



STATUTORY INSTRUMENTS

S.I. No. 255 of 2008

EUROPEAN COMMUNITIES (MANUFACTURE, PRESENTATION
AND SALE OF TOBACCO PRODUCTS) (AMENDMENT)
REGULATIONS 2008

(Prn. A8/0995)

EUROPEAN COMMUNITIES (MANUFACTURE, PRESENTATION
AND SALE OF TOBACCO PRODUCTS) (AMENDMENT)
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I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2001/37/EC¹ of the European Parliament and of the Council of 5 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, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Manufacture, Presentation and Sale of Tobacco Products) (Amendment) Regulations 2008.

(2) The European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 (S.I. No. 425 of 2003) and these Regulations may be cited together as the European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 and 2008.

2. In these Regulations, “Principal Regulations” means the European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 (S.I. No. 425 of 2003).

3. (1) The Principal Regulations are amended—

(a) in Regulation 2(1), by inserting the following after the definition of “Office”:

“ ‘packet’, in relation to a tobacco product, means any box, package, container, wrapping or other receptacle which contains the product and in which the product is, or is intended to be, presented for retail supply, excluding any additional transparent outer wrapping which may be discarded on opening and excluding any wrapping of individual cigars or cigarillos and where any such receptacle is or is to be contained in another receptacle (excluding such outer wrapping), includes each such receptacle;”

(b) by substituting the following for Regulation 5:

“5. (1) The tar, nicotine and carbon monoxide yields of cigarettes measured in accordance with Regulation 4, shall be printed on one

¹OJ L 194, 18.7.2001, p. 26.

side of the cigarette packet in the Irish and English languages, so that at least 12% of the corresponding surface is covered.

(2) Each unit packet of tobacco products, except for smokeless tobacco products, shall carry the following warnings:

- (a) one of the general warnings (in both the Irish and English languages) set out in column 2 of Part 1 of Schedule 1 at a reference number in Column 1 in that Part of that Schedule, and
- (b) one of the additional warnings (in both the Irish and English languages) set out in column 2 of Part 2 of Schedule 1 at a reference number in column 1 of that Part of that Schedule.

(3) The general warnings referred to at paragraph (2)(a) shall be rotated in such a way as to guarantee their regular appearance.

(4) The additional warnings referred to at paragraph (2)(b) shall be rotated in such a way as to guarantee their regular appearance.

(5) The general warning referred to at paragraph (2)(a) shall be printed on the most visible surface of the unit packet, and on any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.

(6) The additional warning referred to at paragraph (2)(b) shall be printed on the other most visible surface of the unit packet, and on any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.

(7) Smokeless tobacco products shall carry the following warning:

‘Féadann an táirge tobac seo dochar a dhéanamh do do shláinte agus is táirge andúile é

This tobacco product can damage your health and is addictive’.

(8) The warning referred to at paragraph (7) shall be printed on the most visible surface of the unit packet and on any outside packaging, with the exception of additional transparent wrappers, used in the retail sale of the product.

(9) The general warning referred to at paragraph 2(a) and the warning for smokeless tobacco products referred to at paragraph (7) shall cover not less than 32% of the external area of the corresponding surface of the unit packet of tobacco on which it is printed.

(10) The additional warning referred to at paragraph (2)(b) shall cover not less than 45% of the external area of the corresponding surface of the unit packet of tobacco on which it is printed.

(11) Notwithstanding the provisions of paragraphs (9) and (10), in the case of unit packets intended for products other than cigarettes, the most visible surface of which exceeds 75 cm², the warnings referred to in paragraph (2) shall cover an area of at least 24 cm² on each surface.

(12) The text of warnings and yield indications required under this Regulation shall be—

- (a) printed in black Helvetica bold type on a white background at such a font size as to occupy the greatest possible proportion of the area set aside for the text required;
- (b) in lower-case type, except for the first letter of the message (in each language version) and where required by grammar usage;
- (c) centred in the area in which the text is required to be printed, parallel to the top edge of the packet;
- (d) for products other than those referred to in paragraph (7), surrounded by a black border not less than 3 mm and not more than 4 mm in width which in no way interferes with the text of the warning or information given;
- (e) in the Irish and English languages with the Irish text appearing above the English text, using the same font size in each of the two language versions.

(13) The printing of the texts required by this Regulation on the tax stamps of unit packets is prohibited.

(14) The texts required by this Regulation shall be irremovably printed, indelible and shall in no way be hidden, obscured or interrupted by other written or pictorial matter or by the opening of the packet.

(15) In the case of tobacco products other than cigarettes, the texts required by this Regulation may be affixed by means of stickers, provided that such stickers are irremovable.

(16) To ensure product identification and traceability, the tobacco product shall be marked in any appropriate manner, by batch numbering or equivalent, on the unit packet enabling the place and time of manufacture to be determined.

(17) The requirements of paragraphs (1) to (16) shall apply in respect of all tobacco products being placed on the market in the State.

(18) The requirements of paragraphs (1) to (16) shall not apply to products manufactured in the State for the purposes of being placed on the market outside the State.”, and

(c) by substituting the matter in the Schedule to these Regulations for Schedule 1.

(2) Paragraph (1) shall apply—

(a) with effect from 1 October 2008 in respect of tobacco products placed on the market on or after that date,

and

(b) with effect from 1 October 2009 in respect of tobacco products placed on the market before 1 October 2008.

4. These Regulations come into operation on 1 October 2008.

SCHEDULE

“SCHEDULE 1

Part 1

GENERAL HEALTH WARNINGS [REFERRED TO IN REGULATION 5(2)(a)]

1 Reference number	2 General Health Warning
1	Toradh caithimh tobac — bás Smoking kills
2	Déanann caitheamh tobac díobháil thromchúiseach duit agus do na daoine mórthimpeall ort Smoking seriously harms you and others around you

Part 2

ADDITIONAL HEALTH WARNINGS [REFERRED TO IN REGULATION 5(2)(b)]

1 Reference Number	2 Additional Health Warnings
1.	Giorrú saoil tobac a chaitheamh Smokers die younger
2.	Nuair a chaitear tobac, tachtar na hartairí agus is é cúis le taomanna croí agus strócanna Smoking clogs the arteries and causes heart attacks and strokes
3.	Caitheamh tobac is cúis le hailse scamhóg mharfach Smoking causes fatal lung cancer
4.	Má chaitheann tú tobac le linn toirchis, déantar díobháil don leanbán Smoking when pregnant harms your baby
5.	Cosain leanaí: ná cuir iallach orthu do chuid deataigh a análú Protect children: don't make them breathe your smoke
6.	Féadann do dhochtúir nó do chógaiseoir cabhrú leat éirí as caitheamh tobac Your doctor or your pharmacist can help you stop smoking
7.	Is éasca a bheith tugtha do chaitheamh tobac, ná tosaigh leis Smoking is highly addictive, don't start

1 Reference Number	2 Additional Health Warnings
8.	Má éiríonn tú as tobac a chaitheamh laghdaítear an riosca de ghalair mharfacha chroí agus scamhóg Stopping smoking reduces the risk of fatal heart and lung diseases
9.	Féadann caitheamh tobac bheith ina chúis le bás mall pianmhar Smoking can cause a slow and painful death
10.	Faigh cúnamh chun éirí as caitheamh tobac: Íosghlao Stoplíne 1850 201 203 Get help to stop smoking: Callsave Quitline 1850 201 203
11.	Féadfaidh caitheamh tobac imshruthú fola a laghdú agus bheith ina chúis le héagumas Smoking may reduce the blood flow and cause impotence
12.	Caitheamh tobac is cúis le críonadh craicinn Smoking causes ageing of the skin
13.	Féadann caitheamh tobac dochar a dhéanamh don speirm agus laghdaíonn sé torthúlacht Smoking can damage the sperm and decreases fertility
14.	Cuimsíonn deatach beinséin, nítreasaimíní, formaildéad agus ciainíd hidrigine Smoke contains benzene, nitrosamines, formaldehyde and hydrogen cyanide

”.

GIVEN under my Official Seal,
8 July 2008

MARY HARNEY.
Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities (Manufacture, Presentation and Sale of Tobacco Products) Regulations 2003 (S.I. No. 425 of 2003).

These Regulations may be cited as the European Communities (Manufacture, Presentation and Sale of Tobacco Products) (Amendment) Regulations 2008.

These Regulations give further effect to Directive 2001/37/EC¹ of the European Parliament and of the Council of 5 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. In particular, these Regulations require the warning notices and information notices concerning nicotine, tar and carbon monoxide on tobacco products to appear in both the Irish and English languages.

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