



Plain Packaging – International Overview

Canadian Cancer Society
July 5, 2019

Plain packaging would prohibit brand colours, logos and graphics on tobacco packages, thus eliminating the package as mini-billboards that promote tobacco. Required health warnings would appear on packages, but the branded part of the package would have a standard colour for all brands, such as the drab brown required in Australia (see images on page 4). Package dimensions would be standardized, thus eliminating Slims and Superslims packs targeting women.

Plain packaging would (1) eliminate promotional aspects of packaging; (2) reduce the appeal of tobacco products; (3) curb deceptive messages conveyed through packaging; (4) enhance the effectiveness of health warnings; (5) reduce tobacco use. Plain packaging would build on existing packaging regulation that requires health warnings, that requires toxic emission messages on package sides, and that prohibits misleading descriptors “light” and “mild”.¹

International developments

Summary: There are 31 countries and territories moving forward with plain packaging, with 16 having adopted the measure and 15 working on it. Plain packaging has been implemented in Australia (2012), France (2016), the United Kingdom (2016), Norway (2017), Ireland (2017), and New Zealand (2018), will be implemented in Saudi Arabia (2019), Turkey (2019), Thailand (2019), Canada (2019), Uruguay (2019), Slovenia (2020), Belgium (2020), Israel (2020), Singapore (2020) and Hungary (2022), and is under formal consideration in Netherlands, Mauritius, Sri Lanka, Nepal, Malaysia, South Korea, Romania, Chile, Georgia, Jersey, Guernsey, Taiwan, Finland, and South Africa. Expressions of support for implementation of plain packaging have also been made by the governments of Kenya,² Gambia,³ Botswana,⁴ and Burkina Faso.⁵ Monaco in practice has plain packaging given that packages follow France requirements. Cook Islands in practice has plain packaging as most if not all cigarette packages come from New Zealand. Timor-Leste has requirements that are very close to plain packaging.

Summary of implementation dates at manufacturer and retailer levels

	Country	Manufacturer Level	Retail Level
1.	Australia	Oct. 1, 2012	Dec. 1, 2012
2.	France	May 20, 2016	Jan. 1, 2017
3.	United Kingdom	May 20, 2016	May 20, 2017
4.	Norway	July 1, 2017	July 1, 2018
5.	Ireland	Sept. 30, 2017	Sept. 30, 2018
6.	New Zealand	Mar. 14, 2018	June 6, 2018
7.	Turkey	July 5, 2019	Jan. 5, 2020
8.	Saudi Arabia	Aug. 23, 2019	Jan. 1, 2020
9.	Thailand	Sept. 10, 2019	Dec. 8, 2019
10.	Canada	Nov. 9, 2019	Feb. 7, 2020
11.	Uruguay	Dec. 21, 2019	Dec. 21, 2019
12.	Slovenia	Jan. 1, 2020	Jan. 1, 2020
13.	Belgium	Jan. 1, 2020	Jan. 1, 2021
14.	Israel	Jan. 8, 2020	Jan. 8, 2020
15.	Singapore	July 1, 2020	July 1, 2020
16.	Hungary*	Jan. 1, 2022	Jan. 1, 2022

*In Hungary, plain packaging required for new brands from Aug. 20, 2016.

Australia – Plain packaging legislation adopted Dec. 1, 2011 and fully implemented Dec. 1, 2012.⁶ Constitutional challenge dismissed by High Court of Australia Aug. 15, 2012.⁷ A Philip Morris legal claim under bilateral Hong Kong-Australia investment agreement dismissed Dec. 17, 2015.⁸ On June 28, 2018, the World Trade Organization dismissed legal challenges, concluding that plain packaging was consistent with WTO trade obligations.⁹

France – Plain packaging legislation adopted December 17, 2015 and came into force May 20, 2016.¹⁰ This legislation was upheld on Jan. 21, 2016 as constitutional by France’s Constitutional Council.¹¹ On Dec. 23, 2016, the Council of State (France’s highest administrative court) dismissed legal challenges.¹² An implementing Decree¹³ and Decision¹⁴ were adopted Mar. 21, 2016, and a further Decree adopted Aug. 11, 2016.¹⁵ On July 20, 2015, France hosted a 10-country ministerial meeting on plain packaging.¹⁶

United Kingdom – Plain packaging regulations approved March 16, 2015¹⁷ and came into force May 20, 2016, applying to England, Wales¹⁸ Northern Ireland¹⁹ and Scotland.²⁰ On May 19, 2016, a tobacco industry legal challenge was dismissed, with an appeal dismissed on Nov. 30, 2016, and with permission to appeal to the UK Supreme Court dismissed April 12, 2017.²¹

Norway – Plain packaging legislation adopted Feb. 10, 2017, in effect July 1, 2017 at the manufacturer level.²² Plain packaging regulations adopted June 22, 2017.²³ On Nov. 6, 2017, the Oslo District Court dismissed an attempt to suspend implementation of plain packaging requirements applying to snuff pending the outcome of a legal challenge; appeal to Oslo Court of Appeal dismissed Feb. 15, 2018.²⁴

Ireland – Plain packaging legislation enacted March 10, 2015,²⁵ amended Feb. 16, 2017,²⁶ and commenced on Mar. 29, 2017 to come into force Sept. 30, 2017 at manufacturer level.²⁷

New Zealand – Plain packaging legislation adopted Sept. 14, 2016 and regulations approved June 6, 2017, to come into force Mar. 18, 2018 at manufacturer level.²⁸

Turkey – Law signed by President Dec. 4, 2018, regulations gazetted Mar. 1, 2019, with plain packaging to come into effect July 5, 2019 at the manufacturer level.²⁹

Saudi Arabia – Standard requiring plain packaging to come into force for all products imported as of August 23, 2019, and for all products distributed by importers as of Jan. 1, 2020.³⁰

Thailand – Plain packaging regulations gazetted Dec. 13, 2018, to come into force Sept. 10, 2019 at manufacturer level.³¹

Canada – Legislation with regulatory authority for plain packaging adopted May 23, 2018,³² regulations adopted April 23, 2019 to come into effect Nov. 9, 2019 at the manufacturer level.³³ Plain packaging was recommended in 1994 by the House of Commons Standing Committee on Health.³⁴

Uruguay – Legislation requiring plain packaging signed by President Dec. 21, 2018, Decree adopted April 29, 2019, to come into effect at manufacturer and retailer levels Dec. 21, 2019.³⁵ A Philip Morris legal claim under bilateral Switzerland-Uruguay investment agreement dismissed July 8, 2016, regarding significant packaging restrictions (though not plain packaging).³⁶

Slovenia – Act adopted Feb. 15, 2017, regulations adopted Mar. 28, 2019, requiring plain packaging effective Jan. 1, 2020 at manufacturer and retail levels.³⁷

Belgium – Orders requiring plain packaging adopted April 13 and April 16, 2019, in effect Jan. 1, 2020 at the manufacturer level.³⁸

Israel – Legislation requiring plain packaging approved by Knesset (Parliament) Dec. 31, 2018, to come into force Jan. 8, 2020 at manufacturer and retailer levels.³⁹

Singapore – Regulations adopted July 1, 2019 requiring plain packaging effective July 1, 2020 at manufacturer and retail levels.⁴⁰

Hungary – On August 16, 2016, Hungary adopted a Decree to require plain packaging effective May 20, 2018 at manufacturer level,⁴¹ but this was later delayed to be effective Jan. 1, 2022. However, plain packaging must be implemented immediately for new brands placed on the market from August 20, 2016.

Netherlands – On Nov. 23, 2018, State Health Secretary, on behalf of government, sent National Prevention Agreement to Parliament. This Agreement includes plans to implement plain packaging in 2020.⁴² On Apr. 25, 2019, Ministry of Health, Wellbeing and Sport launched a consultation on plain packaging for implementation in 2020, with the consultation ending May 26, 2019.⁴³

Mauritius – On Nov. 1, 2018, Cabinet made a decision to introduce plain packaging by June 2019.⁴⁴ Regulations still need to be adopted.

Sri Lanka – On Apr. 11, 2018, it was announced that the Cabinet had approved that legislation for plain packaging be drafted.⁴⁵

Nepal – On May 8, 2017, Minister of Health announced that Nepal to have plain packaging by 2018.⁴⁶

Malaysia – On Feb. 12, 2019, Malaysia's Deputy Health Minister stated that plain packaging is under consideration.⁴⁷

South Korea – On May 21, 2019, the Ministry of Health and Welfare announced an intention to implement plain packaging.⁴⁸

Romania – Law adopted Nov. 4, 2016 includes a provision authorizing government to adopt decision requiring plain packaging.⁴⁹

Chile – Bill approved by Senate, July 9, 2015, and forwarded to House of Deputies.⁵⁰

Georgia – Legislation adopted May 30, 2017 with regulatory authority to require plain packaging.⁵¹

Jersey and Guernsey – On July 3, 2017, the Jersey Minister for Health and Social Services issued instructions to draft plain packaging regulations, with the intent that Jersey and Guernsey would have parallel regulations.⁵²

Taiwan – On Feb. 13, 2017, government provided notification of draft bill containing regulatory authority to require plain packaging.⁵³

Finland – Government national action plan (June 2014) includes plain packaging as planned measure.⁵⁴ On Oct. 19, 2018, Ministry of Social Affairs and Health submitted a report to Parliament with a list of proposals including plain packaging.⁵⁵

South Africa – Health Minister stated July 24, 2014 that he wants to implement plain packaging,⁵⁶ and stated March 18, 2015⁵⁷ and May 31, 2016⁵⁸ that legislation will be introduced in Parliament. In November, 2017, Health Minister stated a draft bill would be submitted to Cabinet in early 2018.⁵⁹ On May 9, 2018, a draft bill to be introduced in Parliament was published with a consultation period ending Aug. 9, 2018.⁶⁰

European Union – *Tobacco Products Directive* adopted April 3, 2014 explicitly states that 28 EU countries have the option of implementing plain packaging,⁶¹ a provision upheld on May 4, 2016 by the European Court of Justice as valid when dismissing a tobacco industry legal challenge.⁶²

Other countries of note

Monaco - In practice, packages follow France requirements.⁶³

Cook Islands - Cook Islands in practice has plain packaging, as most if not all packages come from New Zealand.⁶⁴

Timor-Leste - Has made substantial though not complete progress towards plain packaging, with requirements effective Sept. 6, 2018.⁶⁵ The brand portion of packages must be in a standard base colour, but logos and brand names in stylized fonts are still allowed (though only in white).

WHO Framework Convention on Tobacco Control (FCTC)

Guidelines under the FCTC, the international tobacco control treaty, recommend that governments consider implementing plain packaging.⁶⁶ The FCTC has been widely ratified by countries, with 181 Parties to the FCTC.⁶⁷

Evidence supports plain packaging

- There is compelling evidence, including extensive studies, supporting implementation of plain packaging. An updated March 2014 evidentiary overview, reviewing 75 empirical studies, was prepared by University of Waterloo Professor David Hammond for the Irish Government.⁶⁸ In the United Kingdom, the Chantler Review (2014)⁶⁹ and the Stirling Review (2011)⁷⁰ provide extensive evidence. A special issue of the journal *Tobacco Control* was published in April 2015 with a series of studies on the Australian experience, providing yet further evidence.⁷¹ A Post-Implementation Review by the Australian Health Department, released February 2016, concluded that “plain packaging is achieving its aim of improving public health in Australia and is expected to have substantial public health outcomes into the future.”⁷² Cancer Council Victoria [in Australia] maintains a website “Plain packaging. The facts”, which includes fact sheets on the Australian experience.⁷³
- If plain packaging would not work to reduce smoking, then why is the industry so strongly opposed?
- The theme for the World Health Organization’s World No Tobacco Day on May 31, 2016 was “Get Ready for Plain Packaging” with WHO releasing materials on plain packaging.⁷⁴ On May 31, 2016, UN Secretary-General Ban Ki-moon issued a statement endorsing plain packaging.⁷⁵

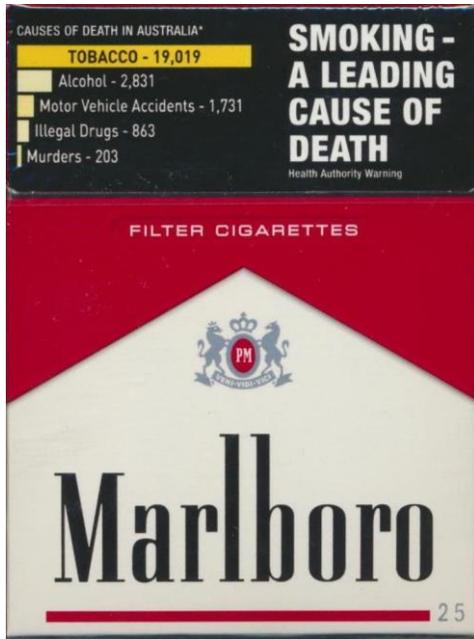
All legal challenges to plain packaging have been dismissed

Internationally, all 8 legal challenges to plain packaging have been dismissed, including in Australia (3), the United Kingdom (1), France (2), Norway (1), and the European Union (1). In one of the legal

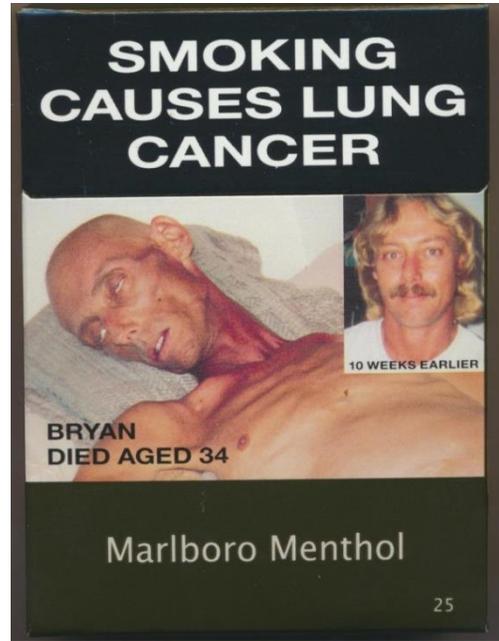
challenges regarding Australia, the World Trade Organization upheld Australia's plain packaging requirements. In a further case, a Philip Morris legal claim under bilateral Switzerland-Uruguay investment agreement was dismissed July 8, 2016, regarding significant packaging restrictions (though not plain packaging).⁷⁶

1. **Australia:** Constitutional challenge dismissed by High Court of Australia Aug. 15, 2012.⁷⁷
2. **Australia:** Philip Morris legal claim under bilateral Hong Kong-Australia investment agreement dismissed Dec. 17, 2015.⁷⁸
3. **Australia:** World Trade Organization dismissed legal challenges June 28, 2018, concluding that plain packaging was consistent with WTO trade obligations.⁷⁹
4. **United Kingdom:** Legal challenge dismissed May 19, 2016, with appeal dismissed Nov. 30, 2016, and with permission to appeal to the UK Supreme Court dismissed April 12, 2017.⁸⁰
5. **France:** Legislation upheld on Jan. 21, 2016 as constitutional by France's Constitutional Council.⁸¹
6. **France:** Council of State (France's highest administrative court) dismissed legal challenges Dec. 23, 2016.⁸²
7. **Norway:** On Nov. 6, 2017, Oslo District Court dismissed an attempt to suspend implementation of plain packaging requirements applying to snuff until the outcome of a legal challenge was determined. Appeal to Oslo Court of Appeal dismissed Feb. 15, 2018.⁸³
8. **European Union:** *Tobacco Products Directive* adopted April 3, 2014 explicitly states that 28 EU countries have the option of implementing plain packaging,⁸⁴ a provision upheld on May 4, 2016 by the European Court of Justice as valid when dismissing a legal challenge.⁸⁵

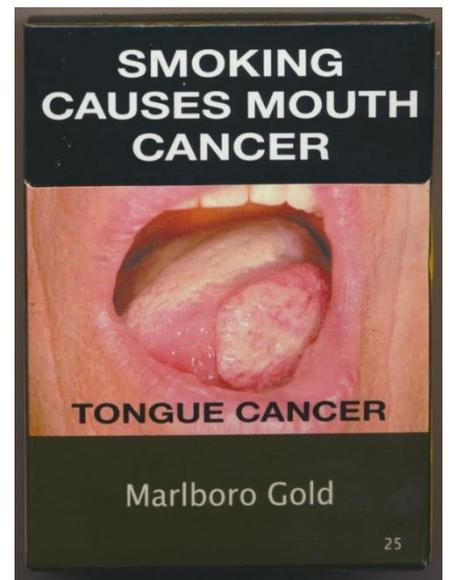
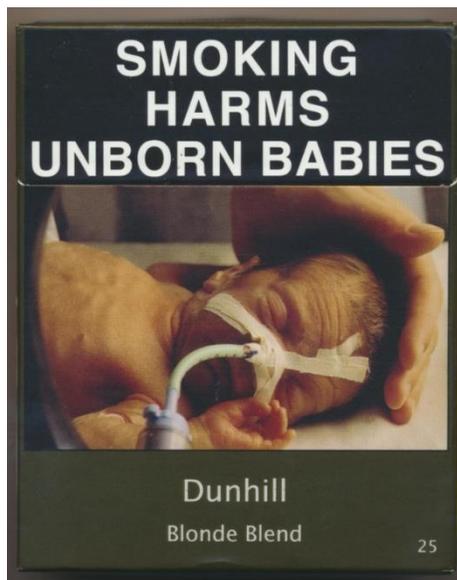
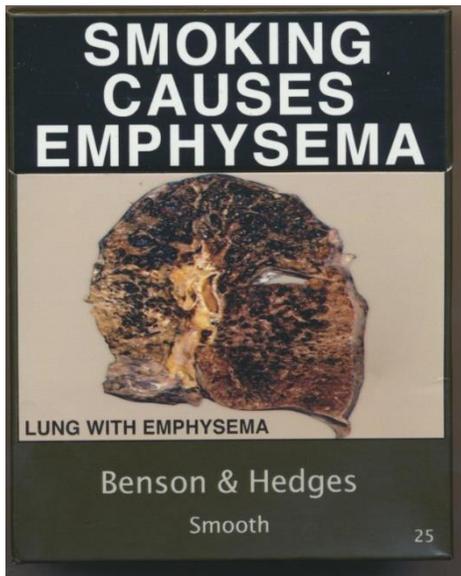
9. Examples of Plain Packaging from Australia



Before



After



Packages of Benson & Hedges, Dunhill and Marlboro cigarettes in plain packages from Australia

Endnotes

¹ For an international overview of package health warnings and plain packaging, see: Canadian Cancer Society, *Cigarette Package Health Warnings: International Status Report*, Sixth Edition, September 2018.

English: <http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2018/CCS-international-warnings-report-2018---English---2-MB.pdf?la=en>

French: <http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2018/CCS-international-warnings-report-2018---French---2-MB.pdf?la=fr-CA>

Arabic, Chinese, Portuguese, Russian, Spanish (select the language):

[https://www.tobaccofreekids.org/global-](https://www.tobaccofreekids.org/global-resources?s=categories&v=https%3A%2F%2Fwww.tobaccofreekids.org%2Fglobal-issues%2Fadvocacy-resources%2Fwarning-labels)

[resources?s=categories&v=https%3A%2F%2Fwww.tobaccofreekids.org%2Fglobal-issues%2Fadvocacy-resources%2Fwarning-labels](https://www.tobaccofreekids.org/global-issues%2Fadvocacy-resources%2Fwarning-labels)

Canada: Canadian regulations concerning packaging and labelling are as follows:

Tobacco Products Labelling Regulations (Cigarettes and Little Cigars), SOR/2011-177.

English: <http://www.canlii.org/en/ca/laws/regu/sor-2011-177/latest/sor-2011-177.html>

French: <https://www.canlii.org/fr/ca/legis/regl/dors-2011-177/derniere/dors-2011-177.html>

Tobacco Products Information Regulations, SOR/2000-272.

English: <http://www.canlii.org/en/ca/laws/regu/sor-2000-272/latest/sor-2000-272.html>

French: <https://www.canlii.org/fr/ca/legis/regl/dors-2000-272/derniere/dors-2000-272.html>

Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms), SOR/2011-178.

English: <http://www.canlii.org/en/ca/laws/regu/sor-2011-178/latest/sor-2011-178.html>

French: <https://www.canlii.org/fr/ca/legis/regl/dors-2011-178/derniere/dors-2011-178.html>

² **Kenya:** The Health Cabinet Secretary stated that a formal plan and timeline for implementation of plain packaging will be developed: Pauline Kairu, “New headache for tobacco companies as Health ministry seeks to enforce plain packaging for cigarettes” Daily Nation, May 31, 2016.

<http://www.nation.co.ke/news/-/1056/3227228/-/pitjd4z/-/index.html>

³ **Gambia:** Arfang MS Camara, “Gambia to Embrace Plain Packaging of Tobacco Products” Daily Observer, August 4, 2016

<https://observer.gm/gambia-to-embrace-plain-packaging-of-tobacco-products/>

⁴ **Botswana:** Botswana Ministry of Health, “World no tobacco day” (news item on website) 2016.

http://www.moh.gov.bw/news_events/world_no_tobacco.html

Baboki Kayawe, “Plain, standardised tobacco packaging in the offing” Mmegionline, June 1, 2016.

<http://www.mmegi.bw/index.php?aid=60416&dir=2016/june/01>

⁵ **Burkina Faso:** A 2011 Decree provides that “The use of logos, colors, brand images or promotional texts on packages apart from the name of the brand and that of the product printed in normal characters and in an ordinary color, is forbidden.” However, an implementing Decision to the Decree on this aspect has not been adopted. See *Décret n° 2011-1051/PRES/PM/MS/MEF portant conditionnement et étiquetage des produits du tabac au Burkina Faso*, [Decree No. 2011-1051/PRES/PM/MS/MEF concerning the packaging and labeling of tobacco products in Burkina Faso], approved Dec. 30, 2011. English translation:

<http://www.tobaccocontrolaws.org/files/live/Burkina%20Faso/Burkina%20Faso%20-%20PL%20Decree.pdf>

French: http://www.tobaccocontrolaws.org/files/live/Burkina%20Faso/Burkina%20Faso%20-%20Decree%20No.%202011_1051%20-%20national.pdf

⁶ **Australia:** *Tobacco Plain Packaging Act 2011*, No. 148, 2011.

<http://www.comlaw.gov.au/Details/C2011A00148>

Trade Marks Amendment (Tobacco Plain Packaging) Act 2011, No. 149, 2011.

<http://www.comlaw.gov.au/Details/C2011A00149>

Tobacco Plain Packaging Regulations 2011, Select Legislative Instrument 2011 No. 263 as amended.

<http://www.tobaccocontrolaws.org/files/live/Australia/Australia%20-%20PP%20Regs%20-%20national.pdf>

⁷ **Australia:** *JT International SA v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

<http://www.austlii.edu.au/au/cases/cth/HCA/2012/43.html>

⁸ **Australia:** *Philip Morris Asia Limited (Hong Kong) v. The Commonwealth of Australia*, Permanent Court of Arbitration, Dec. 17, 2015, PCA Case N° 2012-12. The text of the decision was published May 16, 2016.

<https://www.pcacases.com/web/sendAttach/1711>

For other documents in the case, see:

<http://www.pcacases.com/web/view/5>

Regarding the text of the Dec. 17, 2015 decision not being immediately published, see Cancer Council Victoria, “Australia successfully defends plain packaging against Philip Morris legal challenge” Dec. 18, 2015 (news release).

<http://www.cancervic.org.au/about/media-releases/2015-media-releases/december-2015/australia-successfully-defends-plain-packaging.html>

On March 8, 2017, the Permanent Court of Arbitration rendered its award regarding costs, requiring Philip Morris to pay Australia’s costs, though the decision was not immediately released, and though the total amount of the costs awarded was redacted when the decision was publicly released: *Philip Morris Asia Limited (Hong Kong) v. The Commonwealth of Australia*, Permanent Court of Arbitration, Mar. 8, 2017, 2015, PCA Case N° 2012-12, Final Award Regarding Costs. The text of the decision was first cited in the media on July 10, 2017.

<https://pcacases.com/web/sendAttach/2190>

⁹ **Australia:** World Trade Organization, *Australia — Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging*” Reports of the Panels, WT/DS435/R, WT/DS441/R WT/DS458/R, WT/DS467/R, June 28, 2018.

https://www.wto.org/english/tratop_e/dispu_e/435_441_458_467r_conc_e.pdf

For earlier news reports prior to release of the decision, see:

Bryce Baschuk, Tobacco Logo Ban Said to Get WTO Backing in Landmark Case” Bloomberg, May 4, 2017.

<https://www.bloomberg.com/news/articles/2017-05-04/wto-said-to-uphold-australia-s-ban-on-cigarette-logos>

Tom Miles and Martinne Geller, May 4, 2017, “Australia wins landmark WTO tobacco packaging case – Bloomberg” Reuters, May 4, 2017.

<http://www.reuters.com/article/us-wto-tobacco-australia-idUSKBN1801S9>

Various documents from the WTO proceeding, including Australia’s “Integrated Executive Summary of Australia’s Submissions”, dated March 23, 2016, are available here:

<http://dfat.gov.au/international-relations/international-organisations/wto/wto-dispute-settlement/Pages/wto-disputes-tobacco-plain-packaging.aspx>

¹⁰ **France:** *Loi n° 2016-41 du 26 janvier 2016 de modernisation de notre système de santé* [Law n° 2016-41 of 26 January 2016 to modernize our health system].

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000031912641&dateTexte=&categorieLien=id>

Projet de loi relatif à la santé [Bill relating to health], no. 2302, deposited in National Assembly October 15, 2014; amendment AS1408 on plain packaging approved by National Assembly Social Affairs Committee, March 18, 2015, final approval by Parliament December 17, 2015, promulgated Jan. 26, 2016. For the other information on the bill, see:

<http://www.assemblee-nationale.fr/14/dossiers/sante.asp>

The French Government had announced Sept. 25, 2014 that it would implement plain packaging. Government of France, “Programme national de réduction du tabagisme” Dossier de presse, Sept. 25, 2014 (French).

http://www.sante.gouv.fr/IMG/pdf/250914_-_Dossier_de_Presse_-_PNRT_2_.pdf

Speech by French Health Minister Marisol Touraine, September 25, 2014 (French):

http://www.sante.gouv.fr/IMG/pdf/250914_-_Discours_Marisol_Touraine_-_PNRT.pdf

¹¹ **France:** Constitutional Council [France], *Loi de modernisation de notre système de santé* [Law to modernize our health system], Decision n° 2015-727 DC of 21 January 2016.

<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2015-727-dc/decision-n-2015-727-dc-du-21-janvier-2016.146887.html>

¹² **France:** *Société JT International SA, Société d'exploitation industrielle des tabacs et des allumettes, société Philip Morris France SA et autres*, Council of State, Dec. 23, 2016, Nos 399117, 399789, 399790, 399824, 399883, 399938, 399997, 402883, 403472, 403823, 404174, 404381, 404394.

Decision (French): <http://www.conseil-etat.fr/Decisions-Avis-Publications/Decisions/Selection-des-decisions-faisant-l-objet-d-une-communication-particuliere/CE-23-decembre-2016-societe-JT-International-SA-Societe-d-exploitation-industrielle-des-tabacs-et-des-allumettes-societe-Philip-Morris-France-SA-et-autres>

Summary (French): <http://www.conseil-etat.fr/Actualites/Communiqués/Paquet-neutre>

News release (French): <http://www.conseil-etat.fr/Actualites/Communiqués/Paquet-neutre>

¹³ **France:** *Décret no 2016-334 du 21 mars 2016 relatif au paquet neutre des cigarettes et de certains produits du tabac*, NOR : AFSP1603141D [Decree no 2016-334 of 21 March 2016 relating to plain packaging of cigarettes and of certain tobacco products]

<https://www.legifrance.gouv.fr/jopdf.do?id=JORFTEXT000032276104>

¹⁴ **France:** *Arrêté du 21 mars 2016 relatif aux conditions de neutralité et d'uniformisation des conditionnements et du papier des cigarettes et du tabac à rouler*, NOR : AFSP1607269A [Decision of 21 March 2015 relating to conditions of plain and standardized packaging and cigarette paper and rolling tobacco]

https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000032276123

¹⁵ **France:** *Décret n° 2016-1117 du 11 août 2016 relatif à la fabrication, à la présentation, à la vente et à l'usage des produits du tabac, des produits du vapotage et des produits à fumer à base de plantes autres que le tabac* (amends the *Code de la santé publique* [Public Health Code]).

<https://www.legifrance.gouv.fr/eli/decree/2016/8/11/AFSP1612356D/jo>

¹⁶ **France:** First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, Press statement.

http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PS_-_Plain_Packaging_Meeting.pdf

“Plain packaging of tobacco products: a worldwide movement to address a global challenge” Press kit, First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, p.7.

<https://www.ip-watch.org/weblog/wp-content/uploads/2015/07/Background-20-07-15-DP-R%C3%A9union-Paquet-Neutre-2.pdf>

¹⁷ **United Kingdom:** Enabling legislation approved by Parliament March 13, 2014: *Children and Families Act 2014*, 2014 no. 6, section 94.

http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

The Standardised Packaging of Tobacco Products Regulations 2015, laid before Parliament Feb. 23, 2015, approved by House of Commons March 11, 2015, and approved by House of Lords March 16, 2015. http://www.legislation.gov.uk/ukdsi/2015/9780111129876/pdfs/ukdsi_9780111129876_en.pdf

¹⁸ **Wales:** Welsh Government, “Health Minister gives go-ahead for standardised packaging for cigarettes to be introduced in Wales” (news release) January 29, 2015.

<http://wales.gov.uk/newsroom/healthandsocialcare/2015/packaging/?lang=en>

¹⁹ **Northern Ireland:** Northern Ireland Department of Health, Social Services and Public Safety, “Standardised Packaging for Tobacco Products to be Introduced in Northern Ireland” (press release) February 2, 2015.

<http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dhssps/news-dhssps-020215-standardised-packaging-for.htm>

²⁰ **Scotland:** Scottish Government, “Plain tobacco packaging” (news release) January 22, 2015.

<http://news.scotland.gov.uk/News/Plain-tobacco-packaging-14da.aspx>

²¹ **United Kingdom:** *British American Tobacco & others v Department of Health*, [2016] EWHC 1169 (Admin), England and Wales High Court of Justice, Queen’s Bench Division, Administrative Court, May 19, 2016.

Summary: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-summary.pdf>

Full judgment: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-judgment.pdf>

Appeal dismissed by the England and Wales Court of Appeal (Civil Division): *British American Tobacco UK Ltd & Others v The Secretary of State for Health* [2016] EWCA Civ 1182, November 30, 2016.

<http://www.bailii.org/ew/cases/EWCA/Civ/2016/1182.html>

On April 12, 2017, the UK Supreme Court refused applications for permission to appeal the Court of Appeal judgment.

<https://www.supremecourt.uk/news/permission-to-appeal-decision-12-april-2017.html>

²² **Norway:** Bill 142L, *Law amending the Tobacco Control Act (implementation of Directive 2014/40 /EU and standardised tobacco packaging)*, introduced in Norwegian Parliament June 10, 2016, final reading Dec. 9, 2016, signed by King Feb. 10, 2017.

English translation: <http://www.tobaccocontrollaws.org/files/live/Norway/Norway%20-%20Law%20Amd%27ing%20TC%20Act%20%282017%29.pdf>

Norwegian: <http://www.tobaccocontrollaws.org/files/live/Norway/Norway%20-%20Law%20Amd%27ing%20TC%20Act%20%282017%29%20-%20national.pdf>

Norwegian Ministry of Health and Care Services “Advertising-free tobacco packs from 1 July 2017” Mar. 31, 2017 (news release) (Norwegian).

<https://www.regjeringen.no/no/aktuelt/reklamefrie-tobakkspakninger-fra-1.-juli-2017/id2547043/>

Government plain packaging consultation began March 17, 2015, and ended June 9, 2015, see Norwegian Ministry of Health and Care Services, “Norway consults on standardised tobacco packaging and FCTC Article 5.3” (press release) March 17, 2015.

<https://www.regjeringen.no/en/aktuelt/norway-consults-on-standardised-tobacco-packaging-and-fctc-article-5.3/id2401001/>

Consultation documents (Norwegian):

<https://www.regjeringen.no/nb/dokumenter/horing-av-forslag-til-innforing-av-standardiserte-tobakkspakninger-og-gjennomforing-av-tobakkskonvensjonen-artikkel-5.3-i-norge/id2401022/>

On May 5, 2015, Norway provided notification for draft amendments for plain packaging: Draft amendments to Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (Standardised packaging) and draft amendment to Regulations no 141 of 6 February 2003 on the contents and labelling of Tobacco products. Notification provided to European Commission May 5, 2015. Norway is not a member of the EU, but is a member of the European Free Trade Association.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=9009>

See also: Norwegian Ministry of Health and Care Services, “Towards a Tobacco-Free Generation” May 31, 2016 (news release). Link includes 93 minute webcast from May 31, 2016.

<https://www.regjeringen.no/en/aktuelt/towards-a-tobacco-free-generation/id2502147/>

²³ **Norway:** *Regulations amending the regulation on content and labelling of tobacco products*, FOR-2017-06-22-942, adopted June 22, 2017.

Norwegian: <https://lovdata.no/dokument/SF/forskrift/2017-06-22-942?q=Tobakksskadeloven>

For coming into force date at manufacturer level of July 1, 2017 and at retail level of July 1, 2018, see: *Regulations on transitional rules to Act 2017 No. 5 of 10 February 2017 on amendments to the Tobacco Control Act*, FOR-2017-06-16-770, adopted June 16, 2017.

Norwegian: <http://www.tobaccocontrolaws.org/files/live/Norway/Norway%20-%20Transitional%20Regs%202017%20-%20national.pdf>

²⁴ **Norway:** *Swedish Match AB v. The Norwegian State, represented by the Ministry of Health and Care Services*, Oslo District Court, Nov. 6, 2017. Oslo District Court judgment in Norwegian:

https://www.domstol.no/globalassets/upload/obyf/internett/aktuelt/kjennelser/17-110415tvi_swedish-match-ab.pdf

Appeal to Oslo Court of Appeal dismissed Feb. 15, 2018; judgment in Norwegian:

<http://www.who.int/fctc/implementation/ruling-norway-plain-packaging.pdf>

Norwegian Ministry of Health and Care Services, “Full victory to Norway over snus producer Swedish Match” Nov. 6, 2017 (press release).

<https://www.regjeringen.no/en/aktuelt/full-victory-to-norway-over-snus-producer-swedish-match/id2577797/>

²⁵ **Ireland:** *Public Health (Standardised Packaging of Tobacco) Act 2015*, Number 4 of 2015, enacted March 10, 2015. <http://www.irishstatutebook.ie/eli/2015/act/4/enacted/en/print.html>

Consolidated version of *Public Health (Standardised Packaging of Tobacco) Act, 2015*, including amendments in *Health (Miscellaneous Provisions) Act 2017*, Number 1 of 2017:

<http://www.irishstatutebook.ie/eli/2015/act/4/enacted/en/print.html>

Public Health (Standardised Packaging of Tobacco) Act 2015 (Commencement) Order 2017, S.I. No. 115/2017, Mar. 29, 2017.

<http://www.irishstatutebook.ie/eli/2017/si/115/made/en/print>

Public Health (Standardised Packaging of Tobacco) Regulations 2017, S.I. No. 422 of 2017.

<http://health.gov.ie/wp-content/uploads/2017/10/si422.pdf>

Public Health (Standardised Packaging of Tobacco) Bill 2014, Bill Number 54 of 2014, introduced in the Seanad (Senate) June 11, 2014, approved by Senate June 25, 2014, approved with amendments by Dail (lower house) Feb. 26, 2015, bill as amended approved by Seanad March 3, 2015. The bill was signed by the President March 10, 2015. <http://www.oireachtas.ie/viewdoc.asp?DocID=26331&&CatID=59>

On Nov. 20, 2015, Ireland gave notification to the European Commission of draft *Public Health (Standardised Packaging of Tobacco) Regulations 2016*.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=650>

For more information, see: Ireland Department of Health, “Standardised Packaging of Tobacco Products. Guidance for retailers, manufacturers and distributors of tobacco products, enforcement agencies and the public” Mar. 29, 2017.

<http://health.gov.ie/wp-content/uploads/2017/04/Guidance-Note-March-2017.pdf>

²⁶ **Ireland:** Amendments to plain packaging legislation included in *Health (Miscellaneous Provisions) Act 2017*, Number 1 of 2017. *Health (Miscellaneous Provisions) Bill* (Number 9 of 2016) presented in Dail Jan. 15, 2016, approved at second stage and referred to Committee, October 5, 2016, approved by Dail Dec. 6, 2016, approved by Seanad Feb. 7, 2017, enacted with signature Feb. 16, 2017.

Act as enacted: <http://www.oireachtas.ie/documents/bills28/acts/2017/a0117.pdf>

Other information on bill:

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2016/916/document1.htm>

²⁷ **Ireland:** Ireland Department of Health, “Standardised Packaging of Tobacco to be signed into law, to come into force in September” March 29, 2017 (news release).

<http://health.gov.ie/blog/press-release/standardised-packaging-of-tobacco-to-be-signed-into-law-to-come-into-force-in-september/>

²⁸ **New Zealand:** *Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016*, 2016 no 43, adopted Sept 14, 2016.

<http://www.legislation.govt.nz/act/public/2016/0043/latest/DLM5821008.html>

Smoke-Free Environments Regulations 2017, LI 2017/123, approved June 6, 2017.

http://www.legislation.govt.nz/regulation/public/2017/0123/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_smoke_resele_25_a&p=1#DLM7282702

On May 31, 2016, draft regulations were released for consultation until July 29, 2016. New Zealand Ministry of Health, “Standardised Tobacco Products and Packaging Draft Regulations. Consultation document” May 31, 2016.

<https://www.health.govt.nz/publication/standardised-tobacco-products-and-packaging-draft-regulations>

²⁹ **Turkey:** *Law Number 7151 Amending Certain Laws and Decree Laws Regarding Health*, approved by Grand National Assembly November 15, 2018, signed by President December 4, 2018, gazetted December 5, 2018.

English translation: <https://www.tobaccocontrolaws.org/files/live/Turkey/Turkey%20-%20Law%20No.%207151.pdf>

Turkish: <http://www.resmigazete.gov.tr/eskiler/2018/12/20181205-8.htm>

Regulation on the Methods and Procedures for Manufacturing, Labeling and Control of Tobacco Products, gazetted March 1, 2019.

English translation: <https://www.tobaccocontrolaws.org/files/live/Turkey/Turkey%20-%202019%20Regs.pdf>.

Turkish: <http://www.resmigazete.gov.tr/eskiler/2019/03/20190301-5.htm>

See also, WHO FCTC Secretariat, “Turkey: new regulations on plain packaging” March 5, 2019.

<https://untobaccocontrol.org/impldb/turkey-new-regulations-on-plain-packaging/>

Plain packaging included in government national action plan for 2015-2018: Government of Turkey, Turkish National Tobacco Control Program and Plan of Action 2015-2018, p.27, item 1.1.

http://www.thsk.gov.tr/dosya/birimler/tutun_mucadele_db/dokumanlar/29012015/ulusal-tutun-kontrol-programi-eylem-plani.pdf

In August, 2016, the Health Minister stated that plain packaging is under consideration: “Youth smoking on rise as authorities mull measures” Daily Sabah, August 27, 2016.

<http://www.dailysabah.com/nation/2016/08/27/youth-smoking-on-rise-as-authorities-mull-measures>

On Feb. 9, 2017, the Minister of Health stated “we have completed preparations for the introduction of plain packaging”. See: World Health Organization Regional Office for Europe, “Tobacco control activities in Turkey enter a new phase, with leaders looking to ensure sustainability” Feb. 24, 2017.

<http://www.euro.who.int/en/countries/turkey/news/news/2017/02/tobacco-control-activities-in-turkey-enter-a-new-phase.-with-leaders-looking-to-ensure-sustainability>

On Feb. 9, 2018, Health Minister stated plain packaging under consideration and planned measures to be unveiled soon. See Dogan News Agency, “Turkish gov’t mulls standardizing cigarette packaging to discourage smoking” Hurriyet Daily News, February 9, 2018.

<http://www.hurriyetdailynews.com/turkish-govt-mulls-standardizing-cigarette-packaging-to-discourage-smoking-127067>

³⁰ **Saudi Arabia:** *Standard on Plain Packaging of Tobacco Products* (SFDA.FD 60:2018), approved by Chief Executive Officer of Saudi Arabia Food and Drug Authority, decision no. 1440-18-2/7. As of May 1, 2019, Standard to come into force for all products imported as of May 1, 2019, and for all products distributed by importers as of Jan. 1, 2020. There is no apparent retail implementation deadline.

English: <https://www.tobaccocontrolaws.org/files/live/Saudi%20Arabia/Saudi%20Arabia%20-%20Plain%20Pkg.%20Standard.pdf>

Arabic: <https://www.tobaccocontrolaws.org/files/live/Saudi%20Arabia/Saudi%20Arabia%20-%20Plain%20Pkg.%20Standard%20-%20national.pdf>

Saudi Food and Drug Authority, Circular, “Compliance with the Plain Packaging Regulation of Tobacco Products” 2018.

Arabic: <https://www.sfda.gov.sa/ar/food/circulations/DocLib/circulationTobacco.pdf>

(The implementation date at the importer level was later extended from May 1, 2019 to August 23, 2019. Notification to World Trade Organization of draft standard, Sept. 12, 2018, G/TBT/N/SAU/1086.

<http://tbims.wto.org/en/RegularNotifications/View/145433?FromAllNotifications=True>

Full text of notified draft standard (Arabic):

https://members.wto.org/crnattachments/2018/TBT/SAU/18_4832_00_x.pdf

See also World Health Organization Regional Office for Eastern Mediterranean, “Saudi Arabia adopts plain packaging on tobacco products: A groundbreaking step for tobacco control” Dec. 17, 2018. <http://www.emro.who.int/tfi/news/saudi-arabia-adopts-plains-packaging-on-tobacco-products-a-groundbreaking-step-for-tobacco-control.html>

³¹ **Thailand:** Notification of Ministry of Public Health, *Criteria, methods and conditions on tobacco product and cigarette packaging*, dated Nov. 30, 2018, published in Government Gazette Dec. 13, 2018. English translation: <https://www.tobaccocontrollaws.org/files/live/Thailand/Thailand%20-%20Notif.%20of%20P%26L%20Rules%202018.pdf>

Thai: <https://www.tobaccocontrollaws.org/files/live/Thailand/Thailand%20-%20Notif.%20of%20P%26L%20Rules%202018%20-%20national.pdf>

On April 2, 2017, an Act was adopted containing regulatory authority to require plain packaging. *Tobacco Products Control Act of A.D. 2017*, adopted April 2, 2017, article 38.

English translation: <http://www.tobaccocontrollaws.org/files/live/Thailand/Thailand%20-%20TC%20Act%202017.pdf>

Thai: <http://www.tobaccocontrollaws.org/files/live/Thailand/Thailand%20-%20TC%20Act%202017%20-%20national.pdf>

In November, 2015, a Thailand government representative stated that plain packaging was under consideration: World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Thailand, Minutes of the Meeting, Revision, November 24 and 26, 2015”, document WT/TPR/M/326/Add.1/Rev.1, dated April 8, 2016.

https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&CatalogueIdList=228032,226818,226817,226666,226667,225307,225310,225297,225270,225271&CurrentCatalogueIdIndex=0&FullTextHash=&HasEnglishRecord=True&HasFrenchRecord=True&HasSpanishRecord=True

World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Report by the Secretariat, Thailand” Document WT/TPR/S/326, October 20, 2015.

[https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=\(@Symbol=%20wt/tp/s/*\)%20and%20\(\(%20@Title=%20thailand%20\)%20or%20\(@CountryConcerned=%20thailand\)\)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(@Symbol=%20wt/tp/s/*)%20and%20((%20@Title=%20thailand%20)%20or%20(@CountryConcerned=%20thailand))&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true)

Achara Deboonme, “Thailand faces tough fight on plain packaging”, *The Nation*, August 16, 2016.

<http://www.nationmultimedia.com/opinion/Thailand-faces-tough-fight-on-plain-packaging-30293004.html>

³² **Canada:** Bill S-5, *An Act to amend the Tobacco Act and the Non-smokers’ Health Act and to make consequential amendments to other Acts*, Senate first reading Nov. 22, 2016, Senate approval June 1, 2017, House of Commons first reading June 15, 2017, second reading Jan. 30, 2018, approval by the Standing Committee on Health with amendments on Mar. 19, 2018, third reading April 27, 2018, Senate concurrence in House of Commons amendments May 10, 2018, Royal Assent May 23, 2018.

http://www.parl.ca/Content/Bills/421/Government/S-5/S-5_4/S-5_4.PDF

³³ **Canada:** *Tobacco Products Regulations (Plain and Standardized Appearance)*, SOR/2019-0107, adopted April 23, 2019.

English:

<http://www.canadagazette.gc.ca/rp-pr/p2/2019/2019-05-01/html/sor-dors107-eng.html>

French:

<http://www.canadagazette.gc.ca/rp-pr/p2/2019/2019-05-01/html/sor-dors107-fra.html>

Bilingual pdf (beginning at p.1466):

<http://www.canadagazette.gc.ca/rp-pr/p2/2019/2019-05-01/pdf/g2-15309.pdf>

Draft *Tobacco Products Regulations (Plain and Standardized Appearance)*, released June 22, 2018, published in the *Canada Gazette, Part I*, June 23, 2018, with consultation period ending Sept. 6, 2018.

English html

<http://www.canadagazette.gc.ca/rp-pr/p1/2018/2018-06-23/html/reg9-eng.html>

French html

<http://www.canadagazette.gc.ca/rp-pr/p1/2018/2018-06-23/html/reg9-fra.html>

Bilingual pdf (beginning at p.2574, with regulations beginning at p.2631)

<http://www.canadagazette.gc.ca/rp-pr/p1/2018/2018-06-23/pdf/g1-15225.pdf>

Health Canada, “Government of Canada is consulting on proposed regulations for plain and standardized appearance for tobacco products” June 22, 2018 (news release).

<https://www.newswire.ca/news-releases/government-of-canada-is-consulting-on-proposed-regulations-for-plain-and-standardized-appearance-for-tobacco-products-686286031.html>

Santé Canada, « Le gouvernement du Canada mène des consultations au sujet du projet de règlement sur l'apparence neutre et normalisée des produits du tabac » 22 juin 2018 (communiqué).

<https://www.newswire.ca/fr/news-releases/le-gouvernement-du-canada-mene-des-consultations-au-sujet-du-projet-de-reglement-sur-lapparence-neutre-et-normalisee-des-produits-du-tabac-686286171.html>

In the campaign for the Oct. 19, 2015 election, the Liberal Party (which won a majority government) included plain packaging in its electoral platform (p.21):

<https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf>

On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority”: Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). On Oct. 4, 2017, the Prime Minister’s mandate letter to the new Minister of Health continued to include plain packaging as a “top priority”: Prime Minister Justin Trudeau, letter to Ginette Petitpas Taylor, Minister of Health, October 4, 2017 (Minister of Health Mandate Letter).

English: <http://pm.gc.ca/eng/minister-health-mandate-letter>

French: <https://pm.gc.ca/fra/lettre-de-mandat-de-la-ministre-de-la-sante>

On May 31, 2016, Health Minister Jane Philpott launched a public consultation ending August 31, 2016.

Health Canada, “Minister Philpott Launches Public Consultations on Tobacco Plain Packaging” May 31, 2016 (news release). English: <https://www.canada.ca/en/health-canada/news/2016/05/minister-philpott-launches-public-consultations-on-tobacco-plain-packaging.html>

French: <https://www.canada.ca/fr/sante-canada/nouvelles/2016/05/la-ministre-philpott-lance-des-consultations-publiques-sur-la-banalisation-des-emballages-des-produits-du-tabac.html>

Health Canada, “Consultation on “Plain and Standardized Packaging” for Tobacco Products. Potential measures for regulating the appearance, shape and size of tobacco packages and of tobacco products. Document for consultation.” May 2016 (released May 31, 2016).

English: <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-eng.php>

French: <http://canadiensensante.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-fra.php>

³⁴ **Canada:** House of Commons Standing Committee on Health, “Towards Zero Consumption: Generic Packaging of Tobacco Products” Report of the House of Commons Standing Committee on Health, 1994.

³⁵ **Uruguay:** *Packaging and Labelling of Tobacco Products – Modification of Article 8 of Law No 18,256*, signed by President Dec. 21, 2018 (Law No.19.723):

Spanish: <https://www.tobaccocontrolaws.org/files/live/Uruguay/Uruguay%20-%20Law%20No.%2019.723%20-%20national.pdf>

Decree adopted April 29, 2019 (Spanish):

https://medios.presidencia.gub.uy/legal/2019/decretos/04/cm_806.pdf

This legislation supercedes earlier requirements with an earlier implementation date. The earlier requirements that were not in the end implemented were: Decree adopted Aug. 6, 2018 and Ministerial Ordinance adopted Aug. 17, 2018, to come into force Feb. 6, 2019 at manufacturer and retail level.

Decree N° 686/018 of August 6, 2018.

Spanish: <https://www.tobaccocontrolaws.org/files/live/Uruguay/Uruguay%20-%20PP%20Decree%20-%20national.pdf>

Ministry of Public Health Ordinance No. 696, adopted Aug. 17, 2018.

English translation: <https://www.tobaccocontrollaws.org/files/live/Uruguay/Uruguay%20-%20Ord.%20No.%20696.pdf>

Spanish: <https://www.tobaccocontrollaws.org/files/live/Uruguay/Uruguay%20-%20Ord.%20No.%20696%20-%20national.pdf>

A tobacco industry attempt to suspend the Decree pending the outcome of a legal challenge was dismissed by the Civil Court of Appeals on Oct. 11, 2018, overturning a Sept. 18, 2018 decision of the Administrative Court of First Instance.

British American Tobacco v. State – Executive Power – AMPARO, Fa.2-37586, Civil Court of Appeals, Oct. 11, 2018. English translation:

<https://www.tobaccocontrollaws.org/litigation/decisions/uy-20181011-b.a.t.-v.-executive-branch>

Spanish:

https://www.tobaccocontrollaws.org/files/live/litigation/2597/UY_B.A.T.%20v.%20Executive%20Branch_1.pdf

British American Tobacco v. State – Executive Power – AMPARO, IUE 2-37586/2018, Sentence No.90/2018, Administrative First Instance Court, Sept. 18, 2018. English translation:

<https://www.tobaccocontrollaws.org/litigation/decisions/uy-20180918-b.a.t.-v.-state---executive-br>

Spanish:

https://www.tobaccocontrollaws.org/files/live/litigation/2596/UY_B.A.T.%20v.%20State%20-%20Executive%20Br_1.pdf

The Government bill providing enabling authority to require plain packaging was introduced in the Senate Nov. 6, 2017 and referred to the Public Health Committee Nov. 7, 2017 (the government had proceeded with Decree of August 6, 2018 because progress on adoption of the bill was too slow). Bill 936/2017, *Tabaco. Productos. Etiquetas. Empaquetado. Modificación*, can be seen here:

Spanish: https://parlamento.gub.uy/documentosyleyes/ficha-asunto/137365/ficha_completa

The bill's progress through the Uruguay Parliament can be seen here:

Spanish: https://parlamento.gub.uy/documentosyleyes/ficha-asunto/137365/ficha_completa

International Union Against Tuberculosis and Lung Disease, "Uruguay set to become a world leader for restricting tobacco branding as plain packaging bill reaches Congress" November 7, 2017.

<https://www.theunion.org/news-centre/news/uruguay-set-to-become-a-world-leader-for-restricting-tobacco-branding-as-plain-packaging-bill-reaches-congress>

³⁶ **Uruguay:** *Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay*, International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/10/7, July 8, 2016. The Philip Morris claim was brought under a bilateral Switzerland-Uruguay trade and investment treaty. ICSID is an arbitration body affiliated with the World Bank.

http://www.tobaccofreekids.org/content/press_office/2016/2016_07_08_uruguay.pdf

³⁷ **Slovenia:** On Feb. 15, 2017, the National Assembly adopted *The Restriction of the Use of Tobacco Products Act*, published in the official journal on Feb. 24, 2017. The Act requires plain packaging effective Jan. 1, 2020.

Act, English translation:

<http://www.tobaccocontrollaws.org/files/live/Slovenia/Slovenia%20-%20TC%20Act%202017.pdf>

Act, Slovenian (as published in official gazette Feb. 24, 2017):

<https://www.uradni-list.si/pdf/2017/Ra/r2017009.pdf>

The *Rules on the Standardised Packaging of Tobacco Products* were adopted March 28, 2019 and published in official gazette April 5, 2019 (in Slovenian).

<https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2019-01-0924?sop=2019-01-0924>

The content of the Rules was the same as the draft Rules circulated to WTO and available in English and other languages. The draft *Rules on the Standardised Packaging of Tobacco Products* were notified to WTO and circulated Aug. 21, 2018, with a comment period ending Oct. 20, 2018.

http://ec.europa.eu/growth/tools-databases/tbt/en/search/?tbtaction=search.detail&num=103&Country_ID=SVN&dspLang=EN&BASDA TEDEB=&basdatedeb=&basdatefin=&baspays=SVN&basnotifnum=103&basnotifnum2=103&bastypepays=SVN&baskeywords=

On March 16, 2016, Slovenia provided notification for a draft bill that included a requirement for plain packaging and enabling authority to adopt a plain packaging regulation: “Draft Act restricting the use of tobacco and related products.” Notification (including English translation) (provided to the European Commission on May 26, 2016. Slovenia is a member of the European Union.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2016&num=135>

³⁸ **Belgium:** 13 AVRIL 2019. - Arrêté royal relatif au paquet standardisé des cigarettes, du tabac à rouler et du tabac à pipe à eau (Royal Order of April 13, 2019 on the Standardized Packaging of Cigarettes, Roll-Your-Own Tobacco, and Water Pipe Tobacco), adopted April 13, 2019.

French, Dutch:

<https://www.tobaccocontrolaws.org/files/live/Belgium/Belgium%20-%20Royal%20Order%20on%20Plain%20Pkg%20-%20national.pdf>

16 AVRIL 2019. - Arrêté ministériel relatif aux conditions de neutralité et d'uniformisation des unités de conditionnement et des emballages extérieurs des cigarettes, du tabac à rouler et du tabac à pipe à eau (Ministerial Order of April 16, 2019 on the Conditions of Neutral and Uniform Unit and Outer Packaging of Cigarettes, Roll-Your-Own Tobacco, and Water Pipe Tobacco), adopted April 16, 2019.

French, Dutch:

<https://www.tobaccocontrolaws.org/files/live/Belgium/Belgium%20-%20Min.%20Order%20on%20Plain%20Pkg%20-%20national.pdf>

Draft Arrêté royal relatif au paquet standardisé des cigarettes, du tabac à rouler et du tabac à pipe à eau, G/TBT/N/BEL/43 (Royal order on standardized packaging for cigarettes, rolling tobacco and water pipe tobacco)

Full text (French, Dutch):

https://members.wto.org/crnattachments/2019/TBT/BEL/19_0325_00_f.pdf

Notification (English):

https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&HasEnglishRecord=False&HasFrenchRecord=True&HasSpanishRecord=False&CatalogueIdList=250909,250908,250903,250904,250958,250957,250923,250895,122377,243694&CurrentCatalogueIdIndex=5&Full

Draft Arrêté ministériel relatif aux conditions de neutralité et d'uniformisation des unités de conditionnements et des emballages extérieurs des cigarettes, du tabac à rouler et du tabac à pipe à eau ainsi que du papier des cigarettes et du tabac à rouler, G/TBT/N/BEL/42 (Ministerial order on the requirements of plain, standardized unit packs and outer packaging for cigarettes, rolling tobacco, water pipe tobacco and paper for cigarettes and rolling tobacco)

Full text (French, Dutch):

https://members.wto.org/crnattachments/2019/TBT/BEL/19_0324_00_f.pdf

Notification (English):

https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S009-DP.aspx?language=E&HasEnglishRecord=False&HasFrenchRecord=True&HasSpanishRecord=False&CatalogueIdIndex=4&Full

Public Health Minister announced April 9, 2016 that Belgium to have plain packaging by 2019: Ministre des affaires sociales et santé publique, « Plan anti-tabac avec interdiction de fumer en voiture en présence d'enfants et augmentation des accises » 9 avril 2016 (communiqué). [Minister of Social Affairs and Public Health, “Anti-tobacco plan with smoking ban in vehicles with children and excise increases” April 9, 2016 (news release).

<http://www.maggiedeblock.be/2016/04/09/anti-rook-beleidsplan-met-rookverbod-in-wagen-met-kinderen-en-accijnsverhoging/>

In June 2018, Minister informed tobacco industry that she was bringing plain packaging to the Council of Ministers for approval: Oscar Schneider, “Tobacco industry launches lobbying campaign against Health Minister” Brussels Times, June 15, 2018.

<http://www.brusselstimes.com/belgium/health/11645/tobacco-industry-launches-lobbying-campaign-against-health-minister>

Ministre des Affaires sociales et de la Santé publique, “Réduire le tabagisme. La Stratégie fédérale pour une politique anti-tabac efficace” avril 2016 (French) (Minister of Social Affairs and Public Health, “Reducing tobacco use. Federal Strategy for an effective tobacco control policy” April 2016).

https://members.wto.org/crnattachments/2019/TBT/BEL/19_0324_01_f.pdf

“Rapport au Roi” (“Report to King”, undated) (French, Dutch):

https://members.wto.org/crnattachments/2019/TBT/BEL/19_0324_04_f.pdf

³⁹ **Israel:** The *Restriction on Advertising and Marketing of Tobacco Products Law (Amendment No. 7)*, approved by Knesset (Parliament) Dec. 31, 2018, published in Official Gazette Jan. 8, 2019 after being signed by the President (additional implementing regulations not needed because detailed requirements are included in Law itself). For the Law amendment, see:

English: <https://www.tobaccocontrollaws.org/files/live/Israel/Israel%20-%20Amdt.%207%20to%20Marketing%20Law.pdf>

Hebrew: <https://www.tobaccocontrollaws.org/files/live/Israel/Israel%20-%20Amdt.%207%20to%20Marketing%20Law%20-%20national.pdf>

English translation of consolidation of law as amended, *Prohibition of Advertising and Restriction of Marketing of Tobacco and Smoking Products Law*, 5743-1983:

<https://www.tobaccocontrollaws.org/files/live/Israel/Israel%20-%20APS%20Law.pdf>

Hebrew consolidation of law as amended: https://www.health.gov.il/LegislationLibrary/Samim_03.pdf

Israeli Knesset, “Knesset passes bill restricting advertising and marketing of tobacco products” Jan. 1, 2019 (news release).

<https://main.knesset.gov.il/EN/News/PressReleases/Pages/press11f.aspx>

⁴⁰ **Singapore:** *Tobacco (Control of Advertisements and Sale) (Appearance, Packaging and Labelling) Regulations 2019*, No S 480, adopted July 1, 2019, to come into effect July 1, 2020 at both the manufacturer and retail levels.

<https://sso.agc.gov.sg/Act/TCASA1993?TransactionDate=20190701235959>

Legislation signed by President Mar. 7, 2019 with regulatory authority to require plain packaging: *Tobacco (Control of Advertisements and Sale) (Amendment) Act 2019*, No. 9 of 2019..

<https://sso.agc.gov.sg/Acts-Supp/9-2019/Published/20190313?DocDate=20190313>

The consolidated *Tobacco (Control of Advertisements and Sale) Act*, as amended, can be seen here: <https://sso.agc.gov.sg/SL-Supp/S480-2019/Published/20190701?DocDate=20190701>

Singapore launched a public consultation on plain packaging ending March 29, 2016. The Dec. 29, 2015 Singapore Health Promotion Board announcement of the consultation can be seen here:

http://www.hpb.gov.sg/HOPPortal/content/conn/HOPUCM/path/Contribution%20Folders/uploadedFiles/HPB_Online/News_and_Events/News/2015/PublicConsult.pdf

The Singapore Government had previously announced that it would initiate a consultation by the end of 2015; see Parliamentary Secretary to the Minister of Health, statement in Singapore Parliament, March 12, 2015: <http://sprs.parl.gov.sg/search/sprs3topic?reportid=budget-472>

On Mar. 9, 2017, the Senior Minister of State for Health stated that a further public consultation would be held in 2017: Senior Minister of State for Health Dr Amy Khor Lean Suan, statement to Committee of Supply, Singapore Parliament, Mar. 9, 2017, Parliamentary Debates (Hansard).

https://sprs.parl.gov.sg/search/topic.jsp?currentTopicID=00011031-WA¤tPubID=00011034-WA&topicKey=00011034-WA.00011031-WA_3%2Bid-2b844e69-f6c6-4c41-903d-b538a4e23ed6%2B

On Feb. 4, 2018, Singapore launched a public consultation, with the consultation period beginning Feb. 5, 2018 and ending Mar. 16, 2018. The consultation includes a proposal to increase the size of picture

health warnings from 50% to 75% of the package front and back. The consultation document and other related documents, including a research review, can be seen here:

www.moh.gov.sg/proposed-tobacco-control-measures

Singapore Ministry of Health, “Public consultation on standardized packaging and enlarged graphic health warnings for tobacco products” February 4, 2018 (news release).

https://www.moh.gov.sg/content/moh_web/home/pressRoom/pressRoomItemRelease/2018/public-consultation-on-standardised-packaging-and-enlarged-graph.html

Draft *Tobacco (Control of Advertisements and Sale) (Appearance, Packaging and Labelling) Regulations 2019*, notified to WTO Mar. 1, 2019. Notification:

<http://ec.europa.eu/growth/tools->

[databases/tbt/en/search/?tbtaction=search.detail&Country_ID=SGP&num=49&dspLang=en&basdatedeb=&basdatefin=&baspays=&basnotifnum=&basnotifnum2=&bastypepays=ANY&baskeywords=tobacco](http://ec.europa.eu/growth/tools-databases/tbt/en/search/?tbtaction=search.detail&Country_ID=SGP&num=49&dspLang=en&basdatedeb=&basdatefin=&baspays=&basnotifnum=&basnotifnum2=&bastypepays=ANY&baskeywords=tobacco)

⁴¹ **Hungary:** The implementation date is January 1, 2022 at the manufacturer and retail levels. A consolidated version of the Decree as amended can be seen here:

Hungarian: <https://net.jogtar.hu/jogszabaly?docid=A1300039.KOR>

Previously, the implementation date was May 20, 2018 at the manufacturer level, and May 20, 2019 at the retail level. Decree 239/2016 of 16 August 2016, *Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine*. See Hungary Gazette, August 16, 2016, starting at p.11993 (Hungarian):

<http://www.magyarokzlony.hu/dokumentumok/2da534225ced907f63e73ebef84fa62923926ad7/megtekintes>

English translation: http://www.tobaccocontrollaws.org/files/live/Hungary/Hungary%20-%20Regulation%20239_2016.pdf

On September 21, 2015, Hungary had notified a draft Decree to the European Commission: *Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine* (the 'Implementation Decree')” (Draft). (Available in English and other languages.) The draft Decree also includes implementation of many of the provisions in the new EU Directive.

<http://ec.europa.eu/growth/tools->

[databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=529&mLang=EN](http://ec.europa.eu/growth/tools-databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=529&mLang=EN)

Hungary requires that plain packaging “apply immediately to new brands and new types registered after 30 April 2016 and placed on the market after 19 August 2016” (Decree, section 21/A(4)).

⁴² **Netherlands:** Dutch Ministry of Health, Welfare and Sport, “National Prevention Agreement. Towards a Healthier Netherlands”, 2018 [Ministerie van Volksgezondheid, Welzijn en Sport “Nationaal Preventieakkoord. Naar een gezonder Nederland”, 2018].

Dutch:

<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/convenanten/2018/11/23/nationaal-preventieakkoord/nationaal-preventieakkoord.pdf>

See also Gera Nagelhout & Barbara van Straaten, “Tobacco control measures in the Dutch ‘National Prevention Agreement’ and expected tobacco industry responses” Addiction Research Institute (IVO), January 2019 (factsheet).

<https://ivo.nl/wp-content/uploads/2019/02/IVO-Factsheet-tobacco-control-policy-and-industry-influence.pdf>

⁴³ **Netherlands:** On Apr. 25, 2019, Ministry of Health, Wellbeing and Sport launched a consultation on plain packaging for implementation in 2020, with the consultation ending May 26, 2019:

<https://www.internetconsultatie.nl/standaardverpakking>

⁴⁴ **Mauritius:** Prime Minister’s Office, “Cabinet Decisions taken on 01 NOVEMBER 2018” Nov. 1, 2018. The announcement stated in part: “Cabinet has taken note of the introduction of Plain Packaging of Tobacco Products in Mauritius in June 2019, in line with the Guidelines for the implementation of

Articles 11 and 13 of the WHO Framework Convention on Tobacco Control which Mauritius ratified in 2004.”

<http://pmo.govmu.org/English/News/Pages/Cabinet-Decisions-taken-on-01-NOVEMBER-2018.aspx>

See also Mauritius Government Information Service, Prime Minister’s Office, “WNTD: Government’s commitment to introduce plain packaging, stressed by Health Minister” June 6, 2016 (news release).

<http://www.govmu.org/English/News/Pages/WNTD-Government%E2%80%99s-commitment-to-introduce-plain-packaging,-stressed-by-Health-Minister.aspx>

⁴⁵ **Sri Lanka:** “Cabinet approves standard packaging for tobacco products” Colombo Gazette, April 11, 2018.

<http://colombogazette.com/2018/04/11/cabinet-approves-standard-packaging-for-tobacco-products/>

“Cabinet nod to introduce colourless standard packaging for cigarettes” Daily Mirror, April 12, 2018.

<http://www.dailymirror.lk/article/Cabinet-nod-to-introduce-colourless-standard-packaging-for-cigarettes-148605.html>

On Nov. 7, 2016, President stated that Minister of Health is proposing to introduce plain packaging “in the near future.” See Address by Sri Lanka President Maithripala Sirisena, Seventh Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, Delhi, India, Nov. 7, 2016, p.2.

http://www.who.int/fctc/cop/cop7/FCTC_COP_7_DIV6_EN.pdf?ua=1

Press Trust of India, “Sri Lanka to introduce plain packaging of tobacco products” India Today, Nov. 7, 2016.

<http://indiatoday.intoday.in/story/sri-lanka-to-introduce-plain-packaging-of-tobacco-products/1/804453.html>

“ ‘Plain packaging’ for tobacco products in Sri Lanka” Daily News, Nov. 8, 2016.

<http://dailynews.lk/2016/11/08/local/98470>

⁴⁶ **Nepal:** Gagan Kumar Thapa, Nepal’s Minister of Health, address to South Asia Tobacco Control Leadership Program (8 to 13 May 2017, Hotel Annapurna, Durbar Marg), May 8, 2017, Kathmandu, Nepal.

Himalayan News Service “South Asian tobacco control leadership meet concludes” Himalayan Times, May 14, 2017.

<https://thehimalayantimes.com/kathmandu/south-asian-tobacco-control-leadership-meet-concludes/>

International Union Against Tuberculosis and Lung Disease (The Union), “Nepal hosts regional tobacco control leadership programme” May 31, 2017.

<http://www.theunion.org/news-centre/news/nepal-hosts-regional-tobacco-control-leadership-programme>

⁴⁷ **Malaysia:** Robin Augustin, “After smoking ban, Putrajaya mulls plain packaging for cigarettes”

February 13, 2019.

<https://www.freemalaysiatoday.com/category/nation/2019/02/13/after-smoking-ban-putrajaya-mulls-plain-packaging-for-cigarettes/>

⁴⁸ **South Korea:** Yonhap News Agency, “S. Korea unveils ‘tobacco endgame’ plan to get people to quit smoking” May 21, 2019.

<https://en.yna.co.kr/view/AEN20190521008400320>

Kim Arin, “Government vows to reduce tobacco consumption” Korea Herald, May 21, 2019.

<http://www.koreaherald.com/view.php?ud=20190521000560>

⁴⁹ **Romania:** *Law no. 201 of 2016 regarding the conditions for manufacturing, presentation and selling of tobacco products and modifying the Law no. 349/2002 regarding prevention and counteracting the effects of tobacco consumption*, Article 24. Bill PLx no. 272/2016 approved by Senate June 7, 2016, approved by House of Deputies October 18, 2016, signed by President on Nov. 3, 2016, became Law no. 201/2016 on Nov. 4, 2016 when published in *Official Monitor*.

English translation of Law: http://www.tobaccocontrollaws.org/files/live/Romania/Romania%20-%20Law%20No.%20201_2016.pdf

Romanian: http://www.tobaccocontrollaws.org/files/live/Romania/Romania%20-%20Law%20No.%20201_2016%20-%20national.pdf

Additional information on Bill PLx no. 272/2016 from the Romanian Parliament:

http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=15762#

⁵⁰ **Chile:** *Bill that adapts national legislation to the standard of the World Health Organization Framework Convention on Tobacco Control*, Bulletin N°8.886-11 (S), introduced in Senate April 10, 2013, approved by Senate July 9, 2015, forwarded to House of Deputies, approved by House Health Committee January 22, 2018, forwarded to House Agricultural Committee March 14, 2018. Bill has regulatory authority. Implementing regulations would be needed following adoption of the bill. The Congress webpage for the bill can be seen here:

https://www.camara.cl/pley/pley_detalle.aspx?prmID=9292&prmBole%ADtin=8886-11

⁵¹ **Georgia:** *Law No. 4059-RS on Tobacco Control* (2010), as amended by *Law No. 859-IIC of May 17, 2017* (signed by President May 30, 2017), Article 4, subparagraph 2(c).

English: <https://www.tobaccocontrollaws.org/files/live/Georgia/Georgia%20-%20TC%20Law%202010.pdf>

Georgian: <https://www.tobaccocontrollaws.org/files/live/Georgia/Georgia%20-%20TC%20Law%202010%20-%20national.pdf>

⁵² **Jersey, Guernsey:** Minister for Health and Social Services, “Tobacco: Plain Packaging Standardisation: Law drafting instructions” Decision Reference MD-HSS-2017-0063, July 3, 2017.

<https://www.gov.je/government/planningperformance/pages/ministerialdecisions.aspx?docid=26301E7F-2D9A-4771-9BED-88E1283523BF>

ITV, “Plain tobacco packaging law enforced in Jersey”, July 7, 2017.

<http://www.itv.com/news/channel/2017-07-07/plain-tobacco-packaging-law-enforced-in-jersey/>

Jersey and Guernsey are each Crown dependencies in the English Channel that are neither part of the U.K. nor the E.U.

⁵³ **Taiwan:** draft *Tobacco Hazards Prevention Act Amendment Bill*, notified to World Trade Organization, Feb. 13, 2017, G/TBT/N/TPKM/264. See Article 6 of draft bill.

<http://tbtims.wto.org/en/RegularNotifications/View/90194?FromAllNotifications=True>

⁵⁴ **Finland:** Finland Ministry of Social Affairs and Health, “Roadmap to a Tobacco-Free Finland: Action Plan on Tobacco Control” 2014 (published June 27, 2014).

<http://www.stm.fi/en/publications/publication/-/julkaisu/1886404#en>

⁵⁵ **Finland:** Ministry of Social Affairs and Health, “Development of tobacco and nicotine policy.

Proposals for action by the working group”. Report dated May 31, 2018 and submitted to Parliament Oct. 19, 2018. Reports and Memorandums of the Ministry of Social Affairs and Health 46/2018.

English: https://api.hankeikkuna.fi/asiakirjat/9ef869be-352c-401f-bec7-9e06b1fce1f5/a465afbb-b565-4af4-9250-ce3a78d4ac07/MIETINTO_20181212104654.pdf

Finnish: <http://urn.fi/URN:ISBN:978-952-00-3934-9>

For a news report, see “Flurry of proposals issued by ministry to make Finland smoke-free by 2030” Oct. 19, 2018.

https://yle.fi/uutiset/osasto/news/flurry_of_proposals_issued_by_ministry_to_make_finland_smoke-free_by_2030/10466763

⁵⁶ **South Africa:** Wendell Roelf, “S.Africa plans plain cigarette packaging by 2015 – minister” Reuters, July 24, 2014.

<http://in.reuters.com/article/2014/07/24/safrica-tobacco-idINL6N0PZ4FZ20140724>

⁵⁷ **South Africa:** The Minister of Health made this statement at the 16th World Conference on Tobacco or Health held in Abu Dhabi, United Arab Emirates, March 18, 2015.

https://www.youtube.com/watch?v=4z9EHS_LehE

⁵⁸ **South Africa:** “No branding, logos or colours - SA gets tough on cigarettes” City Press, May 31, 2016.

<http://city-press.news24.com/News/no-branding-logos-or-colours-sa-gets-tough-on-cigarettes-20160531>

Lerato Matlala, “Will introduction of plain packaging of tobacco products benefit SA?” South Africa Broadcasting Corporation, May 31, 2016.

<http://www.sabc.co.za/news/a/fc2250004cf71adfa110f500ab741406/Will-introduction-of-plain-packaging-of-tobacco-products-benefit-SA-20163105>

⁵⁹ **South Africa:** “5 big changes on the cards under South Africa’s new smoking laws in 2018” BusinessTech, Nov. 13, 2017.

<https://businesstech.co.za/news/business/210419/5-big-changes-on-the-cards-under-south-africas-new-smoking-laws-in-2018/>

⁶⁰ **South Africa:** Draft *Control of Tobacco Products and Electronic Delivery Systems Bill of 2018* published for comment May 9, 2018, with consultation period ending August 9, 2018.

<https://pmg.org.za/call-for-comment/665/>

⁶¹ **European Union:** *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, Article 24(2).

http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf

⁶² **European Union:** *Philip Morris Brands and Others*, European Court of Justice, May 4, 2016, Case C-547-14.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5b4ac128357df4fc8b24389847d7897f5.e34KaxiLc3qMb40Rch0SaxuTa350?text=&docid=177724&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=185180>

On December 23, 2015, the Advocate General of the European Court of Justice had released an opinion concluding that the EU Directive was valid, including the option to implement plain packaging. This opinion, was preliminary to the May 4, 2016 judgment of the European Court of Justice.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxiLc3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911>

On July 7, 2015, the Ireland High Court (Commercial Division) dismissed an application to refer the question of the legal validity of the plain packaging provision in the EU *Tobacco Products Directive* to the European Court of Justice, noting that a reference from England had already been made. See *JTI-Ireland v Minister of Health and others*, [2015] IEHC 481, 2015 2530 P, July 7, 2015.

<http://www.courts.ie/Judgments.nsf/0/68C14CFE270C72D80257E93005048D8>

For the English court case referring the matter to the European Court of Justice, see: *Philip Morris and Others v. The Secretary of State for Health*, High Court of England and Wales (Administrative Division), [2014] EWHC 3669 (Admin), Case No: CO/2969/2014 and CO/2971/2014, Nov. 7, 2014.

<https://www.tobaccocontrolaws.org/litigation/decisions/gb-20141107-r-on-the-application-of-philip>

⁶³ **Monaco:** The *Convention of Neighbours of May 18, 1963*, an agreement between France and Monaco, provides (Article 19) that Monaco will purchase tobacco products for consumption in Monaco from the Service d’Exploitation Industrielle des Tabacs et Allumettes (SEITA) of France (*La Convention de voisinage du 18 mai 1963*).

https://www.imolin.org/doc/amlid/Monaco/Monaco_Accord_signe_entre_La_Principaute_du_Monaco_et_la_France-mai_1963.pdf

⁶⁴ **Cook Islands:** The *Tobacco Products Control Regulations 2008* require that health warnings comply with either New Zealand or Australia health warning requirements, or comply with bilingual (English and Cook Islands Maori) text warning requirements on 50% of the package front and back. In practice, most if not all cigarette packages follow New Zealand requirements, with plain packaging increasingly appearing on store shelves.

<https://www.tobaccocontrolaws.org/files/live/Cook%20Islands/Cook%20Islands%20-%20Tobacco%20Products%20Control%20Act%20Regulations%20-%20national.pdf>

⁶⁵ **Timor-Leste:** Timor-Leste (East Timor) packaging provisions include: a base colour of aluminum gray is required for all parts of the package that are not required health messages; the brand name or logo can only appear on the bottom 15% of the package front (and not on any other side of the package), and must

appear in white on the aluminum gray background; the brand name may not convey messages about the product; these packaging restrictions apply to all tobacco products. Brand names in stylized fonts and brand logos can still appear (though only in white on bottom 15% of package front).

The *Ministerial Statutory Order N° 10/2018 of May 9, Regulations for Labelling of Tobacco Products* contains the requirements for package health warnings as well as other packaging restrictions. These regulations can be seen here:

https://www.tobaccocontrolaws.org/files/live/Timor-Leste/Timor-Leste%20-%20P%26L%20Regs%202018%20%28No.%2010_2018%29.pdf

The *Decree-Law No. 14/2016 of June 8 on the Tobacco Control Regime*, which authorizes the regulations, can be seen here:

https://www.tobaccocontrolaws.org/files/live/Timor-Leste/Timor-Leste%20-%20Decree-Law%20No.%2014_2016.pdf

⁶⁶ Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products)”, paragraph 46.

http://www.who.int/fctc/guidelines/article_11.pdf?ua=1

Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship)”, paragraphs 15-17.

http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

⁶⁷ For a list of FCTC Parties, see: http://www.who.int/fctc/signatories_parties/en/

⁶⁸ David Hammond, "Standardised Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health" March 2014.

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

⁶⁹ Sir Cyril Chantler, “Standardised Packaging of Tobacco: Report of the independent review undertaken by Sir Cyril Chantler” April 2014.

<http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>

⁷⁰ C. Moodie, M. Stead, L. Baulda, A. McNeill, K. Angus, K. Hinds, I. Kwan, J. Thomas, G. Hastings and A. O’Mara-Eves, “Plain tobacco packaging: a systematic review”, 2011, University of Stirling: Stirling, Scotland, United Kingdom http://phrc.lshtm.ac.uk/papers/PHRC_006_Final_Report.pdf

⁷¹ *Tobacco Control*, April 2015, Volume 24, Supplement 2

http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc

⁷² Australian Department of Health, “Post-Implementation Review Tobacco Plain Packaging 2016” released February 26, 2016.

<https://ris.govspace.gov.au/2016/02/26/tobacco-plain-packaging/>

⁷³ Cancer Council Victoria, “Plain packaging. The facts.” (website)

<http://www.cancervic.org.au/plainfacts/default.asp>

See also Quit Victoria, Cancer Council Victoria, “Plain packaging of tobacco products: a review of the evidence” August 12, 2011.

https://www.cancervic.org.au/downloads/mini_sites/Plain-facts/TCUCCVEvOverview_FINALAUG122011.pdf

⁷⁴ World Health Organization, “World No Tobacco Day: Get ready for plain packaging. Plain packaging of tobacco products to reduce demand, to save lives” May 31, 2016.

<http://www.who.int/campaigns/no-tobacco-day/2016/en/>

⁷⁵ United Nations Secretary-General, “Secretary-General, in Message for International Observance, Supports Plain Packaging of Tobacco Products to Reduce Demand, Ensure Healthy Lives” May 27, 2016.

<http://www.un.org/press/en/2016/sgsm17794.doc.htm>

⁷⁶ **Uruguay:** *Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay*, International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/10/7, July 8, 2016. The Philip Morris claim was brought under a bilateral Switzerland-Uruguay trade and investment treaty. ICSID is an arbitration body affiliated with the World Bank.

http://www.tobaccofreekids.org/content/press_office/2016/2016_07_08_uruguay.pdf

⁷⁷ **Australia:** *JT International SA v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

<http://www.austlii.edu.au/au/cases/cth/HCA/2012/43.html>

⁷⁸ **Australia:** *Philip Morris Asia Limited (Hong Kong) v. The Commonwealth of Australia*, Permanent Court of Arbitration, Dec. 17, 2015, PCA Case N° 2012-12. The text of the decision was published May 16, 2016.

<https://www.pcacases.com/web/sendAttach/1711>

For other documents in the case, see:

<http://www.pcacases.com/web/view/5>

Regarding the text of the Dec. 17, 2015 decision not being immediately published, see Cancer Council Victoria, “Australia successfully defends plain packaging against Philip Morris legal challenge” Dec. 18, 2015 (news release).

<http://www.cancervic.org.au/about/media-releases/2015-media-releases/december-2015/australia-successfully-defends-plain-packaging.html>

On March 8, 2017, the Permanent Court of Arbitration rendered its award regarding costs, requiring Philip Morris to pay Australia’s costs, though the decision was not immediately released, and though the total amount of the costs awarded was redacted when the decision was publicly released: *Philip Morris Asia Limited (Hong Kong) v. The Commonwealth of Australia*, Permanent Court of Arbitration, Mar. 8, 2017, 2015, PCA Case N° 2012-12, Final Award Regarding Costs. The text of the decision was first cited in the media on July 10, 2017.

<https://pcacases.com/web/sendAttach/2190>

⁷⁹ **Australia:** World Trade Organization, “Australia — Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging” Reports of the Panels, WT/DS435/R, WT/DS441/R WT/DS458/R, WT/DS467/R, June 28, 2018.

https://www.wto.org/english/tratop_e/dispu_e/435_441_458_467r_conc_e.pdf

For earlier news reports prior to release of the decision, see:

Bryce Baschuk, Tobacco Logo Ban Said to Get WTO Backing in Landmark Case” Bloomberg, May 4, 2017.

<https://www.bloomberg.com/news/articles/2017-05-04/wto-said-to-uphold-australia-s-ban-on-cigarette-logos>

Tom Miles and Martinne Geller, May 4, 2017, “Australia wins landmark WTO tobacco packaging case – Bloomberg” Reuters, May 4, 2017.

<http://www.reuters.com/article/us-wto-tobacco-australia-idUSKBN1801S9>

Various documents from the WTO proceeding, including Australia’s “Integrated Executive Summary of Australia’s Submissions”, dated March 23, 2016, are available here:

<http://dfat.gov.au/international-relations/international-organisations/wto/wto-dispute-settlement/Pages/wto-disputes-tobacco-plain-packaging.aspx>

⁸⁰ **United Kingdom:** *British American Tobacco & others v Department of Health*, [2016] EWHC 1169 (Admin), England and Wales High Court of Justice, Queen’s Bench Division, Administrative Court, May 19, 2016.

Summary: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-summary.pdf>

Full judgment: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-judgment.pdf>

Appeal dismissed by the England and Wales Court of Appeal (Civil Division): *British American Tobacco UK Ltd & Others v The Secretary of State for Health* [2016] EWCA Civ 1182, November 30, 2016.

<http://www.bailii.org/ew/cases/EWCA/Civ/2016/1182.html>

On April 12, 2017, the UK Supreme Court refused applications for permission to appeal the Court of Appeal judgment.

<https://www.supremecourt.uk/news/permission-to-appeal-decision-12-april-2017.html>

⁸¹ **France:** Constitutional Council [France], Loi de modernisation de notre système de santé [Law to modernize our health system], Decision n° 2015-727 DC of 21 January 2016.

<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2015-727-dc/decision-n-2015-727-dc-du-21-janvier-2016.146887.html>

⁸² **France:** *Société JT International SA, Société d'exploitation industrielle des tabacs et des allumettes, société Philip Morris France SA et autres*, Council of State, Dec. 23, 2016, Nos 399117, 399789, 399790, 399824, 399883, 399938, 399997, 402883, 403472, 403823, 404174, 404381, 404394.

Decision (French): <http://www.conseil-etat.fr/Decisions-Avis-Publications/Decisions/Selection-des-decisions-faisant-l-objet-d-une-communication-particuliere/CE-23-decembre-2016-societe-JT-International-SA-Societe-d-exploitation-industrielle-des-tabacs-et-des-allumettes-societe-Philip-Morris-France-SA-et-autres>

Summary (French): <http://www.conseil-etat.fr/Actualites/Communiqués/Paquet-neutre>

News release (French): <http://www.conseil-etat.fr/Actualites/Communiqués/Paquet-neutre>

⁸³ **Norway:** *Swedish Match AB v. The Norwegian State, represented by the Ministry of Health and Care Services*, Oslo District Court, Nov. 6, 2017. Oslo District Court judgment in Norwegian:

https://www.domstol.no/globalassets/upload/obyf/internett/aktuelt/kjennelser/17-110415tvi_swedish-match-ab.pdf

Appeal to Oslo Court of Appeal dismissed Feb. 15, 2018; judgment in Norwegian:

<http://www.who.int/fctc/implementation/ruling-norway-plain-packaging.pdf>

Norwegian Ministry of Health and Care Services, “Full victory to Norway over snus producer Swedish Match” Nov. 6, 2017 (press release).

<https://www.regjeringen.no/en/aktuelt/full-victory-to-norway-over-snus-producer-swedish-match/id2577797/>

⁸⁴ **European Union:** *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, Article 24(2).

http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf

⁸⁵ **European Union:** *Philip Morris Brands and Others*, European Court of Justice, May 4, 2016, Case C-547-14.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5b4ac128357df4fc8b24389847d7897f5.e34KaxiLc3qMb40Rch0SaxuTa350?text=&docid=177724&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=185180>

On December 23, 2015, the Advocate General of the European Court of Justice had released an opinion concluding that the EU Directive was valid, including the option to implement plain packaging. This opinion, was preliminary to the May 4, 2016 judgment of the European Court of Justice.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxiLc3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911>

On July 7, 2015, the Ireland High Court (Commercial Division) dismissed an application to refer the question of the legal validity of the plain packaging provision in the EU *Tobacco Products Directive* to the European Court of Justice, noting that a reference from England had already been made. See *JTI-Ireland v Minister of Health and others*, [2015] IEHC 481, 2015 2530 P, July 7, 2015.

<http://www.courts.ie/Judgments.nsf/0/68C14CFE270C72D80257E93005048D8>

For the English court case referring the matter to the European Court of Justice, see: *Philip Morris and Others v. The Secretary of State for Health*, High Court of England and Wales (Administrative Division), [2014] EWHC 3669 (Admin), Case No: CO/2969/2014 and CO/2971/2014, Nov. 7, 2014.

<https://www.tobaccocontrollaws.org/litigation/decisions/gb-20141107-r-on-the-application-of-philip>