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Guidance

Packaging requirements for tobacco products

Updated 4 January 2021

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This publication is available at <https://www.gov.uk/government/publications/packaging-of-tobacco-products/packaging-requirements-for-tobacco-products>

This guidance provides information on requirements for picture warnings for tobacco products in Great Britain (GB) and Northern Ireland (NI). This guidance is relevant to organisations, businesses and members of the public concerned with tobacco and related products.

The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 has amended 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 GB and NI, including amendments to the requirements for picture warnings on tobacco packaging.

Labelling tobacco products with picture warnings

Great Britain

Manufacturers must ensure relevant tobacco products placed on the GB market after 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.

There is one set of pictures and no rotations between sets.

Northern Ireland

The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 amended the provision in the 2019 Regulations to reflect the fact that manufacturers placing products on the market in NI must continue to comply with the EU's Tobacco Products Directive (T.P.D.) requirements. This includes continued use of the EU picture warnings.

For tobacco products being placed on the market in NI, manufacturers will need to ensure that products feature the EU picture library images in line with the T.P.D. requirements.

There are 3 sets of pictures which are rotated on an annual basis starting on 20 May and ending on 19 May. The T.P.D. picture guidance (https://ec.europa.eu/health/tobacco/law/pictorial_en) provides more detail on the process.

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 in Schedule A1 to the Tobacco and Related Products Regulations 2016 as amended by the 2019 Regulations.

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

The UK has left the European Union. The Withdrawal Agreement allows the continued supply of tobacco products that were lawfully placed on the market in the UK before 1 January 2021.

Through the Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020, regulation 9 of the 2019 Regulations has been amended to remove the 12-month sell-through deadline. The regulation allows products featuring the EU pictures that were produced and first supplied on the UK market before 1 January 2021 to remain on the market until they reach their end-user.

Track and trace

The track and trace and security marking provisions of the ~~T.P.D.~~ do not form part of this notice. HMRC leads on these measures and will engage with stakeholders separately.

Guidance

The Department of Health and Social Care (DHSC) has circulated guidance in relation to the cropping and sizing of warning images for both sets of pictures.

The guidance is available on the DHSC Exchange platform. Please contact Healthy.Behaviours@dhsc.gov.uk if you do not have access to DHSC Exchange.

An updated version of the tobacco packaging guidance will be published shortly.

Further information on legislation

- The Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 (<https://www.legislation.gov.uk/uksi/2020/1316/contents/made>)
- The Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019 (<https://www.legislation.gov.uk/uksi/2019/41/made>)
- The Tobacco and Related Products Regulations 2016 (<http://www.legislation.gov.uk/uksi/2016/507/contents/made>)
- The Standardised Packaging of Tobacco Products Regulations 2015 (<http://www.legislation.gov.uk/uksi/2015/829/contents/made>)
- EU Tobacco Products Directive 2014 (https://ec.europa.eu/health/tobacco/overview_en)

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