

WORLD TRADE ORGANIZATION

G/TBT/N/TPKM/24

21 September 2005

(05-4184)

Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

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| 1. | Member to Agreement notifying: <u>THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU</u> If applicable, name of local government involved (Articles 3.2 and 7.2): |
| 2. | Agency responsible: Bureau of Health Promotion Department of Health No. 2, Chang-Ching St. Shin-Juang City Taipei 242 Taiwan Tel.: (+886 2) 2 997 8616 ext. 451 Fax: (+886 2) 2 994 1124 E-mail: yiling@bhp.doh.gov.tw Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: |
| 3. | Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other: |
| 4. | Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Tobacco and manufactured tobacco substitutes (HS: Section IV Chapter 24) |
| 5. | Title, number of pages and language(s) of the notified document: Draft Amendments of the Tobacco Hazards Prevention Act (25 pages, in Chinese, English translation available) |
| 6. | Description of content: The amendments are proposed to take into account principles of the WHO Framework Convention on Tobacco Control. The proposed text contains eight chapters, thirty-seven articles, of which the main elements are described below: <ol style="list-style-type: none">1. To change the legal basis for collecting the tobacco surcharge to the Tobacco Hazards Prevention Act, instead of the Tobacco and Alcohol Tax Act, and to establish a mechanism for determining the rate of surcharges to ensure their adequacy;2. To extend the scope of restrictions on the sale of tobacco products so as to prevent children and youths from getting access to tobacco selling channels;3. To strengthen the control over tobacco products, brand names and tobacco product containers and to require reporting and publicizing of the contents, additives and emissions of tobacco products;4. To expand the list of prohibited activities regarding advertising and promotion of tobacco products, to strengthen the control on the sales points of tobacco products and the way of display; |

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| | <p>5. To prohibit pregnant women from smoking, impose responsibility of parents and guardians, and prohibit the manufacturing, importation or sale of tobacco products with the appearance of candies or toys;</p> <p>6. To expand places where smoking is prohibited, stipulate conditions for setting up smoking rooms, and impose duties on owners and workers of the smoking-prohibited places to stop people therein from smoking;</p> <p>7. To amend types of violations and their respective ranges of administrative fines; and</p> <p>8. To provide a transitional period for the manufacturing, importation or sale of tobacco products of which the brands exist before the enactment of this proposed amendment and do not comply with the provision of Paragraph 1, Article 6.</p> |
| 7. | <p>Objective and rationale, including the nature of urgent problems where applicable: To protect and promote public health, as well as to comply with international norm in stricter control over tobacco products</p> |
| 8. | <p>Relevant documents: WHO Framework Convention on Tobacco Control (entered into force on 27 February 2005); final version of the proposed amendments would be available at:</p> <p>http://www.bhp.doh.gov.tw/BHP/do/english</p> <p>when they are approved by legislators.</p> |
| 9. | <p>Proposed date of adoption: To be determined</p> <p>Proposed date of entry into force: 6 months after adoption</p> |
| 10. | <p>Final date for comments: 60 days from the date of notification</p> |
| 11. | <p>Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body:</p> <p>Bureau of Health Promotion Department of Health No. 2, Chang-Ching St. Shin-Juang City Taipei 242 Taiwan</p> <p>Tel.: (+886 2) 29978616 ext. 451 Fax: (+886 2) 29941124 E-mail: yiling@bhp.doh.gov.tw</p> <p>Chinese description available at: http://www.bsmi.gov.tw/upload/b05/TBT/notificati/ROC/TobaccoHazardsPreventionActC.pdf</p> <p>English translation available at : http://www.bsmi.gov.tw/upload/b05/TBT/notificati/ROC/TobaccoHazardsPreventionActE.pdf</p> |