
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under powers contained in the Consumer Protection Act 1987 and the European Communities Act 1972, amend the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (“the principal Regulations”).

Regulations 2, 3 and 6 and the Schedule further implement Article 5.3 of Directive [2001/37/EC](#) of the European Parliament and of the Council of 5th June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (“the Directive”) (OJNo. L 194 18.7.2001, p. 26) under which Member States may require the additional warnings on the back of tobacco packets to be in the form of coloured photographs.

A CD with the required images and a European Commission guidance document on editing the images is available from the Department of Health, and can be sourced by emailing picture.warnings@dh.gsi.gov.uk or writing to the Tobacco Programme at the address given below.

Regulations 4 and 5 amend regulations 11 and 14 of the principal Regulations to extend requirements relating to product descriptions and product prohibitions to packets of tobacco products which are, or are to be, supplied for consumption in other EEA States. This gives effect to Articles 5 and 7 of the Directive.

A Regulatory Impact Assessment and a Transposition Note have been prepared for these Regulations and a copy of each has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment and the Transposition Note can be obtained from the Tobacco Programme, Department of Health, Room 712, Wellington House, 133-155 Waterloo Road, London SE1 8UG.