovenia - SI, Spain - ES and Norway- NO) provided adequate information about the practices for the inclusion in the analysis and this report. Among these nine national experts, eight were from government (ministries or related agencies) and one from an NGO. In this section, we present the key findings of our analysis on the nine collected practices, while short summaries of all nine individual practices are available in Annex 3.

In the following text, we refer to the reported practices as practices, not best practices, as the practices have not been assessed against the relevant criteria as to whether they are best practices or not and they are only potential best practices.

2.2.1. Short description and some basic characteristics of the reported practices

The list of nine TAPS practices with short description and links to further documentation is available in the Table 1-S2.

	Country
Tobacco and non-smoker protection act § 11 (Tabak- und Nichtraucherinnen- bzw. Nichtraucherschutzgesetz § 11) Advertising ban based on the National Tobacco Act - advertising and sponsorship of tobacco and related products are prohibited. https://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=0f79c53e-6fc7-4956-b8f2-e60866a388ba&Position=1&Abfrage=Erv&Titel=&Quelle=&ImRisSeitVonDatum=&ImRisSeitBisDatum=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=Nichtraucherinnen+bzw.+Nichtraucherschutzgesetz&Dokumentnummer=ERV_1995_431	AT
Definition of advertising Advertising by definition means information, which is made public in any generally perceived form for a charge or without charge with the purpose of increasing the provision of services or the sale of goods. All Social Media posts (sponsored and post on traders accounts) are considered advertising. So tobacco traders cannot publish information about tobacco and related products in Social Media - posts made by traders on their Social Media accounts about tobacco products are considered as tobacco advertising and are prohibited. https://www.riigiteataja.ee/en/eli/504032022001/consolide (section 2 subsection 1 point 3)	EE
Tobacco Act Advertising ban covers comprehensively different product groups. https://www.finlex.fi/fi/laki/ajantasa/2016/20160549#L8P67 (in Finnish) https://www.finlex.fi/en/laki/kaannokset/2016/en20160549_20161374.pdf (translation in English)	FI
Legislative Controls Ban on advertising at Points of Sale - Ban on PoS advertising Public Health Tobacco Act (2009) & Regulations made there under Plain packaging. Tobacco Act: https://www.irishstatutebook.ie/eli/2009/act/23/enacted/en/html Guidance for those selling tobacco products: https://www.tobaccoregister.ie/Libraries/Documents/Guidance%20for%20those%20selling%20Tobacco%20Products.pdf	IE
Display ban of tobacco products (Tabako gamini? demonstravimo draudimas mažmenin?s prekybos vietose) Currently, advertising of tobacco products as well as covert advertising of tobacco products is prohibited except in the following cases. In retail outlets, only the following information is permitted on the equipment used to display tobacco products: (1) the name and registered office address of the manufacturer, seller; (2) the names of the tobacco products sold; (3) the words 'On sale' or 'For sale'; (4) the prices of tobacco products. From 2025 total display ban for tobacco, heated tobacco products, related products and devices is foreseen - the public display of tobacco products, tobacco-related products and devices for the consumption of tobacco products shall be prohibited in retail outlets. https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/0a6790d270be11ed8a47de53ff967b64?jfwid=3hujqv6t0	LT
Enforcement of the TAPS ban following PMI campaign The enforcement authority of tobacco regulations in the Netherlands, the Netherlands Food and Consumer Product Safety Authority (NVWA), enforced the TAPS ban following a campaign by Philip Morris Netherlands (linked to the Unsmoke Your World campaign) in which Philip Morris 'informed' the Dutch public about heated tobacco products. The NVWA published a factsheet in which they clarify that such campaigns, also when they do not mention specific product names, constitute a breach of the TAPS ban. In the factsheet, they also call on media outlets to adhere to the TAPS ban. Report/factsheet of the NVWA regarding the enforcement of the TAPS ban (in Dutch): https://www.nvwa.nl/documenten/consument/eten-drinken-roken/roken/publicaties/onderzoek-naar-campagnes-van-de-tabaksindustrie	NL
Restriction on the Use of Tobacco Products and Related Products Act (Zakon o omejevanju uporabe tobačnih in povezanih izdelkov) Comprehensive ban on advertising, promotion, sponsorship and donation of tobacco, tobacco products, ENDS, ENNDS, novel tobacco products and herbal products for smoking (application and enforcement). http://www.pisrs.si/Pis.web/cm?idStrani=prevodi (see Ministry of Health, no. 15)	SI
Campaign 'La Graciosa Sin Humo' Stopping IQOS Greenwashing strategies and promotion in Canary Islands. https://nofumadores.org/2021/12/15/the-campaign-of-la-graciosa-sin-humo/	ES
TAPS ban and promotion of TAPS surveillance Close cooperation with the Norwegian Consumer Protection Authority. Supervision campaigns on dedicated themes, e.g. social media campaigns.	NO

Table 6: Short description of TAPS practices with titles and links to further documentation.

The type of the reported practices is mainly regulation/ban (Figure 1-S2), but mostly the reported practices represent more than one type of practice. **The geographical scope of most reported practices (eight out of nine) is national** (Figure 2-S2) and **they are the result of the inclusion of TAPS in a strategy or action plan and/or response to identified TAPS problem and/or defining TAPS as a priority public health area** (Figure 3-S2). In the case of one reported practice (EE), the practice is the result of the general definition of advertising (reported under *Other*).

The justification for developing the reported practices was most often the development/implementation of new TAPS regulation/measure (Figure 4-S2). Under *Other* there were some additional justifications reported, namely the application of the general definition of advertising (EE), de-normalisation of smoking (IE), reaction to the campaign for heated tobacco products by Philip Morris (NL) and reaction to Philip Morris greenwashing (ES).

The most often reported objective of the practices is to decrease the exposure to TAPS (Figure 5-S2), but the practices mostly have more than one objective. One reported practice (EE) has no specific objective as it represents the general regulation of advertising (reported under *Other*).

The target group of the majority of the reported practices is the general population (Figure 6-S2). The reported practices do not specifically cover gender groups or groups with different socio-economic status or different vulnerable groups. Under *Other*, the additional target group was reported for one practice - nationally and internationally operating tobacco companies and national media outlets (NL). This practice was following a campaign by Philip Morris "informing" the Dutch public about heated tobacco products. A factsheet was prepared with clarification that such campaigns, also when they do not mention specific product names, constitute a breach of the TAPS ban. With the factsheet, call media outlets were called to adhere to the TAPS ban.

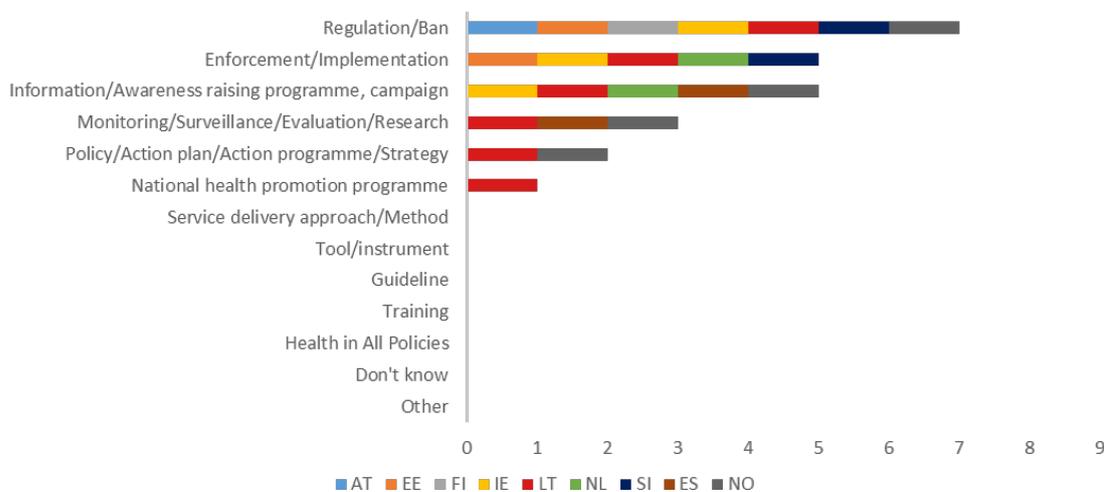


Figure 11: Type of the reported practices, by country.

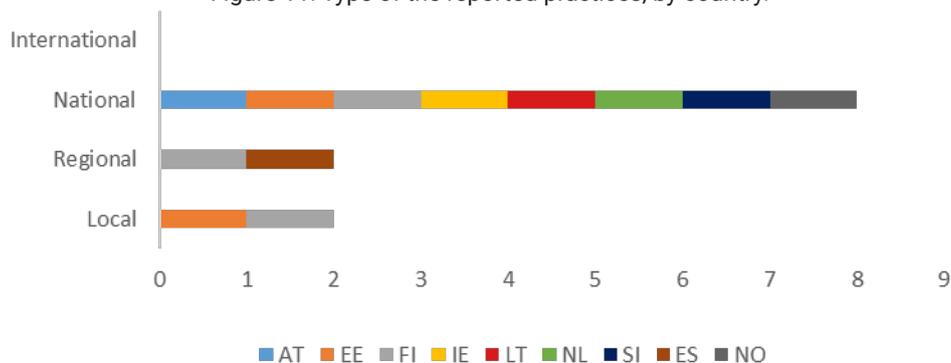


Figure 12: Geographical scope of the reported practices, by country.

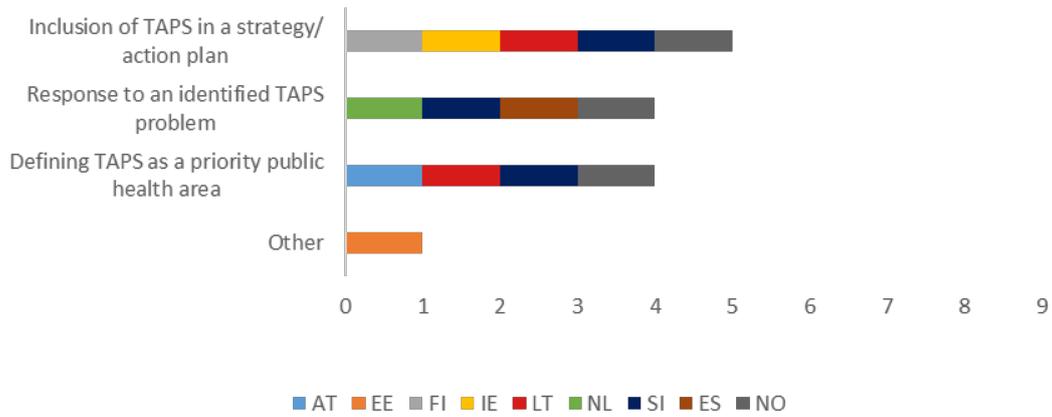


Figure 13: Reason for introduction of the reported practices, by country.

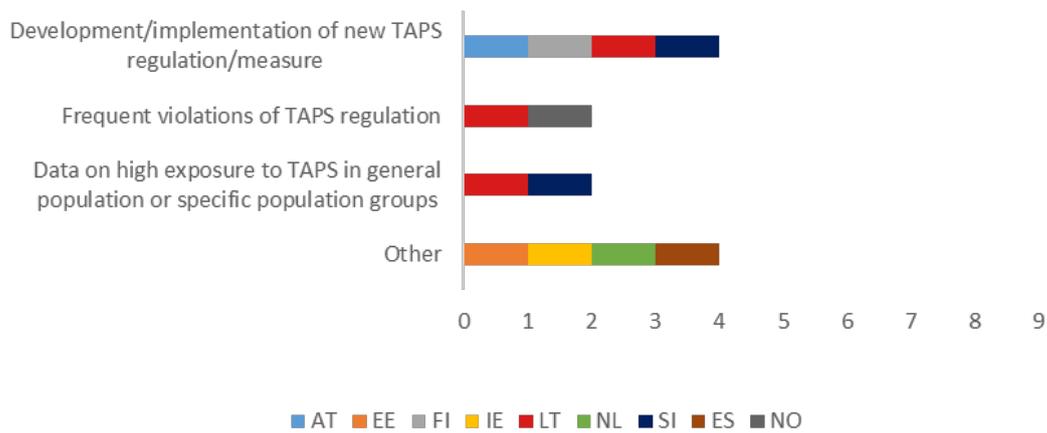


Figure 14: Justification for developing the reported practices, by country.

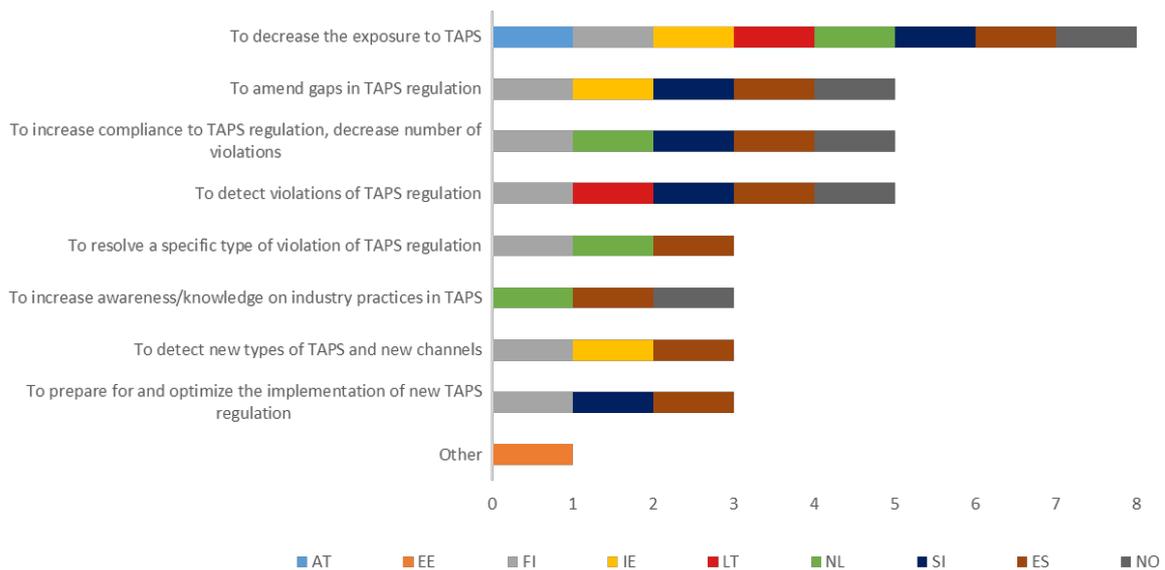


Figure 15: Objectives of the reported practices, by country.

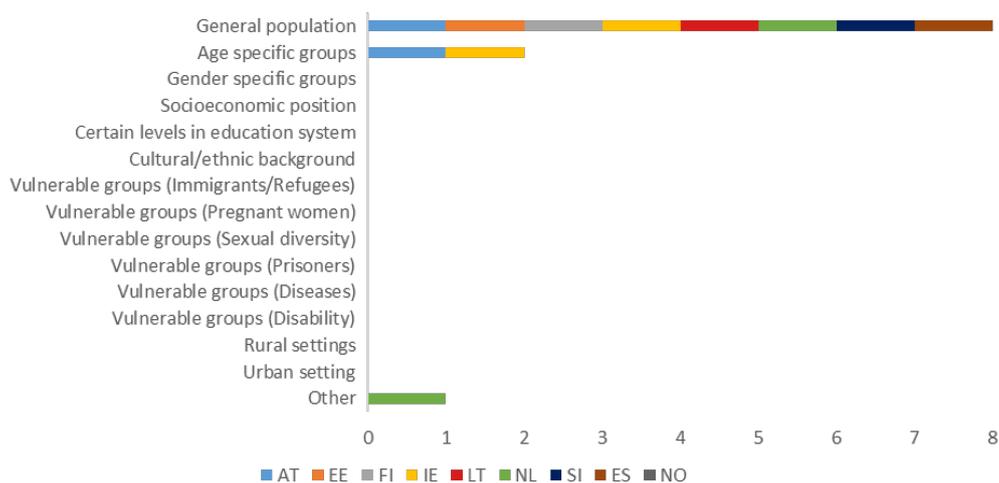


Figure 16: Target population of the reported practices, by country.

2.2.2. Products, type of TAPS and areas of TAPS the practices apply to

All reported practices refer to TAPS within each country and less often to the cross-border TAPS (Figure 7-S2). All three types of TAPS (within country, entering to the country and originating from the country) are covered in two reported practices (FI, SI).

The reported practices apply to different tobacco and nicotine products (Figure 8-S2). Different tobacco and nicotine products were grouped in several categories – combustible tobacco products (cigarettes, cigars, cigarillos, tobacco pipes), heated tobacco products, smokeless tobacco products (tobacco for oral use, such as snus, tobacco for chewing or snuffing), electronic cigarettes, new products containing nicotine (such as nicotine pouches) and other. The majority of reported practices (seven out of nine) cover combustible tobacco products, also seven heated tobacco products and also seven smokeless tobacco products. All different groups of products (combustible, heated and smokeless tobacco products, electronic cigarettes and new products containing nicotine, such as nicotine pouches) are covered by three reported practices (EE, FI, SI). In case of the practice from EE, all other tobacco, related, nicotine and nicotine-free products are also covered due to general definition of advertising (EE).

The reported practices apply to different areas of TAPS, mostly more than one (Figure 9-S2). Different areas of TAPS were followed, such as advertising outside the home, cinema advertising, free samples, free gifts and promotional items, free trial of tobacco products for smoking, e-cigarettes, HTPs and other product, competitions or prize draws linked to tobacco products for smoking, e-cigarettes or HTPs or other products, products visible on display in shops, supermarkets and other retail outlets, advertising at point of sale in shops, supermarkets and other retail outlets, national or local print advertising for the general public, international print advertising for the general public, print advertising in the trade press, national or local TV advertising, international TV advertising, national or local radio advertising, international radio advertising, product placement, use of tobacco products, e-cigarettes, HTPs and other products in films or television without explicit mention of the brand, crosses with sponsorship, online sales by specialist retailers of tobacco for smoking, e-cigarettes, HTPs and other products, wider sales channels, non-retailer websites, social media, appstore or apps downloaded from appstores for mobile devices, sponsorship, corporate social responsibility actions by tobacco companies, brand stretching and imitation products, corporate promotion and other public relations tactics and other. The three most reported areas of TAPS, covered in the reported practices are; competitions or prize draws linked to tobacco products for smoking, e-cigarettes or HTPs or other products, wider sales channels and free samples, free gifts and promotional items, each reported by six out of nine practices. Under *Other*, one additional area of TAPS was reported for one practice (NL), that is special campaign websites from the tobacco

industry promoting heated tobacco products in general, without mentioning specific brand name.

Further analyses show that there seems to be no obvious difference between the reported practices with *different types of TAPS* (TAPS within the country or cross-border TAPS, entering or originating from the country) regarding inclusion of *different areas of TAPS* (presented in the paragraph above). **Different TAPS areas are covered in all practices regardless of the type of TAPS.** In addition, it seems that there are no obvious differences between the reported practices with different types of TAPS regarding inclusion of *different tobacco and nicotine products*, such as combustible tobacco products; heated tobacco products; smokeless tobacco products; electronic cigarettes; new products containing nicotine (nicotine pouches). **Different tobacco and nicotine products are covered in all practices regardless of the type of TAPS.** It also seems that there are no obvious differences between the reported practices covering the different areas of TAPS regarding coverage of different tobacco and nicotine products. **Different tobacco and nicotine products are covered in all practices regardless of the area of TAPS that is being covered.**

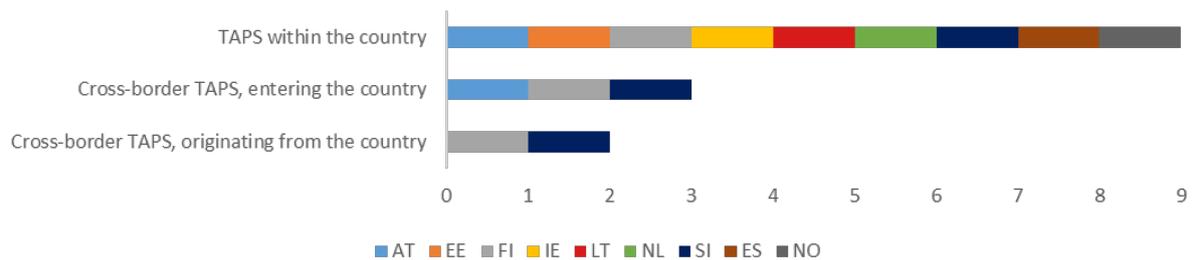


Figure 17: The type of TAPS that the reported practice refers to, by country.

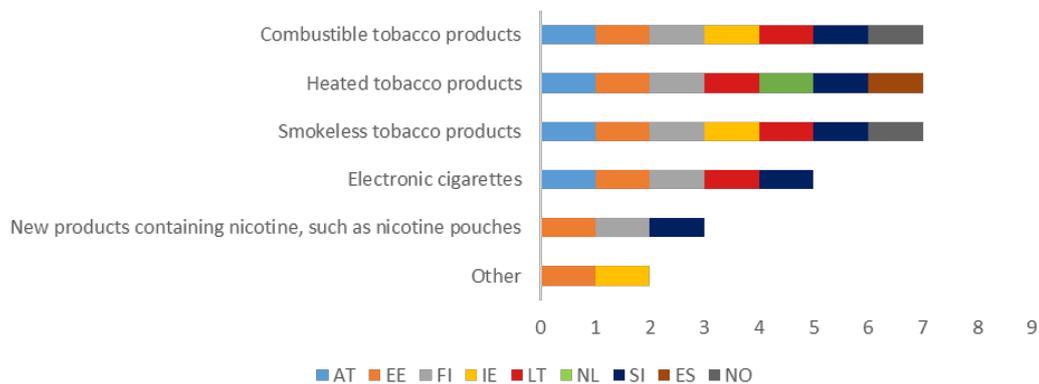


Figure 18: Type of the tobacco/nicotine products that the practices apply to, by country.

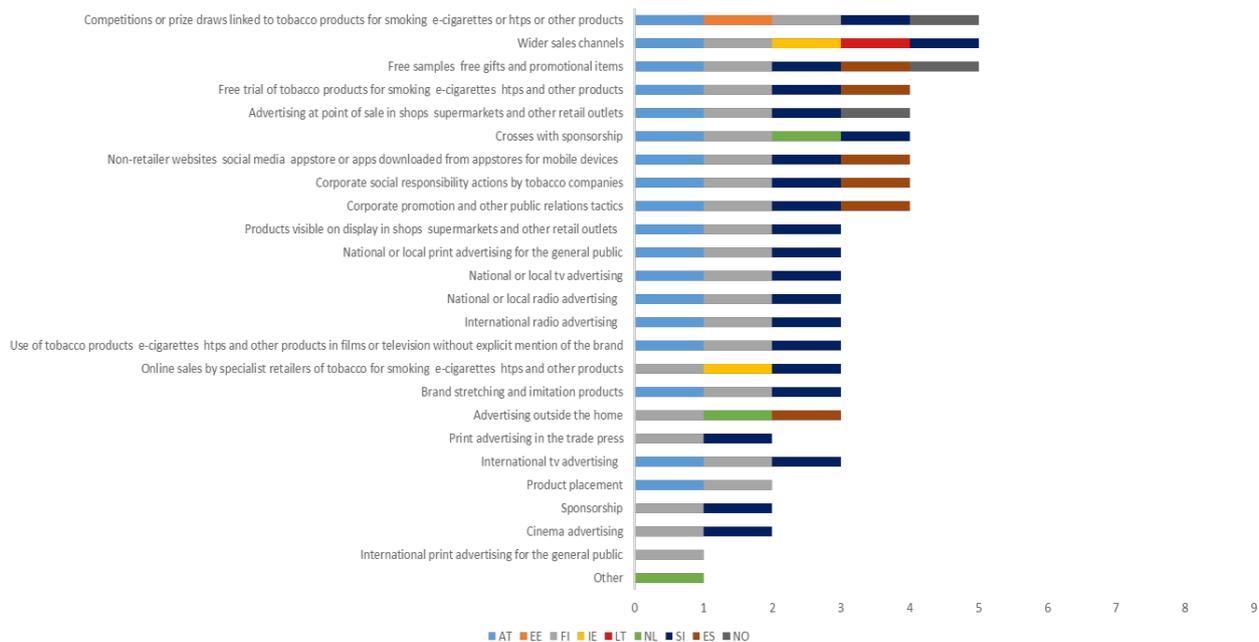


Figure 19: Areas of TAPS that the practices apply to, by country.

2.2.3. Information on the design of the reported practices

For most of the reported practices (eight out of nine), it was reported that they were built on well-founded theory/principles. The reported theory/principles described to be the basis for the reported practices were:

- Health and youth protection policy considerations (AT).
- General regulation of advertising (EE).
- Studies on advertising and marketing (FI).
- No product on view in retail premises. Restriction on sales - requirement for retailers to be registered. Controls on self-service vending machines (IE).
- Guidelines for the implementation of Article 13 of the WHO Framework Convention on Tobacco Control, which state that in order to ensure that tobacco products are free from advertising and promotional elements at the point of sale, countries are encouraged to adopt a complete ban on the display and visibility of tobacco products at the point of sale (LT).
- Legal theories regarding the scope of the TAPS ban in the Netherlands and the definition of what constitutes (illegal) advertising of tobacco products (NL).
- WHO Framework Convention on Tobacco Control (ES).
- Surveillance and supervision over a long period of time (NO).

The evidence that was considered in the development of the reported practices was mostly international evidence and that from consultation with experts (Figure 10-S2). Under *Other*, data from surveillance and supervision and tips from the public were reported (NO).

For the minority of the reported practices (two out of nine) the design of the practice thoroughly described the practice in terms of purpose and SMART objectives (IE, SI), for two reported practices it did not (AT, NL), while for five of the nine reported practices the respondents did not have this information (EE, FI, LT, ES, NO). **Different methods were used to achieve the objectives of the practices, most often enforcement, followed by marketing, panels of experts and surveillance** (Figure 11-S2). Other methods, such as training development and intervention protocols were not used. Another type of method was reported under *Other* for one of the reported practices (NL), this was a factsheet published by the Netherlands Food and Consumer Product Safety Authority (NVWA)

after its enforcement actions towards Philip Morris, in which NVWA explains the scope of the TAPS ban and also calls on media to adhere to this ban.

For majority of the reported practices (six out of the nine) it was reported that the practice was enforced (Figure 12-S2), one practice is not yet implemented and thus not enforced (LT). For one practice (ES) the respondent reported that enforcement cannot be properly applied to as it was a reactive campaign, but nevertheless, coordination between administration and civil society actions was maintained (ES). For one practice, this information is missing (NO). For the six enforced practices, the experts provided additional information on **how the enforcement was set and by which entity**:

- National health authorities (district administrative authorities under the supervision of the Ministry of Health) are responsible for enforcement (AT).
- Consumer Protection and Technical Regulatory Authority (EE).
- Basic supervision by the supervisory authorities (FI).
- Health Service Executive are the competent authority. Monitoring/inspection and where necessary enforcement (IE).
- The Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit, NVWA) was in charge of supervision and enforcement of the TAPS ban. Following Philip Morris' campaign, both PM and the media outlets that showed the campaign were fined by the NVWA. The NVWA then proactively contacted tobacco companies worldwide to explain the scope of the Dutch TAPS ban, as to prevent similar breaches of the TAPS ban in the Netherlands in the future (NL).
- The enforcement was set by the Act. The Market Inspectorate of the Republic of Slovenia is in charge of the supervision and controlling compliance (SI).

Only one practice was reported to have a comprehensive approach to health promotion (SI), while three do not have such an approach (AT, NL, ES). For four reported practices this information is not known to the respondents (EE, FI, IE, LT), while for one practice this information is missing (NO).

An effective partnership was in place during implementation phase in case of less than half of the reported practices (three out of nine - IE, SI, ES). For two reported practices it was stated that there was no such partnership (AT, FI), for three (EE, LT, NL) this information is not known to the respondents (EE, FI, IE, LT) and for one practice this information is missing (NO). For two practices some additional information on these partnerships was provided:

- Various stakeholders involved co-ordinated by Office of Tobacco Control (IE).
- Coordination among 150 international organizations for a common letter sent to the City Council <https://nofumadores.org/wp-content/uploads/2021/09/2021-09-08-Letter-for-Teguisse-Mayor-campaing-La-Graciosa-sin-Humo-English-with-logos.pdf> (ES).

Most of the reported practices were aligned with the policy plans at the local, national, institutional or at international level (five out of nine reported practices) (Figure 13-S2). For one practice, this information was missing (NO), for two it is not known. For three reported practices some additional information was provided about the policy plans:

- Finnish tobacco policy (and all the strategy documents) (FI). The central areas and measures for implementing tobacco policy in Finland are health care, health promotion, price policy, legislation (Tobacco Act), research, and development. The official objective of the Tobacco Act is to achieve that no more than 5% of the population uses tobacco or nicotine products daily by 2030. The Tobacco Act includes different tobacco control measures, amongst others: smoke-free enclosed work and public places, a point-of-sale display and advertising ban (in 2012) and regulation of electronic nicotine and non-nicotine delivery devices, and e-liquids started, for example the ban on flavours in e-liquids, except tobacco flavourings. The working group was established to propose new tobacco control measures: <https://thl.fi/en/web/alcohol-tobacco-and-addictions/tobacco/finnish-tobacco-control-policy-and-legislation>

- Collaboration with pre-cursor to Tobacco Free Ireland (IE). <https://www.hse.ie/eng/about/who/tobaccocontrol/tcp/>
- In general, all tobacco control actions and practices are aligned with the Dutch National Prevention Agreement, which was concluded in 2018 between the government and societal organisations and includes the goal to achieve a Smokefree Generation in 2040 (NL). <https://www.government.nl/documents/reports/2019/06/30/the-national-prevention-agreement>
- The practice is aligned with the agreement, 'Productos del tabaco y relacionados: Implicación de su consumo en la salud pública' approved by the Ministry and the autonomous regions. This document establishes the health risk associated with heated tobacco products and applies the 5.3 article of the Framework Convention regarding tobacco industry vested interest (ES). More information at: https://www.sanidad.gob.es/areas/promocionPrevencion/tabaco/legislacionAcuerdosDenuncia/docs/Acuerdo_Productos_Tabaco.pdf

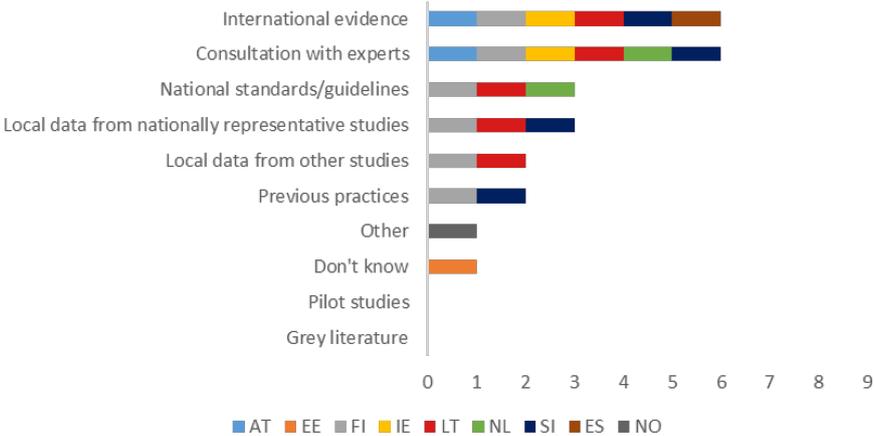


Figure 20: Evidence, considered in the development of the reported practices, by country.

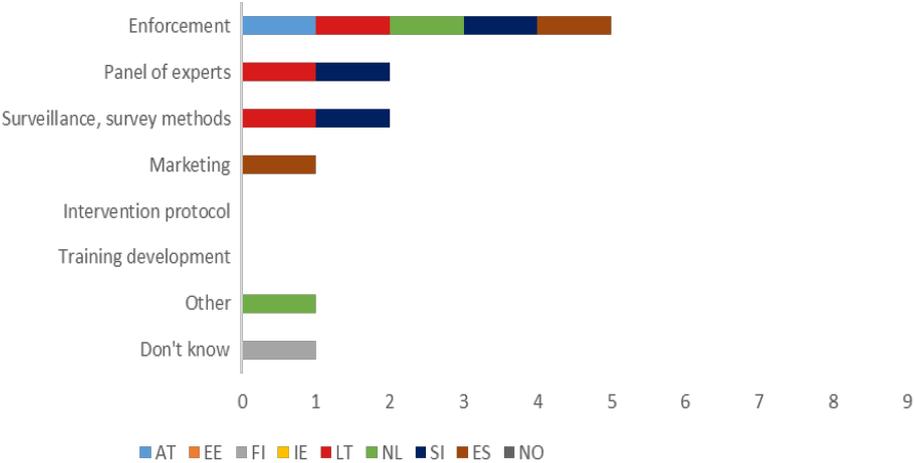


Figure 21: Methods, used to achieve objectives of the reported practices, by country.

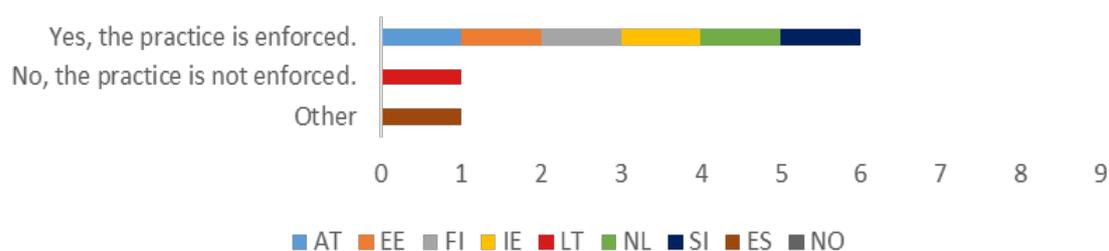


Figure 22: Enforcement of the reported practices, by country.

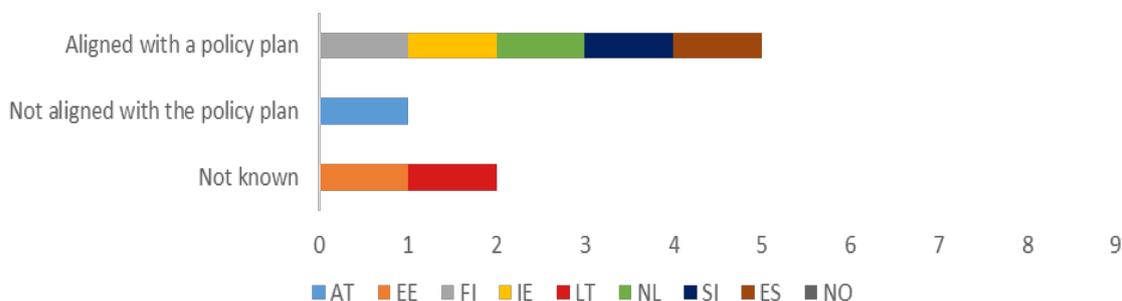


Figure 23: Alignment of the practices with the policy plans at the local, national, institutional or at international level, by country.

2.2.4. Phase of the practice

Most of the practices have been implemented (seven out of nine) (Figure 14-S2). The information is missing for one reported practice (NO) and one practice has not yet been implemented. **One of the reported practices started before 2000** (AT in 1995), **others between 2008 and 2023** (EE in 2008, IE in 2009, FI in 2016, SI in 2017, ES and NL in 2021) and **one is planned to start in 2025** (LT). The information on the start date is missing for one reported practice (NO). **The majority of the reported practices are ongoing** (seven out of nine - AT, EE, IE, FI, LT, SI, NO), while two have ended in 2021 (NL, ES).

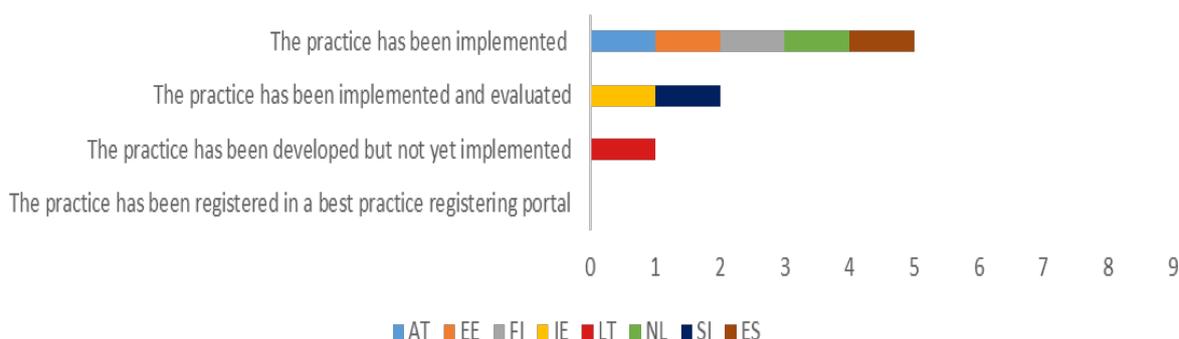


Figure 24: Current phase of the reported practices, by country.

2.2.5. Organizations, responsible for the reported practices

Governments and related enforcement agencies were reported most often as organizations responsible for the reported practices (seven out of nine reported practices), in case of one practice, an NGO was reported (Figure 15-S2). This information is missing for one reported practice (NO). The full names of these organizations were reported for the majority of reported practices together

with specifications of their responsibilities and some information was additionally found from the websites of these organizations (Table 2-S2).

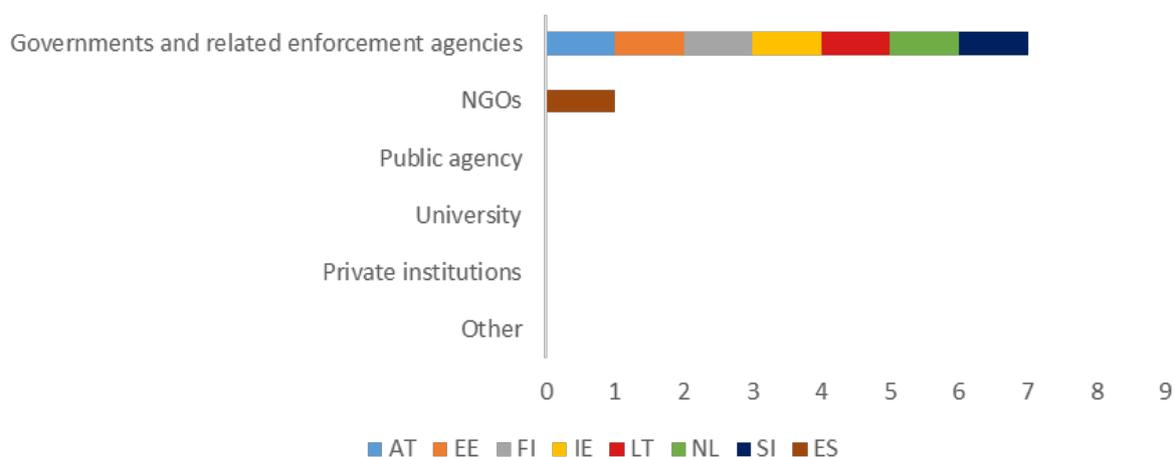


Figure 25: Organizations responsible for the reported practices, by country.

Responsible organizations	Responsibilities of the organization	Country
Federal government (government bill) and national parliament.	Drafting by respective ministries and submission of the draft law by the federal government to the national parliament, which enacted the law.	AT
Ministry of Economic Affairs and Communications https://www.mkm.ee/en , Consumer Protection and Technical Regulatory Authority https://ttja.ee/en	Main activities of Consumer Protection and Technical Regulatory Authority are safety regulation, market regulation and compliance with legal obligations in different areas, including electronic communications, spectrum management and media services and consumer rights.	EE
Ministry of Social Affairs and Health Supervisory Authority for Welfare and Health (Valvira) Municipalities (https://valvira.fi/en/frontpage).	Valvira is a central agency operating in the administrative sector of the Ministry of Social Affairs and Health. General guidance and direction under the Tobacco Act and its regulations are the responsibility of the Ministry of Social Affairs and Health. Valvira is guiding the Regional State Administrative Agencies and municipalities to handle their responsibilities under the Tobacco Act, as well as preparing the national Tobacco Act guidance programme and national Tobacco Act monitoring programme.	FI
Health Service Executive - Environmental Health Service.	Compliance building and enforcement.	IE
Lietuvos Respublikos Seimas. Parliament of the Republic of Lithuania.	Responsible for legislation.	LT
Netherlands Food and Consumer Product Safety Authority, Nederlandse Voedsel- en Warenautoriteit, NVWA.	Supervision of compliance and enforcement of Dutch tobacco control regulations.	NL
Market inspectorate of the Republic of Slovenia. Ministry of Health of the Republic of Slovenia.	Market inspectorate is responsible for supervision. Ministry of Health was responsible for preparation of the Act.	SI
Nofumadores.org / Nosmokers.org	Contacts with public administrations.	ES

Table 7: Organizations responsible for the reported practices and their responsibilities, by country.

2.2.6. Equity and conflicts of interest

The relevant dimensions of equity were adequately taken into consideration and targeted (i.e. gender, socioeconomic status, ethnicity, rural-urban area, vulnerable groups) in the design of the practice in almost half of the reported practices (four of the nine - AT, EE, FI, SI) (Figure 16-S2). The

equity dimensions were not taken into consideration in one reported practice (ES), while for three out of nine reported practices (IE, LT, NL) this information was not known to the respondent. Some respondents gave additional information in this respect (AT - The ban applies indiscriminately to all market participants; FI - Overarching regulation). **During the implementation of the practice, the specific actions were taken to address equity dimensions in one reported practice (LT)** (Figure 16-S2). Such actions were not taken in three out of nine reported practices (AT, SI, ES), for four out of nine (EE, FI, IE, NL) this information was not known to the respondent. Information on equity is missing for one reported practice (NO).

There was no conflict of interest in the planning and/or implementation phase of most (five out of nine) of the reported practices (FI, LT, NL, SI, ES) (Figure 16-S2). **For one reported practice, the respondent was aware of conflicts of interest both in its planning and implementation phase (AT)** – the industry was/is fundamentally opposed to strict advertising bans during the planning phase, during implementation phase there were attempts to influence the passage of the bill regarding the scope, coverage and enforceability of the ban). For two out of nine practices, respondents did not have information on this issue (EE, IE), while for one reported practice the information on conflicts of interest is missing (NO).

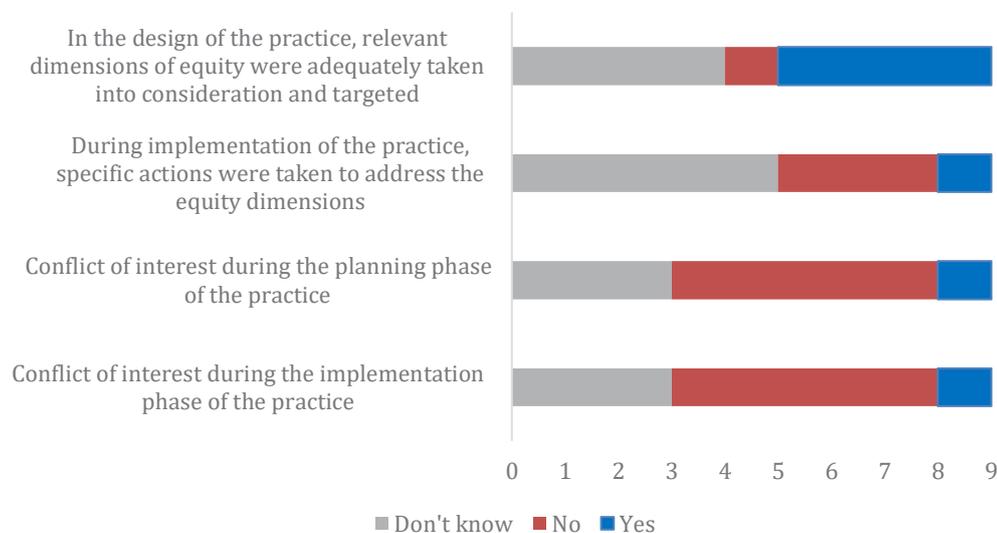


Figure 26: Equity and conflict of interest in the reported practices.

2.2.7. Involvement and participation of target population

Almost half of the reported practices were designed in consultation with the target population (four out of nine – FI, IE, SI, ES), while two were not (AT, NO) (Figure 17-S2). For three practices this information was not known to the respondents (EE, LT, NL). For three reported practices (FI, SI, ES) representatives of the target population and other stakeholders that were involved in the development of these practices were reported. Mostly the stakeholders from other than the health sector and researchers/academics were involved, but also representatives of the target population, national public health authorities, regional public health authorities, local public health authorities, civil society organisations and rarely international/European public health authorities, schools, private companies, and others.

The minority of the practices were implemented in consultation with the target population (two out of nine - IE, SI), while three were not (FI, ES, NO) (Figure 17-S2). This information is not known for almost half of the reported practices (four out of nine – AT, EE, LT, NL). For one reported practice (SI) representatives of the civil society were reported to be involved in the implementation of this practice.

A minority of reported practices were also evaluated in consultation with the target population (two

out of nine - IE, SI), while four were not (AT, FI, ES, NO) (Figure 17-S2). For three reported practices respondents did not have this information (EE, LT, NL). For one reported practice (SI), representatives of the target population, national public health authorities and schools were reported to be involved in the evaluation of this practice.

The practice achieved meaningful participation in almost half of the reported practices (four out of nine – AT, IE, SI, ES), but not in one (FI) (Figure 17-S2). For three reported practices (EE, LT, NL) this information is not known to the respondents, while for one it is missing (NO). For some practices, additional information was provided:

- Legal regulations (advertising bans) are largely adhered to (AT);
- Independently commissioned surveys (Ipsos MRBI) indicated very high levels of compliance (IE);
- Letter from international NGOs: <https://nofumadores.org/wp-content/uploads/2021/09/2021-09-08-Letter-for-Teguise-Mayor-campaing-La-Graciosa-sin-Humo-English-with-logos.pdf> (ES).

In almost half of the reported practices, different intermediaries or multipliers were used to promote the meaningful participation of the target population (four out of nine – AT, LT, SI, ES), but not in one (IE). This information was not known to the respondents for three reported practices (EE, FI, NL) and for one practice it was missing (NO).

The practices developed strengths, resources and autonomy in the target population in one reported practice (IE), while it did not in almost half of the practices (four out of nine – AT, FI, SI, ES) (Figure 17-S2). For three reported practices, respondents did not have information on this (EE, LT, NL) and for one practice this information was missing (NO).

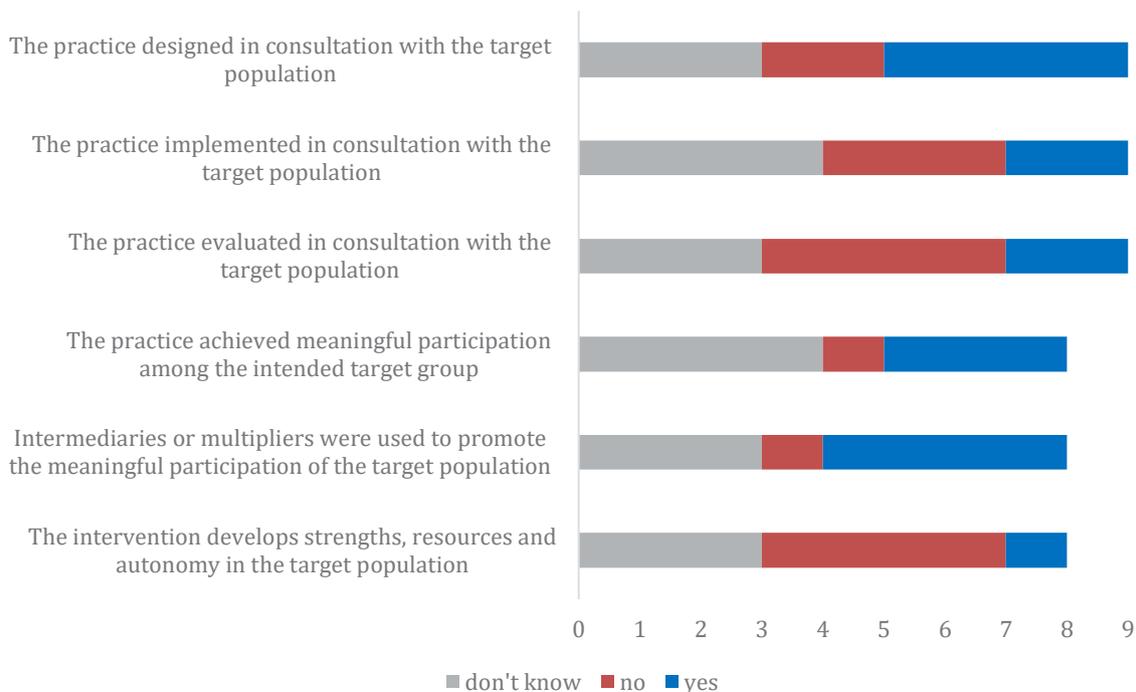


Figure 27: Involvement and participation of target population in the reported practices.

2.2.8. Evaluation

Among the reported nine practices two were formally evaluated (IE, SI), **in both cases, the evaluation was carried out by an external partner** (Figure 18-S2). For one of the reported practices the evaluation is foreseen (LT), while for four practices, evaluation is not planned (AT, FI, ES, NO). For two reported

practices the respondents did not have information on evaluation (EE, NL).

For both reported practices that were evaluated (IE, SI), it is not known to the respondents whether the practice used a defined and appropriate evaluation framework for assessing structure, processes and outcome. In one of the evaluated practices (IE) the type of the evaluation was the impact and measured compliance with the introduction of the legislation. In the case of the other evaluated practice (SI), the type of the evaluation was the outcome and measured exposure to advertising of tobacco products and/or electronic cigarettes at point of sale, exposure to display of tobacco products at point of sale and exposure to promotional activities of tobacco products at point of sale. For the one practice that is yet to be evaluated (LT) this is not yet defined at this stage of the practice (LT). The evaluation results achieved the stated goals in the case of one evaluated practice (SI), while in the case of the other the respondent did not have this information (IE).

In almost half of the reported practices, the practices did not have any information/monitoring system in place to regularly deliver data aligned with evaluation and reporting needs (four out of nine reported practices – AT, LT, SI, ES). For the other four reported practices, the respondents did not have this information (EE, FI, IE, NL) and for one it was missing (NO).

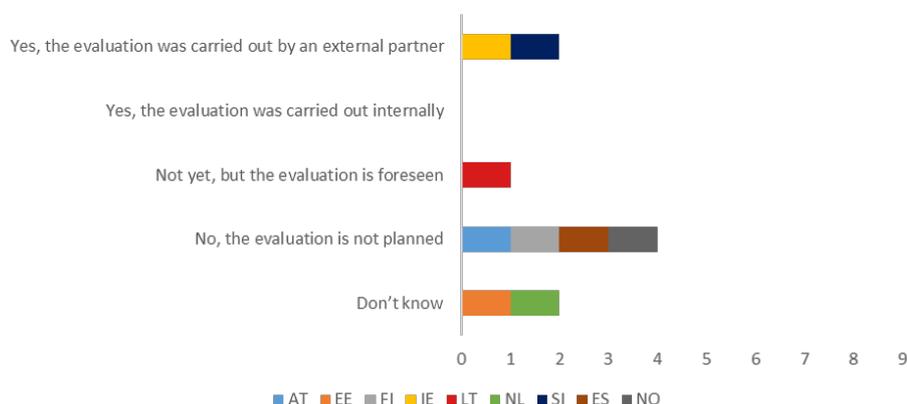


Figure 28: Evaluation of the reported practices, by country.

2.2.9. Sustainability and funding

Almost half of the reported practices did not require any funds (four out of nine practices) and **also almost half reported funding from own resources** (four out of nine practices) (Figure 19-S2), **in all cases governmental**.

For more than half of the reported practices the continuation of the practice is ensured through institutional ownership that guarantees funding and human resources (five out of nine practices) (Figure 20-S2). This information is missing for one reported practice (EE). Some additional information on this issue was provided for the three reported practices:

- It is a law that is in force. The authorities responsible for enforcement are established on a permanent basis and equipped with appropriate resources (AT).
- It is in legislation (FI).
- Enforcement authority still monitoring compliance (EE).

There was an adequate estimation of the human resources, material and budget requirements (in clear relation to committed tasks) in case of the minority of the reported practices (two out of nine practices) (Figure 21-S2), for most of the practices this information was not known to the respondents and it was missing for one reported practice (NO). **Sources of funding were specified in regards to stability and commitment in case of a third of the reported practices** (three out of nine - AT, IE, SI), but not for one (ES). For most of the practices (four out of nine - EE, FI, LT, NL)

this information was not known to the respondents and it was missing for one reported practice (NO). **Organizational structures were clearly defined and described in a minority of the reported practices** (two out of nine - AT, SI) and not for one practice (ES). For most of the practices (five out of nine) this information was not known to the respondents (EE, FI, IE, LT, NL) and it was missing for one reported practice (NO).

Most of the reported practices have a broad support amongst those that implement it (six out of nine – AT, FI, IE, LT, NL, ES), while for three reported practices this information was not known to the respondent (EE, SI, NO) (Figure 22-S2). **The broad support for the practice amongst the intended target population was reported for less than half of the practices** (three out of nine - FI, LT, SI) and not for one (AT), while for five practices this information was not known to the respondent (EE, IE, NL, ES, NO) (Figure 22-S2).

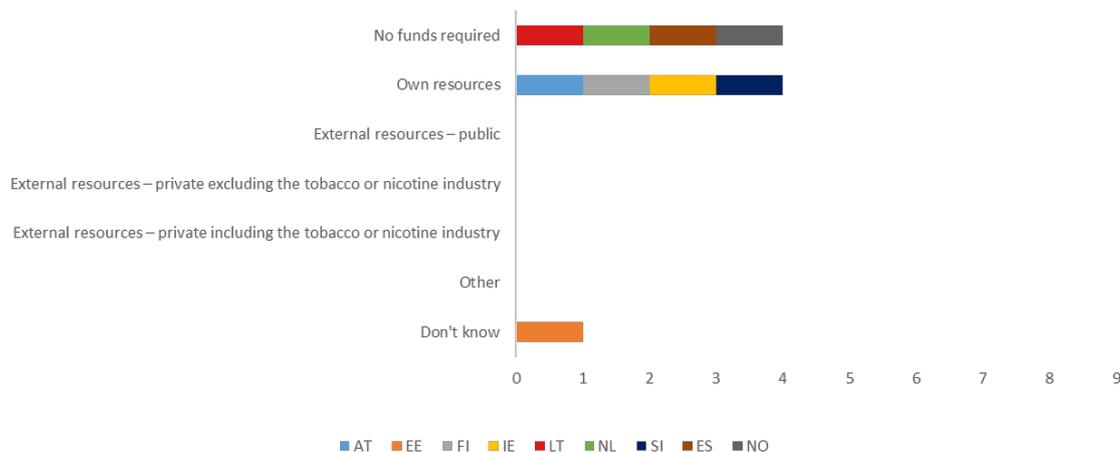


Figure 29: Funding of the reported practices, by country.

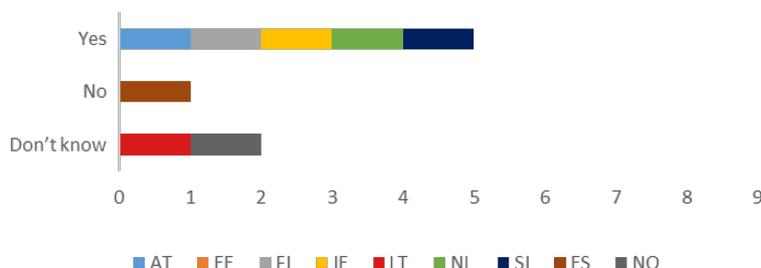


Figure 30: Ensured continuation of the reported practice through institutional ownership that guarantees funding and human resources, by country.

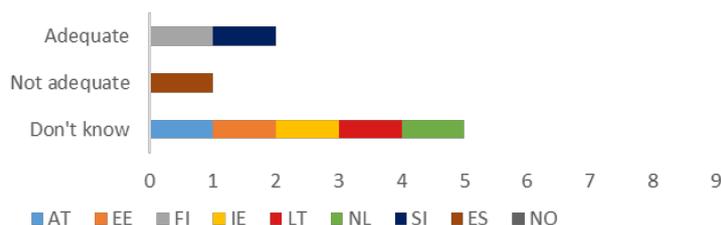


Figure 31: Estimation of the human resources, material and budget requirements in clear relation to committed tasks for the reported practice, by country.

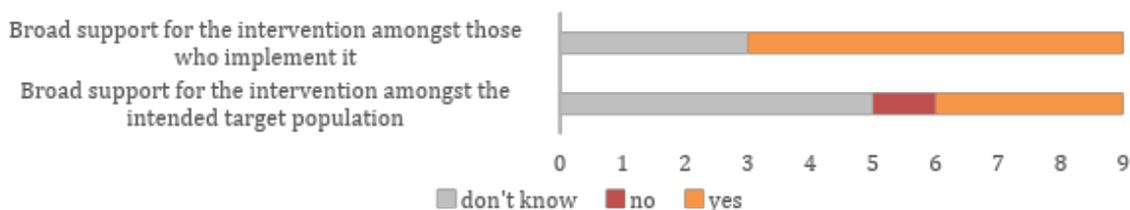


Figure 32: Support for the practice amongst those that implement it and the intended target population.

2.2.10. Transferability

For almost all practices, it was reported that transferability and/or scalability have not been considered (seven out of nine) (Figure 23-S2). Transferability and/or scalability have been considered in one reported practice (EE), while this information was missing for one reported practice (NO).

The analysis of the requirements for eventual scaling up was available for one reported practice (LT) and not available for two (AT, ES), while for most of the practices (six out of nine) this information was not known to the respondents (EE, FI, IE, NL, SI, NO). The potential impact on the population targeted (if the population was scaled up) was not assessed for two of the reported practices (AT, ES), while for the other practices this information was not known to the respondents (EE, FI, IE, LT, NL, SI, NO). Specific transfer strategies were in place for one reported practice (NL) and not for three (AT, FI, ES), while for the other five practices this information was not known to the respondents (EE, IE, LT, SI, NO).

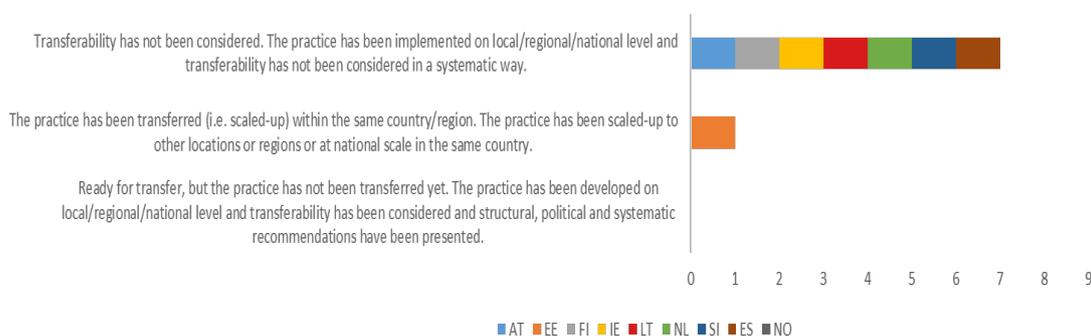


Figure 33: Transferability and/or scalability of the reported practice, by country.

2.2.11. Main outcomes of the reported practices and indicators of the process and outcome

The respondents were asked to describe the main outcomes and indicators of the process and outcome in open questions.

The main outcomes of the reported practices, as they were described, are:

- Advertising bans are generally respected by the industry (AT).
- A lot of information about goods and services is considered advertising and has to comply with the Advertising Act (EE).
- Less advertising (FI).
- Widespread compliance - tobacco products out of sight in retail premises. Removal of almost all point of sale advertising. Restriction on self-service vending machines (IE).
- Philip Morris' campaign was taken down and the scope of the TAPS ban in the Netherlands was clarified (NL).
- Comprehensive ban on advertising, promotion, sponsorship and donations for tobacco, tobacco products, ENDS, ENNDS, novel tobacco products (HTP) and herbal products for smoking (SI).
- As the main result, the campaign was unanimously condemned through the media and social

networks. Also, a proposal was taken to the plenary session of the city council and was rejected by a single vote. Despite it must be highlighted the extraordinary rarity that the councillors of left and right wing voted together against La Graciosa campaign. Finally, the mayor decided to end that later on (ES).

For one practice that has yet to be implemented (LT), it is expected to reduce the number of smokers.

The indicators of the process and outcome were described for four out of nine reported practices (FI, IE, SI, ES). For one reported practice it was reported that the outcome was not monitored (EE), for one reported practice this information was not known (LT) and it was missing for other three reported practices (AT, NL, NO). Additional information on indicators is available for some practices:

- Supervision (FI).
- Percentage compliance under national inspection programme. Independent verification by survey. Presence of internal advertising. Under continual national inspection programme (IE).
- Supervision by Market Inspectorate and surveys (SI).
- As previously said this is not properly applied to the case, but as indicators we can point the vote at the city council or the communication from city Mayor saying that the campaign was closed (ES).

4. Discussion and Conclusions

TAPS loopholes in the EU appear to be frequent and diverse but **reported changes in TAPS regulation in the last three years** are only a few: extension of display bans to new types of tobacco and nicotine products, tobacconist stores, general shops and prohibitions of drawings or inclusion of nicotine products (e.g., nicotine pouches) in regulation. Regarding the **problems encountered** in TAPS regulation, all countries mentioned that problems *entering* the country seem to be more difficult to counteract than those *from within or originating from the country*. Keeping in mind that e-cigs devices and liquids, nicotine pouches and tobacco for oral use are the **types of products** with highest problems for TAPS regulation, the **main reasons behind these problems** are the important gaps in existing regulations, the emergence of new industry approaches and the difficulties in monitoring and enforcement.

Also, applying to *smoking tobacco products (cigarettes, roll-your-own, cigars, cigarillos, pipes of tobacco, waterpipes)* a **pressing issue emerges concerning the role of influencers in promoting tobacco products**. Influencers effectively function as living advertising platforms, irrespective of their motivations for showcasing tobacco. The tobacco industry appears to capitalize on the legal ambiguity surrounding whether such exposures should be classified as advertising or not.

Some of the proposed **measures to counteract** these problems are particularly interesting due to their clear applicability or innovative nature such as: proposals to include nicotine pouches and device systems of heated tobacco products in advertising bans, cooperating with social media platforms to monitor and take down advertising of tobacco and related products or government-level initiatives to protect children's consumer rights in digital media, including proposals for bans on online sales of tobacco products.

In summary, here are some key **takeaways regarding TAPS loopholes and its measures to counteract them**:

4.1. Most important loopholes in the regulation of TAPS and measures to counteract:

In summary, there are the following loopholes to be considered:

1. **New and Non-Standard Products**: There is a recurring issue with regulating new products, such as

Heated Tobacco Products (HTPs) and Nicotine Pouches, which may not fall under existing tobacco advertising regulations. This creates a gap in enforcement measures.

2. Digital Marketing and Social Media: The rise of social media platforms and digital marketing poses significant challenges in enforcing advertising bans. Influencers, social media promotions, and online sales channels are mentioned as areas that require special attention.

3. Cross-Border Advertising: Many respondents noted difficulties in regulating advertising originating from foreign countries. Cross-border advertising, especially through the Internet, poses unique challenges in terms of jurisdiction and enforcement.

4. Lack of Specific Definitions: Some respondents pointed out that specific terms, like “specialist shops,” are not defined clearly in the regulations. This ambiguity can lead to varying interpretations and enforcement difficulties.

5. Enforcement Challenges: There’s a recurring theme of enforcement challenges, including delays in addressing violations, lack of resources, and difficulties in monitoring online content.

6. Product Placement in Media: The issue of product placement in movies, TV series, and other media is highlighted. This form of advertising can be hard to track and regulate effectively.

7. No regulation of Influencers: Several respondents mentioned influencers and their role in advertising tobacco and related products. Regulating influencers and distinguishing between personal opinions and paid promotions emerged as an important concern.

8. No Updated Legislation: Respondents indicated a need for legislation that keeps pace with rapidly evolving products and marketing methods in the tobacco industry.

To counteract all these problems, the experts suggest the following measures:

1. Need for Clear and Comprehensive Legislation: Respondents emphasise the importance of clear and concrete legal regulations, both at the national and international levels. Many suggest that comprehensive EU-level regulations are needed to harmonise and strengthen existing laws.

2. Expansion of Regulation Scope: There is a consensus among respondents that the scope of regulations should be expanded to cover emerging tobacco and nicotine-related products such as nicotine pouches, e-cigarettes, and heated tobacco products (HTPs). These products are often not adequately regulated and pose challenges in terms of advertising and promotion.

3. Cross-Border and Online Challenges: Respondents highlight the difficulties in regulating online advertising and social media, particularly when advertisements target consumers in multiple countries. They stress the importance of international cooperation and mechanisms for enforcing regulations across borders.

4. Addressing Influencer Marketing: Many respondents point out the need to address influencer marketing on social media platforms, as influencers can play a significant role in promoting tobacco and related products, especially to younger audiences.

5. Plain Packaging and Display Bans: Several respondents advocate for plain packaging regulations and display bans at the point of sale to reduce the visibility and attractiveness of tobacco and related products.

6. Closing Loopholes: Respondents identify various regulatory gaps and loopholes that need to be addressed. This includes banning free supply, defining specialist shops, and restricting advertising for new products that do not fall under existing regulations.

7. International Cooperation: International cooperation is viewed as essential for tackling cross-border marketing and sales of tobacco and related products. Respondents call for stronger international tools and collaboration among countries.

8. Resource Allocation: Some respondents stress the need for increased resources and funding for relevant authorities responsible for enforcing regulations and monitoring compliance.

9. Specific Provisions for Social Media: Many respondents suggest that regulations should explicitly mention social media platforms and outline stricter guidelines for advertising and promotion on these platforms.

10. Public Awareness: There is an emphasis on the importance of raising public awareness about the impact of tobacco advertising and promotion, particularly on young people, and the need to discourage consumption.

In conclusion, the responses reflect a consensus on the need for **comprehensive, clear, and up-to-date regulations that encompass new and emerging products, address online advertising challenges, and promote international cooperation**. Closing regulatory gaps and effectively enforcing regulations are seen as crucial steps in curbing the promotion and advertising of tobacco and related products.

3.1. Reported potential best practices on TAPS

Nine potential best practices that we gathered during consultation with European TAPS experts and later analysed, were from nine different countries (Austria, Estonia, Finland, Ireland, Latvia, Netherlands, Slovenia, Spain and Norway). Most of the practices have been already implemented and are ongoing - one started before 2000, most between 2008 and 2023 and one is planned to start in 2025.

The type of the reported practices was mainly regulation/ban and the geographical scope of the most reported practices was national. Justification for developing the reported practices was most often the development/implementation of new TAPS regulation/measure and mostly the reported practices were aligned with the policy plans at the local, national, institutional or at international level. Governments and related enforcement agencies were reported most often as organizations responsible for the reported practices.

The most often reported objective of the practices is to decrease the exposure to TAPS, and the target group is usually the general population. The reported practices do not specifically cover gender groups or groups with different socio-economic position or different vulnerable groups. All reported practices refer to TAPS within the country and less often to the cross-border TAPS. The reported practices apply to different tobacco and nicotine products, the majority cover combustible tobacco products, heated tobacco products and smokeless tobacco products. The reported practices apply to different areas of TAPS, mostly more than one. Three most reported areas of TAPS, covered in the reported practices are competitions or prize draws linked to tobacco products for smoking, e-cigarettes or HTPs or other products; wider sales channels and free samples, free gifts and promotional items.

For majority of the reported practices, it was reported that the practice was enforced. Only a minority of the reported practices were formally evaluated.

The relevant dimensions of equity were adequately taken into consideration and targeted in the design of almost half of the reported practices, while during the implementation of the practice, the specific actions were taken to address equity dimensions in minority. There was no conflict of interest in the planning and/or implementation phase of most of the reported practices.

Almost half of the reported practices did not require any funds and also almost half were funded from own resources, in all cases governmental. For more than half of the reported practices the continuation of the practice is ensured through institutional ownership that guarantees funding and human resources.