

## Notifications Relating to Tobacco Products

1<sup>st</sup> -30<sup>th</sup> June 2024

Under the WTO's Agreement on Technical Barriers to Trade, member states for valid reasons are allowed to regulate markets, protect their consumers, preserve their natural resources, using tools such as rules for product weight, size, or packaging; ingredient or identity standards; shelf-life restrictions; and import testing and certification procedures.

However, often these measures result in perceived discrimination against imports in order to protect domestic industries.

The TBT Agreement seeks to ensure that standards, technical regulations, and conformity assessment procedures are non-discriminatory and are applied on a non-discriminatory basis.

*This Newsletter captures NTBs notified by WTO members and their relevance to Tobacco products for June 2024. It also highlights the potential impact of these NTBs on India's exports.*

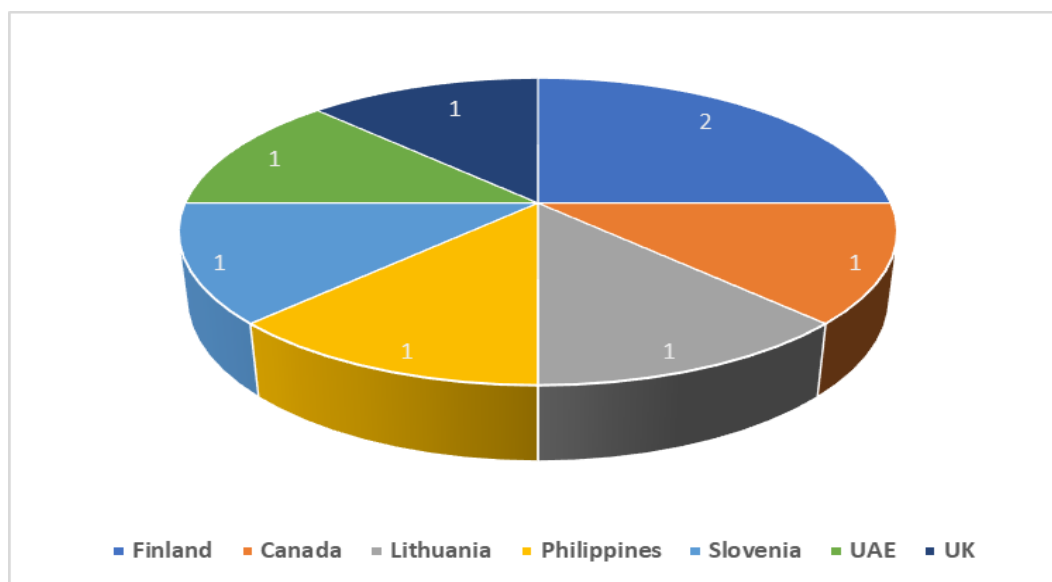
### TBT Notifications Issued by WTO Member Countries

The various WTO Member countries issued 265 TBT notifications during June 2024. Of these, only 8 notifications are relevant to tobacco.

### Country-wise Break-up of NTB Notifications

Review of TBT Notifications relating to electronic products for the month of June 2024 reveals that out of the total 8 notifications, Finland issued the relatively largest number of Notifications relating to tobacco products, 2, followed by Canada (1), Lithuania (1), the Philippines (1), Slovenia (1), the UAE (1), and the UK (1), respectively. See Figure 1 for the distribution of TBT notifications against tobacco products.

**Figure 1 Distribution of TBT Notifications Against Tobacco Products**



### **Potential Impact of TBT Notifications on Tobacco Products**

Data analysis reveals that Notifications issued by the WTO Member countries in June 2024 could potentially affect India's exports worth US\$ 0.33 million if appropriate measures are not taken to resolve these issues in time.

At the country level, data review reveals that out of the total potential decline in India's exports, Finland alone would account for a decline of over US\$0.26 million, followed by Canada at over US\$0.07 million. India does not export any of the products to the markets of Slovenia, UAE, UK, Lithuania, and the Philippines.

Table 1 describes Notifications and product-wise exports from India to these countries in 2023.

**Table 1. Details of Notifications**

Sl. No.	Notifying Member	Distribution date	Document symbol	Description	HS code(s)	India's Exports of the product to issuing country in 2022 (Value in US \$ Million)	Notifying Member country's World Import in 2022 (Value in US\$ Million)
1	United Arab Emirates	10-06-2024	G/TBT/N/ARE/613	This UAE Technical regulation is concerned with the requirements that must be met in tobacco-free nicotine pouches (packages) intended for use exclusively through the mouth, by placing them between the gums and the mucous membrane of the mouth for a while, to facilitate the absorption of nicotine through the mucous membrane of the mouth, and then disposing of the pouch after use.	240492	0	0.27
2	Slovenia	12-06-2024	G/TBT/N/SVN/127	The draft Rules on the Reporting of Tobacco and Related Products and for regulation of e-cigarette flavours sets the same amounts of fees for novel tobacco products, herbal products for smoking and heated herbal products as set for conventional tobacco products in the Rules on the Reporting of Tobacco and Related Products (Official Gazette of the Republic of Slovenia, No. 9/18).	2404	0	83.12

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3	United Kingdom	14-06-2024	G/TBT/N/GBR/90	These regulations will introduce a ban on the supply of single-use electronic cigarettes in Wales. These regulations define single-use electronic cigarettes as devices that: <ul style="list-style-type: none"> <li>• are not rechargeable, not refillable or are neither rechargeable nor refillable, and</li> <li>• vaporise substances (other than tobacco) for the purpose of inhalation through a mouthpiece. The restriction will not apply to single-use electronic cigarettes that: <ul style="list-style-type: none"> <li>• are refillable by means of a refill container, or tank or single-use cartridge, and</li> <li>• are any of the above and rechargeable. Breach of these prohibitions will be an offence under the regulations. The regulations provide for fixed monetary penalties, variable monetary penalties, compliance notices and stop notices as well as non-compliance penalties. Criminal sanctions will also be provided for where an enforcement undertaking has not been complied with.</li> </ul> </li> </ul>	240412, 240419	0	1177.79

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4	Lithuania	18-06-2024	G/TBT/N/LTU/52	This draft Order establishes restrictions on the placing on the market of e-cigarette liquids containing flavoring substances, except for flavoring substances that impart the smell or taste of tobacco; a list of permitted flavoring substances that impart the smell or taste of tobacco is established in accordance with Article 9(2)(5) of the Law on Control of Tobacco, Tobacco Products and Products Related to the Republic of Lithuania.	240491	0	3.14
5	Canada	19-06-2024	G/TBT/N/CAN/725	The Nicotine Replacement Therapy Supplementary Rules Order is a Ministerial Order (this Order) that applies to nicotine replacement therapies for administration in the oral cavity and that are regulated under the Natural Health Products Regulations for use in smoking cessation by adults who smoke. The specific supplementary rules for nicotine replacement therapies included in this Order are: restricting sale to behind the counter in pharmacies for products that do not have a history of appropriate use; requiring warning statements about the	2404	0.07	377.31

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				addictive nature of nicotine on product labels and in advertisements; restricting advertising and promotion that could be appealing to young people; restricting packaging and labelling that could be appealing to young people; and limiting flavours.			
6	Philippines	19-06-2024	G/TBT/N/PHL/330/Add.1	Supplemental Technical Regulations for DAO 22-06, Series of 2022 on the Mandatory Product Certification of Vaporized Nicotine and Non-Nicotine Products	2404	0	0
7	Finland	24-06-2024	G/TBT/N/FIN/89	Technical details on the notifications concerning smokeless nicotine products.	2404	0.13	75.78
8	Finland	24-06-2024	G/TBT/N/FIN/88	Technical details on the health warning required for unit packets of smokeless nicotine products.	2404	0.13	75.78