



Notification Number: 2021/434/LT

Draft Law No XIIP-3849(3) amending Article 9(2) of Law No I-1143 on the control of tobacco, tobacco products and related products of the Republic of Lithuania

Date received : 08/07/2021

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Message

Message 002

Communication from the Commission - TRIS/(2021) 02580
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2021/0434/LT

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħ il-perjodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nào inicia o prazo - Neotvori oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202102580.EN)

1. Structured Information Line
MSG 002 IND 2021 0434 LT EN 08-07-2021 LT NOTIF

2. Member State
LT

3. Department Responsible
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4. Notification Number
2021/0434/LT - X00M

5. Title
Draft Law No XIIP-3849(3) amending Article 9(2) of Law No I-1143 on the control of tobacco, tobacco products and related products of the Republic of Lithuania

6. Products Concerned
electronic cigarettes and fillers with liquid suitable for filling electronic cigarettes

7. Notification Under Another Act
-

8. Main Content
The purpose of the draft law is to prohibit the placing on the market of the Republic of Lithuania of electronic cigarettes and fillers containing liquids suitable for filling electronic cigarettes (hereinafter referred to as "electronic cigarette fillers"), provided that this liquid contains flavours other than tobacco smell and/or taste.

9. Brief Statement of Grounds
The draft law aims to prohibit the placing on the market of the Republic of Lithuania of electronic cigarettes and electronic cigarette fillers containing liquid if this liquid (both nicotine and nicotine-free) contains flavours other than tobacco smell and/or taste, thus reducing the attractiveness and demand of electronic cigarettes and electronic cigarette fillers (especially for young people who are particularly attracted to flavoured smoking products), which becomes particularly relevant due to the worrying trend towards the increase of the use of electronic cigarettes (especially among young people) in Lithuania [1, 2, 3, 4].

In accordance with the provisions of recital (47) of the preamble to the 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 (hereinafter referred to as the "Tobacco Products Directive"):

"(47) This Directive does not harmonise all aspects of electronic cigarettes or refill containers. For example, the responsibility for adopting rules on flavours remains with the Member States. It could be useful for Member States to consider allowing the placing on the market of flavoured products. In doing so, they should be mindful of the potential attractiveness of such products for young people and non-smokers. "



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At the request of the European Commission, the Scientific Committee on Health, Environment and Emerging Risks (SCHEER) delivered a scientific opinion on electronic cigarettes [5] in 2021:

“ SCHEER concludes that there is moderate evidence that electronic cigarettes are a gateway to smoking for young people. There is strong evidence that nicotine in e-liquids is implicated in the development of addiction and that flavours have a relevant contribution for attractiveness of use of electronic cigarette and initiation.”

A study has been conducted in the United States on the introduction of flavours in vaping products and satisfaction among adults (“The role of flavours in vaping initiation and satisfaction among U.S. adults”). This study found that the majority of current consumers of e-cigarettes (62.9%) generally used flavours other than tobacco (including fruit, mint/menthol, sweets, coffee, etc.), 24.2% used tobacco flavours and 12.9% used odourless e-cigarettes. The taste was a common reason for switching to e-cigarettes, which was chosen by 29.5% of subjects. The taste, especially fruit, has led young adults aged 18-24 to start using electronic cigarettes, compared to adults aged 35-44. Those who used tastes, especially mint/menthol and others, other than tobacco, were more likely to confirm high satisfaction with the use of electronic cigarettes and the dependence of electronic cigarettes more likely than respondents who did not use flavoured e-cigarettes.

As stated in the Report from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of the Tobacco Products Directive [6], published on 20 May 2021:

“There is strong evidence that flavours in e-liquids are attractive to youths and adults. Significantly, young people use non-traditional flavours in particular, such as candy and fruit. These flavours strongly influence young people by decreasing harm perception and increasing the will to try. Member States are increasingly banning flavours for e-cigarettes.”

The World Health Organisation (WHO) Report on the Global Tobacco Consumption Epidemic 2019 (Chapter ‘Electronic Cigarettes, Key Information and Country Recommendations’) recommended that “Parties should apply bans on product advertising and odours in order to protect young people.”

It is important to note that Lithuania, basing the proposed legal regulation on the grounds mentioned in recital 47 of the preamble to the Tobacco Products Directive, the latest scientific evidence and WHO recommendations, would follow the successful example of other countries (both in the EU and the world) by introducing a ban on scented electronic cigarettes and their fillers, thus contributing to the objective of reducing the prevalence of e-cigarette use, which becomes particularly relevant in the context of the rapidly increasing use of e-cigarettes in Lithuania (especially among young people).

1 <https://ntakd.lrv.lt/uploads/ntakd/documents/files/Eurobarometras%202020%20Lietuva.pdf>

2 https://ntakd.lrv.lt/uploads/ntakd/documents/files/HBCS2018_LT.pdf (p. 42)

3 http://www.espad.org/sites/espad.org/files/2020.3878_EN_04.pdf

4 <https://ntakd.lrv.lt/lt/naujienos/lietuvoje-kinta-rukymo-iprociai-jauni-zmones-vis-dazniau-renkasi-elektronines-cigaretes-bei-naujoviskus-bedumius-tabako-produktus-vietoje-iprastu-tabako-gaminu>

5 https://ec.europa.eu/health/sites/default/files/scientific_committees/scheer/docs/scheer_o_017.pdf

6 <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1621500846386&uri=COM%3A2021%3A249%3AFIN>

7 <https://www.who.int/teams/health-promotion/tobacco-control/who-report-on-the-global-tobacco-epidemic-2019> (p. 59)

10. Reference Documents - Basic Texts

Reference(s) to the basic text(s): Draft:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fc4af810ce7111eb91e294a1358e77e9?jfwid=19qe94pe8n>

Comparative Draft Version:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/1cf7d650ce7211eb91e294a1358e77e9?jfwid=19qe94pe8n>

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Given the purpose of this draft legislation and its regulatory nature, no negative impact is expected.



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16. TBT and SPS aspects
Technical barriers to trade

Yes

SPS aspect

No – the draft is neither a sanitary nor a phytosanitary measure

European Commission

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