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Committee on Technical Barriers to Trade

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**THAILAND – DRAFT NOTIFICATION OF THE ALCOHOLIC BEVERAGES CONTROL, RE:
RULES, PROCEDURE AND CONDITION FOR LABELS OF ALCOHOLIC BEVERAGES,
ISSUED UNDER B.E.**

STATEMENT BY THE EUROPEAN UNION TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
21 AND 22 MARCH 2018

The following communication, dated 16 April 2018, is being circulated at the request of the delegation of the European Union.

1. The European Union follows closely the developments and implementation of the Regulation on Criteria, Procedures and Conditions for Labels of Alcoholic Beverages (B.E 2558/2015), applicable from 19 October 2015. Even if it regrets that the text of the Regulation itself has not been amended, the European Union welcomes the revised version of the technical implementing guidelines published at the website of the Office of the Alcoholic Beverages Control Committee in April last year.

2. The European Union notes that a consultation (involving industry and Embassies) on the alcohol labelling Regulation and the technical implementing guidelines was held on 31 October 2017 by the Thai National Health Commission Office (NHCO) upon request of the Ministry of Public Health. The European Union participated in the consultation and expressed its main concerns on the Regulation. The European Union would like to request information on the outcome of the consultation exercise and to know whether further consultations are foreseen in the near future.

3. As stated in previous TBT Committee meetings and in the written comments submitted in December 2015, as well as in the recent consultation by the NHCO, the European Union is concerned with the strict labelling requirements included in the Regulation and with the lack of clarity of the provisions relating to the messages permitted on the label, which may lead to inconsistent interpretations.

4. The European Union acknowledges that the revised technical guidelines seem to provide certain clarification, for instance, on the use of true and factual statements or statements supported by evidence. However, the EU notes that the Regulation, as explained in the guidelines, prohibits claims about properties, benefits or quality of the alcohol products whether directly or indirectly, and that this prohibition would have an impact on certain specific terms commonly used in the European Union linked to the ageing or maturation process and to the conditions or characteristics of the product.

5. The guidelines clarify that the Regulation also prohibit statements that encourage the consumption of alcohol: while the EU shares concerns linked to the protection of consumers, we consider that further clarification would be needed on the specific requirements envisaged by Thailand, which shall be designed to avoid undue impacts on trade and divergent interpretations.

6. In light of the above, the European Union considers that the revised guidelines are still unclear and do not provide industry with comprehensive concrete information on how to ensure that labels of alcoholic drinks are compliant with the Thai Regulation. The European Union invites the Thai government to further clarify the implementation of the Regulation and welcomes and encourages

the further involvement of stakeholders in this process, since they were not consulted during the revision of the technical guidelines.

7. In addition, the European Union would be grateful for updated information on possible upcoming initiatives - if any - with regard to graphic health warnings on alcoholic drinks. The European Union invites Thailand to consult any draft proposal with relevant industry and to notify it to the TBT Committee, so to allow Members to become acquainted with it and submit comments, in accordance with Article 2.9.2 of the TBT Agreement.
