



17 February 2014

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

Addendum

The following communication, dated 12 February 2014, is being circulated at the request of the delegation of New Zealand.

TITLE: Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill: Introduction to Parliament of new legislation for plain packaging of tobacco products.

AGENCY: Ministry of Health

ACTION: Introduction of legislation to Parliament

SUMMARY: The New Zealand Ministry of Health has previously notified the TBT Committee (in G/TBT/N/NZL/62) of a proposal to introduce mandatory plain packaging of tobacco products in New Zealand. Legislation has now been drafted and the Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill was introduced to Parliament on 17 December 2013. The New Zealand Government is consulting on the draft legislation.

It is proposed that the legislation will:

- ensure that tobacco products are not manufactured, distributed, or sold unless they comply with the requirements set out in the legislation and regulations made pursuant to it;
- enable regulations to be made to set out the detailed requirements for the design and physical appearance of any packaging used or intended for use with tobacco products, and of the tobacco products themselves;
- permit the product packaging to display the brand or company name for the product and certain other manufacturer information, but only in accordance with the regulations;
- amend existing regulation-making powers relating to health warnings on tobacco products to broaden their scope to include warnings of wider adverse social and economic effects and also to enable positive health promotion messages; and
- create new offences with significant penalties to effectively deter and punish any non-compliance (and increase the penalties for existing offences related to advertising, promoting, or labelling tobacco products to bring these into alignment with the penalties for the new offences).

The implementing regulations will be developed at a later date. At an appropriate time, the New Zealand Government will conduct further consultations in respect of those draft regulations.

The legislation will give effect to the Government's decision of 18 February 2013 to introduce a plain packaging regime for tobacco products in New Zealand. The policy objective of the legislation is to further reduce the ability of the tobacco industry to market tobacco products, and in particular, to prevent tobacco promotion and advertising from occurring on tobacco products and tobacco product packaging, in order to:

- reduce the appeal of tobacco products and smoking, particularly for young people;
- further reduce the wider social acceptance and approval of smoking and tobacco products;

- increase the noticeability and effectiveness of mandated health warning messages and images; and
- reduce the likelihood that consumers might acquire false perceptions about the harms caused by tobacco products.

Combined with the existing package of tobacco control measures, this specific measure will contribute to the broader objective of improving public health by:

- discouraging people from taking up smoking, or using tobacco products;
- encouraging people to give up smoking, and to stop using tobacco products;
- discouraging people who have given up smoking, or who have stopped using tobacco products, from relapsing;
- reducing people's exposure to smoke from tobacco products; and
- supporting New Zealand in meeting its international commitments and obligations under the WHO Framework Convention on Tobacco Control, particularly in relation to the guidelines developed to support implementation of Articles 11 and 13.

DATES: The Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill was introduced to Parliament on 17 December 2013. The Bill received its first reading in Parliament on 11 February 2014 and was sent to the Health Select Committee for consideration.

COMMENTS: Comments can be sent to tobacco@moh.govt.nz and will be accepted within 60 days from the date of this notification.

URLs:

Draft legislation:

http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL12969_1/smoke-free-environments-tobacco-plain-packaging-amendment

2012 Consultation document and Regulatory Impact Statement:

<http://www.health.govt.nz/consultation/plainpackaging>
