



20 November 2014

(14-6802)

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Committee on Technical Barriers to Trade

Original: Spanish

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	<b>Notifying Member:</b> <u>CHILE</u> <b>If applicable, name of local government involved (Articles 3.2 and 7.2):</b>
2.	<b>Agency responsible:</b> <i>Ministerio de Salud</i> (Ministry of Health) <b>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:</b> <i>Ministerio de Relaciones Exteriores</i> (Ministry of Foreign Affairs)
3.	<b>Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
4.	<b>Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Tobacco products
5.	<b>Title, number of pages and language(s) of the notified document:</b> <i>Proyecto de Ley que adecua la legislación nacional al estándar del Convenio Marco de la Organización Mundial de Salud para el Control del Tabaco</i> (Draft law bringing national legislation into line with the WHO Framework Convention on Tobacco Control)
6.	<b>Description of content:</b> Notification of the following proposed technical regulations (future law) currently under parliamentary discussion:  (A) Under no circumstances may cigarettes be sold individually or in packets containing less than twenty.  (B) The manufacture and sale of sweets, snacks, toys or any other objects resembling or in the form of pipes, cigarettes or other tobacco products are prohibited.  (C) Any packaging used for domestically manufactured or imported tobacco products that are to be distributed in national territory shall display a clear and precise warning of the damage, diseases and effects that tobacco consumption and exposure to tobacco smoke imply for human health. This warning shall be valid for a minimum of twelve months and a maximum of 24 months; it shall be designed by the Ministry of Health, established by a Supreme Decree issued by that Ministry and printed on packets or packaging. It may not, under any circumstances, be removable.  In the case of cigarette or cigar packets, and tobacco product bags and packets, this warning shall be displayed on the two widest sides and occupy 50% of each of those sides. The warning shall appear on the lower part of each side.  The above-mentioned Decree shall establish between two and six warnings, which may include drawings or photographs and captions. The Decree shall enter into force three months after its publication. During the period indicated in the first paragraph, the warnings shall be displayed, simultaneously, on all domestically manufactured and imported products that are to be distributed in national territory.  Producers, marketers or distributors shall affix the warnings, applying the same size

percentages, to all the tobacco products that they produce, market or distribute. To this end, at the beginning of the duration of validity of the warnings, they shall inform the Ministry of Health, in writing, of the quantities of the respective tobacco products and of the distribution of the warnings thereon. Any changes to the information given shall be notified to the Ministry of Health immediately.

If, when the new warnings enter into effect, there are left-over stocks displaying previous warnings, authorization shall be sought to distribute these stocks from the Health Authority relevant to the parent company of the manufacturer or importer. This exception shall only apply to an amount equivalent to the production distributed the previous month.

Health warnings shall always be visible at all tobacco product points of sale. Furthermore, all packaging shall display the phrase "Authorized for sale only in Chile".

All packets of cigarettes marketed in national territory shall conform to plain packaging requirements, at least as regards position of brand name, colour, opening type, packaging material, packet size, and common characteristics for all brand names on cigarette packets. The respective brand name shall under no circumstances cover more than 30% of the total surface of the cigarette packaging.

Each individual cigarette shall be wrapped exclusively in smooth white paper and have a cork-coloured filter. The brand name and other colours or other design features shall not appear directly on the tobacco products.

A regulation issued by the Ministry of Health shall establish the rules governing the implementation of the provisions of this article.

(D) It is forbidden to use in the name, on the packaging or for properties associated with the brand name of tobacco products, terms such as "light", "*suave*" ("mild"), "*ligero*" ("light") and "*bajo en*" ("low in") or any others that directly or indirectly create the impression that a particular tobacco product is less harmful than other tobacco products or that its consumption has positive effects for consumers.

The prohibitions established in this article apply to words in any language or dialect.

(E) The parent company of the manufacturer or importer of the tobacco products shall, on an annual basis, notify the Ministry of Health of the constituents of the tobacco products and the additives incorporated therein, in terms of quality and quantity, and of the substances used to process the tobacco. Tobacco products containing additives not previously notified to the Ministry of Health cannot be marketed.

The Ministry of Health may prohibit the use of additives and substances that are added to tobacco during the manufacturing of the products referred to in this law that are to be marketed in national territory, when such additives and substances increase the levels of addiction, harm or risk for consumers of these products. It may also, in the above-mentioned cases, establish maximum permitted levels for the substances contained in tobacco products. It shall also establish rules on the dissemination of information concerning additives and substances added to tobacco and their effects on consumer health.

Tobacco product packets shall clearly and visibly display on one of their lateral sides, the names of the main components of the tobacco product in the terms established by the Ministry of Health.

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

**8. Relevant documents:**

- *Proyecto de Ley Boletín N°8886-11* (Draft Law, Official Journal No. 8886-11)
- *Ley N° 19.419, que regula actividades que indica relacionadas con el tabaco* (Law No. 19.419 regulating certain tobacco-related activities)
- WHO Framework Convention on Tobacco Control

**9. Proposed date of adoption: -**

**Proposed date of entry into force: -**

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**10. Final date for comments:** 60 days from the date of notification.

**11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

Departamento Regulatorio

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