



Notification Number: 2003/354/UK

## The Tobacco Advertising and Promotion (Point of Sale) (Scotland) Regulations 2003

Date received : 22/09/2003  
End of Standstill : 23/12/2003  
Issue of comments by : Austria, Germany

### Message

Message 001

Communication from the Commission - SG(2003) D/51816

Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notification - Notificación - Notification - Notifica - Kennisgeving -  
Notificação - Ilmoitus - Anmälan : 2003/0354/UK.

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el  
plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei  
ala tästä - Inleder ingen frist.

(MSG: 200301816.EN)

#### 1. Structured Information Line

MSG 001 IND 2003 0354 UK EN 23-12-2003 22-09-2003 UK NOTIF 23-12-2003

#### 2. Member State

United Kingdom.

#### 3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

#### 3. Originating Department

Scottish Executive: Health Department

#### 4. Notification Number

2003/0354/UK – X40M

#### 5. Title

The Tobacco Advertising and Promotion (Point of Sale) (Scotland) Regulations 2003



## 6. Products Concerned

Tobacco products

## 7. Notification Under Another Act

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## 8. Main Content

The Regulations extend to Scotland only and allow exclusions to the prohibition of tobacco advertising under the Tobacco Advertising and Promotion Act 2002 in relation to certain tobacco advertisements, which are published in places where tobacco is sold. The regulations define the meaning of "point of sale". The regulations allow one or more advertisements of tobacco products at point of sale, but together these cannot total more than the size of an A5 sheet of paper. These advertisements are subject to other restrictions. The regulations also allow retailers to display plain price lists or price indications at the point of sale provided these meet specifications set out in the regulations. The regulations also allow tobacco advertisements which may be published on tobacco vending machines, and price lists which may be published on aircraft and ferries (where there is no point of sale or tobacco vending machine) provided these advertisements or price lists meet the specifications set out in the regulations. The Act will be enforced by Trading Standards Officers in Scotland.

## 9. Brief Statement of Grounds

It is estimated that smoking causes 13000 deaths per year in Scotland. The Scottish Parliament agreed that comprehensive controls on tobacco advertising and promotion should be taken at UK level. The UK Government enacted the Tobacco Advertising and Promotion Act 2002, which provide powers to regulate point of sale tobacco advertising. The draft Scottish regulations are designed to restrict advertising of tobacco products to gantries and other units where tobacco products are sold. This will allow businesses to display their products and indicate the information necessary to consumers, but seeks to protect the public, especially children and young people, as far as possible from exposure to promotion of tobacco products. It is estimated that this will help lead to a reduction in the prevalence of smoking in Scotland.

## 10. Reference Documents - Basic Texts

a) 2002/135/UK - The Tobacco Advertising and Promotion Act 2002

## 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

Impact Assessment  
None available

## 16. TBT and SPS aspects

TBT and SPS Aspects

TBT Aspect

NO

The draft does not have a significant effect on international trade.

SPS Aspect

NO

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

David O'Sullivan  
General Secretary  
European Commission

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sent to :

BELNotif Qualité et Sécurité  
Mme Descamps

Bundesministerium für Wirtschaft Referat XA2  
Frau Christina Jäckel

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau MARKL Iris

Bundesministerium für Wirtschaft und Arbeit - Abteilung C2/1  
Frau Brigitte WIKGOLM

Departement of Trade and Industry - Standards and Technical Regulations - Dir 2  
Mr Philip Plumb

EFTA Surveillance Authority  
Mr. Gunnar Thor PETURSSON

ELOT  
Mr E. Melagrakis

Erhvervs- og Boligstyrelsen  
Lene Hald Nielsen



European Free Trade Association

.

Institut Belge de Normalisation  
Mme F. Hombert

Instituto Português da Qualidade  
Sra. Candida Pires

Kauppa-ja teollisuusministeriö  
M. Henri Backman

Kommerskollegium  
Mme Kerstin Carlsson

Min. de Asuntos Exteriores  
Esther Perez Pelaez

Min. of Industry, Energy & Technology  
Mr K. Polychronidis

Ministerie van Financien Belastingdienst - Douane / CDIU  
De Heer IJ.G. van der Heide

Ministero dell'Industria, del commercio e dell'artigianato  
Signor P. Cavanna

NSAI  
Mr Tony Losty

National Agency for Enterprise & Housing  
Laila Østergren

Représentation Permanente du Luxembourg

.

SQUALPI  
Mme Piau

Undersecretariat of Foreign Trade General Directorate of Standardisation  
Saadettin DOGAN