

EN

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Answer given by Mr Sinkevičius
on behalf of the European Commission
(6.1.2023)

1. Disposable e-cigarettes (DEC) are covered by the Waste Electrical and Electronic Equipment (WEEE) Directive¹, including collection and recovery obligations. The Directive is based on extended producer responsibility whereby producers of DEC must finance the collection and proper treatment of waste DEC. WEEE collection points shall be provided and users can return waste DEC at points of sale.

The proposal for a Batteries Regulation² requires that portable batteries incorporated in products, including DEC, are readily removable and replaceable by end-users as of mid-2025. This will facilitate proper disposal at the end of life, increasing the collection of waste portable batteries and ensuring their recycling.

DEC are not in scope of the Single-Use Plastic Directive³ if they do not contain tobacco but for example vaporise a liquid, which is normally the case. The Directive will be reviewed in 2027, including a review of the list of products that are affected.

2. The Commission is aware of the attractiveness of DEC to young people. This is supported by the findings of the Scientific Committee on Health, Environmental and Emerging Risks in its opinion on e-cigarettes⁴, which reported moderate evidence that e-cigarettes are a gateway to smoking for young people.

In this context, and in order to understand the EU legislation's ability to address recent market developments and achieve its public health goals in the current landscape, the Commission is running an overarching evaluation of the legislative framework for tobacco control⁵. This evaluation process and any resulting steps will be carried out in line with the Better Regulation principles⁶.

¹ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE), OJ L 197, 24.7.2012, p. 38–71.

² 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.

³ 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.

⁴ Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) Opinion on E-cigarettes, 2021, https://health.ec.europa.eu/other-pages/health-sc-basic-page/final-opinion-electronic-cigarettes_en.

⁵ In particular, the Tobacco Products Directive (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, L 127, 29.4.2014, p. 1) and the Tobacco Advertising Directive (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, L 152, 20.6.2003, p. 16).

⁶ https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en