

EN
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Answer given by Mr Andriukaitis
on behalf of the European Commission
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Electronic cigarettes and refill containers are regulated by Article 20 of the Tobacco Products Directive¹ (TPD). Moreover, they must, as all other consumer products placed on the market, be safe and comply with the provisions of the General Product Safety Directive².

The TPD specifies that manufacturers and importers must notify the competent authorities six months prior to the intended placing on the EU market of those products. The Directive clearly defines manufacturers and importers and therefore these provisions are also applicable to importers from non-EU countries such as China. By March 2019, more than 213,000 notifications of the said products were received.

All Member States have notified complete transposition of the TPD and the Commission continues assessing compliance of the notified measures.

Any measures taken against unsafe e-cigarettes found on the market of a Member State must be notified through Safety Gate to allow all Member States to take appropriate measures³. Since 2014 the system has registered 43 alerts.

Enforcement of these provisions and the allocation of resources in the competent authorities is a competence of the Member States.

The Commission continuously monitors market and scientific developments related to electronic cigarettes. This information will contribute to the implementation report to be presented by the Commission by May 2021 in line with Article 28(1) of the Directive. In the area of electronic cigarettes and refill containers, the implementation report will address market developments and consumer patterns.

The Commission also facilitates exchange of information and experience on these products among Member States in different fora⁴.

¹ Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 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 (OJ L 127, 29.4.2014, p.1).

² General Product Safety Directive (2001/95/EC) OJ L 11, 15.01.2002, p. 4.

³ https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/repository/content/pages/rapex/index_en.htm

⁴ Expert Group on Tobacco Policy, its Subgroup on Electronic Cigarettes and the Joint Action on Tobacco Control
<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3150&NewSearch=1&NewSearch=1>