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23th July 2024

Mr Bernard J. Durkan TD
Dáil Eireann
Leinster House
Kildare Street
Dublin 2

Re: PQ ref 29674/24

Question:

“ To ask the Minister for Health if the current HSE inspection regime for vaping products entering the Irish market is adequality resourced to track all potential instances of non-compliant product entering the market; and if he 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 by S.I. No. 252 of 2017, S.I. No. 132 of 2018, S.I. No. 365 of 2018, S.I. No. 614 of 2021 and S.I 335 of 2023), (the Regulations). The Health Service Executive (HSE) is one of the competent authorities under these Regulations.

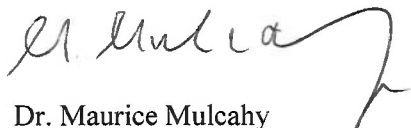
The HSE National Environmental Health Service (NEHS) is responsible for the implementation of this legislation and has over 300 Environmental Health Officers delegated as Authorised Officers for its enforcement. Regulation of products under these statutory provisions is undertaken through a proactive programme of inspections, surveillance, monitoring, sampling and checks of electronic cigarettes and refill containers across the sector at manufacturing, importation, distribution and retail levels.

The premises/businesses inspected are targeted based on intelligence information and complaints received, and the NEHS also works with Customs and Revenue in a strategic approach to deal with non-compliant electronic cigarettes and refill containers at import stage. The aim of this work is to detain non-compliant products at the port and refuse the products free circulation status into the Irish/EU market.

Where breaches of the legislation are identified, appropriate action is undertaken by the NEHS to ensure compliance. This can 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.

Whilst the NEHS enforces the legislation it is the responsibility of manufactures 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/environ/tobacco-and-related-products/>

Yours Sincerely,



Dr. Maurice Mulcahy
Regional Chief Environmental Health Officer
Health Service Executive
National Environmental Health Service