

EN

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Answer given by Mr Sinkevičius
on behalf of the European Commission
(12.9.2022)

1. Disposable e-cigarettes (DEC) would only fall within the scope of the Single-Use Plastics Directive (SUPD)¹ if they had a filter and contained tobacco², which is not the case for devices vaporising a liquid. The Commission does not intend to propose any specific measures for DEC under the SUPD. The revision of SUPD is planned in 2027 including the review of affected products list.

In December 2020, the Commission proposed a new Batteries Regulation³ indicating that portable batteries incorporated in appliances shall be readily removable and replaceable. Negotiations between the co-legislators are still taking place as part of the ordinary legislative procedure. The proposal should ensure that portable batteries in DEC are properly disposed and recycled at their end of life. It should also foster the use of portable rechargeable batteries in such devices.

2. The Commission is aware of the attractiveness of disposable and non-disposable e-cigarettes and the role they may play in the initiation to smoking by non-tobacco users, including adolescents and young adults. This is supported by the opinion of the Scientific Committee on Health, Environmental and Emerging Risks⁴ on e-cigarettes, which reported moderate evidence that electronic cigarettes are a gateway to smoking for young people.

In this context, and in order to assess whether EU legislation is fit to address those market developments and achieve its public health goals, the Commission is running an overarching evaluation⁵ of the legislative framework for tobacco control⁶. This evaluation process and any resulting steps will be carried out in line with the Better Regulation principles⁷.

¹ Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, OJ L 155, 12.6.2019, p. 1–19.

² Annex Part E.III and Part G(5) of the SUPD define which tobacco products falls under its scope, referring to the condition to be classified as ‘tobacco product’ pursuant to the Tobacco Products Directive (TPD) (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. 1–38).

³ Proposal for a Regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020, COM(2020) 798 final.

⁴ SCHEER: https://health.ec.europa.eu/other-pages/health-sc-basic-page/final-opinion-electronic-cigarettes_en#:~:text=For%20users%20of%20e%2Dcigarettes,but%20not%20limited%20to%20the

⁵ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13481-Evaluation-of-the-legislative-framework-for-tobacco-control_en

⁶ This includes the TPD, the Tobacco Advertising Directive (2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, OJ L 152, 20.6.2003, p. 16–19) and other relevant tobacco control policies.

⁷ https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en