



DADAFO

Dansk e-Damper Forening
Danish Vapers Association

Short description of the Danish law-proposal regarding implementation of the TPD

Denmark has just started a hearing on a new law-proposal (+), implementing the TPD in about as draconian a way as possible, hearing runs until the 20th of March, and then there will be 3 rounds of negotiations amongst politicians, and is supposed to be implemented in November. So far it seems as if there is general goodwill towards the proposal, probably because of the 18 year rule alone. The general misconception is that it is a good law, because it will make nicotine containing products legal in Denmark as tobacco-products, as opposed to the current situation where nicotine containing liquids are illegal (but sold anyways).

Some of the proposals:

- No sales to below 18.
- E-cigarettes with and without nicotine will be covered under the non-smoking laws, equivalent to smoking.

Smokefree laws in Denmark means: no smoking in bars (except very small facilities), work facilities, offices, public offices, taxis, schools, clubs (private or public), work-vehicles that are used by more than one person, ships and offshore-platforms. Basically everywhere that is indoors, with the exception of private homes and smoking rooms/cabinets. Outside smoking is still legal, except for areas surrounding education environments such as schools, but can be changed by local rules/guidelines. The Danish smoke-free law is more or less a direct implementation of the FCTC recommendations.

- All private and public companies are required to establish a written smoking (and now vaping) policy, that at the very least specifies where and when smoking/vaping is allowed, as well as the consequences of not following the policy.

Please note that companies are not allowed to circumvent the smoke-free laws in these policies, they can only make stricter interpretations, such as disallowing smoking on company grounds which is not uncommon. For instance it is not allowed to smoke currently in most amusement parks except in designated areas. And many government employees have been banned from smoking anywhere, including in private areas or outside between workplaces, during work-hours.

- Complete ban on advertising, sponsoring and name/brand usage outside of shops. Within non-specialized shops the products must be put out of view of the customers and only available on demand.
- Rules that are required for all hardware (or parts to hardware) that can be used to vaporize liquid that might contain nicotine:
 - No tanks >2ml
 - Completely leak free
 - Filling mechanism that ensures that leaks cannot occur.
 - Childsafe tanks/e-cigs.

As far as we can tell - this would entail that almost 100% of all equipment currently on the market becomes illegal. The interpretation of the TPD that non-liquid filled tanks aren't covered is thus ignored, and tanks will fall under the law no matter if they are sold with or without liquid. Notice the "might" part, which means that it does not matter if you sell for non-nicotine based usage.

- E-liquid can only be sold in 10ml refill containers/bottles, or 2ml pre-filled containers/cartomizers
- All products (and parts of products) must be registered at the relevant government body (Sikkerhedsstyrelsen (*)). Failure to do so will result in stiff fines (50,000 dkk mentioned, but proposed to be based on revenue). And they will automatically be the toughest fines, since this is a product that could put children in danger.
- All products (individually) must be registered 6 months before they are sold. Registration starts in November (when the law goes into effect), there is no grandfathering for existing products.

So as the law stands all e-cig hardware will be illegal for 6 months after the law goes into effect, since no products are registered, and registration must be 6 months before sale.

- If a company outside Denmark wants to sell to a customer in Denmark, then they must go through the same registration process (ie. there is a wall in import/export), otherwise sales will be illegal, and be prosecuted under the TPD.
- Product registration is for each subpart sold, and will cost ~30.000 dkk (~4.000€) per product for the first year, then ~10,000 dkk (~1.300€) for each subsequent year it is marketed - and products will need re-registration if "major" changes are done - for e-liquids this could be changing from one producer of aniseed aroma to another. Any kind of innovation on the parts used for vaping (be it equipment or liquids) will be stifled, and any incentive for product development will be stopped effectively.

For e-liquids this means that each variant will have to be registered individually (ie. if you have a 60:40 pg/vg, 40:60, and 100% vg variant - then they each have to be registered, as well as for each nicotine variant, and each flavour variant).

- E-liquid producers must register all ingredients, a toxicology report, and an emissions report for each and every variant. Rules describing what the reports must contain will not be available to producers before the end of 2015.

For more information we are available to be contacted, both via email, and telephone, and we can be convinced to do skype meetings as well :)

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(+) The portal for the lawproposal in Danish only:

<https://hoeringsportalen.dk/Hearing/Details/45435> (the law itself, is linked at the bottom as "lovforeslag")

(*) Sikkerhedsstyrelsen <http://www.sik.dk/Global/English>

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