



BfTG Contribution to the TRIS Notification 2023/0317LT

The German E-Cigarette Association “[Bündnis für Tabakfreien Genuss \(BfTG\)](#)”, representing many small and medium-sized enterprises within the vaping industry, wishes to express its deep concerns regarding Lithuania's draft order on the approval of a list of chemical substances allowed in e-liquids. The proposed legislation, which was notified to the European Commission under the reference [2024/00317/LT](#), introduces a white-list flavour ban on e-liquids. This measure, aimed at reducing the availability and attractiveness of vaping products to the public, would have significant repercussions for BfTG members, many of whom maintain strong business relations with Lithuanian e-cigarette companies. The BfTG believes that the proposed flavour ban is neither proportionate nor justified in relation to the objectives it seeks to achieve.

1. Inappropriateness of the White-List Flavour Ban

The Lithuanian authorities have justified the white-list flavour ban on e-liquids by claiming it is necessary to protect public health, particularly that of children and young people. However, the BfTG considers this approach to be disproportionate and ineffective. The list restricts the use of flavouring additives to only 16 substances, a measure that would severely limit the variety of available products, likely leading to an outright ban on all e-liquids in Lithuania. Such a restriction would not only stifle innovation within the industry but also deny adult consumers legal access to a wide range of products that have been instrumental in helping them reduce or quit tobacco consumption.

Moreover, publicly funded studies have shown that there is no significant correlation between the availability of flavoured e-liquids and youth uptake of vaping. For example, [research](#) from the Oxford Academy has demonstrated that adult smokers show the greatest interest in e-cigarette flavours, while non-smoking teens have shown significantly less interest. Therefore, the proposed flavour ban appears to be misguided, as it does not

address the root causes of youth vaping but instead penalizes adult consumers and legitimate businesses.

2. Potential Impact on the Vaping Industry

The BfTG is particularly concerned about the economic implications of the white-list flavour ban on its members and the broader vaping industry. The restricted list of flavouring substances could make it impossible for companies to produce marketable e-liquids, thereby forcing many to cease operations. This would result in the loss of jobs and could cripple the legal market for vaping products in Lithuania. The vaping industry in Germany, which has strong business ties with Lithuanian companies, would also be directly affected, as the ban would disrupt supply chains and lead to a decrease in trade between the two countries.

Additionally, the BfTG warns that the flavour ban could lead to a significant increase in the black market for vaping products in Lithuania. When legal avenues are closed, consumers often turn to illicit markets, where products are not subject to safety regulations. This would undermine public health objectives by exposing consumers to potentially dangerous, unregulated products. The experience of other countries, such as Hungary and Estonia, where similar restrictions have led to the proliferation of black markets, serves as a cautionary tale.

3. Vaping as a Harm Reduction Tool

The BfTG also emphasizes the importance of vaping as a harm reduction tool, particularly for smokers looking to quit. Numerous studies, including those commissioned by [Public Health England](#) and the [Institut Pasteur](#), have highlighted that vaping is significantly less harmful than smoking traditional cigarettes. Vaping has been shown to reduce the risk of cancer and other smoking-related diseases, offering smokers a less harmful alternative to combustible tobacco.

Furthermore, the European Parliament has acknowledged the role of vaping in smoking cessation efforts. In [reports on non-communicable diseases](#) and the fight against cancer, the Parliament recognized that electronic cigarettes could help some smokers quit gradually. The BfTG argues that the proposed flavour ban would undermine these harm reduction efforts by removing a key tool that has helped many smokers reduce their dependence on tobacco.

4. Legal and Regulatory Concerns

From a legal perspective, the BfTG questions the justification of the white-list flavour ban under European Union law. The measure could be considered a quantitative restriction under [Article 34](#) of the Treaty on the Functioning of the European Union (TFEU), as it would create disparities in the treatment and availability of e-liquids across EU Member States. Such a ban could hinder the free movement of goods within the EU, as e-liquids that are legal in other Member States would be prohibited in Lithuania.

Furthermore, the BfTG doubts that the measure can be justified under Article 36 of the TFEU, which allows for restrictions on imports or exports of goods on the grounds of protecting health and life. The Lithuanian authorities have not provided sufficient scientific evidence to demonstrate that vaping products pose a genuine threat to public health. Without such evidence, the measure cannot be considered proportionate or necessary, as it imposes undue restrictions on the free movement of goods and fails to achieve the intended public health objectives.

Conclusion

In light of the above considerations, the BfTG respectfully urges the Lithuanian authorities and the European Commission to reassess the proportionality and effectiveness of the proposed white-list flavour ban on e-liquids. The BfTG believes that the ban would have far-reaching negative consequences for the vaping industry, public health, and the economy, both in Lithuania and in Germany. Instead of imposing a restrictive ban, the BfTG advocates for better enforcement of existing regulations, such as age controls and licensing requirements, to address youth access to vaping products without compromising the availability of harm reduction tools for adult smokers.

The BfTG calls for a balanced approach that takes into account scientific evidence, the needs of adult consumers, and the economic impact on legitimate businesses. By adopting more targeted and proportionate measures, Lithuania can achieve its public health goals without resorting to an excessive and potentially counterproductive flavour ban.

About the BfTG

The BfTG has been representing small and medium-sized companies in the German e-cigarette industry since 2015. It represents around three quarters of the market and operates absolutely independently of the tobacco industry. In doing so, it advocates a factual dialogue on necessary regulations as well as the health and economic policy potential of the e-cigarette. Its members include well-known liquid and hardware manufacturers as well as wholesalers and retailers from all over Germany.

We remain available anytime for any further questions or comments you may have:

- info@bftg.org
- +49 (0)30 209 240 80