

6. Opinion No. 142514 issued by the Competition Council on 15 May 2014

Regarding approving the monopoly by the agency for tobacco and combustibles, the Minister of Commerce sought the opinion of the Competition Council of importing and distributing electronic cigarettes.

After determining the general context of the opinion sought, and after investigating the market for importing and distributing electronic cigarettes as well as defining the product, the Council concluded that the tendency of the Tunisian government is to allow the importation and distribution of the new product, which is electronic cigarettes. What remains is a discussion over the mechanism to be approved to implement this tendency without prejudicing the basic guideline which is to protect the health of the consumer and to limit the extent of parallel and arbitrary commerce.

Noting that there are no accurate and clear studies that identify the category under which electronic cigarettes should be listed and considering the possibility and probability of a negative impact on the health of the consumer, the Council recommended accepting the approval of the monopoly by the state, represented by the national agency for tobacco and combustibles, of electric cigarette importation and distribution operations, provided that the law establishing this agency shall be amended to include this product within the tobacco products that it markets exclusively.