



Notification Number: 2003/358/UK

The Tobacco Advertising and Promotion (Brandsharing) Regulations

Date received : 24/09/2003

End of Standstill : 29/12/2003

Message

Message 001

Communication from the Commission - SG(2003) D/51836

Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notification - Notificación - Notification - Notifica - Kennisgeving -
Notificação - Ilmoitus - Anmälan : 2003/0358/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: 200301836.EN)

1. Structured Information Line

MSG 001 IND 2003 0358 UK EN 29-12-2003 24-09-2003 UK NOTIF 29-12-2003

2. Member State

United Kingdom.

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

Department of Health

4. Notification Number

2003/0358/UK – X00M

5. Title

The Tobacco Advertising and Promotion (Brandsharing) Regulations



6. Products Concerned

Non-tobacco products or services adopting the branding of tobacco products (or vice versa)

7. Notification Under Another Act

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8. Main Content

The draft Regulations are to be made under powers in the Tobacco Advertising and Promotion Act 2002. They prohibit the practice of tobacco brandsharing when used in the course of a business in the United Kingdom. Tobacco brandsharing is a process where a non-tobacco product or service is used indirectly to promote a tobacco product or vice versa. The Regulations prohibit the use of a feature in connection with a non-tobacco product or service, where that feature is likely to be the same as, or is so similar as to be mistaken for, a feature connected with a tobacco product. The Regulations also prohibit the use of a feature connection with a tobacco product or service, where that feature is likely to be the same as, or is so similar as to be mistaken for, a feature connected with a non-tobacco product. Exceptions to the general prohibition are provided. The UK will fulfil its obligation under Article 12 of Directive 98/34/EC (as amended) when these Regulations are officially published.

9. Brief Statement of Grounds

Smoking is estimated to cause 120,000 deaths per year in the UK. The UK enacted comprehensive controls on tobacco advertising and promotion in the Tobacco Advertising and Promotion Act 2002. It is estimated that this measure could reduce smoking by about 2.5%. Research has shown that tobacco advertising bans have to be comprehensive if they are to be effective. Prohibiting (subject to limited exceptions) the practice of tobacco brandsharing further removes an option for promoting tobacco products. A ban on brandsharing is therefore expected to increase the overall effectiveness of the general ban on tobacco advertising, promotion and sponsorship.

10. Reference Documents - Basic Texts

- a) The Tobacco Advertising And Promotion (Brandsharing) Regulations 2004
- b) The Tobacco Advertising and Promotion Act 2002 - 2002/135/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



Impact Assessment

None available

16. TBT and SPS aspects

TBT and SPS Aspects

TBT Aspect

NO

The draft is not a technical regulation nor a conformity assessment procedure in the sense of Annex 1 of the TBT Agreement.

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

sent to :

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Mme Descamps

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