



23rd July 2025

Erin McGreehan TD
Dáil Eireann
Leinster House
Kildare Street
Dublin 2

Dear Deputy McGreehan,

The Minister has referred PQ ref 39037/25 to the Health Service Executive for a direct reply. Please see response to your PQ below.

Question:

“To ask the Minister for Health the number of enforcement actions that have been taken by the HSE's National Environmental Health Service in relation to the illegal sale or distribution of vapes and e-cigarettes; and if she will make a statement on the matter.”

Response:

The Tobacco Products Directive 2014/40/EU regulates the manufacture, presentation and sale of tobacco and related products. This directive is transposed into Irish law by the EU (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016 (S.I. No. 271 of 2016), as amended (the Regulations). The Health Service Executive (HSE) is one of the competent authorities under these Regulations and the National Environmental Health Service (NEHS) is responsible for the implementation of this legislation across all sectors from manufacturing, importation, distribution through to retail level. In addition, the NEHS also works with Customs and Revenue in a strategic approach to deal with non-compliant electronic cigarettes and refill containers at import level. The aim of this work is to detain non-compliant products at the port and refuse the products free circulation status onto the Irish/EU market.



Where Environmental Health Officers identify breaches of tobacco legislation appropriate action is undertaken by the NEHS to ensure compliance. This may include the serving of a Prohibition Order directing that the products subject to the Order are not to be placed on the market and will be destroyed by the HSE. Compliance Notices are served in instances where there is an absence of an information leaflet.

Enforcement at retail level:

Table 1 below details the number and type of enforcement actions taken by HSE NEHS in 2023 to the end of June 2025 at retail level.

Table 1

Year	No. of Prohibition Orders served	No. of Compliance Notices served
2023	8	3
2024	14	1
To end of June 2025	22	1

Table 2 below details the quantity of non-compliant nicotine containing electronic cigarettes and/or refill containers destroyed by the HSE NEHS removed from retail premises.

Table 2

Year	Number of electronic cigarettes/refill containers destroyed by HSE
2023	1116
2024	2255
To end of June 2025	1851

Enforcement at import level:

Table 3 below details the number and type of enforcement actions taken by HSE NEHS in 2023 to end of June 2025 at import level.

Table 3

Year	No. of Prohibition Orders served	No. of Compliance Notices served
2023	2	0
2024	13	0
To end of June 2025	0	0

Table 4 below details the quantity of non-compliant nicotine containing electronic cigarettes and/or refill containers refused entry by the HSE at Irish Sea and airports.

Table 4

Year	Quantity of electronic cigarettes/refill containers refused entry by HSE
2023	37,780kg
2024	26,607kg
To end of June 2025	0

Whilst the NEHS enforces the legislation it is the responsibility of manufacturers and importers of electronic cigarettes and e-liquid refill containers to ensure that the products they place on the Irish market fully comply with all legislative requirements. To assist compliance the HSE National Environmental Health Service has developed guidance for retailers and importers on their legal responsibilities in terms of buying and selling vape products. More information can be found by visiting the link

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

Sale of nicotine inhaling products to a child

In addition, to monitoring the compliance of nicotine containing electronic cigarettes and refill containers on the Irish market with the Tobacco Product Directive 2014/40/EU, the NEHS also enforces the Public Health Tobacco Acts 2002 to 2024.

Section 28 of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023, prohibits the sale of tobacco products and nicotine inhaling products to children. The NEHS monitors the compliance of retailers with this legislation through the implementation of an annual test purchase inspection programme which covers both tobacco products and nicotine inhaling products.

Table 5 below details the number of test purchase inspections conducted by HSE Environmental Health Officers (EHOs) nationally in 2024 and to the end of June 2025, following commencement of this legislation on 22nd December 2023. It also shows the number of non-compliant inspections (i.e. where a tobacco product or nicotine inhaling product was sold to the child) over that period. Further test purchasing inspections are ongoing nationally.

Table 5

Year	Number of test purchase inspections conducted	Number of non-compliant inspections
2024	389	52
To end of June 2025	310	50

Table 6 below shows that of the 52 non-compliant inspections in 2024 - 19 prosecutions have been heard to date by the District Court and the outcome of those proceedings. More legal proceedings are still in train.

Table 6

Year	Number of prosecutions taken by HSE that have been heard by the District Court	Number of convictions with fine imposed	Number of cases with Probation Act imposed	Number of cases struck out / withdrawn / dismissed by District Court
2025	19	12	6	1

Prosecutions for non-compliant test purchasing inspections in 2025 are currently being initiated by the NEHS and it is expected that these cases will be heard in 2026.

The Health Service Executive publishes details of tobacco control convictions, these can be found at:

<https://www.hse.ie/eng/about/who/tobaccocontrol/enforcement/convictions-2024.pdf>

Please note an application of the Probation Act does not constitute a conviction and such cases therefore are not published as a tobacco conviction on this list.

I trust the above is to your satisfaction and answers your query.

Yours sincerely,


Margaret Ruddy
Principal Environmental Health Officer
HSE National Tobacco Control Office