



Department  
of Health &  
Social Care

*From Jo Churchill MP  
Parliamentary Under Secretary of State for Prevention,  
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Mr John Dunne  
Director  
UK Vaping Industry Association  
By email to: [REDACTED]

17 November 2020

Dear Mr Dunne,

Thank you for your correspondence to Matt Hancock about vapour regulations in Northern Ireland. Please accept my apologies for the long delay in replying, which has been caused by an unprecedented volume of correspondence in recent months.

As you may be aware, on 28 September the Government laid the Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 to give effect to the EU Withdrawal Agreement and Northern Ireland Protocol. This amended the Tobacco Products and Nicotine Inhaling Products (Amendment etc.) (EU Exit) Regulations 2019. The EU's Tobacco Products Directive, and any legislation replacing it or made under it, will apply in respect of Northern Ireland under the terms of the Northern Ireland Protocol after the end of the transition period. We are committed to meeting all of our obligations under the Protocol, while recognising the unique status of Northern Ireland within the UK and upholding the Belfast (Good Friday) Agreement.

I can assure you that the regulations do not impose any pre-market checks or approvals. On 1 January 2021, product standards set out in the 2020 Regulations will remain the same across the UK for e-cigarette products.

The Government has minimised the burden on industry as much as possible. There will be a requirement to dual-notify on EU Common Entry Gate(EU-CEG) for placing new products on the market in Northern Ireland after 1 January, and a domestic system for placing products on the market in Great Britain (GB). The GB domestic system will require very similar information to that required for submission onto the EU-CEG system. We have also amended the fees structure to allow only one fee payable if producers use both systems.

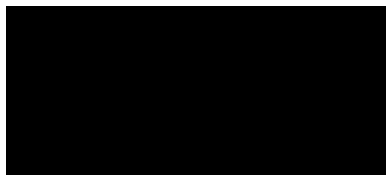
To further help industry prepare, the Medicines Healthcare products Regulatory Agency will shortly be publishing specific guidance on notification requirements for vaping products, as well as hosting webinars with industry members to mitigate concerns and provide clarity on the requirements of the post-transition period.

In terms of future regulatory changes, GB will no longer have to comply with the EU's Tobacco Products Directive after the transition period and there will be future opportunities to consider regulatory changes that help people quit smoking and address the harms from

tobacco. Any changes to do so will be based on robust evidence and in the interests of public health.

You may be interested to know that the Government will carry out a post-implementation review of the Tobacco and Related Products Regulations 2016 and Standardised Packaging of Tobacco Products Regulations 2015 to see if these regulations have met their objectives, examining any unintended consequences that may have occurred. As part of this review we will be launching a public consultation on the regulations by the end of this year, and the whole review is expected to be concluded by 20 May.

As a signatory of the World Health Organization Framework Convention on Tobacco Control, the UK Government has committed to protecting our public health policies from the commercial and other vested interests of the tobacco industry. In line with Article 5.3 of the Convention, we will be making this response public.



**JO CHURCHILL**