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Committee on Technical Barriers to Trade

Original: French

NOTIFICATION

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

1.	Notifying Member: <u>FRANCE</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: <i>Ministère des affaires sociales, de la santé et des droits des femmes, Direction générale de la santé, bureau MC2</i> (Ministry of Social Affairs, Health and Women's Rights, Directorate-General for Health, Office MC2) 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:
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 products
5.	Title, number of pages and language(s) of the notified document: <i>Amendement gouvernemental relatif à l'introduction du paquet neutre pour les produits du tabac</i> (Government amendment relating to the introduction of plain packaging for tobacco products)
6.	Description of content: The notified amendment seeks to incorporate plain packaging requirements into French law on the basis of Article 24.2 of Directive 2014/40/EU, so as to standardize the appearance of cigarette and rolling-tobacco packets and hamper producers' strategies.
7.	Objective and rationale, including the nature of urgent problems where applicable: Numerous scientific studies have been published to assess the response to plain packaging in various target populations (women, young people, smokers and non-smokers) in France and abroad. The results of 54 studies were consolidated into two summary reports, one published in 2012 ¹ and the second ² corresponding to a 2013 update. These studies show that plain packaging: <ul style="list-style-type: none">• improves the effectiveness of textual or visual health warnings appearing on cigarette packets, which are recalled better, especially by teenagers, understood better, and appear more credible;• reduces consumer misinformation regarding the dangers of cigarettes, since consumers are no longer led astray by the graphics on the packet or certain appellations liable to imply that products are less harmful;• reduces the attractiveness of the packaging and the brand image, especially to young smokers, non-smokers and women; and• changes the image of smoking, devaluing it in the eyes of non-smokers.

¹ Moodie C., Stead M., Bauld L. et al., Plain tobacco packaging: A systematic review. Stirling: Centre for Tobacco Control Research, University of Stirling; 2012.

² Moodie C., Angus K., Stead M., Bauld L., Plain tobacco packaging research: An Update. Stirling: Centre for Tobacco Control Research, University of Stirling; 2013.

Studies were carried out in France to test the effectiveness of plain packaging in the French cultural context.³ These studies show, in a manner consistent with research carried out in other countries, that plain packets, in comparison with classic packets:

- are less appealing to young French potential purchasers;
- are less appealing to potential new smokers;
- are more likely to be concealed by smokers and less conducive to smoking in public; – reduce the pleasure of smoking for smokers;
- increase smokers' desire to stop smoking or to cut down;
- strengthen non-smokers' resolve not to start smoking;
- destroy the marketing function of the packaging;
- reduce the attractiveness of the brand and the packet;
- increase perception of the danger of the product;
- increase the visibility of health warnings; and
- prevent consumers from being misled regarding the real danger of the product.

Plain packaging was introduced in Australia in December 2012; following its introduction, there was, in 2013, a 3.4% fall in the number of tobacco consumers in relation to 2012 (the year before plain packaging was introduced).⁴

Among young people, it was found that the age at which they first smoked a cigarette had risen (from 15.4 years in 2010 to 15.9 years in 2013), the proportion of those aged 18-24 who had never smoked rose (from 72% in 2010 to 77% in 2013) and the number of cigarettes smoked per week fell (from 111 cigarettes in 2010 to 96 cigarettes in 2013). Another article, published in January 2014, shows a significant (+78%) and sustainable increase in calls to the Australian tobacco helpline one month after generic packets were introduced.

Furthermore, scientific assessments show that plain packets have had no impact on the illicit tobacco trade in Australia. A study thus concluded, on the basis of three measurements taken before and after the implementation of plain packets, that there had been no increase in the percentage of illicit tobacco. Another study shows that, from 2011 to 2013, there were no significant changes in the ways in which tobacco was purchased or in the proportion of users purchasing illicit tobacco (2.3% in 2011 and 1.9% in 2013) and that the consumption of low-cost brands remained minimal (1.1% in 2011 and 0.9% in 2013).

Besides the short- and medium-term impact of plain packaging, it is also an essential tool for the long-term removal of tobacco from social normality.

The French authorities therefore consider the use of standardized packets to be an appropriate measure serving the desired objective of protecting public health, which will be effective in preventing the risks associated with the consumption of tobacco products.

8. Relevant documents:

- Article 5 *decies (new)* of the draft Health Law (currently under review in the National Assembly).
- A draft Decree, which is currently being finalized, will be notified in the coming weeks.

³ Gallopel-Morvan K., Moodie C., Eker F., Béguinot E., Martinet Y. (2014), Perceptions of plain packaging among young adult roll-your-own smokers in France: A naturalistic approach, Tobacco Control (BMJ Journal), doi:10.1136/tobaccocontrol-2013-051513. / Gallopel-Morvan K. (2013), *Le paquet de cigarettes au service de l'industrie du tabac ou de la santé publique?* (Cigarette packets: at the service of the tobacco industry or public health?), Revue Communication & Langages, 179, June, 79-92. / Gallopel-Morvan K. (2013), *Lutte contre le tabagisme: le paquet de cigarettes neutre est-il efficace?* (The fight against tobacco abuse: are plain packets effective?), Bulletin Epidémiologique Hebdomadaire, 20-21, 227-229. / Gallopel-Morvan K., Moodie C., Hammond D., Eker F., Béguinot E., Martinet Y. (2012), Consumer perceptions of cigarette pack design in France: A comparison of regular, limited edition and plain packaging, Tobacco Control (BMJ Journal), 21(5), 502-506)/Gallopel-Morvan K., Béguinot E., Eker F., Martinet Y. and Hammond D. (2011), *Perception de l'efficacité des paquets de cigarettes standardisés* (Perception of the effectiveness of standardized cigarette packets). *Une étude dans un contexte français* (A study in a French context), Bulletin Epidémiologique Hebdomadaire, 20-21, 244-247.

⁴ <http://www.health.gov.au/internet/main/publishing.nsf/Content/tobacco-kff>.

9.	Proposed date of adoption: Summer 2015, in accordance with the timetable for the draft Health Law. Proposed date of entry into force: 20 May 2016
10.	Final date for comments: 60 days
11.	Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body: CINORTECH AFNOR 11, avenue Francis de Pressensé 93571 Saint-Denis-La Plaine cedex https://members.wto.org/crnattachments/2015/TBT/FRA/15_1598_00_f.pdf