



Department
of Health

The UK's implementation of the Tobacco Products Directive

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What happens next?

- All MS to have transposed by May 2016 – transition up to May 2017 latest
- Transposition checks by European Commission.
 - Letters by Commission already sent to those MS late to transpose
 - Checks on correct transposition to follow
- Incorrect transposition leads to infraction (fines are substantial)

STATUTORY INSTRUMENTS	
2016 No. 507	
CONSUMER PROTECTION	
The Tobacco and Related Products Regulations 2016	
Made	18th April 2016
Laid before Parliament	22nd April 2016
Coming into force	20th May 2016
CONTENTS	
PART 1	
Introduction	
1.	Citation and commencement
2.	Interpretation
3.	Meaning of producer and supplier etc.
4.	Meaning of unit and consumer pack and the surfaces of a pack
PART 2	
Labelling of tobacco products	
5.	Combined health warnings on tobacco products for smoking
6.	Range and rotation of combined health warnings
7.	General warnings and information messages on tobacco products for smoking
8.	Position of general warning and information message on cigarettes and hand rolling tobacco
9.	Labelling of large cigars and individually wrapped cigars and cigarillos
10.	Health warning on smokeless tobacco products
11.	General conditions applicable to all health warnings on tobacco products
12.	Images of tobacco products targeted at consumers
PART 3	
Emissions, additives and other prohibited ingredients and products	
13.	Maximum emission levels of cigarettes
14.	Measurement and verification of emission levels
15.	No flavoured cigarettes or hand rolling tobacco etc.
16.	No vitamins, colourings or prohibited additives in tobacco products
17.	Tobacco for oral use

Implementation issues

Tank Size

- Trade concerns that some Member States (MS) have not uniformly transposed the limits on tank size (2ml).

Flavours

- A limited number of Member States are restricting flavours used in e-liquids.

Notification

- MHRA to cover in more detail in their presentation

Advertising

- Guidance issued on DH website – further issues being consulted on by ASA

Age of Sale – Compliance Testing

- 634 compliance tests conducted by Trading Standards (January and March 2016)
- Illegal sales made on 246 occasions (non-compliance rate of 39%)
- Non-compliance levels varied too dependent on type of business – national newsagent = 20%; specialist e-cigarette shop = 50%
- Will be liaising with trade associations and undertaking a follow-up piece of work to identify where retailers, especially vape shops, get information on regulation, develop some tailored advice and revisit shops to see if there has been improvement in compliance.

FCTC COP7 India

- Report including decisions available shortly
- Parties invited to prohibit or regulate ‘in ways appropriate to their national laws and public health objectives’ – no change to UK approach
- Parties invited to monitor and report on scientific, regulatory and market developments (inc. initiation and cessation) – no change to UK approach
- WHO requested to report on developing methods for analysis of ingredients and emissions and to continue to provide, upon request, help to Parties
- No further scientific report commissioned by the Conference of the Parties.
- No working party or guidelines proposed.

What Next?

The UK has voted to leave the European Union.

The Department like all others across Government is analysing options to see what opportunities Brexit may present to further public health objectives and support UK industry

This is one of the many areas that the Government will want to consider carefully as part of the process.

In the meantime the UK is still part of the EU and the TPD applies in full.