

**Call for Evidence: Tobacco and Vapes Bill**

**Response on behalf of ASH Wales Cymru, submitted 03.12.2025**

*ASH Wales Cymru is the only organisation solely dedicated tobacco control in Wales. Established in 1976, we work to raise awareness of the health, social and economic effects of smoking by working closely with communities, young people and partner organisations across Wales to create change for the better.*

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## Vape and nicotine flavours and ingredients

- **Evidence on how vape flavours are created**

The flavouring landscape is complex and the evidence supports regulating how flavours are presented and sold rather than attempting to police thousands of individual chemicals by name.

Analyses of Tobacco Products Directive (TPD) notifications found a mean of 17 ingredients per product<sup>i</sup> and lab work shows 1-50 flavour chemicals per bottle,<sup>ii</sup> illustrating the practical difficulty of ingredient-by-ingredient bans.

ASH Wales' YouGov survey data supports GB data, which show a major shift away from tobacco flavours and towards fruit/sweet flavours over the last decade. Ten years ago, in 2015, 41% of adult vapers in Wales used tobacco flavours, this is now 15% in 2025.<sup>iii</sup> Meanwhile fruit flavour use has gone from 15% of vapers to 44%. Tobacco-flavour use among adult vapers has fallen substantially while fruit flavours are now much more common.<sup>iii</sup> This pattern means any policy should weigh impacts on adult vapers (many of whom use flavoured products to quit smoking) as well as on youth.

There is value in focusing regulatory action on how flavours are marketed, described and presented, alongside strong enforcement of product standards, rather than attempting to regulate the ever-changing landscape of thousands of individual compounds. This approach is more practical, enforceable, and avoids unintended consequences for adults who use flavoured vapes to quit smoking.

- **Evidence of flavours, ingredients or substances that could pose health risks**

The evidence base on the health impacts of flavouring ingredients in vapes remains limited. Some chemicals, such as cinnamaldehyde, are established respiratory irritants,<sup>iv</sup> but most flavourings have not been robustly studied for inhalation safety, especially when heated or combined with cooling agents or sweeteners.

The independent report commissioned by OHID in 2022 concluded that, in the short to medium term, vaping exposure and biomarkers of potential harm are a small fraction of the risks of smoking, though vaping is not risk-free, especially for never-smokers.<sup>v</sup> This is a key consideration when looking at the health impact of regulations and in particular ensuring vapers do not return to smoking and smokers are not deterred from quit attempts.

An immediate concern arises from illegal vapes. These products often contain unverified flavouring ingredients, variable nicotine concentrations and tank sizes that exceed legal limits. Their presence poses a much greater potential health risk than flavourings in regulated products.

Experience from other substance markets highlights a regulatory challenge: where specific chemicals are restricted, manufacturers or illicit suppliers may substitute them with structurally similar, newly synthesised compounds to avoid detection.

This pattern is documented with synthetic cannabinoids (“Spice”), where compounds are repeatedly modified to stay ahead of regulation and laboratory screening.<sup>vi</sup> While the vape flavouring market is not directly comparable, the large number of available flavouring chemicals and the speed at which new variants can be introduced means ingredient-by-ingredient bans risk being circumvented.

WEDINOS (Welsh Emerging Drugs and Identification of Novel Substances) is a Wales-based harm-reduction and drug-checking service that analyses substances submitted anonymously by the public from across the UK. Although headquartered in Wales, its sample base is UK-wide and therefore provides valuable insights into the composition of illicit vape products circulating nationally.

Evidence from WEDINOS highlights the risks associated with illicit vape cartridges mis-sold as THC or CBD products. Testing between 2024 and 2025 found that 39% of samples submitted as cannabis vapes contained synthetic cannabinoid receptor agonists (SCRAs), potent substances linked to severe acute harm including seizures, coma and cardiovascular complications.<sup>vii</sup>

These findings demonstrate the broader dangers posed by unregulated or counterfeit vape products, where ingredients and emissions differ substantially from what is stated on packaging.

Given current evidence gaps, regulatory focus is best directed toward marketing, naming and presentation restrictions, stronger product standards, and robust supply-chain enforcement, rather than attempting to ban or regulate individual flavouring chemicals.

- **Evidence on what gives vape liquid its colour & risks of restricting colour**

ASH Wales does not hold specific evidence on what gives vape liquid its colour. Evidence on the inhalation risks of colourants remains limited. Requiring vape liquids to be clear may offer some limited enforcement advantages, particularly by making brightly coloured or visibly dyed liquids easier to identify as potentially non-compliant. However, this would not address the main challenges.

Colourless liquids can still be appealing to young people. The greatest enforcement difficulty relates to illegal or non-compliant pod-based products, which are typically promoted through bright packaging and high nicotine strengths. Requiring clear liquid would not prevent illegal operators from continuing to manufacture or import non-compliant products.

Focusing regulatory attention on product descriptors, flavour naming, packaging, and supply-chain enforcement is more likely to support Trading Standards in identifying illegal products. Strengthening traceability systems and introducing a retailer licensing scheme would offer far clearer benefits for enforcement than restricting liquid colour.

- **Evidence on effective strategies to limit flavours**

International evidence on flavour bans is mixed, with some jurisdictions reporting increases in smoking or issues around compliance and cross-border issues. Given these uncertainties, proportionate UK action should focus on reducing youth appeal without removing flavours entirely.

Welsh evidence does highlight how flavours interact with product appeal. A Public Health Wales qualitative study aimed to identify potential risk factors for vaping among young people in Wales (2024) reported sweet smells and flavours contributed to the attractiveness of vapes for young people, however, this did not demonstrate a causal effect. Considering the evidence, the Public Health Wales Incident Response Group recommended flavours should be restricted to tobacco, mint, menthol and fruit.<sup>viii</sup>

The ASH Wales Youth Vaping Survey (2024) of 12,524 pupils from year 7 through to year 13, found only 8% of current youth vapers in Wales (n=883) cited taste or flavour as their main reason for vaping,<sup>ix</sup> indicating flavour is a secondary factor rather than a primary driver of uptake.

National data supports this, the ASH GB Youth Survey 2025 finds that while many young people who vape choose fruit (59%) or sweet (17%) flavours, their main motivations relate to stress, curiosity, social factors and nicotine dependence, not flavours.<sup>x</sup> In contrast adult GB vaping data shows flavours play a meaningful role in cessation, with 44% of adult vapers using fruit flavours.<sup>xi</sup>

Welsh and GB evidence points strongly toward the importance of marketing, naming and packaging rather than flavour chemistry. Young people describe being drawn to products with sweet smells and colourful designs, yet flavour is not cited as their primary motivation. Adults, however, rely on a variety of flavours including fruit to support cessation.

Effective and lower-risk strategies include standardising or regulating flavour descriptors, restricting child-appealing names, implementing regulated packaging, and intensifying enforcement, which together reduce youth appeal while avoiding unintended consequences for adults who use flavoured vapes to support cessation.

- **Evidence on heavy metals in vape liquids**

International studies suggest that illegal or poorly manufactured vapes may contain metals such as lead, nickel or chromium, usually leached from heating coils. Illegal, high capacity vapes pose a greater risk than regulated products.<sup>xii</sup> Strengthened enforcement and education is therefore the most urgent action.

## Nicotine

- **How nicotine is absorbed**

Nicotine absorption from vaping products is influenced by device design, nicotine formulation and user behaviour. UK evidence shows most legal liquids deliver lower nicotine peaks than cigarettes, but modern devices using nicotine salts can achieve rapid and efficient absorption.<sup>v</sup>

Youth dependence indicators in Wales are significant. The ASH Wales Youth Vaping Survey (2024) shows 45% of young vapers cannot get through a school day without vaping and 92% use nicotine-containing products. In addition, 55% of Welsh youth vapers use likely-illegal high-capacity vapes, where nicotine concentrations are unknown.<sup>ix</sup> The ASH GB Youth Survey 2025 shows that 47% of youth vapers report strong or very strong urges to vape, up from 26% in 2020,<sup>x</sup> suggesting increasing nicotine dependence.

For adults who smoke, effective nicotine delivery is beneficial for cessation. A living Cochrane review finds high-certainty evidence that nicotine-containing e-cigarettes significantly increase long-term quit rates compared to nicotine-replacement therapy, and moderate-certainty evidence that they are more effective than nicotine-free e-cigarettes.<sup>xiii</sup>

Overall, nicotine is absorbed efficiently from vaping, particularly from illegal devices. Regulatory effort should prioritise reducing illicit supply and youth-appealing design features, rather than altering the nicotine chemistry of legally regulated products.

- **Impacts on businesses**

New regulations will impose financial and operational costs, but evidence suggests manufacturers and retailers can adapt if change is clear, phased and properly supported. International experience and the rapid market response after the single-use ban show the sector's technical capacity to deliver compliant products quickly.

Wales-specific enforcement intelligence suggests that the period around the disposable vape ban was associated with a marked increase in public reporting of illegal tobacco and vapes, underlining the value of sustained public communications alongside enforcement.

In our national “No Ifs. No Butts.” reporting portal, total monthly reports rose sharply after June: average reporting in June-September was around four times higher than in January-May (70 vs 17 reports per month), before falling back in October-November (a 41% reduction compared with June-September, and 60% lower than the September peak).<sup>xiv</sup>

This pattern is consistent with short-term disruption and heightened awareness/reporting around the introduction of tighter controls. Short-term disruption does not outweigh the benefit of tighter regulations but rather

underscores the need for clear communication strategies for both public and retailers and better enforcement support.

The ASH Wales Retailer Survey (2024) shows that legitimate retailers in Wales are generally supportive of stronger regulation. For example, 87% of Welsh retailers support mandatory age verification for anyone who looks under 25 buying vapes, and 83% support requiring vapes to be kept behind the counter. A majority (71%) also support prohibiting all in-store advertising of vaping products.<sup>xv</sup>

Experience from previous tobacco regulations indicates retailers can adapt successfully. UK-wide surveys conducted by NEMS/ASH (2024) show 74 to 75% of small retailers reported no negative impact or a positive impact from the removal of point-of-sale displays and the introduction of standardised packaging.

To minimise disruption, regulatory changes should be introduced with clear communication across all four nations, sufficient lead-in time, and accessible training. A retailer licensing scheme would help strengthen supply-chain traceability, support compliant retailers, and provide enforcement bodies with proportionate tools to act against repeat offenders. Such an approach would protect legitimate businesses while reducing the availability of illegal products in the retail market.

- **Should the 20 mg/mL nicotine limit be reassessed?**

The current UK nicotine limit of 20 mg/mL remains broadly appropriate for most adult smokers who use vaping products as a cessation tool. Evidence from OHID's Nicotine Vaping in England review (2022) indicates that while vapes typically deliver lower nicotine levels than cigarettes, experienced users can achieve adequate nicotine delivery at legal UK strengths, particularly with modern devices. Higher strengths, such as those found in jurisdictions without a cap or with a higher limit, may increase the risk of youth addiction without providing additional benefits for smoking cessation.<sup>v</sup>

Nicotine salt formulations, enable smoother inhalation and faster absorption than traditional freebase nicotine, as shown in independent pharmacokinetic.<sup>xvi</sup> This means nicotine delivery efficiency is shaped as much by device design and formulation as by the concentration of nicotine itself.

Welsh evidence highlights the main risk does not come from the regulated nicotine limit but from the illegal market. ASH Wales' Youth Vaping Survey (2024) found that 92% of young vapers use nicotine-containing products, and 55% use likely-illegal high-capacity vapes, many of which exceed legal limits or contain unknown nicotine concentrations.<sup>ix</sup> National data reinforces this trend: the ASH Smokefree GB Youth Survey (2025) reports 47% of youth vapers experiencing strong or very strong urges to vape - up from 26% in 2020.<sup>x</sup> Tackling the illicit supply chain and underage sales is therefore key to protecting young people.

Historical evidence from tobacco control also suggests caution in lowering nicotine limits. Research on 'low-tar' and 'low-nicotine' cigarettes shows smokers tended to

compensate by inhaling more deeply or smoking more frequently, negating intended health benefits.<sup>xvii</sup> Lowering nicotine caps for vaping could similarly lead users to take more puffs or switch to illegal higher-strength products, increasing rather than reducing harm.

Cochrane’s 2025 systematic review finds that nicotine-containing e-cigarettes help people stop smoking for at least six months and are likely more effective than nicotine-free devices, indicating that nicotine delivery is likely to be an important factor in successful cessation.<sup>xviii</sup>

- **Other evidence (oral health, ingredients, emissions)**

Long-term evidence on inhaled flavourings is limited. Illegal vapes pose greater risks than regulated ones due to unknown ingredients and higher emissions.

For nicotine pouches, emerging evidence suggests significantly lower harm than smoking, but their oral health effects including gum irritation or periodontal impacts are under-researched. With pouch use increasing across the UK, and in-particular among young adults, it is important that national surveillance systems, with four nation access, are able to capture oral health outcomes and patterns of use over time.

## Tobacco flavours and accessories

- **Please provide evidence on the effectiveness of banning characterising flavours for cigarettes and hand-rolled tobacco on reducing tobacco consumption.**

The UK ban on flavours in cigarettes and hand-rolled tobacco which only applies to characterising flavours and not to flavouring ingredients or additives themselves has left the legislation open to exploitation by the tobacco industry.

Post-ban surveillance using the Smoking Toolkit Study shows menthol cigarette smoking among young adults has fallen but not disappeared: prevalence among 18-24-year-olds dropped from 26% to 19% between 2020 and early 2023, meaning around one in five young adult smokers still report menthol-flavoured cigarettes.<sup>xix</sup>

Among all adults, around one in seven smokers in Great Britain (14%) still use menthol-flavoured cigarettes, despite the ban.<sup>xx</sup>

Research indicates that this continued menthol use is being sustained through loopholes:

- factory-made cigarettes using cooling additives and low-level flavourings that do not meet the legal test for a “characterising” flavour;

- legally sold menthol accessories for roll-your-own tobacco (filters, flavour cards, rolling papers), which provide menthol flavour despite the cigarette flavour ban.

These findings suggest the current characterising-flavour approach reduces but does not eliminate menthol exposure, particularly among young adults, and allows manufacturers to preserve many of the sensory properties that make tobacco more palatable and addictive.

To fully realise the public health benefits of the flavour ban, legislation should be strengthened to prohibit all non-essential additives and flavouring ingredients, rather than only characterising flavours in the final product.

- **Please provide evidence on the use of ingredients that give cigarettes or hand-rolled tobacco a particular flavour or sensation.**

Flavourings are added to tobacco products to modify harshness, create a cooling effect, or impart aromas such as mint, vanilla, cherry, or spice.<sup>xxi</sup> Menthol is the most widely studied additive they are perceived to be easier to inhale and to have a taste that is less harsh. This can facilitate initiation among young and inexperienced smokers.

Other additives such as cocoa, liquorice, and sugars influence the sensory profile of smoke, making it sweeter or smoother. Many are classed as ‘processing aids’ or ‘aroma compounds’ and do not appear on packaging. Studies using sensory panels in the EU and UK have demonstrated that cigarettes can be consistently identified as mint, fruit, or sweet-aroma clusters even when branding is concealed.

EU scientific reviews have concluded that some additives increase attractiveness or addictiveness, though long-term toxicological evidence is limited. Research also shows that manufacturers can formulate products to produce characteristic sensations without using explicitly banned ingredients for example, using cooling agents other than menthol. Overall, certain additives are known to increase product appeal and ease of inhalation, supporting regulatory controls on ingredients that impart a characterising flavour or sensation.

- **Please provide evidence on how the use of flavours for other tobacco products (such as heated tobacco, shisha or chewing tobacco) impacts tobacco consumption.**

Flavours remain widely available in tobacco products not covered by the UK ban on characterising flavours for cigarettes and hand-rolled tobacco.

Cigarillos have become increasingly popular among young smokers.<sup>xxii</sup> Industry data and market surveillance suggest sales have grown since 2020, driven by the availability of menthol-flavoured cigarillos, lower prices, and small pack sizes (10 sticks), which work against the intended public-health impact of the menthol cigarette ban. Flavoured



cigarillos are deliberately marketed to mimic cigarettes, allowing manufacturers to retain menthol products in the market and sustain appeal.

Evidence shows that flavoured shisha can increase experimentation and regular use, with sweet, fruit and mint flavours masking the harshness of smoke and making initiation more appealing to young and inexperienced users.<sup>xxiii</sup> Studies also show that many users underestimate the risks of shisha, despite it delivering high levels of toxins and carbon monoxide comparable to or exceeding cigarette smoke.<sup>xxiv</sup> International and UK community-level studies suggest that waterpipe use is more prevalent among Middle Eastern, North African and South Asian populations, highlighting potential health-inequality concerns.<sup>xxv</sup>

Similarly, flavoured chewing tobacco and emerging oral products (e.g. tobacco-based “chew” or “dipping” products) remain flavoured and attract users who might not start using unflavoured tobacco.

Overall, the presence of flavours in tobacco products maintains youth appeal, encourages experimentation, and worsens inequalities. Extending the flavour ban to all tobacco products would help close these loopholes and reduce harm.

- **Please provide evidence on how the use of flavoured tobacco accessories (for example crush balls and flavoured filters) impacts tobacco consumption.**

Accessories such as crush balls, flavoured capsule filters, flavour cards and flavoured rolling papers remain commercially available in the UK. Evidence from UCL (2024) shows the continued availability of menthol accessories, such as menthol filters and flavour cards, is likely enabling smokers to recreate menthol sensations in cigarettes despite the ban.<sup>xx</sup>

Flavoured filters, papers and crush-ball products are subject to weaker marketing and packaging restrictions than tobacco itself, allowing them to be sold in bright, appealing packaging. This encourages continued use and makes them particularly attractive to young people, who can easily purchase them online and in some shops.

Overall, flavoured accessories, weaken the impact of tobacco-flavour regulations and represent a significant loophole that must be closed if flavour bans are to achieve their intended public-health outcomes.

- **Please provide evidence or information on the impacts on businesses from having to adjust manufacturing or operating practices to meet new regulatory changes, such as those set out in this section of the call for evidence document.**

Evidence shows regulation of tobacco flavours and accessories imposes costs on manufacturers and retailers, particularly during initial implementation. These include stock write-offs, packaging changes, staff training, and adjustments to supply chains.

However, previous UK regulatory changes (e.g., display bans, standardised packaging, menthol-cigarette ban) show that most small retailers adapt quickly.

Surveys conducted by ASH and NEMS indicate that the majority of retailers reported no negative financial impact, and many supported measures that simplify compliance and reduce the market for illicit goods.<sup>xv</sup>

In Wales, ASH Wales' retailer engagement suggests that retailers favour clear rules applied consistently, particularly where regulations close loopholes exploited by illicit suppliers.

Overall, regulatory costs are real but manageable with clear guidance, lead-in time, and enforcement support.

## Vapes

- **If you have any evidence relating to the size and shape of vapes, please include it here.**

ASH Wales supports prohibiting vapes that use branding, colours or device designs which increase youth appeal. Research in Great Britain shows that branded or stylised packaging and device design significantly increases interest in trying vapes among young people, independent of flavour or nicotine content.

Studies also demonstrate that colourful or highly designed devices are perceived as more appealing by adolescents, whereas plain or standardised packaging reduces interest. Although specific evidence on toy- or novelty-shaped devices is limited, the available research clearly shows that design features and branding contribute to youth uptake, supporting regulatory action to restrict youth-appealing forms and styles.

- **If you have any evidence on vape tank sizes, please include it here.**

ASH Wales recognises tank-size policy must balance two public health goals: supporting adult smokers to switch completely to less harmful alternatives, while preventing youth access, appeal and nicotine dependence.

Adult data suggest many vapers use more than 2ml of e-liquid daily. YouGov data commissioned by ASH (2025) indicates around 45% of daily vapers use more than 2ml per day, so a strict 2ml cap may be inconvenient for some adults and can encourage product 'workarounds'.<sup>iii</sup>

Welsh youth evidence indicates the main driver of harm is not tank size in isolation, but ease of access and the availability of cheap, small, concealable nicotine products - often outside regulatory standards.

In ASH Wales' Youth Vaping Survey (2024), 42% of pupils in Years 7–11 said vapes were easy/very easy to get (62% in Year 11). Nearly half (47%) of current vapers got their first vape from a friend, and informal sources (friends/family/someone they know) account

for 36% of current purchases, showing enforcement must address both retail and social supply. <sup>ix</sup>

Most youth vapers reported using nicotine vapes (92%) and 45% said they could not get through the school day without vaping. Importantly, 55% reported using vapes “over 600 puffs”, which are highly likely to be illegal/unregulated and may exceed the intent of the 2ml restriction. <sup>ix</sup>

ASH Wales therefore recommends reviewing the 2ml cap and considering larger tank sizes to reduce product workarounds and environmental impacts. We also recommend closing loopholes that allow high-capacity products to be sold while claiming compliance.

## Heated tobacco devices

- **If you have any evidence relating to the size and shape of heated tobacco devices, please include it here.**

Heated tobacco devices (HTPs) should be subject to the same standards and requirements as for all tobacco products.

The ASH Wales Trends report (2025) shows HTP awareness is rising, overall up from 9% to 24% between 2019 - 2025 and 12% to 32% among 18-24. Experimentation is concentrated in younger adults (18 - 24 “ever tried” 4% in 2025). <sup>xxvi</sup> This growing visibility among young people increases the risk that device form-factor (small, concealable shapes, novelty styling or screens) could drive appeal.

Any regulations which are applied to vaping products to reduce youth appeal should also be applied to HTP devices. Regulation of HTPs should reflect the increased risk of tobacco compared to vapes.

## Licensing

- **We want to ensure that only responsible retailers who do not pose any undue public health or crime risk will be able to have a tobacco and vape licence and sell products to the public. So, we propose that the overarching objectives for the licensing scheme are to:**
  - protect public health - to ensure that retailers and their practices are not posing any undue or excessive risk to the health of the public
  - prevent crime - to ensure that retailers do not pose any undue crime risk and that only law-abiding retailers can sell these products to the public
- **Do you agree or disagree with the proposed licensing scheme objectives?**
  - **Agree**
  - **Neither agree nor disagree**

- **Disagree**
- **Don't know**

- **Please explain your answer.**

ASH Wales agrees that the licensing scheme should aim to protect public health and prevent crime, but we recommend strengthening the objectives so licensing functions as an effective public health and child-protection tool across all four nations.

International and UK evidence shows licensing works best for health when public health and a standalone child-protection objective are a driving force. Hungary's scheme, which is built around public health goals, led to an 85% reduction in tobacco retailers and a 27.6-percentage-point drop in underage sales. However, in countries where the motive for introducing licensing was economic (France, Spain and Italy), there have been none of these impacts. <sup>xxvii xxviii</sup>

Where public health is explicit (for example Scotland) public-health teams report a stronger mandate to shape local policy. However, objectives alone will not guarantee impact. Evidence from alcohol licensing is mixed, and experience in Scotland shows that interpreting public-health objectives can be vulnerable to legal challenge without precise statutory wording and clear guidance. <sup>xxix xxx</sup>

We therefore recommend: Clear statutory guidance on how licensing authorities should interpret the objectives; and a requirement (as in Scotland) for licensing authorities to publish periodic statements of licensing policy to set how objectives will be applied locally and transparently, rather than relying solely on case-by-case decisions.

ASH Wales also notes the practical importance of implementation in Wales: the objectives must be supported by an operating model, guidance and fee-setting that provide sustainable capacity for local administration and enforcement, otherwise the objectives will not be deliverable in practice.

- **What factors should be taken into consideration when making decisions on the granting of a premises licence? In your answer you may want to consider factors such as the location and density of retailers and whether businesses are fixed or mobile, as well as any other factors you consider relevant.**

Decisions on premises licences should be guided by place-based evidence, including local levels of tobacco/vaping harm, deprivation and inequalities. Models similar to the Alcohol Licensing Data Matrix should be developed to guide decision making. <sup>xxxi</sup>

Licensing decisions should explicitly protect children and young people by considering proximity to schools and youth settings, local patterns of under-age access, and cumulative impact/outlet density settings. <sup>xxviii</sup>

Authorities should be able to use over-provision tools (e.g. caps per population, minimum separation distances, and conditions reflecting premises type, hours and product mix), within clear national guidance and local Statements of Licensing Policy.

To support enforcement, premises licences should require minimum standards including robust age verification and staff training, supply-chain traceability and record keeping, and cooperation with compliance checks and test purchasing. Anyone who applies for a tobacco license should have an Economic Operator ID (EOID) to enable them to legally purchase tobacco for onward sale.

Licences should be linked to a UK-wide register equally accessible in all four nations in a timely manner, capturing refusals, suspensions and enforcement outcomes, to prevent cross-border evasion and enable targeted action. Evidence of illicit supply, repeated under-age sales or serious non-compliance should trigger licence review and potential revocation.

Finally, community input should be straightforward (clear routes to make representations, templates and a named contact), and fees must be set to cover the full local costs of administration and enforcement so the system is deliverable in practice.

- **What factors should be taken into consideration when making decisions on the granting of a personal licence?**

Personal-licence decisions should ensure that the named individual is demonstrably competent, accountable and law-abiding. The following factors should be mandatory considerations.

- Basic criminal disclosure (as in alcohol licensing) and declaration of convictions relevant to trading, fraud, organised crime or offences involving children.
- Evidence of no recent licence refusals/suspensions, under-age sale convictions, or links to illicit supply. Loss of EOID or proven involvement in illicit supply should be grounds for refusal or automatic review.
- A simple, standard 'fit and proper' declaration form and access to national licence register checks should be used to verify previous regulatory history
- Holders must be 18 years or older.
- Completion of an accredited course that covers: harms of tobacco and nicotine (including vaping, HTPs, oral products), youth appeal and marketing, age-verification practice and legislation, EOID/Track and Trace and supply-chain responsibilities, licensed conditions (no sale of banned flavours/accessories), record-keeping, and environmental duties (battery/WEEE).

- The personal licence should nominate a responsible person for compliance at premises and require that this person ensure staff training, undertake regular checks and maintain supply-chain records (EOID evidence).
- Licence holders must notify licensing authorities of material changes and be subject to periodic compliance reviews.
- Training must be accessible (language, cost, delivery modes). Fees should cover training accreditation, enforcement and support.
- Automatic review where there is evidence of illicit supply, repeated under-age sales or loss of EOID. Decisions should include a right of appeal and a transparent review process.
- **Should factors affecting decisions on the granting of licences be shaped by local priorities or nationally set criteria, or both? In your answer, please provide examples of criteria that you believe should be set at a national level and any criteria which should be left to local decision making.**

ASH Wales supports both: nationally set objectives and minimum standards, applied locally through Statements of Licensing Policy and informed by enforcement intelligence. This provides consistency and legal clarity across the UK, while enabling proportionate, place-based action to protect children, reduce inequalities and disrupt illicit supply.

What should be set at a national level (UK-wide minimum standards)

- Statutory objectives: explicitly include public health, preventing crime, and protecting children and young people (and consider an environmental duty for batteries/WEEE).
- Core mandatory requirements: minimum age-verification standards, mandatory competence/training for licence holders, and clear, consistent grounds for refusal/suspension/revocation.
- Data and enforcement architecture: a single national register covering premises and personal licences, including refusals, suspensions and sanctions, with guaranteed four-nations access, clear data-sharing rules, common data standards and funded IT/admin capacity.
- Sanctions and fee framework: nationally defined graduated sanctions and a fee model that covers the full costs of local administration and enforcement, with funding secured for Welsh local authorities.

What should be left to local decision-making (within national guardrails)

- Statements of Licensing Policy (reviewed on a regular cycle) setting how national objectives will be applied locally, improving transparency for communities and businesses (Licensing (Scotland) Act 2005 approach). <sup>xxxii</sup>
- Over-provision/cumulative impact tools tailored to local context (e.g., outlet density, proximity to schools/youth settings, premises type and hours), informed by local harm patterns and community input. Evidence reviews link tobacco retail density/proximity with smoking behaviours, <sup>xxxiii</sup> supporting locally tailored controls.
- Local enforcement prioritisation and community engagement should use national templates but allow local targeting based on patterns of non-compliance and youth access.
- The No Ifs. No Butts portal demonstrates how local intelligence can be gathered at national scale: March 2022-August 2025 the portal has logged 1,171 reports UK-wide, including 796 from Wales (68%), with reporting rising year-on-year (195 in 2022; 353 in 2023; 337 in 2024; and 286 in Jan-Aug 2025). <sup>xxxiv</sup>
- Reports largely relate to illegal tobacco (529; 66.5% of Welsh reports) and illegal vapes (442; 55.5%), and nearly one-third (235) raise youth access concerns; 71% (570) identify shops/retail premises as the setting, and 15% (176) include concealment details that support targeted enforcement. The reports also identify hotspots and trends which inform enforcement activity. <sup>xxxiv</sup>

This kind of place-based reporting could be integrated into national and local datasets, enabling a national register to support timely, intelligence-led licensing decisions and enforcement.

This approach also reduces cross-border loopholes: shared national standards and a shared register prevent problem retailers from shifting operations across boundaries, while local policy statements allow Welsh councils to act proportionately where risks are highest.

- **How should licensing authorities reach decisions about whether to grant a licence? In your answer you may want to consider what structures (such as committees) are needed to make decisions, as well as the extent to which interested parties should be engaged in the process. Please explain your answer with reference to the operation of existing licensing schemes.**

Licensing authorities should reach decisions locally within a clear national framework, using structures modelled on existing licensing schemes (e.g. alcohol). Decisions should be made by trained licensing committees, supported by officer reports, with statutory input from Trading Standards, Public Health, Police and Environmental Health where relevant. Straightforward, low-risk applications should be delegated to officers to keep the system proportionate, with committees reserved for higher-risk or contested cases.

Decisions should apply national objectives using local evidence and enforcement intelligence (including test purchase outcomes, complaints and illicit-trade indicators). Committees must have reliable access to a UK-wide licensing database (premises/personal licences, refusals, suspensions, sanctions) and, where applicable, EOID/Track & Trace information - supported by clear data-sharing rules and funded IT - so decisions are enforceable and consistent across borders.

The process should be transparent and fair: publish short decision notices (with sensitive operational intelligence protected), provide simple templates and a named contact so communities and responsible authorities can make representations, and ensure clear routes for review and appeal.

To be workable in Wales, regulations and guidance should clearly set out the Wales operating model and responsibilities. Finally, fees must fully fund local administration and enforcement (including compliance checks and prosecutions) so decisions can be timely, credible and effective in practice

- **If there are any other factors that should be considered in the administration of the licensing scheme, please outline them here. In your answer, you may want to consider transparency of decision-making, requirements to publish information and the process for appealing decisions.**

Convictions, formal warning letters or proven breaches for illegal tobacco/vapes or sales to children should bar an individual from a personal licence for a defined period or trigger immediate review, with a clear right of appeal. Licensing should include transparent review thresholds (e.g., repeated under-age sales, illicit supply, non-compliance).

Trading Standards' investigative material should be provided confidentially to licensing officers/committee members (not published) to protect sources and operations, with decision notices published in short, plain-language English and Welsh, redacting sensitive intelligence.

Adverse outcomes (convictions, warnings, suspensions, revocations and relevant compliance markers such as EOID/Track & Trace status where applicable) should be recorded on a four-nations register accessible only to authorised licensing/enforcement users, supported by clear data-sharing rules and common data standards to prevent cross-border evasion.

Administration should be digital by default with national templates, bilingual forms and clear guidance for applicants and communities. Government should set service standards (target decision times, streamlined renewal for low-risk renewals) to keep the system proportionate and reduce burdens on councils and compliant retailers.

Online and cross-border sales require specific administrative arrangements: nominated UK responsible person, auditable age-verification at delivery, cooperation



with platforms and delivery partners, and intelligence-sharing protocols across authorities.

Fees should be set to cover full local costs and ring-fenced for licensing administration, training, compliance checks and enforcement, with differential fees considered by product category/risk. Finally, build in monitoring and evaluation with annual reporting to demonstrate impact and improve the scheme over time.

- **Please outline any examples of licensing conditions which you believe could be imposed on a premises licence to support the objectives of the scheme.**

Licensing conditions should support the objectives of protecting public health and preventing crime.

Examples of conditions that could be imposed on a premises licence include:

- Cooperation with enforcement: to unannounced inspections, test purchasing, and provision of relevant records on request.
- Record-keeping and traceability: maintain purchase invoices and supplier details for all tobacco/vape stock; keep refusals registers; retain training records; and (where applicable) demonstrate supply-chain traceability and compliance checks to help disrupt illicit trade.
- Staff competence: require a named responsible person on site and mandatory staff training covering age verification, refusal practice, recognising illicit products, and signposting to local stop smoking services.
- Child-protection controls (where justified): allow local authorities to add targeted conditions to reduce youth access risk - for example restrictions on sales during defined high-risk times, or additional conditions for premises located close to schools/youth settings, based on local intelligence and compliance history.
- Product/promotion restrictions linked to risk: conditions prohibiting multi-buy promotions, requiring products to be kept behind the counter/out of direct customer reach, and restricting sales of products associated with youth appeal - within the scope of national regulations.
- Illicit trade triggers: evidence of illicit supply, repeated under-age sales, or serious non-compliance should result in automatic licence review and potential suspension/revocation.
- Environmental compliance additions: require safe take-back arrangements for waste vapes/batteries (WEEE) and proof of appropriate disposal pathways.

These conditions would make licensing a practical tool to improve compliance, reduce youth access and disrupt illicit supply, while remaining proportionate for responsible retailers.

- **Please outline any examples of licensing conditions which you believe could be imposed on a personal licence to support the objectives of the scheme.**

Personal licence conditions should require the licence-holder to be demonstrably fit and proper and to be present on site at specified high-risk times (for example during after-school hours or other locally-identified peak times).

Applicants must prove suitability and complete an accredited course. Once granted, personal licence holders should undertake ongoing learning to maintain competence: accredited refresher training covering smoking cessation support, evolving product risks, enforcement duties record-keeping.

Training must be evidenced and available for inspection; failure to attend required training or to be present for mandated supervised periods should be a ground for review, suspension or revocation.

- **Please provide your views on which licensing conditions could be determined by local councils, and which conditions should be mandatory for all licence holders.**

Mandatory national conditions:

- Legal-compliance clause: explicit duty to comply with all tobacco/vape and environmental law (display, promotion, age-of-sale, product standards, WEEE)
- Environmental take-back / WEEE duty: premises must provide and evidence safe collection/disposal of batteries and used devices.
- Robust age-verification policy: applicants must have and follow a documented age-verification system (modelled on the Tobacco & Primary Medical Services (Scotland) Act 2010). Failure to have or follow the policy should be a sanctionable offence.
- EOID / Track & Trace and national register: EOID required; licence linked to Track & Trace; adverse regulatory outcomes recorded on a restricted four-nations register for authorised enforcement users.
- Enforcement cooperation: allow unannounced inspections and test purchases; immediate cooperation with Trading Standards/police.
- Named responsible person and accredited training: a named licence-holder; staff must complete accredited training with records retained.

Local conditions:

- Examples of local conditions/guidance should be provided nationally.
  - Local licensing authorities should have the flexibility to make conditions locally with reference to their local context and policy.
- 
- **What is an appropriate fee structure for premises licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes, and/or whether fees should vary depending on the type of retailer or other characteristics, such as the size of the business and the products they sell.**

The fees should be set at a sufficient level to fund the administration and enforcement of the scheme. Fees should be linked to inflation to ensure that the cost of administering the scheme does not outstrip fee levels. For example, alcohol licence fees were set in 2003 and have never been revised, meaning that administration and enforcement is increasingly funded by taxpayers rather than businesses.

Fees should be set nationally but ring-fenced to fund Welsh Trading Standards, licensing teams and Public Health.

Consideration should be given to a two-tier, risk-based model: separate licences for tobacco and vapes/nicotine, with higher fees for tobacco to reflect greater harm.

A banding by scale and risk could also be considered, with bands based on turnover / number of outlets / online sales; higher fees for multiple outlets, online sellers and high-risk product mixes; concessions for small independents and reduced fees where vapes are provided as part of clinical cessation services (pharmacies, NHS settings and prisons).

National baseline and local surcharge: national baseline fee to fund central infrastructure (register, IT, guidance); local surcharge to fund enforcement and consultation costs - both set to ensure predictable funding across the nations.

- **What is an appropriate fee structure for personal licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes.**

Licence fees vary widely across different types of licences - apply the same principle as premises licence fees - should cover the full costs of administration and reflect the relative harms of tobacco vs nicotine products.

- **Please provide your views on whether fees should be set at a national or local level. In your answer, you may want to refer to the operation of existing schemes.**

National settings, locally applied - national fee-setting creates consistency, avoids patchwork challenge and ensures a level playing field; national fees must be ring-fenced and distributed to local authorities to fund enforcement and IT access (Welsh access must be guaranteed).

Local surcharges may be applied by licensing authorities only where transparent and justified (e.g. for bespoke local enforcement programmes), but the core fee and fee bands should be set nationally and reviewed regularly (or linked to RPI).

National setting reduces legal challenge risk, enables the national register and four-nations data sharing, and ensures Welsh Trading Standards and Public Health get sustainable funding rather than relying on discretionary funding.

- **How long should a licence be granted for? In your answer, please consider both personal and premises licences.**

A three-year grant period should be sufficient for both personal and premises licences. Three years is long enough to avoid excessive administrative but short enough to require licence-holders remain compliant and to allow policy updates.

- **How should the renewal of licences be managed? Please consider the renewal of both personal and premises licences. You may also want to refer to the operation of existing schemes.**

Renewals should be proportionate and automated where possible: an annual notification combined with a three-year formal renewal application. For personal licences: proof of current accredited training, no adverse enforcement findings and an unchanged fit-and-proper status should allow straightforward renewal. For premises licences: renewal application every 3 years with a short local risk update where relevant (or a nil-return where nothing has changed), audit of records (training, refusals, EOID/Track & Trace) and payment. Use digital portals to pre-populate data and speed processing. Licensing fees must fund proactive compliance checks (test purchases) tied to renewal cycles. Clear shortened procedures should exist for low-risk renewals; full reviews reserved for flagged cases.

- **How should a retail licensing scheme be administered for online retailers and compliance monitored? In your answer, you may want to consider whether the approach taken should differ from the approach for physical premises, and/or refer to the operation of existing schemes.**

Online retailers should be licensed and held to the same core conditions as physical premises plus additional obligations: robust, auditable age-verification at delivery, written agreements with delivery partners, evidence of remote ID checks and regular proof-testing of delivery ID checks.

Consignments must be sealed and addressed and handed only to a verified adult at delivery (or collected from a secure, ID-checked point). The Public Health (Wales) Act 2017 clause which prohibits the handing over of tobacco or nicotine products to people under the age of 18, provides a strong template which could be adopted as a licence condition and mirrored in regulation.

The licensing authority should require online operators to provide logs of checks and sample-test result data. Online sellers should also be required to nominate a UK-based responsible person and accept that licences can be suspended for systemic failures.

Where possible require a UK bricks-and-mortar presence (or a UK responsible person and warehousing) to improve enforcement access. Monitoring must combine digital audit, mystery shopper test purchases and collaboration with parcel operators and platforms. Fees for online sellers should reflect higher enforcement complexity.

- **Please provide evidence of any exemptions which you believe are necessary as part of the retail licensing scheme.**

All retailers selling tobacco, vapes or nicotine products should be licensed so the scheme covers the full retail supply chain. Targeted fee reductions could be considered for certain healthcare settings, prisons, pharmacies where vapes are used as clinical cessation tools. Exemptions risk creating evasion routes for criminals and weaken enforcement.

- **How can the licensing scheme be implemented effectively? In your answer, you may want to consider the application process for existing retailers during the implementation of the scheme and whether it should differ from applications after the scheme has been implemented.**

Implementation must be nationally coordinated and four-nation inclusive: establish a Wales-represented implementation taskforce (licensing, Trading Standards, PHW, WLGA).

Key steps: national regulations and guidance, bilingual templates (posters, age-verification), national register with equal four-nation access, accredited training rollout, pilot sites, and a clear communications plan for retailers.

For existing retailers, allow a single transitional application window (e.g. 6 months) with a reduced fee for timely applications and staged compliance checks. No “grandfathering” that gives unfair advantage; ensure small retailers are supported with simplified guidance.

- **How long is required to implement the licensing scheme? In your answer, please consider the time required, following the introduction of regulations, to set up the scheme as well as the time required for applications to be processed.**

A scheme should be introduced as soon as is practically possible and should be in place by the end of this UK parliament.

Other measures in the bill (such as the generational ban) should not be delayed as a result of the licensing scheme.

- **If there is anything else that should be considered in the implementation of the scheme, please outline it here. In your answer, you may want to consider any support retailers and local councils will require to effectively implement the scheme.**

Ring-fenced national funding for Welsh enforcement and cessation services.

Guaranteed Welsh access to the national register and IT funding; national bilingual materials; an implementation taskforce.

Ensure statutory wording of public-health objectives is precise to reduce legal challenge and provide national evidence packs and ensure local decisions defensible. Finally, build monitoring and evaluation into the scheme and report annually on enforcement outcomes and youth access trends.

- **Please provide evidence of the impacts on retailers or any other businesses of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples.**

International and UK evidence indicates tobacco/vape retail licensing can deliver public-health gains (notably reductions in retailer numbers and under-age sales) while imposing manageable burdens on legitimate retailers - provided fees, implementation and enforcement are designed to protect small businesses and to resource local enforcement.

Previous regulatory changes (point-of-sale display bans, standardised packs) were not widely seen as burdensome: a 2022 NEMS/ASH survey found three-quarters of retailers reported no burden or a positive impact. In addition, 81% of small convenience retailers supported a tobacco retail licence. This suggests a well-designed licence need not unduly harm legitimate businesses.

A licensing regime raises the bar for entry, reducing the number of retailer who are ill-equipped to prevent under-age sales; The scheme is likely to improve compliance and transparency even if it does not by itself eliminate organised criminal sales.

- **Please provide evidence of potential public health benefits as a result of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples.**

Tobacco is a uniquely harmful consumer product that kills up to two in three of lifetime users. There are no other legal products on the market that compare in terms of the harm it causes. However, any type of enterprise can currently sell tobacco, in contrast to other harmful products like alcohol, which require retailers to hold a licence.

Hungary's licensing system (public-health framed) reduced retailer numbers by 85% and under-age sales by 27.6 percentage points, showing licensing can change market structure and youth access when applied resolutely.

Licensing supports enforcement and helps control product quality/registration for vapes, reinforcing excise and product rules. Evidence from alcohol licensing is mixed, but where public-health objectives and local policy statements are used consistently, health outcomes (e.g. reduced hospital admissions) have been observed.

Wales' No Ifs. No Butts reporting portal gives licensing a ready evidence base to target hotspot enforcement, tailor local conditions and justify interventions to protect children and reduce inequalities. Licensing will be most effective where local risks and portal intelligence inform decisions.

## Registration

- **Please provide evidence on the effectiveness or ineffectiveness of the current notification system for tobacco and herbal smoking products.**

The current notification regime could be improved. Trading Standards use existing lists for shisha/herbal checks, but official tobacco lists (HMRC and others) are often stale and slow to correct.

The regime lacks robust powers and funding for pre- and post-market testing, no mandated UK-based responsible person for accountability, and weak removal powers for non-compliant products - a problem exposed after the menthol ban when routine product testing was not possible. The disparate notification platform and uneven fees mean the competent authority cannot reliably verify or finance necessary surveillance.

Pre-market registration, a UK responsible person, standardised test methods, an online portal with a registration number printed on packaging, annual renewal fees, rapid delisting powers and dedicated funding for market surveillance. These changes will make the register an enforceable tool.

- **Please provide evidence on the effectiveness or ineffectiveness of the current notification system for nicotine vaping products.**

The MHRA notification portal does not reliably ensure compliance. Market surveillance repeatedly finds notified products on sale that fail TRPR or wider regulatory requirements. Key weaknesses: inconsistent test data formats/methods, limited authority to check CLP and other rules, no robust UK accountable person, and one-off notifications that leave obsolete records on the register. These gaps undermine enforcement and retailer confidence.

Mandatory pre-market testing against standardised methods, an approved lab list, UK-based responsible person for each product, product registration numbers on packaging, annual renewal fees, and clearer powers to delist non-compliant products quickly. Funded, sustained post-market surveillance is essential so Trading Standards can act on non-compliance and protect consumers.

- **If you have any evidence on the market for the products in scope, please provide it here, specifying which product or products you are referring to.**

ASH Wales's report (2025) into trends in awareness and uses of nicotine products in Wales from 2014-2025 offers some key insights into the market:

## Nicotine pouches

Nicotine pouches have expanded rapidly in Wales: general awareness rose from 32% (2020) to 52% (2025) and ever-tried to 6% (2025). Among 18-24s, awareness reached 79% and current use 10% in 2025. GB data show adult current use 1.1% but rapidly increasing among younger adults; importantly, 3.8% of 11–17-year-olds in GB report trying pouches (210k children), underlining youth exposure. These trends make pouches a priority for registration and youth-focused monitoring. <sup>xxvi</sup>

## Heated Tobacco Products (HTPs)

HTP awareness in Wales rose from 9% (2019) to 24% (2025); but use remains low with ever tried at 2%, among 18-24s this is 4% (2025) from 2% (2019). GB estimates show 3.3% of adults have tried HTPs with 0.7% current use. Rising visibility and higher awareness among young people argues for inclusion of HTPs in registration to control marketing and product standards. <sup>xxvi</sup>

## Cigarette papers and tobacco devices

Cigarette papers and devices are less large in market share but important for regulation because they interact with hand-rolled tobacco, flavoured accessories. Flavoured cigarillos/roll-your-own gaps have sustained youth appeal; registration of papers/devices helps trace product pathways and enforce product standards.

- **The bill specifies that the regulations may require the following information as part of a product's registration:**
  - the reasons for an ingredient's inclusion in the product
  - images (for example, an image of the product or its label or packaging)
  - information relevant to any risks or suspected risks to human health or safety posed by the product
  - information about substances released into the body of a person using the product or about the emissions released by the product
  - information about the producer's operations
  - information about any individual nominated by the producer in accordance with regulations under clause 97 (responsible person)
  
- **If there is any other information not listed above that should be required before a product can be registered, please outline it here and explain why this is the case.**

Producer Compliance Scheme membership (recycling/WEEE) for vapes, with proof; registrations rejected without it.



- **Please provide evidence on existing testing regimes and their effectiveness and any testing standards which are used in relation to the products in scope.**

Testing is key to public confidence and communication, however the existing mechanisms are inconsistent, costly and slow (different units, puff regimes, lab methods), hampering enforcement and comparison.

Regulations must specify test methods, puff regimens, units and lists of analytes; DHSC should publish an approved ISO-accredited lab list (UK/EU). Tests should cover emissions, nicotine yield, listed additives (aldehydes, synthetic coolants, sweeteners), and device safety (battery/heating coil materials).

A funded four-nations market-surveillance programme with random and intelligence-led sampling would be highly beneficial.

- **Please provide evidence on the most effective point in a product's route to market for testing to be conducted. For example, before registration.**

Pre-market (required before registration): ensures only tested products enter the market and that labels reflect tested samples.

Ongoing post-market surveillance: random, targeted (based on intelligence such as No Ifs No Butts.) and on renewal to detect non-compliant imports or later formulation changes.

- **Please provide evidence of existing schemes where a 'responsible person' can be nominated to submit information on behalf of an organisation, and their effectiveness. Please also provide any information relating to rules around who is allowed to submit information.**

Manufacturers must be required to designate a responsible person for each product registered. This person must be based in the UK and be accountable for the products registered in their name. They must be able to provide the documents required, within a reasonable time, and be responsible for recording any Yellow Card issues and taking recall action if necessary. Checks will be necessary to ensure that manufacturers provide a valid responsible person. The competent authority must have the power to withhold registration of products from manufacturers who have not listed a responsible person who meets these requirements.

Wales must have timely access to the national register so Trading Standards can contact responsible persons and act on intelligence. Responsible persons should also confirm producer-compliance scheme membership and provide proof of WEEE arrangements.

- **Under the existing notification schemes, producers or manufacturers must pay a fee or fees as part of the notification process. For tobacco products, these fees vary depending on the product. The fees for a cigarette are:**
  - £200 for a new notification
  - £200 for a substantial modification of an existing product
  - an annual reporting fee of £100

Cigarettes are also subject to a testing fee of £1,000, or £167 multiplied by the number of samples required in the period if there were 5 or fewer.

The Medicines and Healthcare products Regulatory Agency charges £150 for notification of a nicotine vape.

- **What fees should be charged for registration and testing of a product? You may refer to the fee regimes for the existing notification systems as a basis. Please provide rationale and any supporting evidence.**

Fees should cover the full cost of a credible registration system: administration, pre and post market testing, market surveillance, enforcement (including test-purchasing and prosecutions), IT/registry operation and work to improve compliance.

#### **Separate fee structures for tobacco and for vaping/other nicotine**

**products:** Tobacco registration fees should be higher to reflect greater harm and industry profitability; vaping/non-nicotine product fees should be lower but sufficient to fund surveillance. This follows the Ireland precedent.

**Per-product registration and annual renewal:** Apply a registration fee per product plus an annual renewal fee to incentivise removal of obsolete products and fund ongoing surveillance/testing. A separate testing fee should reflect analytical complexity and number of samples required.

**Differential supplements for higher-risk product mixes:** Modest supplements where products require more complex testing (HTP hardware, novel ingredients, oral pouches) or where evidence indicates higher youth appeal (small packs, flavour accessories).

**Indexation and regular review:** Fees must be uprated (e.g. RPI) or reviewed regularly in regulation to avoid fee erosion as occurred with alcohol licensing.

**Ring-fenced Welsh funding.** National fee revenue (or the Wales share) must be ring-fenced so Welsh Trading Standards and local licensing teams have predictable funding. This protects Welsh enforcement capacity and avoids the risk that uplifts are absorbed elsewhere.

**National baseline and local surcharge:** set national minimum fees to fund central infrastructure (national register, approved-lab list, IT API), with a transparent local surcharge option to fund local market surveillance and local risk assessment work.

**IT/data & access costs included:** fees must explicitly fund the national register and guarantee timely Welsh access so councils can act on cross-border and online non-compliance. The *No Ifs. No Butts* portal show Wales' need for integrated data and local risk-driven enforcement.

- **Please provide evidence or views on eligibility criteria for registration, including criteria for cancellation or suspension of a registration.**

Registered products must comply with all relevant product regulation and be removed from the register if they are not. The offence of sale or supply of unregistered products should sit with the retailer as well as the producer. Currently, only the producer can be prosecuted for non-notification of products. This would incentivise retailers to ensure that they are only selling legal, registered products.

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