



# E-cigarettes

## What you need to know

**From 20 May 2017 we will enforce The Tobacco and Related Products Regulations 2016. Part 6 of these regulations set out new requirements for suppliers, producers and retailers of e-cigarettes and refill containers (e-liquids).**

The legislation will make sure minimum standards for the safety and quality of all e-cigarettes and refill containers (e-liquids) are met and will provide more information to consumers on these products.

Moving forward, **producers** must:

1. Comply with new labelling and product presentation requirements
2. Notify the Secretary of State that they intend to supply electronic cigarettes or refill containers
3. Submit information about their products to MHRA (Medicine and Healthcare Products Regulatory Agency).
4. Establish and maintain a record keeping system for collecting information about suspected adverse effects on human health.
5. Register with the Department of Health if they want to sell products outside the UK or online (Part 8 of Regulations).

From 20 May 2017 **retailers** must not sell e-cigarettes or refill containers that do not comply with the legislation and must check that details of the notification for the product have been published on the MHRA website.

## Duties of retailers

If you sell e-cigarettes or refill containers to the general public, you need to be aware of the transition periods for implementation of the new rules

### 20 November 2016 - 19 May 2017

You may continue to sell products you already have in stock during this period. However, when sourcing new supplies of e-cigarettes or refill containers you should ask your supplier whether the product complies with the new regulations. If it does not, you will only be able to sell the product until 19 May 2017.

### 20 May 2017

You must stop selling any remaining stocks of products that do not comply with the new regulations.

### From the 20 May 2017

When sourcing new supplies of e-cigarettes or refill containers, check that the details of the notification for the product have been published on the MHRA website.

<https://www.gov.uk/government/organisations/medicines-and-healthcare-products-regulatory-agency>

If you cannot find the product on the MHRA website, ask your supplier to produce evidence that the product complies with the new regulations, and has been notified to MHRA. If a producer has not notified the MHRA of the product or the product does not comply with the new requirements, they must not supply it to you.

## Advertising

You must not advertise or promote e-cigarettes and refill containers on TV, on-demand TV, on radio or through information society services (such as internet or email advertising).

Sponsorship and product placement of e-cigarettes is also prohibited.

## Duties of suppliers

### Product presentation

The unit pack and the container may not:

- promote an e-cigarette or refill container
- encourage its consumption.

The packaging must not suggest the product:

- is less harmful than other e-cigarettes or refill containers,
- has vitalizing, energising, healing, rejuvenating, natural or organic properties or has other health or lifestyle benefits,
- has tastes or smells that are not present,
- resembles a food or cosmetic product,
- has improved biodegradability or other environmental advantages, or
- could provide economic advantage (such as discount vouchers or 2-for-1 vouchers).

## Offences and penalties

It is an offence not to comply with any of the requirements of Part 6 of The Tobacco and Related Products Regulations 2016.

It is also an offence for a producer or retailer to provide false or misleading information.

If found guilty of an offence, you may be imprisoned for a maximum of **three months** or fined a maximum of **£5,000**.

## More information

### For further information visit:

<https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>



Derry City & Strabane  
District Council

Comhairle  
Chathair Dhoire &  
Cheantar an tSratha Báin

Derry Cittie & Strabane  
Destrack Council

Important information for  
producers and suppliers of  
**E-cigarettes**

# 1

## New labelling and product presentation requirements

### Part 6 of The Tobacco and Related Products Regulations 2016

A producer is someone who manufactures, imports or re-brands e-cigarettes, refill containers and e-liquids.

#### Product specifications

All products must be:

- child and tamper resistant,
- protected against breakage and leakage, and
- able to be refilled without leakage.

#### Product size

Disposable e-cigarettes must not contain more than 2ml of nicotine liquid.

Refillable e-cigarettes must have a maximum capacity of 2ml.

A refill container must not contain more than 10ml of nicotine liquid.

#### Nicotine content

Nicotine liquid must not contain:

- the nicotine content of more than 20mg per milligram (equivalent of 2%),
- vitamins, colouring or prohibitive additives,
- any ingredients which pose a risk to human health.

#### Labelling requirements

Each e-cigarette or refill packet must come with a leaflet which includes information on:

- instructions for use and storage,
- contra-indications,
- warnings for specific risk groups,
- possible adverse effects,
- addictiveness and toxicity,
- producer contact details or details of contact person in the country of origin,
- list of ingredients in descending order by weight,
- detail of the nicotine content,
- detail of the nicotine delivery per dose,
- batch number,
- recommendations to keep the product out of the reach of children, and
- health warnings, for example 'This product contains nicotine which is a highly addictive substance'.



# 2

## Notify the Secretary of State

All producers must notify the Secretary of State that they intend to supply e-cigarettes or refill containers. You can do this through the European Common Entry Gate (EU-CEG).

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

You will need to create an ECAS account and apply for a Submitter ID number before you can continue with the application process.

There is a step by step guide available on the website.

[http://ec.europa.eu/health/euceg/step\\_by\\_step/index\\_en.htm](http://ec.europa.eu/health/euceg/step_by_step/index_en.htm)

If you have any technical difficulties, please contact SANTE-EUCEG-ITSUPPORT@ec.europa.eu

# 4

## Record keeping

A producer must establish and maintain a system for collecting information about suspected adverse effects on human health.

If you become aware that an e-cigarette or refill is unsafe, poor quality or non-compliant then you must:

- withdraw and recall the product immediately, and
- inform the Secretary of State and other competent authorities of the risks to human health, the corrective action taken and the result of these actions.

If e-cigarettes or refill containers present a serious risk to health, the Secretary of State can stop their supply and make the supplier recall the product.

# 3

## Submit information to MHRA

Producers must submit information about their products to MHRA (Medicine and Healthcare Products Regulatory Agency) through the EU Common Entry Gate (EU-CEG) notification portal.

Producers must collect health and statistical information about their product, and email the MHRA if they become aware that their product is non-compliant. Email the MHRA on

[TPDsafety@mhra.gsi.gov.uk](mailto:TPDsafety@mhra.gsi.gov.uk)

Producers of new e-cigarette and refill container products must notify the MHRA six months before they intend to put their product on the UK market. Producers may only sell existing stock that does not comply with the new requirements if the batch was produced before 20 November 2016.

# 5

## Cross border sales

### Part 8 of The Tobacco and Related Products Regulations 2016

Any retailer intending to sell products online or outside the UK while the business is based in the UK, or vice versa (if you're not based in UK and sell in the UK) must first register with the Department of Health and the competent authority of the country you intend to sell in.

To register you must submit the following about your business to the Department of Health:

- name of retailer,
- retailers trading name (if different),
- the address of each place of business supplying the product,
- website address,
- details of the retailer's age verification system,
- confirmation of registration to supply products from the member state, and
- details of any other member states the retailer is registered with.

#### Register online:

Visit <https://www.gov.uk/government/publications/tobacco-products-and-e-cigarette-cross-border-sales-registration>

When you have submitted your completed registration form and sent all your relevant documents you will receive an email within 20 working days confirming your registration.

You must not supply products outside the UK unless you:

- receive confirmation of registration from the Department of Health and the competent authority in the country you intend to sell in,
- have an age verification system in operation, and
- have confirmation that the consumer age is not lower than the minimum age of that country.

For more information or advice email: [tobaccoproductsdirective@dh.gsi.gov.uk](mailto:tobaccoproductsdirective@dh.gsi.gov.uk)

