

GEJSER's Contribution to TRIS Notification 2023/0471/LT on Lithuania's Draft Law No. XIVP-2791(2)

GEJSER expresses deep concerns about Lithuania's draft law No. XIVP-2791(2), which amends Article 9(2) of Law No. I-1143 on the control of tobacco, tobacco products, and related products, with great concern. According to the rationale provided by the Lithuanian authorities, the law includes a proposal for a *"ban on placing on the market e-cigarettes and e-cigarette fillers with liquid adapted for filling electronic cigarettes if this liquid contains sugar and/or sweeteners"*. Furthermore, the draft law aims to *"fill the gaps in the current regulation when electronic cigarettes, electronic cigarette refill containers"* effectively prohibiting flavored e-liquids other than tobacco.

GEJSER is alarmed by the draft law because the outcome de facto bans all e-liquids as it prohibits the use of essential and indispensable ingredients for e-liquid production.

GEJSER believes that a ban on sugar and sweeteners poses several risks:

- A ban on e-liquids in the Lithuanian market will lead to an increase in the illegal trade of potentially hazardous products that do not comply with either EU or national requirements.
- The percentage of Lithuanian smokers will rise.
- Expenses for the Lithuanian healthcare system will increase because fewer smokers will switch to lower-risk products.

GEJSER would like to encourage the Lithuanian authorities to reconsider the proposed ban on sugar and sweeteners in e-cigarette liquids and assess whether these bans contribute to the goal of a smoke-free future. GEJSER is willing to share Danish knowledge regarding the consequences of various e-cigarette bans in Denmark.

First and foremost, GEJSER would like to highlight that a ban on sugar and sweeteners would have severe consequences for the Lithuanian e-cigarette industry and, most importantly, public health. One of the main components of e-liquids is vegetable glycerin. Vegetable glycerin is 100% derived from plant materials such as soy, palm, or coconut oil, and due to its plant origin, it always contains sugar compounds in its chemical composition. Vegetable glycerin, which is an essential component in e-liquids, does not emit any characteristic odor or taste. However, if the draft law is adopted, it would effectively mean a ban on the presence of vegetable glycerin in e-cigarette liquids.

A de facto ban on vegetable glycerin in e-cigarette liquids would make it nearly impossible for the Lithuanian e-cigarette industry to produce usable e-liquids, effectively resulting in a general ban on e-liquids. The prohibition would have dire consequences for the e-cigarette industry in Lithuania, potentially leading to its closure.

A de facto ban on e-liquids risks causing an increase in the illegal trade of potentially dangerous products that do not comply with EU or national regulations. In Denmark, both cross-border trade and illegal trade in illegal e-cigarettes and e-liquids have increased significantly. Denmark implemented a ban on disposable vapes in 2019 and a ban on flavors in e-liquids with and without nicotine, except for tobacco and menthol, on April 1, 2022. In addition, requirements for neutral packaging and excise taxes, currently the highest in the EU, have been introduced.

Despite the Danish authorities' intentions to prevent children and young people from starting to smoke and/or use nicotine products, the percentage of e-cigarette users has increased after the bans came into effect in 2022.

Data from "Danish Smoking Habits 2022"¹ shows:

- In 2020, 3% of people used e-cigarettes either daily or occasionally, compared to 5% in 2022. This represents a small increase in e-cigarette use during the period. Additionally, the percentage of those who had never used e-cigarettes decreased from 94% in 2020 to 91% in 2022.
- In 2020, occasional use among both men and women was 1%, with 2% using e-cigarettes daily. In 2022, there was a slight increase in occasional use among women (3%) compared to 2020 (1%).
- Among those aged 15-29, e-cigarette use increased from 4% in 2020 to 7% in 2022. Similarly, use increased among those aged 30-59, from 3% in 2020 to 5% in 2022.
- The percentage of e-cigarette users choosing "Fruit flavor" increased from 47% in 2020 to 53% in 2022, while the percentage using "Menthol or mint flavor" decreased from 34% in 2020 to 30% in 2022. Furthermore, the percentage using "Candy/soda flavor" increased from 21% in 2020 to 26% in 2022.
- Among those aged 15-29, the use of e-cigarettes with "Fruit flavor" increased from 67% in 2020 to 83% in 2022. Similarly, the use of e-cigarettes with "Candy/soda flavor" in the same age group increased from 32% in 2020 to 41% in 2022.
- The percentage of e-cigarette users who said they use e-cigarettes because they "Like the taste" increased from 38% in 2020 to 52% in 2022 among those who use e-cigarettes occasionally. Among respondents who use e-cigarettes daily, there were fewer in 2022 who cited the reason "To smoke less tobacco" compared to 2020 (57% in 2020 vs. 52% in 2022). Similarly, among respondents who use e-cigarettes occasionally, 57% cited this reason in 2020, compared to 49% in 2022. Furthermore, the percentage who stated that they are "Dependent on them" increased from 26% in 2020 to 37% in 2022 among those who use e-cigarettes daily.
- During the period, the percentage of respondents who use e-cigarettes daily and also smoke tobacco daily increased from 23% in 2020 to 29% in 2022, while among those who use e-cigarettes occasionally, there was a decrease in the percentage who also smoke tobacco daily, from 65% in 2020 to 42% in 2022. At the same time, the percentage who use both e-cigarettes and tobacco occasionally increased from 18% to 32%.
- The percentage of e-cigarette users who stated that their cigarette consumption is unaffected increased from 17% in 2020 to 26% in 2022. A lower percentage stated in 2022 that their cigarette consumption had decreased compared to 2020 (from 36% in 2020 to 32% in 2022). Among e-cigarette users, the percentage who stated that they had quit smoking cigarettes decreased from 41% in 2020 to 38% in 2022.

Data from "SRØG - An Investigation of Tobacco, Behavior, and Regulations"² shows:

- The development in the percentage of e-cigarette users from 2020 to 2022. The percentage using e-cigarettes increased from 3.9% in 2020 to 6.8% in 2022. However, the percentage using e-cigarettes remained stable at around 3.8% from 2020 to the autumn of 2021. From there, there was an

¹ <https://www.sst.dk/da/udgivelser/2023/danskernes-rygevaner-2022>

² [https://www.sdu.dk/da/sif/rapporter/2023/\\$roeg_tobak_adfaerd_regler](https://www.sdu.dk/da/sif/rapporter/2023/$roeg_tobak_adfaerd_regler)

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increase to 6.8% in 2022. This increase can primarily be attributed to a rise in the percentage of occasional e-cigarette use. In the autumn of 2021, 1.9% used e-cigarettes occasionally, while this increased to 4.4% in 2022. The percentage of those who use e-cigarettes daily is virtually unchanged during this period.

- The development in the percentage of e-cigarette users from 2020 to 2022, broken down by gender. For both genders, there was an increase in the percentage of e-cigarette users. Among men, the percentage increased from 5.0% in 2020 to 6.3% in 2022, while for women, it increased from 2.8% to 7.2% in the same period. The overall increase in the percentage of e-cigarette users for both genders can primarily be attributed to the increase in occasional use from the autumn of 2021 to 2022.
- The development in the percentage of e-cigarette users with and without disposable vapes, divided by gender. Among men, the percentage using e-cigarettes daily or occasionally increased from 5.0% in 2020 to 6.3% in the autumn of 2022. Deducting the percentage using disposable vapes, the percentage using e-cigarettes in 2022 is 4.5%. Among women, there was also an increase in the percentage using e-cigarettes daily or occasionally, from 2.8% in 2020 to 7.2% in 2022. The increase was particularly pronounced from the autumn of 2021 to 2022, where the percentage increased from 3.3% to 7.2%. When looking solely at the percentage using e-cigarettes, excluding respondents who use disposable vapes, it is evident that the percentage using e-cigarettes among women increased from 2.8% in 2020 to 3.5% in 2022. The increase among women can be attributed to an increase in the percentage using disposable vapes. For both men and women, it is especially the percentage using disposable vapes occasionally that increased during the period from the autumn of 2021 to 2022. Among women, occasional use increased from 1.9% in the autumn of 2021 to 5.0% in 2022, while it increased from 2.0% to 3.7% among men in the same period.
- The development from 2020 to 2022 in the percentage of e-cigarette users with and without disposable vapes, divided by age groups. There are significant differences in e-cigarette use across age groups. In all age groups, the percentage of e-cigarette users increased. This is especially noticeable among the youngest respondents (15-17 years). For this age group, the percentage of e-cigarette users increased from 4.5% in 2020 to 10.1% in 2022. This means a doubling in the percentage of e-cigarette users, with one in ten in the age group using e-cigarettes in 2022. The increase can primarily be attributed to an increase in the percentage of occasional use of disposable vapes. In the age group 18-24, there was also nearly a doubling in the percentage of e-cigarette users, from 4.3% in 2020 to 7.4% in 2022. Excluding the percentage using disposable vapes (the dashed line), e-cigarette use in this age group remained unchanged during the period. Among those aged 25-29, there was also an increase in e-cigarette use from 2020 to 2022. However, the increase is less pronounced compared to the other age groups. There is no difference in the development of the percentage using e-cigarettes with and without disposable vapes in this age group.

The numbers speak for themselves, and despite the good intentions of the Danish authorities, the bans have had unintended negative effects. Therefore, we encourage the Lithuanian authorities to investigate and consider whether additional bans and regulations in the e-cigarette sector may risk causing the same adverse developments as seen in Denmark.

The Lithuanian government is encouraged to look at e-cigarettes as a tool that can help smokers quit smoking. A de facto ban will lead to an increase in the percentage of Lithuanian smokers, which, in addition to the healthcare economic consequences, is also expected to lead to an increase in cases of severe

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smoking-related illnesses among the Lithuanian population. Just as the intentions of the Danish authorities were good when they introduced various bans in the e-cigarette sector, we are confident that the intentions of the Lithuanian authorities are also well-meaning. However, as the Danish authorities increasingly see the consequences of the recently implemented bans, we hereby urge the Lithuanian authorities to reconsider the proposed legislation so that similar outcomes, as seen in Denmark, can be avoided.

Thank you.

Med venlig hilsen / Best regards

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