

Notifications Relating to Tobacco Products

1st-30th April 2024

Under the WTO’s Agreement on Technical Barriers to Trade, member states, for valid reasons, are allowed to regulate markets, protect their consumers, and 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 its relevance to Tobacco products for the month of April 2024. It also highlights the potential impact of these NTBs on India’s exports.

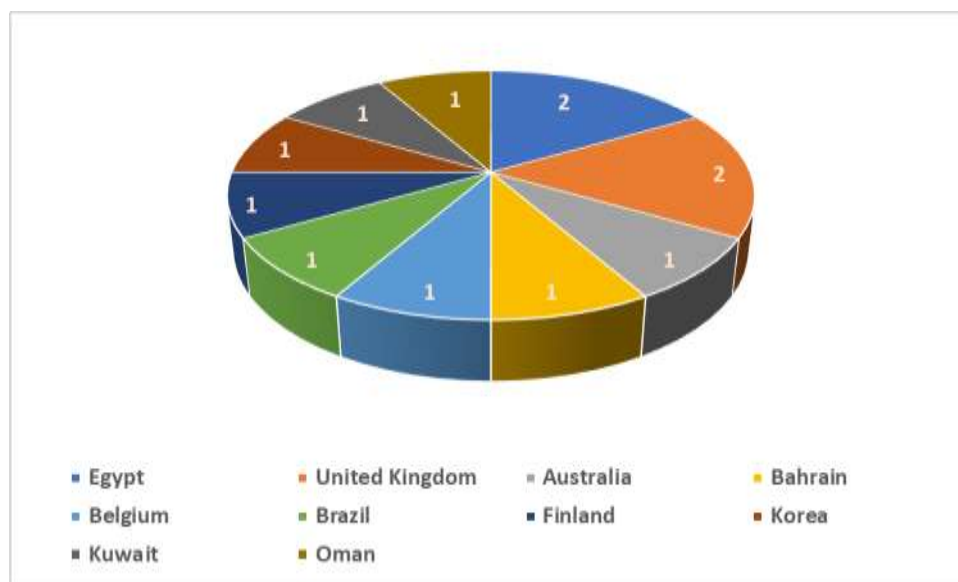
TBT Notifications Issued by WTO Member Countries

The various WTO Member countries issued 268 TBT notifications during April 2024. Of these, only 17 notifications are relevant to tobacco.

Country-wise Break-up of NTB Notifications

Review of TBT Notifications relating to tobacco products for the month of April 2024 Finland issued one notification. See Figure 1 for distribution of TBT Notifications against tobacco products.

Figure 1 Distribution of TBTs Notifications Against Tobacco Products



Potential Impact of TBT Notifications on Tobacco Products

Data analysis reveals that Notifications issued by the WTO Member countries in April 2024 could potentially affect India's exports worth US\$0.15 million if appropriate measures are not taken to resolve these issues in time.

At the country level, a data review reveals that out of the total potential decline in India's exports, the United Kingdom alone would account for a decline of over US\$0.14 million, followed by Korea at over US\$0.01 million. India does not export any products to the markets of Egypt, Australia, Bahrain, Belgium, Brazil, Finland, Kuwait, Oman, Philippines, Qatar, Saudi Arabia, United Arab Emirates, and Yemen.

A description of products and the Notifications issued is presented in Table 1.

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 (Year 2022) Value in US \$ Million)	Notifying Member country's World Import in 2022 (Value in US\$ Million)
1	United Kingdom	02-04-2024	G/TBT/N/GBR/79	<p>These regulations will apply to all businesses that operate in Scotland. These regulations will introduce a ban on the sale and supply of:</p> <p>single-use electronic cigarettes that are not rechargeable, not refillable or are neither rechargeable nor refillable single-use electronic cigarettes retaining both nicotine-containing e-liquid and non-nicotine-containing e-liquid. The restriction will not apply to devices that are both:</p> <p>(1) refillable by means of a single-use container which is separately available and can be replaced, or a container which can be refilled, and</p> <p>(2) rechargeable by means of a battery which can be recharged, and a coil which is intended to be replaced by an individual user in the normal course of use and is</p>	2404	0.07	515.96

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				separately available.			
2	Bahrain, Kingdom of	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	<p>This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories:</p> <p>Liquids are formulated for use in electronic devices specifically designed for that purpose, regardless of whether they contain nicotine.</p> <p>Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices. Compound mixtures may contain nicotine or not, such as herbal mixtures and pastes prepared from permissible ingredients and intended for use in designated electronic devices.</p>	854340	0	0.06

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3	Oman	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices. Compound mixtures may contain nicotine or not, such as herbal mixtures and pastes prepared from permissible ingredients and intended for use in designated electronic devices. It's important to note that this standard excludes nicotine patches, nicotine gum, and orally consumed products taken by chewing or sucking.	854340	0	0.07
4	Qatar	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518,	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses	854340	0	0

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			G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices. Compound mixtures may contain nicotine or not, such as herbal mixtures and pastes prepared from permissible ingredients and intended for use in designated electronic devices. It's important to note that this standard excludes nicotine patches, nicotine gum, and orally consumed products taken by chewing or sucking.			
5	Kuwait, the State of	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine	854340	0	65.22

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				or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices.			
6	United Arab Emirates	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices.	854340	0	12.88
7	Yemen	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine	854340	0	0

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				or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices.			
8	Saudi Arabia, Kingdom of	03-04-2024	G/TBT/N/ARE/606, G/TBT/N/BHR/693, G/TBT/N/KWT/672, G/TBT/N/OMN/518, G/TBT/N/QAT/671, G/TBT/N/SAU/1331, G/TBT/N/YEM/277	This Gulf standard outlines the requirements for the liquids, tobacco, and products utilized in electronic alternatives to traditional tobacco products. It encompasses the following categories: Liquids are formulated for use in electronic devices specifically designed for that purpose, irrespective of whether they contain nicotine or not. Tobacco products (regardless of whether they are manufactured or non-manufactured) are intended for use in designated electronic devices. Compound mixtures may contain nicotine or not, such as herbal mixtures and pastes prepared from permissible ingredients and intended for use in designated electronic devices. It's important to note that this standard excludes nicotine patches, nicotine gum, and orally consumed products taken by chewing or sucking.	854340	0	4.12

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9	Egypt	04-04-2024	G/TBT/N/EGY/461	The Ministerial Decree No. 502 /2023 gives the producers and importers a six-month transitional period to abide by the Egyptian standard ES 8403 which deals with the safety of appliances for generation of directly inhalable aerosols, their rated voltage being not more than 250 V for single-phase appliances and other appliances including direct current (DC) supplied appliances and battery-operated appliances.	854340	0.00	1.49
10	Egypt	04-04-2024	G/TBT/N/EGY/207/Add.3	This addendum concerns the notification of the Ministerial Decree No. 503/2023 that gives the producers and importers a six-month transitional period to abide by the Egyptian Standard ES 8205-1 "General requirements for traditional cigarette alternatives - Part:1 Electronic Cigarettes – e-Liquid". It should be noted that the Ministerial Decree No. 101/2019 which was formerly notified in G/TBT/N/EGY/207/Add.1 dated 15 May 2019 and the Ministerial Decree No. 222/2021 (1 page, in Arabic) which was formerly notified in G/TBT/N/EGY/207/Add.2 dated 31 August	854340	0.00	1.49

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				2021, mandated among others the earlier versions of this Standard.			
11	Korea, Republic of	05-04-2024	G/TBT/N/KOR/1205	Pursuant to the National Health Promotion Act that requires updating pictorial and textual health warnings on cigarette packaging every 24 months, the draft stipulates the changed specifics of pictorial and textual health warnings on the cigarette packaging.	2402, 2403, 2404	0.01	212.9
12	Belgium	09-04-2024	G/TBT/N/BEL/48	<p>This draft Royal Decree amends the Royal Decree of 28 October 2016 on the manufacture and placing on the market of electronic cigarettes.</p> <p>The planned amendments concern composition and labelling. With regard to composition, Article 4 has been amended to introduce a ban on placing on the market electronic cigarettes that are completely disposable.</p> <p>The full justification for this measure was explained in a notification report to the EU Commission in accordance with the</p>	854340	0	37.51

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				<p>procedure set out in Article 24, 3 of Directive 2014/40/EU 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 products and related products.</p>			
13	United Kingdom	10-04-2024	G/TBT/N/GBR/82	<p>These regulations will introduce a ban on the sale and supply of single-use electronic cigarettes in England. These regulations define single-use electronic cigarettes as devices that:</p> <p>are not rechargeable, not refillable or are neither rechargeable nor refillable, and vaporise substances for the purpose of inhalation through a mouthpiece. The restriction will not apply to single-use electronic cigarettes that: are refillable by means of a refill container, or tank or single-use cartridge, and are any of the above and rechargeable.</p>	2404	0.07	515.96

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14	Finland	16-04-2024	G/TBT/N/FIN/85/Rev.3	Laying down comprehensive regulation on nicotine pouches	240492	0	0
15	Philippines	16-04-2024	G/TBT/N/PHL/330	1.1 Vaporized nicotine and non-nicotine products covered under Rule 2 of DAO 22-06, Series of 2022 shall be revised as follows:1.1.1 Vapor product system;1.1.2 Vapor products or vapor product refills;1.1.3 Vapor product devices;1.1.4 Heated tobacco product (HTP) system;1.1.5 HTP consumables;1.1.6 HTP devices; and1.1.7 Tobacco-free oral nicotine pouches.1.2 Other novel tobacco products not covered above shall not be allowed to be manufactured, imported, distributed and sold to the Philippine market until a reference standard is promulgated and included in this technical regulation.	2404	0	0
16	Brazil	25-04-2024	G/TBT/N/BRA/1511/Add.1	Draft resolution 1222, 04 December 2023 - previously notified through G/TBT/N/BRA/1511 - which contains provisions on electronic smoking devices, was adopted as Resolution 855, 23 April 2024.	2402	0	16.22

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17	Australia	26-04-2024	G/TBT/N/AUS/151/Add.2	Proposed reforms to the regulation of Electronic Nicotine Delivery systems (ENDs) and Electronic Non-Nicotine Delivery Systems (ENNDs) notified in G/TBT/N/AUS/151 and G/TBT/N/AUS/151.add1 are being implemented in 2024. Adopted reforms include implementing changes to Australia's borders to restrict the importation of vapes. From 1 January 2024, the importation of all single-use disposable vapes is prohibited, subject to very limited exceptions. Additionally, from 1 March 2024, importation of all vapes without an import licence and permit from the Office of Drug Control is prohibited, subject to limited exceptions. to obtain an import permit, importers are required to notify the Therapeutic Goods Administration (TGA) that a vape is: only for smoking cessation or the management of nicotine dependence, and that the vape complies with relevant product standards (Australian manufacturers must also make a notification to that effect before first releasing vapes for supply); ora	240412	0	2.07

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				vaping device that is only for use with medicinal cannabis, and the device complies with the essential principles in the Therapeutic Goods (Medical Devices) Regulations 2002 (the pre-existing requirement to obtain an import permit for vaping substances containing cannabis has not changed).			