



Department of Health

From Jane Ellison MP
Parliamentary Under Secretary of State for Public Health

Your ref: Oldham Council – E-Cigarettes

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Dr Carolyn Wilkins

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Thank you for your letter of 24 October to Jeremy Hunt about electronic cigarettes.

I note the Council's concerns about the regulation of the sale and advertising of electronic cigarettes. The Department is aware of the issues raised by the World Health Organization's publication about electronic cigarettes.

Electronic cigarettes have been the subject of much debate, since the European Commission published its proposal for a revised Tobacco Products Directive (TPD). We recognise that electronic cigarettes have the potential to be of benefit to some smokers who are trying to quit. Negotiations on the TPD between EU Member States, the European Parliament and the European Commission have now concluded. EU Member States have formally approved the revised Directive and will have two years to transpose it into domestic laws following the publication of the new Directive in the Official Journal of the European Union on 29 April. The Department aims to launch a public consultation on the draft regulations next year, with a view to bringing domestic rules into force by 20 May 2016.

The revised TPD regulates as consumer products those electronic cigarettes that are not classified as medicinal products under Directive 2001/83/EC or making a medicinal claim such as 'this product will help you to quit smoking'. The TPD sets mandatory safety and quality requirements on nicotine content, ingredients and devices and refill mechanisms. The new rules also make health warnings and information leaflets mandatory and introduce notification requirements for manufacturers and importers of electronic cigarettes. In addition, there are now stricter rules on advertising and closer monitoring of market developments. The

European Commission will report on the potential health risks associated with refillable electronic cigarettes by 2016.

The Government has worked hard to de-normalise the act of smoking and raise awareness of the harm that smoking causes to health. In implementing the new rules on electronic cigarettes, we intend to work towards a system of regulation that ensures these products are positioned in the market as alternatives to smoking and not a product that introduces children to 'vaping' or smoking. Officials have met and will continue to discuss our developing proposals on implementing the tobacco products directive with trade associations representing electronic cigarette and e-liquid manufacturers. The Department will also consult more widely on those proposals early next year.

The TPD does not include age of sale controls. The Government has therefore taken additional regulation-making powers for ministers in England and Wales to prohibit the sale of electronic cigarettes to under-18s through the Children and Families Act. The Government will begin consultation on draft regulations for this shortly.

I note that you intend to write to the Committee of Advertising Practice regarding electronic cigarettes. I hope that you will receive a response in due course.

I hope this reply is helpful.

Kind regards


JANE ELLISON