



14 June 2024

(24-4444)

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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): The Welsh Government
2. Agency responsible: Local Environment Quality Branch, Environmental Protection Division, Department for Climate Change, Environment and Rural Affairs, Welsh Government 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 tbtinquiriesuk@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) (Wales) Regulations 2024; (28 page(s), in English)
6. Description of content: These regulations will introduce a ban on the supply of single-use electronic cigarettes in Wales. These regulations define single-use electronic cigarettes as devices that: <ul style="list-style-type: none">• are not rechargeable, not refillable or are neither rechargeable nor refillable, and• vaporise substances (other than tobacco) for the purpose of inhalation through a mouthpiece.

<p>The restriction will not apply to single-use electronic cigarettes that:</p> <ul style="list-style-type: none"> • are refillable by means of a refill container, or tank or single-use cartridge, and • are any of the above and rechargeable. <p>Breach of these prohibitions will be an offence under the regulations. The regulations provide for fixed monetary penalties, variable monetary penalties, compliance notices and stop notices as well as non-compliance penalties.</p> <p>Criminal sanctions will also be provided for where an enforcement undertaking has not been complied with.</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 they cause harm to the environment.</p> <p>While single-use vape parts can be recycled, the only recycling process available in the UK is manual dismantling which is costly and time consuming as most single-use vapes are not designed to be taken apart easily. They are designed as one unit and require specific tools to remove the lithium-ion battery for recycling and careful handling of components to avoid operator exposure to the remaining e-liquid. There is currently insufficient 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 single-use, 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</p> <p>Stopping the start: our new plan to create a smokefree generation - GOV.UK</p> <p>The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024 draft SI (attached as PDF)</p>
<p>9. Proposed date of adoption: October 2024</p> <p>Proposed date of entry into force: 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_03758_00_e.pdf</p>