



1. Home (<https://www.gov.uk/>)
2. Business and industry (<https://www.gov.uk/business-and-industry>)
3. Labelling tobacco products after the end of the transition period (<https://www.gov.uk/government/publications/labelling-tobacco-products-after-the-end-of-the-transition-period>)

1. Department of Health & Social Care (<https://www.gov.uk/government/organisations/department-of-health-and-social-care>)

Guidance

# Labelling tobacco products after the end of the transition period

Published 19 August 2020



© Crown copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3) (<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/labelling-tobacco-products-after-the-end-of-the-transition-period/labelling-tobacco-products-after-the-end-of-the-transition-period>

This guidance provides information on how requirements for labelling tobacco products will change after the end of the transition period, as a result of the Northern Ireland Protocol. It is relevant to organisations, businesses and members of the public concerned with tobacco products.

## Changes to regulations at the end of the transition period

On 31 January 2020 the UK left the European Union under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (EUWA). The UK is now in the transition period that will last until 31 December 2020, and the government is taking the necessary measures to implement the changes to correct any remaining deficiencies arising from withdrawal which would otherwise remain at the end of this period.

The government will introduce the Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (2020 Regulations) to amend the Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 (2019 Regulations) to implement the obligations of the Northern Ireland Protocol in law. This means further amendments to the way in which the Tobacco and Related Products Regulations 2016 apply in Great Britain (GB) and Northern Ireland (NI) after the end of the transition period.

## Labelling tobacco products with picture warnings from 1st January 2021

### Great Britain

Manufacturers must ensure tobacco products placed on the GB market from the 1 January 2021 feature one of the text warnings with the corresponding colour photograph, listed in the picture library in Schedule A1 to the Tobacco and Related Products Regulations 2016 as amended by the 2019 Regulations.

The pictures were made available to the industry, alongside the relevant cropping guidance, on DHSC Exchange in January 2019.

There will be one set of pictures from 1 January 2021 and no rotations between sets, as is currently the case (the EU picture library features 3 sets of 14 pictures, rotated on an annual basis).

Guidance previously sent out in January 2019 in relation to cropping and sizing of warning images that aimed to ensure that the images can be easily adapted by the industry, and conform to existing legislative requirements in relation to image and pack size can be found on the DH Exchange platform. The government will be recirculating this guidance and reiterating the information on how to access the pictures shortly.

## Sell-through period for products featuring EU pictures on the GB market after 1 January 2021

The Withdrawal Agreement allows the continued supply of tobacco products which were lawfully placed on the market in the UK before the end of the transition period. The European Commission's position set out in the 8 May 2020 notice is consistent with the Withdrawal Agreement on the continued supply of products placed on the market in the EU (including the UK) before the end of the transition period.

We are amending regulation 9 of the 2019 Regulations (the transitional provision). The new provision will allow for all products featuring the EU pictures placed on the UK market before 1 January 2021 to remain on the market until they reach their end user therefore, removing the 12 month sell-through deadline provided for in the 2019 Regulations.

## Northern Ireland Protocol

The Tobacco Products Directive (TPD), and any legislation replacing it or made under it, will continue to apply in Northern Ireland under the terms of the Northern Ireland Protocol after the end of the transition period. However, the TPD and related legislation will no longer apply in GB.

The Northern Ireland Protocol allows the Northern Ireland Assembly to vote to either extend or end alignment with EU law four years after the end of the transition period. This consent vote can take place every four years.

Changes are being made to The Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 for the end of the transition period in relation to tobacco packaging graphic picture warnings.

### Northern Ireland

The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 will amend the provision in the 2019 Regulations to reflect the fact that manufacturers placing products on the market in Northern Ireland must continue to comply with TPD requirements from the end of the transition period. This includes continued use of the EU picture warnings.

For tobacco products being placed on the market in Northern Ireland, manufacturers will need to ensure that products produced from 1 January 2021 onwards continue to feature the EU picture library images in line with the TPD requirements.

There are 3 sets of pictures which are rotated on an annual basis from 20 May and ending on 19 May. Use TPD picture guidance for more detail on the process. ([https://ec.europa.eu/health/tobacco/law/pictorial\\_en](https://ec.europa.eu/health/tobacco/law/pictorial_en)) Manufacturers supplying products from NI to GB will need to ensure these products adhere to GB requirements, featuring the picture warnings listed in the picture library schedule A1 of the Tobacco and Related Products Regulations 2016 as amended by the 2019 Regulations.

### Track and Trace

The track and trace and security marking provisions of the TPD do not form part of this notice. HMRC leads on these measures and are engaging with stakeholders separately.

### Guidance

The government will issue guidance in relation to the changes to notification processes for tobacco and e-cigarette products in due course.

Guidance on the cropping requirements for the pictures that are to be used for tobacco products which are placed on the market in GB was issued in January 2019. The government will be recirculating this guidance and reiterating the information on how to access the pictures shortly.

### The current regulations

Current regulations for tobacco and related products are designed to promote and protect the public's health. We will maintain these standards after the end of the transition period.

Some of the UK law which regulates tobacco products and e-cigarettes currently implements EU legislation, such as the Tobacco Products Directive and Tobacco Advertising Directive.

EU legislation on tobacco and related products covers:

- control of the sale of products
- advertising
- product standards (such as ingredients of products and their emissions)
- packaging

The Tobacco Products Directive also sets reporting requirements for tobacco products and e-cigarettes. This means manufacturers must submit information on ingredients and emissions for products before they are placed on the market.

The Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 made changes to the way in which tobacco control legislation worked in the UK. The regulations included the following changes:

- amending or omitting EU/EEA/member state references
- revoking EU obligations and reciprocal arrangements that will no longer be relevant to the UK
- transferring relevant commission powers under the Tobacco Products Directive to the Secretary of State
- allowing for the establishment of new notification systems for tobacco products and e-cigarettes
- allowing for the use of Australian picture warnings to replace the ones which are owned by the commission
- introducing a fee-making power

Information on the changes The Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 (<https://www.legislation.gov.uk/ukxi/2019/41/made>)

## Further information

The Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 (<https://www.legislation.gov.uk/ukxi/2019/41/made>)

EU Tobacco Products Directive 2014 ([https://ec.europa.eu/health/tobacco/overview\\_en](https://ec.europa.eu/health/tobacco/overview_en))

Revised Northern Ireland Protocol

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/840230/Revised\\_Protocol\\_to\\_the\\_Withdrawal\\_Agreement.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840230/Revised_Protocol_to_the_Withdrawal_Agreement.pdf))

European Commission notice to stakeholders - WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON TOBACCO AND RELATED PRODUCTS

([https://ec.europa.eu/info/sites/info/files/brexit\\_files/info\\_site/tobacco-products\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/tobacco-products_en_0.pdf))

The UK's approach to the Northern Ireland Protocol (<https://www.gov.uk/government/publications/the-uks-approach-to-the-northern-ireland-protocol/the-uks-approach-to-the-northern-ireland-protocol>)