

Step 1: Click on the [link](#) and follow the instructions.

Responding to the questionnaire

You can contribute to this consultation by filling in the online questionnaire. If you are unable to use the online questionnaire, please contact us using the email address below.

Questionnaires are available in some or all official EU languages. You can submit your responses in any official EU language.

For reasons of transparency, organisations and businesses taking part in public consultations are asked to register in the [EU's Transparency Register](#).

Respond to the questionnaire >

Once you select “respond to the questionnaire” you will be asked to create an account.

Step 2: Create your account

Step 3: Complete the personal questions 1-16

Step 4: Guidance to ESCA Members for responding to the main questionnaire – all proposed answers are in red font.

PLEASE NOTE, IT IS IMPORTANT THAT YOU FOCUS ONLY ON RESPONDING TO THE FOLLOWING QUESTIONS WITH THE WATER-PIPE (SHISHA/CACHIMBA/HOOKAH) CATEGORY IN MIND.

Q: 17 In your opinion, how affordable are the following tobacco products **in your country?**
(Very affordable, Affordable, Not so affordable, Don't know)

- Cigarettes, **Don't know**
- Fine-cut tobacco for the rolling of cigarettes, **Don't know**
- Cigars and cigarrillos, **Don't know**
- Pipe Tobacco, **Don't know**
- Waterpipe Tobacco, **Not so affordable**

Q: 18 The tax rates on tobacco products vary substantially from one EU countries to another. In your view, should the EU increase the minimum tax rates applied to the following tobacco products?

(Yes, significantly, Yes, moderately, No, tax rates should not change, No, tax rates should decrease, Don't know)

- Cigarettes, **Don't know**
- Fine-cut tobacco for the rolling of cigarettes, **Don't know**
- Cigars and cigarrillos, **Don't know**
- Other smoking tobacco (e.g. pipe and waterpipe tobacco), **No, tax rates should decrease**

Q 19: The EU applies different tax rates to different tobacco products. In your view, is there a need to reduce the gap in tax levels between products? Please, express your agreement/disagreement with the following statements.

(Agree, Partly agree, Neutral, Partly disagree, Disagree, Don't know)

- The gap between the taxation of cigarettes and fine-cut tobacco for the rolling of cigarettes should be reduced. **Don't know**
- The gap between the taxation of cigarettes and cigarillos should be reduced. **Don't know**
- The EU policy should tax all tobacco products at equivalent levels. **Disagree**

Q 20: The difference in the price of cigarettes between EU Member States can fuel unintended levels of cross-border shopping. How important is it that EU policies contribute to reducing such differences?

Select one:

- Very important
- Moderately important
- Barely important
- Not important at all
- **Don't know**

Q 21: The affordability of tobacco products depends not only on price levels, but also on the average income of consumers; a circumstance which is different across EU Member States. In your view, should the EU consider disparities in income levels when setting the minimum tax rates for tobacco products?

Select one:

- **Yes, definitely**
- Yes, partly
- Not at all
- Don't know

Q 22: Please feel free to add any further comments regarding a possible revision of the EU rules on the taxation of traditional tobacco product:

You can choose from some of the below responses.

- The European Commission Inception Impact Assessment explicitly states that water-pipe tobacco is currently taxed according to the same principles and rate as 'other smoking tobacco', while having different characteristics, resulting in a relatively high tax burden on water pipe tobacco.

OR

- The level of illegal waterpipe tobacco products has reached over 90% in some EU Member States, for example France and Italy, resulting in a significant loss of tax revenue and a total loss of regulatory oversight and control without reducing total consumption in any significant manner (illegal products fill the void where legal products are unable to compete). Sales of waterpipe tobacco have been driven 'under-the-table' and away from licenced or reputable retailers as a direct result of excessive taxation e.g., France at 159EUR/kg (causing the illegal sector to account for 90% of the total market) and a tax

category that combines vastly different products i.e. pipe, cigars, cigarillos and water-pipe – from an end user perspective in the Other Tobacco Products tax category. All of these factors clearly suggest that a specific category for water-pipe tobacco should be established with the product being taxed on the weight of the tobacco and not the entire product thus enabling the legal market to generate further government revenues and to protect consumers.

OR

- Waterpipe tobacco should be treated differently to other tobacco products – its use is occasional, it brings people together in a social setting, it is of significant cultural importance for many, contains only 15% tobacco and poses a much lower risk to human health than other combustible tobacco products. Reasonable taxation of waterpipe would be based on the weight of the tobacco and not the overall product.

OR

- I run a business that sells waterpipe tobacco and accessories. Higher tax rates will not result in a decrease in consumption of this product. Illegal copied or smuggled waterpipe tobacco is freely available and openly sold across the EU in France, Italy and Germany to name a few. You will destroy the legal sales of this product while consumption will continue with consumer purchasing more illegal product instead. Make a separate tax category for waterpipe and ensure it is not too high thus discouraging smuggling into countries with excessive tax rates like France.

OR

- My waterpipe customers are predominantly Middle-Aged immigrants from the Middle East and North Africa. You are penalising some of the most underrepresented and disadvantaged people in the EU if you increase the taxes on waterpipe products. A reasonable rate of taxation and a legitimate stable supply chain is much more advantageous for Member States than an unregulated fully illegal market as we see in France and Italy.

Responses for Shisha Consumers

- As a waterpipe consumer I believe that freedom to access the products that I love to use in a legal way is important for my safety and important for generating revenues for the government. When taxes are increased or are too high, the market becomes flooded with illegal product because legal waterpipe is too expensive. People don't know what they're smoking and criminal gangs make more money. High excise is a no-win situation for governments and the public.

OR

- Applying high taxes to waterpipe tobacco only seeks to support the Big Tobacco agenda and push consumers towards cigarettes which are far worse for your health than shisha.

Taxation of new products

Note: In this section, any reference to the taxation of electronic cigarettes and heated tobacco products always refers to the consumable parts (i.e. liquids for e-cigarettes, sticks and capsules etc.) and **never to the hardware (i.e. electronic device) component.**

Q 23: Various new products appeared on the EU market in the past few years. In your view, should the EU harmonise tax rules and minimum rates for such products? Please, provide separate answers for the following products.

(Yes, Maybe, No, Don't know)

- Heated tobacco products **Yes**
- Refills and liquids for e-cigarettes that contain nicotine **Yes**
- Refills and liquids for e-cigarettes that do not contain nicotine **Yes**
- Smokeless tobacco products for chewing or nasal use **Yes**
- Products for oral use containing nicotine but not tobacco e.g. nicotine pouches **Yes**

Q 24: If the EU establishes a minimum tax on heated tobacco, the tax amount should be ...

- **Lower than tax levels applied to fine-cut tobacco for the rolling of cigarettes**
- Similar to tax levels applied to fine-cut tobacco for the rolling of cigarettes.
- Higher than tax levels applied to fine-cut tobacco for the rolling of cigarettes but lower than cigarettes.
- Similar to tax levels applied to cigarettes.
- Don't know

Q 25: If the EU establishes a minimum tax on e-cigarettes, the tax amount should be ...

- In line with the highest levels currently applied in EU Member States* (e.g., approximately €0.3/ml)
- **In line with the lowest level currently applied in EU Member States* (e.g., approximately € 0.1/ml)**
- None
- Don't know

(*) with reference to EU Member States that have adopted an ad hoc tax on e-cigarettes

Q26: If the EU establishes a minimum tax on other smokeless products for chewing or nasal use, the tax amount should be...

- In line with tax levels applied to smoking tobacco
- In line with tax levels applied to heated tobacco
- In line with tax levels applied to e-cigarettes
- None
- **Don't know**

Q 27: Should the EU's harmonised rules also cover products containing cannabidiol (CBD)?

- Yes, always
- Only products intended for smoking
- Only products intended for smoking or inhalation (but not those for oral intake)
- No, never

- **Don't know**

Q 28: Please feel free to add further comments regarding possible EU tax regimes for new products:

N/A

Control of the tobacco supply chain

Q 29: Tobacco tax fraud in the EU amounts to approximately EUR 10 billion annually. How serious do you believe is the problem of illicit tobacco products trading **in your country?**

Select one:

- **Major problem**
- Moderate problem
- Limited problem
- Not a problem
- Don't know

Q30: There is evidence of an increase in the unlawful production of cigarettes in clandestine factories within the EU. Should the EU take further action to support Member States in fighting against these practices?

- **Yes, definitely**
- Maybe
- No
- Don't know

Q 31: Movements of manufactured tobacco products are tracked and monitored across the EU through an electronic control system to avoid fraud. Such a system could be extended to raw tobacco to address the risk of illicit manufacturing. To what extent do you agree with the following statements?

(Agree, Partially agree, Neutral, Partially disagree, Disagree, Don't know)

- Movements of raw tobacco across the EU should be tracked and monitored through an electronic control system harmonised at the EU level. **Agree**
- Such a system would be able to contribute to reduce illicit manufacturing. **Agree**
- Other approaches should be considered. **Disagree**

Q 32: Please feel free to add any further comments regarding enhanced controls of raw tobacco supply chain and the adoption of relevant measures at the EU level:

N/A

Step 5: It is unlikely you'll need to but if you wish, you can attach your word document with additional comments on the Excise Directive Revision.

33 If you wish to upload a complementary document, please use the upload button below:

❗ Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Select file to upload

Step 6: Submit your response

Submit