

Labelling tobacco products and e-cigarettes if there's a no-deal Brexit

How tobacco products and e-cigarettes will be regulated if the UK leaves the EU with no deal.

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Introduction

This guidance provides information on how the regulation of tobacco, e-cigarettes and related products will change if there's a no-deal Brexit.

It is relevant to organisations, businesses and members of the public concerned with tobacco, e-cigarettes and related products.

The current regulations

Current regulations for tobacco and related products are designed to promote and protect the public's health. We will maintain these standards if there's a no-deal Brexit.

Some of the UK law which regulates tobacco products and e-cigarettes currently implements EU legislation, such as the Tobacco Products Directive and Tobacco Advertising Directive. All relevant EU legislation is listed at the end of this guidance.

EU legislation on tobacco and related products covers:

- control of sale of products
- advertising
- product standards (such as ingredients of products and their emissions)
- packaging

The Tobacco Products Directive also sets reporting requirements for tobacco products and e-cigarettes. This means manufacturers must submit information on ingredients and emissions for products before they are placed on the market.

Changes to regulations if there's a no-deal Brexit

The Tobacco Products Directive and the Tobacco Advertising Directive will no longer apply to the UK if there's a no-deal Brexit.

However, the UK domestic law that implements these directives, such as the Tobacco and Related Products Regulations 2016, will remain in

force. There will be minor amendments to make sure it still works effectively after Brexit. These amendments will come into force on exit day.

The amendments will include giving the UK government the power to update the legislation in response to emerging threats, changing safety and quality standards, and technological advances. These amendments will have minimal impact on industry. Their purpose is to make sure that the UK is still able to make technical changes after we leave the EU, where needed.

There will be changes to the way that manufacturers submit information on products and label products with picture warnings after Brexit.

We [consulted with the tobacco and e-cigarette industry](#), representative groups and other stakeholders in October 2018 to feed back on the practical changes that will affect the tobacco and e-cigarette industries if there's a no-deal Brexit.

The notification process from exit day – information for manufacturers if there's a no-deal Brexit

There will be new domestic systems to allow manufacturers to notify tobacco products and e-cigarettes, in accordance with existing rules.

Manufacturers will need to submit information on the new systems for any new products that they wish to sell in the UK or changes to products already notified.

Further information on new systems for notification has been issued directly to the industry.

Labelling tobacco products with picture warnings if there's a no-deal Brexit

New picture warnings for tobacco products will be produced. Copyright for the existing picture library is owned by the European Commission.

Manufacturers will need to make sure tobacco products which include picture warnings produced from exit day onwards are labelled with the new picture warnings.

Further information on new systems for picture warnings has been issued directly to the industry.

List of relevant EU Legislation

Directives

- Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products
- Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products

Delegated Directive

- Commission Delegated Directive 2014/109/EU of 10 October 2014 amending Annex II to Directive 2014/40/EU of the European Parliament and of the Council by establishing the library of picture warnings to be used on tobacco products

Implementing Decisions and Regulation

- Commission Implementing Decision (EU) 2015/1735 of 24 September 2015 on the precise position of the general warning and the information message on roll-your-own tobacco marketed in pouches (notified under document C(2015) 6455)
- Commission Implementing Decision (EU) 2015/1842 of 09 October 2015 on the technical specifications for the layout, design and shape of the combined health warnings for tobacco products for smoking
- Commission Implementing Decision (EU) 2015/2183 of 24 November 2015 establishing a common format for the notification of electronic cigarettes and refill containers
- Commission Implementing Decision (EU) 2015/2186 of 25 November 2015 establishing a format for the submission and making available of information on tobacco products
- Commission Implementing Decision (EU) 2016/586 of 14 April 2016 on technical standards for the refill mechanism of electronic cigarettes
- Commission Implementing Regulation (EU) 2016/779 of 18 May 2016 laying down uniform rules as regards the procedures for determining whether a tobacco product has a characterising flavour
- Commission Implementing Decision (EU) 2016/786 of 18 May 2016 laying down the procedure for the establishment and operation of an independent advisory panel assisting Member States and the Commission in determining whether tobacco products have a characterising flavour
- Commission Implementing Decision (EU) 2016/787 of 18 May 2016 laying down a priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations

Sets out changes to regulation of tobacco products and e-cigarettes if there's a no-deal Brexit.

It includes information for manufacturers on:

- changes to the labelling of tobacco products with picture warnings
- changes to the notification process for tobacco products and e-cigarettes