



Notification Number: 2012/43/UK

## The Tobacco Advertising and Promotion (Display) Regulations (Northern Ireland) 2012.

Date received : 23/01/2012

End of Standstill : 24/04/2012

### Message

Message 001

Communication from the Commission - SG(2012) D/5148

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2012/0043/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201200148.EN)

#### 1. Structured Information Line

MSG 001 IND 2012 0043 UK EN 23-01-2012 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Knowledge and Innovation Group  
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

#### 3. Originating Department

Department of Health, Social Services and Public Safety.



#### 4. Notification Number

2012/0043/UK - B00

#### 5. Title

The Tobacco Advertising and Promotion (Display) Regulations (Northern Ireland) 2012.

#### 6. Products Concerned

Storage units from which tobacco products are sold.

#### 7. Notification Under Another Act

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#### 8. Main Content

Section 7A of the Tobacco Advertising and Promotion Act 2002 as inserted by section 21 of the Health Act 2009 will prohibit the display of tobacco products. A previous set of draft regulations, the Tobacco Advertising and Promotion (Display) Regulations (Northern Ireland) 2011 were notified to the European Commission on 13 October 2010 (reference 2010/0674/UK). Those draft regulations were to provide exemptions where tobacco products are displayed during a sale of the product or during the re-stocking of storage units, provided that no more than 0.75 square metres of the storage unit in which the product is kept, is displayed when the exempt activity takes place. A storage unit is a gantry, cabinet or unit, tray, shelf or other product in which a tobacco product is held pending sale. The draft regulations were to come into operation on 1 July 2011.

The measures now notified are a revised set of the draft regulations and are tabled as "The Tobacco Advertising and Promotion (Display) Regulations (Northern Ireland) 2012." The amendments change the Display 2011 Regulations by increasing the size of the temporary display allowed during an exempt activity, from 0.75 square metres to 1.5 square metres, and by extending the exemptions to include the activities of assessing stock levels for the purposes of stock control, staff training, and the cleaning, maintenance and refurbishment of the storage unit. It is also intended that the amended Display Regulations 2012 will come into operation in October 2012 for large shops, other than bulk tobacconists, and on 6 April 2015 for all other purposes. The regulations do not apply to specialist tobacconists.

#### 9. Brief Statement of Grounds

The intention of the amendments to the Display Regulations is to make them more deregulatory in effect. Evidence shows that the promotion of tobacco products encourages children and young people to start smoking and the aim of this legislation is to protect the health of children and young people by limiting their exposure to the unsolicited promotion of tobacco products. A secondary aim of the legislation is also to support adult smokers who wish to quit smoking.

Following a public consultation on the initial draft regulations and analysis and review of the proposed measures on tobacco displays, the Department has decided to amend the proposals in order to reduce regulatory burdens on business. The amendments to the draft Display Regulations mean that retailers in Northern Ireland will be given a longer period to prepare for a ban by delaying commencement (from July 2010) until October 2012 for large shops - other than specialist tobacconists and bulk tobacconists - and until 6 April 2015 for all other purposes including small shops.

To help make the proposed legislation more practical and less burdensome to operate, the draft amendments:

- increase the size of temporary displays allowed when serving customers and re-stocking, from 0.75 square



metres to 1.5 square metres - regulation 4(2)(b); and

- add to the circumstances exempted from the legislation, during which such temporary displays can occur, for example, to carry out stock-taking and other activities in running a business - regulation 6(3)(a)(b)(c)(d)(e) and (f).

#### 10. Reference Documents - Basic Texts

References of the Basic Texts: Please see Basic Text;

(i) Sections 7A and 7B of the Tobacco Advertising and Promotion Act 2002 (as inserted by section 21 of the Health Act 2009);

[Basic text (i) has been forwarded within the framework of previous notification 2010/0674/UK].

#### 11. Invocation of the Emergency Procedure

No

#### 12. Grounds for the Emergency

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#### 13. Confidentiality

No

#### 14. Fiscal measures

No

#### 15. Impact assessment

Yes

#### 16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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