

EN

E-004021/2025

Answer given by Mr Várhelyi
on behalf of the European Commission
(16.12.2025)

The Tobacco Products Directive 2014/40/EU¹ ('the Directive') regulates several aspects of the manufacture, presentation, sale and advertising of nicotine-containing e-cigarettes and refill containers.

For example, according to the Directive, Member States must ensure that: the nicotine-containing liquid does not contain certain additives; only ingredients of high purity are used in the manufacture of the nicotine-containing liquid; and except for nicotine, only ingredients are used in the nicotine-containing liquid that do not pose a risk to human health in heated or unheated form².

Member States may also prohibit a certain category of tobacco or related products if such prohibition is justified by the need to protect public health and based on grounds relating to the specific situation in the Member State³. So far, Belgium and France have prohibited disposable electronic cigarettes⁴. The Member States are responsible for the enforcement of the Directive and the national laws transposing it.

The Directive does not harmonise all aspects of electronic cigarettes or refill containers. The responsibility for adopting rules on flavours, for example, remains with the Member States⁵. Customs authorities conduct risk-based controls on goods entering the EU to ensure compliance with EU safety and security standards.

The Commission is currently undertaking a comprehensive evaluation⁶ of the Directive and of Tobacco Advertising Directive 2003/33/EC⁷. This evaluation is also looking at concerns regarding young people's access to novel tobacco and nicotine products, taking into account the effects that these products have on human health. The findings of this evaluation will inform the next steps concerning the EU legislation.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014L0040-20231023>.

² See Article 20(3) of the Directive.

³ See Article 24(3) of the Directive.

⁴ The Commission Decisions under Article 24(3) of the Directive can be found on this website: https://health.ec.europa.eu/tobacco/product-regulation/implementing-tobacco-products-directive-directive-201440eu/notifications-under-article-243-tobacco-products-directive_en.

⁵ See recital 47 of the Directive.

⁶ https://health.ec.europa.eu/tobacco/evaluation-legislative-framework-tobacco-control_en.

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02003L0033-20030620>.