

Battery Notification – Replacement File.

Legal Position.

Using feedback from regulators who have responded to our questions we understand that member states discussed and agreed at the European Commissions Working Group on the notification of e-cigarettes and refill containers, that only electronic cigarettes (refillable and disposable) that contain or are capable of containing nicotine in the form of e-liquid need to be notified, along with individual parts that contain or are capable of containing nicotine in the form of e-liquid. We also understand that equipment such as small mouthpieces, batteries and other elements that would qualify as an individual component, but can in no way contain, or could in no way contain nicotine in the form of e-liquid, do not require a notification.

This Product.

This product is sold as and purchased as a battery unit or a battery container unit, it can be used with many different products, it is not designed to be used with a specific liquid, a specific cartridge or a specific tank, it is sold without a cartridge or a tank, and at no point during its use does it come into direct contact with an eliquid. We believe, based on the definition of what does not need to be notified this product qualifies. We have confirmed this to be true with the MHRA in the UK and without a response on the subject from each European country that we have contacted we can only presume that this logic is shared throughout the rest of Europe.

Our Decision to Notify.

Based on feedback from within the supply chain we have decided to notify this product under the 'other' category in order to maintain a level of consistency across the entire product range and reduce complications as a result of misinformation regarding what does and what does not need to be notified . Misinformed trade buyers are already requesting an ECID for every product they purchase and without an ECID certain trade buyers are unwilling to commit to a purchase.

Emissions and Nicotine Consistency Testing.

During the product development process tests were carried out to analyse the products performance:

The emissions tests which were performed using different tanks and one type of eliquid all produced very different results, this is because the emissions tests are designed to measure the emissions from the liquid itself and the hardware that comes into direct contact with the eliquid not the source of the power so the different tanks were causing the variations within the results. The tests were repeated using a different battery unit with the same output with the same tanks and the same liquids, the results were the same, this confirmed that the battery unit itself in no way effected the outcome of the tests, we therefore conclude that the results from the emissions tests are only relevant to the liquid used during the test and the hardware that came into direct contact with the liquid and not this product (the source of the power). It is our belief that any emissions tests filed in association with this product could be considered false and deceptive.

The nicotine consistency tests which were performed using different tanks and one type of eliquid also produced very different results, this is because the nicotine consistency tests are also designed to measure the nicotine consistency from the liquid itself and the hardware that comes into direct contact with the eliquid not the source of the power so the different tanks were causing the variations within the results. The tests were repeated using a different battery unit with the same output with the same tanks and the same liquids, the results were the same, this confirmed that the battery unit itself in no way effected the outcome of the tests, we therefore conclude that the results from the nicotine consistency tests are only relevant to the liquid used during the test and the hardware that came into direct contact with the liquid and not this product (the source of the power). It is our belief that any nicotine consistency tests filed in association with this product could be considered false and deceptive.

This Document.

This document is being uploaded with this notification via the EUCEG because the XML creator has a technical bug which requires an emissions file and a nicotine consistency file to be submitted for all products being notified, because we can not achieve this without providing false and potentially deceiving information (as stated above), we are using this document as a replacement file to make the notification possible.

We believe this should prove acceptable to the receiving regulator because this product is not one that legally needs to be notified, but we are doing so anyway to help make the system more complete.