EU Trade Helpdesk News

Ban on flavoured tobacco products and new requirements for e-cigarettes from 20 May 2016

Since May 2016 the new Tobacco Products Directive (TPD) is applicable in the 28 EU Member States. The Directive includes measures on e-cigarettes, flavourings, additives, packaging and more.

**Cigarettes and RYO (roll your own) tobacco may no longer have flavours** such as menthol, vanilla or candy that mask the taste and smell of tobacco. For products with a market share higher than 3% (e.g. menthol), the ban will apply as of 2020.

Meanwhile, the new Directive **does not ban e-cigarettes but lays down new requirements regarding their safety, quality, packaging and labelling and monitoring and reporting:**

- Maximum nicotine concentrations and maximum volumes for cartridges, tanks and nicotine liquid containers have been set.
- They should be child-resistant and tamper proof and have a mechanism that ensures refilling without spillage.
- They should deliver the same amount of nicotine for puffs of the same strength and duration.
- Their ingredients must be of high purity.
- Packaging must include a list of all ingredients contained in the product, information on the product’s nicotine content and a leaflet setting out instructions for use and information on adverse effects, risk groups and addictiveness and toxicity.
- Mandatory health warnings should advise consumers that e-cigarettes contain nicotine and should not be used by non-smokers.
- Promotional elements are not allowed and cross-border advertising and promotion are prohibited.
- E-cigarette manufacturers must notify Member States of all products they place on the market and report annually to them on sales volumes, consumer preferences and trends.
- Member State authorities must monitor the market for any evidence that e-cigarettes lead to nicotine addiction or to tobacco consumption, especially in young people and non-smokers.
- The Commission will also report to the European Parliament and the Council the developments on e-cigarettes after five years.

Other elements of this new legislation:

- Combined health warnings (picture and text) must cover 65% of the front and back of cigarette and roll-your-own tobacco packages,
- Minimum dimensions for warnings and elimination of small packages for certain tobacco products,
- Prohibition of all promotional and misleading elements on tobacco products,
- Introduction EU-wide tracking and tracing to combat illicit trade of tobacco products,
- Member States are allowed to prohibit internet sales of tobacco and related products,
- Safety and quality requirements for /consumer electronic cigarettes, and
- Obligation for manufacturers to notify novel tobacco products before placing them on the EU market.

Please see our information sheet on tobacco products at the Export Helpdesk for all legal references.

Further details may be found in the EU Directorate General for Health and Consumers website.