



2 April 2024

(24-2777)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1.	Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2): Scottish Government
2.	Agency responsible: Producer Responsibility Division, Directorate for Environment and Forestry Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: UK TBT Enquiry Point Trade Policy, Implementation and Negotiations Department for Business and Trade Old Admiralty Building London SW1A 2DY tbtenquiriesuk@businessandtrade.gov.uk
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): HS 24.04 Products containing tobacco, reconstituted tobacco, nicotine, or tobacco or nicotine substitutes, intended for inhalation without combustion; other nicotine containing products intended for the intake of nicotine into the human body – products intended for inhalation without combustion. <ul style="list-style-type: none">• Nicotine-containing disposable electronic cigarettes (HS 2404.12 - Other, containing nicotine)• Non-nicotine containing disposable electronic cigarettes (HS 2404.19 – Other)
5.	Title, number of pages and language(s) of the notified document: The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024; (7 page(s), in English)
6.	Description of content: These regulations will apply to all businesses that operate in Scotland. These regulations will introduce a ban on the sale and supply of: <ul style="list-style-type: none">• single-use electronic cigarettes that are not rechargeable, not refillable or are neither rechargeable nor refillable• single-use electronic cigarettes retaining both nicotine containing e-liquid and non-nicotine containing e-liquid

<p>The restriction will not apply to:</p> <ul style="list-style-type: none"> • devices that are both: • (1) refillable by means of a single-use container which is separately available and can be replaced, or a container which can be refilled, and • (2) rechargeable by means of a battery which can be recharged, and a coil which is intended to be replaced by an individual user in the normal course of use and is separately available. <p>Breach of these prohibitions will be an offence under the regulations. The regulations confer powers on enforcement authorities to investigate offences under the regulations, which may then be referred for criminal prosecution.</p>
<p>7. Objective and rationale, including the nature of urgent problems where applicable: The proposed regulations prohibit or restrict the supply of single-use vaping devices on the grounds that they cause harm to the environment.</p> <p>While disposable vape parts can be recycled, there is not currently sufficient infrastructure to deal with the surge in volume of disposable vape purchases through recycling routes. When disposed of incorrectly, disposable vapes introduce plastic, nicotine salts, heavy metals, lead, mercury and flammable lithium-ion batteries into the natural environment, contaminating waterways and soil, posing a risk to the environment and animal health.</p> <p>Reusable vapes are a readily available alternative to single-use vapes and have a much longer lifespan. Legislation is needed to move from a disposable product to a reusable one that limits the impact on the environment. The proposed restrictions align with this ambition by phasing out single-use items and encouraging the adoption of reusable alternatives.; Protection of the environment</p>
<p>8. Relevant documents:</p> <p>Creating a smokefree generation and tackling youth vaping - GOV.UK (www.gov.uk)</p> <p>Stopping the start: our new plan to create a smokefree generation - GOV.UK (www.gov.uk)</p> <p>Partial Business and Regulatory Impact Assessment - GOV.SCOT</p>
<p>9. Proposed date of adoption: 30 September 2024</p> <p>Proposed date of entry into force: 1 April 2025</p>
<p>10. Final date for comments: 60 days from notification</p>
<p>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>UK TBT Enquiry Point Trade Policy, Implementation and Negotiations Department for Business and Trade Old Admiralty Building London SW1A 2DY tbtenquiriesuk@businessandtrade.gov.uk https://members.wto.org/crnattachments/2024/TBT/GBR/24_02344_00_e.pdf https://members.wto.org/crnattachments/2024/TBT/GBR/24_02344_01_e.pdf</p>