

August 2020

Re: Northern Ireland Vapour Regulations

Dear Secretary of State,

I am writing on behalf of the UK Vaping Industry Association, the country's largest vaping industry body, regarding government plans for regulations on vaping products when the transition period comes to an end on 31 December 2020.

The government recently published a series of regulations to take effect from 1 January 2021, focused primarily on tobacco products. It stated that the full provisions of the EU Tobacco Products Directive, and any successor EU legislation, will apply to tobacco products in Northern Ireland. This guidance would seem to give notifications that within the UK, two regulatory regimes will operate – one for Great Britain and another for Northern Ireland. Whilst these regulations relate predominantly to tobacco, we are concerned that a dual approach will also apply to vapour products.

Whilst there is yet to be any clarity over what regulations vapour products will have to follow in Northern Ireland, with reviews of the UK Tobacco and Related Products Regulations (2016) and the EU Tobacco Products Directive due to take place soon, we are concerned that the result could be that very different regulatory environments could exist in Northern Ireland to the rest of the UK.

This has the potential to be extremely damaging for vapers and smokers looking to quit smoking in Northern Ireland, as it could mean having to follow much more restrictive EU-level regulation in this jurisdiction, given the EU does not generally share the pragmatic view of the UK government that vaping can play an important role in helping smokers to quit. We understand that current EU-level discussions about revisions to the Tobacco Products Directive are looking to further restrict access to, and reduce channels for making smokers aware of, vapour products. Such an approach, if forced to apply to Northern Ireland, will be hugely detrimental to vapers and smokers looking to quit, and would undermine the significant progress the UK as a whole has made to date in reducing smoking rates.

Finally, the uncertainty over which regulatory regime will apply is also hugely unsettling for vape businesses, and should dual regimes apply, will add significant cost and complexity to conducting business in Northern Ireland.

We would be grateful for clarity on this issue as a matter of urgency and an assurance that the regulatory environment for vaping products will continue to be the same in Northern Ireland as they are in the rest of the UK.

We look forward to hearing from you and do not hesitate to contact us if you would like to discuss this matter further. This letter is being copied to Alok Sharma, Secretary of State for Business, Energy and Industrial Strategy.

Yours sincerely,

John Dunne

Director, UKVIA