

Dear Sir or Madam,

I wish to introduce a formal complaint as provided for by the “Code of good Administration behaviour”.

The complaint is pertaining to the manner by which the European Commission handled recommendations for the Tobacco Products Directive (TPD) which will be brought before the European Parliament shortly,

Of particular concern is the inclusion of a new Article 18 that appears to have been rushed through without due care and consideration to satisfy the Commissions timetable. This concern is supported by the fact that Dr Farsolinas and Dr Dawkins have made it clear that Art 18 Misinterprets their recommendations.

The Code of good Administration refers to the principle of impartiality. I consider that the Commission has failed in this principle at the very least.

I believed it was inappropriate to include Electronic Cigarettes within a Tobacco Products Directive. They are completely different products even though they both compete for the same market.

However if the Commission had to put two opposing and competing products into a joint Directive the Commission should have at least made an attempt at impartiality.

It should be noted that those with an interest in Tobacco had around two years to look at the proposals as regards their product. Electronic Cigarettes had no time as regards the new Article 18 introduced after the Parliament voted not to include Electronic Cigarettes within medical regulations.

Although the Electronic sector won the arguments as regards the TPD revisions, which is obvious from the votes of the MEP's the Commission immediately introduced totally new proposals after the vote.

Whether it was the intention of the Commission or not the balance of the TPD has been heavily weighed in the favour of Tobacco Cigarettes. I reiterate those with an interest for tobacco products have had nearly two years to represent their interests, whereas the e cig consumers and their representative organisation have had virtually no time to represent theirs, as the present Article 18 has only just been rushed through.

It is also my contention that the Commissions recommendations are not proportional as they impair the competitiveness of Electronic Cigarettes when considered against the mainly cosmetic regulations applied to standard cigarettes.

Although it appears to the casual observer that the restrictions applied against cigarettes and electronic cigarettes are proportionate, Electronic cigarettes rely upon various flavours, strengths, among other-things to help compensate for the lack of the thousands of harmful toxins that make cigarettes pleasurable. By removing the attributes of Electronic Cigarettes while leaving all the pleasurable aspects of cigarettes in tact the Commission have effectively removed the only real competition to Tobacco Cigarettes.

My complaint is that the Commission have unfairly included a new Article into the TPD (Art.18) which denied proper consideration of the unique attributes of the technology when considered with the new restrictions. Also that the industry and science have been denied an adequate period to

explain to the MEP's considerations which should have been considered with the new restrictions.

This Commissions recommendations if ratified will inevitably lead to a very unlevelled playing field between the more harmful Tobacco and the new Electronic Cigarettes, which are considered a much healthier option by most experts. This could lead to the premature death of many present and future vapers within the European Union, once the attraction of the technology has been crippled by the EU Institutions.

On the above I consider the belated introduction of Art. 18 by the Commission as a breach of the Principles of impartiality and Proportionality as intended by the "Code of good Administration behaviour".