

Transposition Note

Directive 2014/40/EU of the European Parliament and of the Council of 3 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 and repealing Directive 2001/37/EC.

1. This transposition note has been prepared by the Department of Health and sets out at Table 1 how Article 6 Directive 2014/40.EU (“the Directive”) is implemented in the UK.
2. The Department transposed most of the Directive via the Tobacco and Related Products Regulations 2016 (“TRPR”), which were laid on 22 April 2016 and entered into force on 20 May 2016. However it was not possible to transpose Article 6, which obliges tobacco manufacturers to conduct research into the effects of certain additives in cigarettes and hand-rolling tobacco, at that time because the EU had not yet produced the list of additives.
3. The European Commission produced that list on 20 May 2016, in the Commission Implementing Decision (EU) 2016/787. This lays down a priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations and is implemented as set out in Table 2.

Table 1

Article	Objective of the Article	Implementation
6	Priority list of additives and enhanced reporting	Article 6 is transposed by Regulation 2 to the Tobacco and Related Products (Amendment) Regulations 2016.

Table 2

Delegated Act	Powers	Purpose	Implementation
Implementing decision (EU) 2016/787	Article 6.1	Laying down a priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations.	Regulation 3