



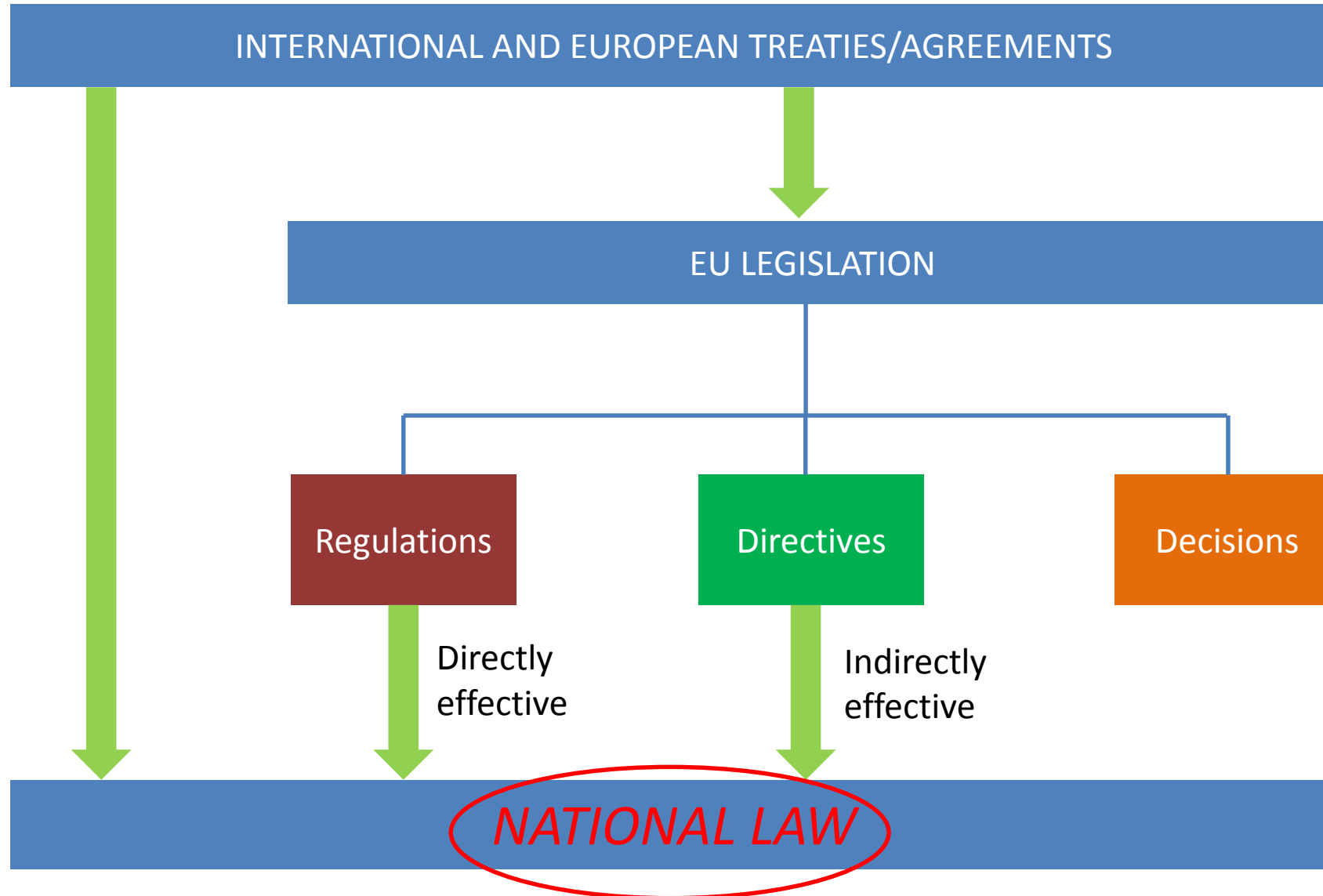
Introduction – UK Implementation of the Tobacco Products Directive 2

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Nothing herein shall be interpreted as legal advice to any party.

EU Legal Framework



We will briefly discuss some UK resources on:

- Premarket notification
- Registration in the UK for online sales to consumers (not B2B)
- E-Cigarette advertising
- Comprehensive Regulatory Resources from www.gov.uk



Premarket notification

UPDATE ON EU Central Entry Gate for Premarket Notification

The European Commission has updated its website setting out temporary instructions for businesses intending to submit notification via the EU CEG portal. Further details are available on the European Commission's website:

http://ec.europa.eu/health/euceg/docs/submit_additional_temporary_instructions_companies_en.pdf

Please note that these instructions are specifically addressed to companies who are ready to make a product submission on 20 May 2016 or immediately after this date.

Further updates and information on the operation of the EU CEG will be posted on the Commission's website.

<http://ec.europa.eu/health/euceg/>

Either manufacturers or importers may submit the premarket notification. If the manufacturer submits it, the importer need not submit. Please note that the information in the notification is mostly confidential in nature (such as product ingredients, sales data etc.), therefore do not expect manufacturers to disclose its content to distributors or importers. Retailers do not need to submit information for any products they sell unless they also qualify as manufacturer.

Retailers have until May 20, 2017 to sell through stock that is not compliant with the labelling and product specifications requirements of the TPD.



UK – Registration for Online Sales to Consumers

UK REGISTRATION FOR CROSS-BORDER SALES TO CONSUMERS

Under UK regulations, from 20 May 2016, you need to register your business if you supply tobacco products and/or e-cigarettes via cross-border distance sales, for example online sales into the UK to consumers.

This applies to:

- businesses established in the UK selling tobacco products and/or e-cigarettes to consumers in another EEA state (European Economic Areas – the 28 EU Member States plus Iceland, Liechtenstein and Norway). **Please note that several other EU states prohibit online sales – so check the laws of the country where your customers are!**
- businesses established in the EEA or third country selling direct to UK consumers.

Businesses that only undertake business to business sales, that is sales not direct to consumers, do not need to be registered.

Registration is a legal requirement under the EU Tobacco Products Directive (2014/40/EU). Without confirmation of registration, businesses must not supply a relevant product to a consumer via cross-border distance sale.



UK – E-Cigarette Advertising

Guidance on the e-cigarette advertising provisions of the Tobacco and Related Products Regulations 2016 has been published by the Department of Health and may be found on the UK Government's website.

It is expected that the Committee of Advertising Practice (CAP) will consult on further detailed guidance in the future.

The government guidance includes a summary table of advertising requirements. In brief, prohibited: broadcast media advertising, including internet, print media, SMS and email, and sponsorship with cross-border effect; B2B communication is permitted, factual information and factual “how to” videos on company websites and retailer sites, as well as non-compensated social media, not paid-for reviews, outdoors posters, leaflets, direct hard copy mail, and point of sale advertising are also permitted.



The screenshot shows the GOV.UK website interface. At the top, there is a search bar and navigation links for Departments, Worldwide, How government works, Get involved, Policies, Publications, Consultations, Statistics, and Announcements. The main content area is titled "Guidance" and "UK law on the advertising of e-cigarettes". It indicates it is from the Department of Health, first published on 11 December 2015, and last updated on 20 May 2016. The text explains how Article 20(5) of the Tobacco Products Directive 2014/40/EU has been transposed into UK law. There are sections for "Document" with a link to the HTML version and "Detail" which provides a brief summary of the directive's requirements.



UK – General Information from www.gov.uk

The UK Tobacco and Related Products Regulations 2016 was Brought before Parliament on April 22, 2016. It implements TPD and came into force May 20, 2016.

The website includes detailed information and guidance for retailers and manufacturers. It includes a chart on transition periods.

