



Oifigeach Réigiúnach,
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7th June 2024

Mr Bernard J. Durkan TD

Dàil Éireann

Leinster House

Kildare Street

Dublin 2

Re: PQ ref 23521/24

Question:

“To ask the Minister for Health the extent to which adequate control and regulation of vape outlets is universally and adequately applied, having particular regard to the concern of those who are anxious to comply with all regulations and the elimination of harmful or addictive ingredients in the products and who have never sold cigarettes at their outlets; and if he will make a statement on the matter.”

Response:

The Health Service Executive (HSE) is one of the competent authorities for the enforcement of the EU (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016 (S.I. No. 271 of 2016) (as amended by S.I. No. 252 of 2017, S.I. No. 132 of 2018, S.I. No. 365 of 2018, S.I. No. 614 of 2021 and S.I. 335 of 2023), (the Regulations). These Regulations transpose the Tobacco Products Directive 2014/40/EU into law in the Republic of Ireland. Amongst other things, these regulations lay down the safety and quality requirements that electronic cigarettes and e-liquid refill containers containing nicotine for sale on the Irish market must meet. On 22nd December 2023, the Minister for Health also commenced sections of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 which amongst other measures provides a minimum age for the sale of vapes. The HSE National Environmental Health Service (NEHS) enforces this legislation.

The HSE National Service Plan 2024 includes key performance indicators in relation to tobacco /nicotine inhaling control inspections at retail, import, distribution and manufacturing level as well as test purchasing inspections for underage sales. These indicators are intended as a minimum baseline and are elements of a much wider proactive programme of surveillance, monitoring, sampling, and enforcement across this sector from import level to final consumer. The implementation of this significant regulatory programme is ongoing nationally across all sectors with particular emphasis at present on building compliance with the new legislative provisions amongst businesses retailing and importing nicotine inhaling products. To assist compliance the NEHS has developed information leaflets for retailers and importers which are being disseminated by EHOs as supports for industry. More information can be found by visiting these links:

<https://www.hse.ie/eng/about/who/tobaccocontrol/tobaccoproductdirective/tobaccodirective.html>

And

<https://www.hse.ie/eng/services/list/1/environ/tobacco-and-related-products/>

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M. Mulcahy', is written over a horizontal line.

Dr. Maurice Mulcahy
Regional Chief Environmental Health Officer
Health Service Executive
National Environmental Health Service