



EUROPEAN COMMISSION

Brussels 19.7.2024
C(2024) 5291 final

Gabrielius Landsbergis
Minister of Foreign Affairs of the
Republic of Lithuania
Ministry of Foreign Affairs of the
Republic of Lithuania
J. Tumo-Vaižganto st. 2
LT-01511 Vilnius
Republic of Lithuania

Subject: Notification No 2024/317/LT

Draft Order of the Director of the State Consumer Rights Protection Service on the approval of the list of chemicals permitted for use in the Republic of Lithuania that give the liquid of electronic cigarettes and electronic cigarette refills the taste and smell of tobacco

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535

Dear Sir,

Within the framework of the notification procedure laid down in Directive (EU) 2015/1535 ⁽¹⁾, the Lithuanian authorities notified, under the urgency procedure, to the Commission on 13 June 2024 the draft ***Order of the Director of the State Consumer Rights Protection Service on the approval of the list of chemicals permitted for use in the Republic of Lithuania that give the liquid of electronic cigarettes and electronic cigarette refills the taste and smell of tobacco*** (hereinafter ‘the notified draft’).

According to the notification message, the notified draft aims to protect the public health interests, in particular children and young people, by introducing stricter regulation of nicotine-containing products, reducing their accessibility and attractiveness. In this

¹ () Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), OJ L 241, 17.9.2015, p. 1.

regard, the notified draft approves a list of 16 chemicals authorised in Lithuania which give tobacco taste and smell to the liquid of electronic cigarettes and refill containers. The list contains the Chemical Abstract Service (CAS) unique identification numbers, substance names, and the International Union of Pure and Applied Chemistry (IUPAC) names of these chemicals.

The examination of the notified draft has prompted the Commission to issue the following comments.

The Commission notes that the notified draft is regulating the flavours of electronic cigarettes and refill containers where the responsibility for adopting rules remains with the Member States⁽²⁾. At the same time the Commission would like to bring to the attention of the Lithuanian authorities that Directive 2014/40/EU does contain certain harmonised rules on ingredients (see in particular Article 20(3) of Directive 2014/40/EU).

The Lithuanian authorities are invited to take these comments into account.

The Commission furthermore recalls that once the definitive text has been adopted, it must be communicated to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

Sandra GALLINA
Directorate-General for Health and
Food Safety

² (See also recital 47 of 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, OJ L 127, 29.4.2014, p. 1.