



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Single Market Enforcement  
Notification of Regulatory Barriers

Notification Number : 2023/0350/IE (Ireland)

## Public Health (Tobacco Products and Nicotine Inhaling Products) Bill

Date received : 07/06/2023

End of Standstill : 08/09/2023 (closed)

### Message

Message 001

Communication from the Commission - TRIS/(2023) 1720

Directive (EU) 2015/1535

Notification: 2023/0350/IE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20231720.EN

1. MSG 001 IND 2023 0350 IE EN 07-06-2023 IE NOTIF

2. Ireland

3A. National Standards Authority of Ireland

3B. Department of Health

4. 2023/0350/IE - X60M - Tobacco

5. Public Health (Tobacco Products and Nicotine Inhaling Products) Bill

6. The draft Bill is to regulate the retail sale of tobacco products and nicotine inhaling products including e-cigarettes.

7.

8. The primary objective of the Bill is to regulate the retail sale of tobacco products and nicotine inhaling products including the introduction of a licensing system and further restrictions on the sale of these products.



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The main provisions are as follows:

- Introduce a licensing system for the retail sale of tobacco products and nicotine inhaling products to include an annual fee per premises and per website
- Prohibit the sale of nicotine inhaling products to persons under 18 years of age
- Prohibit the sale of tobacco products and nicotine inhaling products by persons under 18 years of age
- Prohibit the sale of tobacco products and nicotine inhaling products from self-service vending machines
- Prohibit the sale of tobacco products and nicotine inhaling products from temporary or mobile premises (pop-up shops)
- Prohibit the sale of tobacco products and nicotine inhaling products at events primarily intended for children
- Introduce minimum suspension periods for retailers of tobacco products or nicotine inhaling products convicted of offences
- Introduce fixed penalty notices for offences
- Provide for the publication of information in respect of businesses that are convicted of certain criminal offences under public health tobacco law

9. According to the 2022 Healthy Ireland Survey, Ireland's current adult (aged 15 and over) smoking rate is 18% or almost 1 in 5 of the population. This is composed of 14% daily smokers and 4% occasional smokers. The highest rate is among those between the ages of 25-34 at 24% or nearly 1 in 4.

Among children, data from the Health Behaviour in School Aged Children Survey 2018 shows 5% regularly smoking and 11% having ever smoked. The European Schools Project on Alcohol and other Drugs 2019 Survey shows that 14.4% of 15-16 years olds are current smokers.

Usage of e-cigarettes among adults was 6% in 2022 according to the Healthy Ireland Survey, with 3% vaping daily and 3% occasionally.

Among children, the 2018 Health Behaviour in School Aged Children survey showed that 9% had used an e-cigarette within the last 30 days and 22% had ever tried one. The European Schools Project on Alcohol and other Drugs 2019 Survey shows that 15.5% of 15-16 years old reported using an e-cigarette in the last 30 days.

Tobacco smoking is both addictive and lethal: 1 in every 2 smokers will die as a direct result of their smoking. In Ireland, approximately 4,500 deaths each year or 12 deaths per day are attributable to tobacco smoking and exposure to second-hand smoke.

In addition to the death toll, smoking and exposure to second-hand smoke cause an enormous range of preventable illness and disability including 16 types of cancers; respiratory diseases such as asthma and chronic obstructive pulmonary disease (COPD); cardiovascular diseases including aneurysms, coronary heart disease, peripheral arterial disease and stroke; rheumatoid arthritis, diabetes and dementia.

According to the National Cancer Registry of Ireland, smoking and exposure to second-hand smoke are the cause of 13% of all cancers here including 76% of lung cancers, 67% of cancers of the larynx and 47% of cancers of the bladder.

In Ireland's health system, smoking and exposure to second-hand smoke account for 2% of day case admissions, 5% of all inpatient admissions and 8% of all bed days (over 300,000). In 2019 there were approximately 44,000 smoking related hospital discharges; this is an increase of 21% since 2010. Over the ten-year period from 2010 to 2019, smoking related hospitalisations accounted for 3.2% of all hospitalisations for those aged 35 and over.

Smoking also has a major impact on health inequalities with those least well-off suffering the most from the harmful effects of smoking.

In 2016, ICF International carried out an assessment of the economic cost of smoking in Ireland. It estimated the overall



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cost to Irish society was €10.7 billion annually in healthcare, productivity and other costs.

#### Nicotine Inhaling Products including e-cigarettes

There remains an absence of scientific consensus on the health harms of nicotine inhaling products such as e-cigarettes. What is generally agreed is that nicotine inhaling products are not harmless but that they are less harmful than tobacco cigarettes, that they can assist smokers to quit and that further research is needed to establish possible long term health effects.

Research carried out for Ireland's Minister for Health in October 2020 found that:

- E-cigarette use is associated with an increased likelihood of smoking in adolescents.
- E-cigarettes are not harmless but may represent a reduction in harm relative to smoking.
- More research is needed to establish the long-term health effects of e-cigarettes and heat-not-burn tobacco products.
- E-cigarettes are as effective as approved Nicotine Replacement Therapies for smoking cessation at 6 months. More research is needed to establish their safety and effectiveness in the longer term.

Although the risk of any long-term health harms for adults continues to remain unclear, the World Health Organisation has recommended, since July 2014, that sales of e-cigarettes to minors be prohibited as there is sufficient evidence of the potential for adolescent nicotine exposure to have long-term consequences for brain development and also to prevent minors becoming exposed to nicotine with the risk that this may act as a gateway to the use of tobacco products. This risk that nicotine inhaling product use will increase the likelihood that an adolescent will smoke was confirmed in the Irish research.

#### 10. References of the Basic Texts:

B-2023-0350-EN-01

B-2023-0350-EN-02

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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