



13 February 2017

(17-0872)

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Committee on Technical Barriers to Trade

Original: English

**NOTIFICATION** 臺灣 通知－菸和菸葉代用品

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu</u> 臺灣 <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Health Promotion Administration Ministry of Health and Welfare No.36, Tacheng St., Datong Dist. Taipei City 10341, Taiwan Tel.: (+886 2) 25220612 Fax: (+886 2) 25220621 E-mail: <a href="mailto:bhprich@hpa.gov.tw">bhprich@hpa.gov.tw</a>  <b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> HS: Section IV Chapter 24. Tobacco and manufactured tobacco substitutes  菸和菸葉代用品
<b>5. Title, number of pages and language(s) of the notified document:</b> Draft Amendments of the Tobacco Hazards Prevention Act ( 41 pages, in English; 22 pages, in Chinese)
<b>6. Description of content:</b> The amendments are proposed to take into account principles of the WHO Framework Convention on Tobacco Control. The proposed text contains eight chapters, thirty-eight articles, of which the main elements are described below: <ol style="list-style-type: none"><li>Adding definitions of electronic-cigarettes (e-cigarettes), and slightly amending definitions of smoking, tobacco product container, tobacco product advertisement, and tobacco product sponsorship.</li><li>Adding that tobacco products sold by duty-free shops or duty-free shopping stores set up pursuant to the Customs Act or Offshore Islands Development Act shall be imposed with the HST.</li><li>Revising that size of graphic health warning pictorial and message shall consist of no less than 85% of the main visible surface of cigarette product containers, and brand name of the tobacco product, shall be printed in unitary font, size, and color.</li><li>Adding ban on sponsoring by tobacco product, and ban on sponsoring in the name of tobacco companies to any activities as methods of advertisement.</li><li>Revising that no one shall supply e-cigarettes to anyone under age of 18.</li><li>Adding that no person shall manufacture, import, sell or display e-cigarettes, and</li></ol>

	<p>ban on sale or display of tobacco product with additives.</p> <p>7. Deleting indoor smoking room regulation, in order to ensure that public indoor space is free from hazards of second hand smoking.</p> <p>8. Adding that any person who is harmed by another for the purpose of dissuading not to smoke or refusing to supply cigarette product, may receive legal and medical assistance and support.</p> <p>9. Adding a system of allocation of received fines as money rewards for reporting of offence.</p> <p>一、增訂電子煙定義，並酌修吸菸、菸品容器、菸品廣告及菸品贊助定義。</p> <p>二、增訂依關稅法或離島建設條例設置之免稅商店或免稅購物商店，販賣之菸品，應課徵菸品健康福利捐。</p> <p>三、修正菸品容器之健康警示圖文比例，應佔主要可見部分百分之八十五以上，並規定菸品的品牌名稱，以單一字體、單一字級、單一顏色印製。</p> <p>四、增訂禁止以菸品贊助或菸商名義掛名贊助任何活動之方式為廣告。</p> <p>五、增訂任何人不得供應電子煙予未滿十八歲者。</p> <p>六、增訂任何人不得製造、輸入、販賣或展示電子煙及禁止加味菸品之販賣或展示。</p> <p>七、為確保室內公共場所免於二手菸之危害，刪除室內吸菸室之規定。</p> <p>八、增訂因勸阻吸菸，或拒絕供應菸品，致受侵害者，得給予法律與醫療扶助。</p> <p>九、增訂罰鍰提撥檢舉獎金制度。</p>
7.	<p><b>Objective and rationale, including the nature of urgent problems where applicable:</b> To protect and promote public health, as well as to comply with international norm in stricter control over tobacco products.</p>
8.	<p><b>Relevant documents:</b> WHO Framework Convention on Tobacco Control</p>
9.	<p><b>Proposed date of adoption:</b> To be determined</p> <p><b>Proposed date of entry into force:</b> To be determined</p>
10.	<p><b>Final date for comments:</b> 60 days from notification</p>
11.	<p><b>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></p> <p>TPKM – WTO/TBT Enquiry Point  The Bureau of Standards, Metrology and Inspection  Ministry of Economic Affairs  4 Chinan Road, Section 1 Taipei City 100, Taiwan  Tel.: (+886 2) 2343 1813  Fax: (+886 2) 2343 1804  E-mail: <a href="mailto:tbtenq@bsmi.gov.tw">tbtenq@bsmi.gov.tw</a></p> <p><a href="https://members.wto.org/cnattachments/2017/TBT/TPKM/17_0823_00_x.pdf">https://members.wto.org/cnattachments/2017/TBT/TPKM/17_0823_00_x.pdf</a></p> <p><a href="https://members.wto.org/cnattachments/2017/TBT/TPKM/17_0823_00_e.pdf">https://members.wto.org/cnattachments/2017/TBT/TPKM/17_0823_00_e.pdf</a></p>