



Notification Number: 2011/451/UK

The Tobacco Advertising and Promotion (Display and Specialist Tobacconists) (England) (Amendment No.2) Regulations 2011

Date received : 30/08/2011
End of Standstill : 01/12/2011 (**29/02/2012**)
Issue of detailed opinion by : Greece,Italy,Portugal

Message

Message 001

Communication from the Commission - SG(2011) D/52062
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 : 2011/0451/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: 201102062.EN)

1. Structured Information Line

MSG 001 IND 2011 0451 UK EN 30-08-2011 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.

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3. Originating Department



Department of Health

4. Notification Number

2011/0451/UK - X40M

5. Title

The Tobacco Advertising and Promotion (Display and Specialist Tobacconists) (England) (Amendment No.2) 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 Health Act 2009) will prohibit the display of tobacco products. In England, the Tobacco Advertising and Promotion (Display)(England) Regulations 2010 S.I. 2010/445 ("the 2010 Display Regulations") 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. These Regulations were notified on 13 November 2009 (reference 2009/0615/UK).

The measures now notified are the draft Tobacco Advertising and Promotion (Display and Specialist Tobacconists)(England) (Amendment No 2) Regulations 2010 (the "draft Amendment No.2 Regulations") which change the 2010 Display 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. The draft Amendment No.2 Regulations also insert a duty on the Secretary of State to review the display regulations and publish a report within five years of them coming fully into force, and within every five years after that. The draft Amendment No.2 Regulations also insert an equivalent duty to review into the Tobacco Advertising and Promotion (Specialist Tobacconists)(England) Regulations 2010 S.I. 2010/446.

9. Brief Statement of Grounds

The new draft Amendment No.2 regulations are deregulatory in effect.

Evidence shows that promotion of tobacco products encourages children to start smoking and the aim of the legislation ending tobacco displays 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.

However, the UK Government also has a priority to reduce the costs and burdens of new regulation on business. Having reviewed the legislation on tobacco displays, the Government decided to continue to implement the legislation in England in order to achieve the expected health gains in the long term, but to amend the regulations to mitigate burdens on business.



In keeping with the Government's approach and initiatives to reduce regulatory burdens on business, the legislation has already been amended to give retailers longer to prepare by delaying commencement from October 2011 until 6 April 2012 for large shops other than bulk tobacconists and specialist tobacconists and from October 2013 until 6 April 2015 for all other purposes including small shops.

To help to make the legislation more practical and less burdensome to operate, the draft Amendment No.2 regulations -

- increase the size of temporary displays allowed when serving customers and re-stocking (from 0.75 square metres to 1.5 square metres)
- 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.

10. Reference Documents - Basic Texts

References of the Basic Texts: As forwarded with the previous Ref no 2009/0615/UK, the Basic Texts are attached -

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

(ii) The Tobacco Advertising and Promotion (Display)(England) Regulations 2010 (as amended by S.I. 2011/1256)

(iii) The Tobacco Advertising and Promotion (Specialist Tobacconists) (England) Regulations 2010. Basic Texts have been forwarded within the framework of a previous notification: 2009/615/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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European Commission

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