



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0164/FR (France)

# Proposed law to prohibit single-use electronic vaping devices

Date received : 21/03/2024

End of Standstill : 24/06/2024

## Message

Message 001

Communication from the Commission - TRIS/(2024) 0809

Directive (EU) 2015/1535

Notification: 2024/0164/FR

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 - Ne zahajuje 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 késések - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx 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: 20240809.EN

1. MSG 001 IND 2024 0164 FR EN 21-03-2024 FR NOTIF

2. France

3A. Ministères économiques et financiers

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4. 2024/0164/FR - X00M - GOODS AND MISCELLANEOUS PRODUCTS

5. Proposed law to prohibit single-use electronic vaping devices



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### 6. Tobacco products – Single-use electronic vaping devices

7.

8. The proposed law prohibits the manufacture, marketing, distribution or supply of single-use electronic vaping devices free of charge.

More specifically, the proposed law prohibits the manufacture, keeping for sale, distribution or offering free of charge, offering for sale, sale, distribution or offering free of charge of electronic vaping devices which have at least one of the following two characteristics:

1. They are pre-filled with liquid and cannot be re-filled;
2. They have a non-rechargeable battery.

The prohibition does not apply to cartridges.

9. The proposed law aims to ensure a high level of public health protection by prohibiting the manufacture, marketing, distribution or supply of single-use electronic vaping devices free of charge.

The provisions of this proposed law are justified, necessary and proportionate to achieve this public health protection aim.

First, the proposed law is justified by the need to ensure a high level of public health protection, especially among young people. On this point, it should be recalled, first, that the health and lives of people rank first among the goods and interests protected by the TFEU and that it is for the Member States to decide on the level at which they intend to ensure the protection of public health and how that level is to be achieved. On the other hand, Directive 2014/40/EU on tobacco products also pursues such an objective: it is apparent from Article 1 and recital 21 that it is intended to facilitate the smooth functioning of the internal market for tobacco and related products, taking as a base a high level of protection of human health, especially for young people, insofar as tobacco products are not ordinary foodstuffs and in view of the particularly harmful effects of tobacco on human health.

Secondly, the prohibition is appropriate and necessary to ensure a high level of public health protection insofar as it protects the population, in particular young people and non-smokers, from the proven risks to public health posed by these products and against nicotine initiation.

Thirdly, such a prohibition is proportionate to the public health protection aim pursued. It does not go beyond what is necessary to achieve that aim. The prohibition in question is limited in its material scope only to single-use vaping devices meeting specific characteristics expressly laid down in the new provisions.

Finally, this proposed law is in line with the provisions of Directive (EU) No 2014/40, and in particular Article 24(3), which provides that a Member State may [...] prohibit a certain category of tobacco or related products, on grounds relating to the specific situation in that Member State and provided the provisions are justified by the need to protect public health. The proposed law was also notified to the European Commission under this provision.

10. References to reference texts: There are no reference texts

11. No

12.



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13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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