
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the retail packaging of cigarettes and hand rolling tobacco to be standardised.

These Regulations implement Articles 13 and 14, and one element of Article 9.3, of Directive 2014/40/EU of the European Parliament and of the Council of 3rd April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (OJNo. L 127 29.4.2014, p1).

Regulations 3 and 7 prescribe the sole colours that are permitted to be used on the external and internal surfaces of the retail packaging of cigarettes and hand rolling tobacco respectively. These two regulations do not prohibit anything that is required by any other enactment, which includes, but is not limited to, mandatory health warnings, security features and fiscal marks. These regulations are subject to the text permitted under Schedules 1 and 3 respectively.

Regulation 4 sets out requirements for individual packets of cigarettes. It stipulates the material that such packets must be made from, the shape that the packet must be, what openings are permitted and the minimum amount of cigarettes permitted in each individual packet. Regulation 8 sets out requirements for individual packets of hand rolling tobacco. It stipulates the shapes or type of packet that are permitted and the minimum weight of tobacco allowed in each packet. These two regulations implement Article 14, and one element of Article 9.3, of Directive 2014/40/EU.

Regulation 5 sets out requirements for the appearance of individual cigarettes, including the permitted colours and text, and the requirements for that text.

Regulation 10 prohibits elements or features of the labelling on the packaging or the actual products, if the element or feature has one of the effects set out in paragraph (3). Paragraph (4) prohibits retail packaging that suggests economic advantage. This regulation applies to all tobacco products. This regulation, together with regulation 19(3), implements Article 13 of Directive 2014/40/EU.

Regulation 11 prohibits packaging for cigarettes and hand rolling tobacco that produces a noise or smell that is not normally associated with that packaging. This does not prohibit any smell resulting from additives designed to give the cigarettes or hand rolling tobacco themselves a smell or flavour, where those additives are otherwise permitted.

Regulation 12 prohibits features of the packaging of cigarettes or hand rolling tobacco that are designed to change after the product has been sold to the consumer.

Regulation 13 makes provisions concerning the registration, under the Trade Marks Act 1994, of trade marks the use of which is affected by these Regulations.

Regulation 14 makes provisions concerning the registration, under the Registered Design Act 1949, of designs the use of which is affected by these Regulations.

Regulations 15 to 18 make provision for offences and enforcement.

Regulation 19(1) and(2) amend section 3(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 and article 4(1) of the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991, to remove the requirement that cigarette packets must have a minimum of 10 cigarettes. Article 14 of Directive 2014/40/EU provides that packets must have a minimum of 20 cigarettes.

Regulation 19(3) revokes regulation 4 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires packets of cigarettes to carry a statement of the tar, nicotine

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and carbon monoxide yields of the cigarettes contained in it. Such statements are now prohibited by Article 13(1)(a) of Directive 2014/40/EU.

Schedule 1 sets out what text is permitted on the retail packaging of cigarettes. Schedule 3 sets out what text is permitted on the retail packaging of hand rolling tobacco. These schedules also set out the colour, typeface, size, location and orientation of the permitted text, and make provision for the use of barcodes and calibration marks on that packaging.

Schedules 2 and 4 make further provisions about the packaging of cigarettes and hand rolling tobacco in respect of the surfaces of the packaging, any lining inside packets of cigarettes, tabs or seals on packets of hand rolling tobacco and in respect of any wrappers. The schedules prohibit inserts or additional materials that are not an integral part of the packaging, required as part of the packaging process or required to protect the product.

A draft of these Regulations has been notified to the European Commission as a technical standard, pursuant to [Directive 98/34/EC](#) of the European Parliament and of the Council (OJ No L204, 21.7.98, p 37) laying down a procedure for the provision of information in the field of technical standards and regulations, as amended.

An Impact Assessment has been prepared for these Regulations and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.