



3 September 2014

(14-5001)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| 1. Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2): |
| 2. Agency responsible: Tobacco Control Programme, Department of Health Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Tobacco Control Programme Department of Health Wellington House 133-155 Waterloo Road London SE1 8UG Telephone: +44 20 7210 4850 Email: TobaccoPackaging@dh.gsi.gov.uk Website: http://www.doh.gov.uk |
| 3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other: |
| 4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Tobacco and manufacture tobacco substitutes (HS 24). The draft Regulations relate to the retail packaging of hand rolling tobacco and the retail packaging and appearance of cigarettes as well as the product presentation of all tobacco products. |
| 5. Title, number of pages and language(s) of the notified document: The Standardised Packaging of Tobacco Product Regulations (23 pages, in English) |
| 6. Description of content: The draft Regulations relate to the retail packaging of hand rolling tobacco and the retail packaging and appearance of cigarettes. The draft regulations would not affect other labelling requirements for tobacco products such as health warnings and fiscal marks or features such as authentication markings and security features. The provisions of the regulations only apply to the areas of the packaging remaining after those requirements have been applied. The draft regulations would require the use of specified standard colours for all external and internal packaging and would only permit specified text in a standard typeface. The draft regulations would have the following effect for packs of cigarettes and pouches of hand-rolling tobacco: Pack Colour (Regulations 3 and 7) <ul style="list-style-type: none">• The outside surfaces of packs (external packaging) would be drab brown with a matt finish.• The inside surfaces of packs (internal packaging) would be white or drab brown. |

Permitted text and features (Schedules 1 and 3)

- Text on packaging would be in a grey Helvetica typeface, with a specified maximum size.
- Brand and variant names may appear once on each of the front, top and bottom surfaces of cigarette packs, once on each of the front and back surfaces and on the surface hidden beneath the flap of hand-rolling tobacco pouches.
- A bar code may appear once on a pack or pouch to facilitate sale and stock control.
- A producer's contact details may appear once on a pack or pouch.
- The pack or pouch may include a measurement mark and a trade description (for example: "20 cigarettes" or "30g hand-rolling tobacco").
- If a pack of hand-rolling tobacco includes filters or cigarette papers inside the pack, then the pack may have text giving this information (for example: "includes cigarette papers and filters" or "includes cigarette papers").

Cigarette packets (Regulation 4)

- Cigarette packets must be cuboid and made of either a carton or soft material. If packets can be re-closed or re-sealed, then they must either have a flip-tip lid or be a shoulder box with a hinged lid.
- A pack of cigarettes must contain a minimum of 20 cigarettes.
- Packets of Hand-rolling tobacco (Regulation 8)
- Hand-rolling tobacco packets must be cuboid, cylindrical or in the form of a pouch.
- A pack of hand-rolling tobacco must contain at least 30 grams of tobacco.
- Other provisions (Schedules 3 and 4 and Regulations 11 and 12)
- Pack surfaces must be smooth, with no embossing or irregularities of texture.
- Wrappers must be completely clear and transparent.
- Inserts or other additional material not integral to the packaging would be prohibited
- Individual cigarettes (Regulation 5)
- Cigarettes would be white with a cork effect or white tip and may have text indicating the brand name (in a specified typeface and location).

The draft regulations would also implement Articles 13 and 14 of the Tobacco Products Directive (Directive 2014/40/EU) (see Regulations 4, 8 and 10 of the draft regulations). A web link to an illustration of what a cigarette pack could look like if the draft regulations were to be introduced has been included at section 8 of this notification.

7. Objective and rationale, including the nature of urgent problems where applicable:

Tobacco use remains one of the most significant challenges to public health in the United Kingdom. Smoking is the primary cause of preventable morbidity and premature death, accounting each year for over 100,000 deaths in the United Kingdom. One out of two long-term smokers will die of a smoking-related disease. Due to exposure to secondhand smoke, smoking is harmful not only to smokers, but also to the people around them. Around 20% of adults in the United Kingdom smoke.

The Department of Health and the Devolved Administrations of the United Kingdom want to take action to reduce the uptake of smoking by young people. Smoking is an addiction largely taken up in childhood and adolescence, so it is crucial to reduce the number of young people taking up smoking in the first place. The report of the Chantler Review stated that, although the number of children taking up smoking has been falling since the 1990s, an estimated 207,000 children aged 11-15 still take up smoking each year in the United Kingdom. A key aspect in deciding whether to introduce standardised packaging will be the potential benefit for the health and wellbeing of young people.

The United Kingdom is a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC). The FCTC is the world's first public health treaty. It places obligations on all parties to meet the treaty objective to "reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke" and to implement comprehensive tobacco control strategies. Since the United Kingdom became a party to the treaty in 2004, the Government has taken its FCTC obligations very seriously. Guidelines for the implementation of the FCTC encourage parties to consider adopting measures for standardised packaging.

The Department of Health and the Devolved Administrations of the United Kingdom each have tobacco control plans in place. If introduced, standardised packaging would form an element within these wider comprehensive strategies to contribute to reducing rates of smoking.

A consultation on these regulations concluded on 7 August 2014. The UK Government has not yet taken a final decision to introduce the Regulations.

The objectives of a policy for standardised packaging would be to improve public health by:

- discouraging people from starting to use tobacco products
- encouraging people to give up using tobacco products
- helping people who have given up, or are trying to give up, using tobacco products not to start using them again
- reducing the appeal or attractiveness of tobacco products
- reducing the potential for elements of the packaging of tobacco products other than health warnings to detract from the effectiveness of those warnings
- reducing opportunities for the packaging of tobacco products to mislead consumers about the effects of using them
- reducing opportunities for the packaging of tobacco products to create false perceptions about the nature of such products
- having an effect on attitudes, beliefs, intentions and behaviours relating to the reduction in use of tobacco products

8. Relevant documents:

a) Consultation on the introduction of regulations for standardised packaging of tobacco products (2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/323922/Cons_doc.pdf

Please note that the draft regulations submitted alongside this notification are an amended and updated version of the draft regulations contained at Annex B of the consultation referred to at (a). The latest version of the draft regulations, and the version that should be used, is the version submitted with this notification. Please do not refer to the older version of the draft regulations contained at Annex B of the consultation.

b) Illustration of a standardised cigarette pack (2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/323980/Image_of_standardised_pack_for_consultation.jpg

c) Standardised packaging of tobacco: Report of the independent review undertaken by Sir Cyril Chantler (2014)

<http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>

d) Plain Tobacco Packaging: A systematic review (2012)

http://phrc.lshtm.ac.uk/papers/PHRC_006_Final_Report.pdf

e) Plain Tobacco Packaging Research, an update (2013)

<http://www.stir.ac.uk/media/schools/management/documents/Plain%20Packaging%20Studies%20Update.pdf>

f) Standardized Packaging of Tobacco Products, Evidence Review, D Hammond, (2014) -

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

Other documents:

g) Consultation on standardised packaging of tobacco products (2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/170568/dh_133575.pdf

h) Healthy Lives, Healthy People: A tobacco control plan for England (2011)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213757/dh_124960.pdf

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| | <p>i) World Health Organisation, Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products) http://www.who.int/fctc/guidelines/article_11.pdf?ua=1</p> <p>j) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 (Revised EU Tobacco Products Directive) http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf</p> <p>k) Consumer Protection Act 1987 http://www.legislation.gov.uk/ukpga/1987/43</p> |
| 9. | <p>Proposed date of adoption: To be determined</p> <p>Proposed date of entry into force: To be determined</p> |
| 10. | <p>Final date for comments: 90 days from notification</p> |
| 11. | <p>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>UK TBT National Enquiry Point Trade Policy Unit Department for Business Innovation and Skills 1 Victoria Street London SW1H 0ET</p> <p>http://members.wto.org/crnattachments/2014/tbt/gbr/14_3927_00_e.pdf</p> |