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European Chamber of Commerce, Singapore

Industry feedback on the Public Consultation on Proposed Tobacco Control Measures

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Attention:
Director
Epidemiology and Disease Control Division

Ministry of Health
16 College Road
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Singapore, 20 June 2018

RE: Industry comments on the Study on Standardised Packaging in relation to Non-Cigarette Tobacco Products, 11 June 2018 to 25 June 2018.

We refer to the Ministry of Health's invitation for interested parties to participate in the abovementioned public consultation, as well as the final result of the study published early June 2018.

The European Chamber of Commerce would like to reiterate the concerns we had raised in March 2018 and March 2016 during the public consultations on standardised packaging.

As the trade association representing European business in Singapore, EuroCham is committed to promoting and facilitating open trade and investments. The protection of intellectual property rights is crucial for the trade and investments landscape in Singapore, as outlined by the IPOS IP Hub Master Plan of 2017. EuroCham is concerned that a proposal for standardised packaging would be inconsistent in Singapore's trademark laws and be contrary to international treaty obligations.

In addition, the Chamber remains concerned about the unintended legal precedent that may be established from standardised packaging which may cascade to other industries products deemed to be detrimental to public health in a "slippery slope" in the near future. This is important considering increasing evidence of the ineffectiveness of such standardised packaging legislation that is already in place such as Australia (more than 5.5 years), France (more than 1.5 years) and the UK (more than 1 year), as well as the increase in profit opportunities for criminal syndicates to smuggle illicit tobacco products and the relative ease in which they can produce and sell counterfeit tobacco products with the standardised plain packaging designs that mimic popular duty-paid brands and variants.

Similar to the previous submission in March 2018, EuroCham proposes for the Ministry of Health to evaluate the effectiveness and impacts of similar legislation in Australia, France and the UK before reviewing the need to implement this measure in Singapore. Also, the Ministry of Health may also consider deferring the implementation until a final decision, pending the exhaustion of all appeal processes, is reached by the World Trade Organization on this issue.

To this effect, the chamber proposes other alternatives such as increased graphic health warnings as introduced by the European Union's Tobacco Product Directive (2014/40/EU) to 65% of the packaging, or as proposed by the consultation paper to 75%. This, coupled with the ministry's decision to raise the legal smoking age from 18 to 21 will undoubtedly be far more effective as a tobacco control measure.

EuroCham fully supports the Ministry of Health's recent announcements to increase education and raise awareness among youths which are most at risk of taking up the habit.

With this two-prong approach, the remainder of the tobacco packaging will be used for effective use of trademarks that will serve as a security measure and assurance of the safety, quality and legitimacy of the product. This will allow legitimate commercial businesses in Singapore to distinguish its products against the trade and distribution of illicit and counterfeit tobacco products, as well as assist the Singapore security agencies to distinguish between genuine duty-paid tobacco products and counterfeit products attempting to pass off as duty paid products.

Thank you for taking the comments and concerns of this Chamber and our various members into consideration.

Respectfully yours,

Mr. Stefano Poli
President
EuroCham Singapore