

Message 001

Communication from the Commission - TRIS/(2026) 1013

Directive (EU) 2015/1535

Notification: 2026/0176/IE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261013.EN

1. MSG 001 IND 2026 0176 IE EN 02-04-2026 IE NOTIF

2. Ireland

3A. National Standards Authority of Ireland

1 Swift Square, Northwood, Santry, Dublin 9 D09 A0E4. Ireland

Email: EUDirective2015.1535@nsai.ie

3B. Department of Health

Block 1, Miesian Plaza, 50 – 58 Lower Baggot Street, Dublin 2, D02 XW14. Ireland

Email: Tobacco\_and\_Alcohol\_Control\_Unit@health.gov.ie

4. 2026/0176/IE - X60M - Tobacco

5. The Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill 2026

6. Electronic cigarettes and other nicotine products

7.

8. The main purpose of the Bill is to amend the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 to:

- Regulate the packaging and appearance of nicotine inhaling products and refill containers of such products;
- Provide for the prohibition on the sale of nicotine consumption products to a child;
- Provide for certain restrictions in relation to the signage, display and advertising of nicotine inhaling products and nicotine consumption products; and
- Provide that the Minister for Health may, by order, regulate the flavour names of nicotine inhaling products. The Schedule being proposed contains 'Tobacco' and 'Unflavoured'.

The proposed Irish legislation aims to achieve a high level of health protection, particularly for young people. It considers the current evidence surrounding these products and the specific Irish context and is a proportionate and necessary approach to achieve the policy objective.

Copies of the Regulatory Impact Assessments (RIA) at policy-making stage provide further information on the grounds for this legislation. Please note that the original RIA contains the prohibition on single-use vapes which has since been notified separately under the Public Health (Single-Use Vapes) Bill (2025/0773/IE).

9. There is evidence that e-cigarettes ("nicotine inhaling products") pose harm compared with non-use, including nicotine dependence and indicators of cardiovascular and respiratory impacts. Reviews have found that young people and non-smokers are most vulnerable to the health risks from these products. There is evidence that nicotine may have a greater and/or unique effect on adolescents compared with adults, with possible implications for nicotine dependence and cognitive outcomes such as learning or memory. There is also strong evidence via longitudinal data of an association between electronic cigarette use in adolescents and subsequent smoking, for which the catastrophic health harms are well established.

E-cigarette use among children and young people in Ireland has increased significantly in recent years. The most recent ESPAD and HBSC surveys showing decreases in ever-use alongside increases in past-30-day use suggest that the "conversion rate" of experimentation to more regular use may be increasing. At the same time adult smoking rates in Ireland have remained static since 2019 despite an increase in vaping rates, suggesting that vaping is not substituting for smoking at population level.

More recently, other nicotine products such as pouches ("nicotine consumption products") have entered the Irish market. While prevalence is low, these are disproportionately used by children and young people. The above context provides a strong rationale for regulation in Ireland which prioritises a high level of health protection, particularly among young people. The policy objective of the legislation is to prevent youth uptake of e-cigarettes and other nicotine products.

As with tobacco control, a suite of measures is required to have the intended effect. The framework in the TPD has not been sufficient to avoid a significant rise in youth vaping in Ireland.

In addition to the requirements under the TPD, the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 introduced several further measures to reduce youth use of electronic cigarettes. The following measures have already been implemented:

- Minimum age of sale of 18 and a statutory test purchase programme

- Prohibition of electronic cigarette advertising near schools, in cinemas and on public transport
- Prohibition on the sale of electronic cigarettes from self-service and vending machines

Further measures include:

- Licensing system for the sale of electronic cigarettes (applications open with licence required by August 2026)

While these measures may have contributed to a slowing of the increase, they have not been sufficient to reverse this trend and bring youth prevalence down from its current worryingly high level. The licensing system will support enforcement efforts but does not affect the appeal of the products to young people.

Ireland believes that the proposed suite of measures for nicotine inhaling products is the minimum required to achieve the policy objective to reverse the upwards trend and worryingly high levels of youth use. This is based on existing research and evidence in other countries and from similar efforts to reduce tobacco use. Other less restrictive measures would not achieve the high level of protection that Ireland has decided to pursue. The legislation is intended to complement the proposed Public Health (Single-Use Vapes) Bill and the E-liquid Products Tax applied by the Minister for Finance.

For other nicotine consumption products, the intention of the legislation is to create baseline domestic regulation for new and future products, to ensure protection for children and young people before products gain popularity in this cohort.

#### 10. References of the Basic Texts: 2025/0773/IE

The basic texts were forwarded with an earlier notification:

2025/0773/IE

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu

