



Notification Number: 2011/490/UK

## Tobacco Advertising and Promotion (Display) (Wales) Regulations 2011

Date received : 29/09/2011

End of Standstill : 30/12/2011

### Message

Message 001

Communication from the Commission - SG(2011) D/52261

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelerítés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2011/0490/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: 201102261.EN)

#### 1. Structured Information Line

MSG 001 IND 2011 0490 UK EN 29-09-2011 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

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

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

#### 3. Originating Department

Welsh Government: Department for Health, Social Services and Children.



#### 4. Notification Number

2011/0490/UK - B00

#### 5. Title

Tobacco Advertising and Promotion (Display) (Wales) Regulations 2011

#### 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. Section 7B of that Act, as inserted by section 21 of the Health Act 2009, provides for exclusions and defences in relation to the offence created in section 7A. The draft Regulations will provide that no offence is committed where the display of tobacco products takes place during a sale of the product, provided that no more than 1.5 square metres of the storage unit in which the product is kept is displayed (draft regulation 4(2)(b)). Draft regulation 6(1) provides that no offence is committed by a display of tobacco products in a storage unit if the display complies with the requirements of regulation 6(2). Draft regulation 6(2) provides that an offence will not be committed if the display: (i) occurs in the course of one of the activities listed in regulation 6(3) being carried out in the ordinary course of business in relation to tobacco products; (ii) is solely as a consequence of that activity being carried out; and (iii) lasts for no longer than is necessary to allow that activity to be carried out. Regulation 6(2)(b) provides that the area of a storage unit that may be displayed cannot exceed 1.5 square metres. The activities listed in draft regulation 6(3) are as follows:

Assessing stock control levels for the purposes of stock control;

Restocking;

Staff training;

Cleaning of the storage unit;

Maintenance of the storage unit;

Refurbishment of the storage unit;

Affixing indications to the front of the storage unit that comply with the requirements for indications set out in regulation 8(3).

Draft regulation 6(4) provides that no offence will be committed if a tobacco product is displayed during restocking if the tobacco products are displayed in the course of being placed in the storage unit only ; and the display lasts no longer than is necessary to place the products in the storage unit.

Draft regulation 7 provides that no offence is committed by a display which is requested by an enforcement officer acting in the course of their duty. Finally, draft regulation 8 makes provision about labelling on storage units. A storage unit means a gantry, cabinet or unit, tray, shelf or other product in which a tobacco product is held pending sale.

#### 9. Brief Statement of Grounds

The aim is to protect the health of children and young persons. There is clear evidence that promotional activities encourage children to start smoking and therefore it is important that displays of tobacco products, like advertising, are prohibited.



#### 10. Reference Documents - Basic Texts

References of the Basic Texts: New Sections 7A and 7B of the Tobacco Advertising and Promotion Act 2002 as inserted by section 21 of the Health Act 2009 (attached).

A note explaining the amendments that the Draft Tobacco Advertising and Promotion (Display) (Wales) Regulations 2011 make to the Draft Tobacco Advertising and Promotion (Display) (Wales) Regulations 2010 that were previously notified (reference 2010/0271/UK) is attached. The amended draft was prepared following a full public consultation

Basic Texts have been forwarded within the framework of a previous notification: 2010/0271/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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