



**PROPOSAL TO INTRODUCE STANDARDISED/PLAIN PACKAGING OF
TOBACCO PRODUCTS IN IRELAND**

**STATEMENT BY MALAWI TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE AT ITS
MEETING OF 19-20 MARCH 2014**

The following communication, dated 21 March 2014, is being circulated at the request of the delegation of Malawi.

-
1. In previous meetings, Malawi expressed its strong concerns about Ireland's proposed plain packaging law. We need not repeat all those positions today, or what we have stated under earlier agenda items. But we would highlight a few critical points:
 2. First, plain packaging laws are WTO-inconsistent, particularly under the TBT and the TRIPS Agreements. The arguments under the relevant articles have been canvassed thoroughly in this Committee, and we would urge Ireland to give serious consideration to these very cogent points.
 3. Second, plain packaging will not work. It will not achieve Ireland's health objectives. We have stated earlier that protecting health and reducing youth smoking are entirely legitimate objectives. But plain packaging will not achieve these objectives, and no credible evidence exists to demonstrate that it will. Young people decide to smoke based on various social factors, including peer pressure – not on packaging. Ireland's proposed measure will therefore be ineffective.
 4. Third, such measures will harm the export interests of the fragile economies of least-developed, tobacco-dependent exporting countries such as Malawi. The impact of WTO-inconsistent tobacco control measures on Malawi was discussed earlier in the context of the EU TPD.
 5. Finally, Ireland – like New Zealand – should await the outcome of the Australian case before determining whether and how it wishes to act. Malawi fails to understand why Ireland would proceed with the type of measure that will soon be likely ruled to be WTO-inconsistent.
-