

15 June 2023

### NOTICE TO RELEVANT STAKEHOLDERS

Dear Sir/Ma'am:

This refers to the draft regulations distributed through the World Trade Organization – Technical Barriers to Trade (WTO-TBT) website ([www.epingalert.org](http://www.epingalert.org)) from 03 to 09 June 2023.

Relative thereto, we respectfully invite stakeholders to comment on the notified draft technical regulation from Australia:

Document Symbol	Notifying Member	Relevant Dates	Products Covered	Summary
<a href="#">G/TBT/NA/US/156</a>	Australia	<p><b>Date of Distribution:</b> 06 June 2023</p> <p><b>Deadline for Comments:</b> 17 July 2023</p>	Tobacco and manufactured tobacco substitutes	<p>The proposed legislation will consolidate eight existing tobacco related laws, regulations, instruments and court decisions into a single streamlined Act of Parliament and associated regulations. The Bill contains 7 chapters that thematically present the proposed provisions:</p> <p><b>Chapter 1</b> sets out the preliminary matters including commencement dates, objects of the Act, definitions and key concepts.</p> <p><b>Chapter 2</b> provides for the regulation of tobacco and e-cigarette advertising and sponsorships. The provisions are a consolidation of the Tobacco Advertising Prohibition Act 1992 and are expanded to also apply to the advertising and promotion of e-cigarettes. The chapter includes offence and civil penalty provisions.</p> <p><b>Chapter 3</b> creates the regime that mandates the requirements relating to plain packaging of tobacco products. The provisions include requirements from the Tobacco Plain Packaging Act 2011 as well as proposed new requirements relating to regulation of: ingredients and product design features of tobacco products; number of units, weight or volume,</p>

### BUREAU OF PHILIPPINE STANDARDS

#### Membership:

- International Organization for Standardization (ISO)
- International Electrotechnical Commission (IEC)
- World Trade Organization (WTO) Technical Barriers to Trade (TBT)
  - National Enquiry Point (NEP)
  - National Notification Authority (NNA)

				<p>and pricing of tobacco products; prohibition of terms that may imply that certain products are less harmful; and inclusion of health promotion inserts. It permits the making of regulations prescribing plain packaging requirements and conditions for the appearance, content and standards of tobacco products, including dissuasive measures that may be required to appear on tobacco products. The chapter includes a range of offences and civil penalty provisions in relation to conduct dealings with non-compliant packaging.</p> <p><b>Chapter 4</b> provides for permanent bans on certain regulated tobacco items. The chapter facilitates the Minister imposing a permanent ban on chewing tobacco and snuffs intended for oral use consistent with the existing ban in the Trade Practices Act 1974- Consumer Protection Notice No.10 of 1991- Permanent Ban on Goods. The chapter includes offence and civil penalty provisions.</p> <p><b>Chapter 5</b> provides for new reporting requirements. Reporting entities, as defined, would be required to submit reports containing information about tobacco products sold, supplied, or offered for sale or supply in Australia as well as to report on advertising, promotion and sponsorship activities and expenditure. Manufacturers will also be required to report on research and development activities.</p> <p><b>Chapter 6</b> contains compliance and enforcement provisions. It provides for the appointment of authorised officers and supporting monitoring and investigation powers,</p>
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				along with civil penalty provisions, and provision for the issuing of infringement notices, enforceable undertakings and injunctions. <b>Chapter 7</b> includes miscellaneous provisions, including those in relation to delegations and the constitutional provisions.
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To access the notification form, right click the document symbol to open the hyperlink. Should you have any queries on this matter or request for full text of draft regulation in English, please do not hesitate to email us at [BPS@dti.gov.ph](mailto:BPS@dti.gov.ph) copy [bps.smd@dti.gov.ph](mailto:bps.smd@dti.gov.ph).

Thank you.

Sincerely,

**NEIL P. CATAJAY**  
Director