STANDARDIZED OR PLAIN TOBACCO PACKAGING

INTERNATIONAL DEVELOPMENTS

Updated April, 2022

IMPLEMENTATION SUMMARY

COUNTRIES SHOWN IN RED HAVE FULL IMPLEMENTATION. Most countries allow a transition period between when manufacturers have to produce plain packs and when retailers must sell all products in plain packs to allow a sell through of old stock.

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*October 1, 2021 for e-cigarettes; **October 1, 2022 for e-cigarettes

FULL IMPLEMENTATION AT RETAILER LEVEL (in date order for implementation at retailer level)

AUSTRALIA

- December 1, 2011, Tobacco Plain Packaging Act adopted.
- December 1, 2012, Tobacco Plain Packaging Regulations came into force.\(^1\) Legislation applies to all tobacco products.
- **LEGAL CHALLENGES:** High Court constitutional challenge by tobacco industry dismissed August 2012;\(^2\) Investment treaty claim by Philip Morris dismissed December 2015;\(^3\) World Trade Organization (WTO) complaint brought by Honduras, Dominican Republic, Indonesia and Cuba — dispute panel rejected all grounds of complaint on June 2018 and WTO Appellate Body upheld panel ruling in June 2020.\(^4\)

FRANCE

- November 24, 2015, legislation providing powers adopted by the Assemblée Nationale (Law n°2016-41). March 22, 2016, a Decree and Ministerial Order were published with the detailed requirements.\(^5\)
- **LEGAL CHALLENGES:** The Conseil Constitutionnel upheld the law in a decision on January 21, 2016;\(^6\) the Conseil d’État dismissed six industry challenges in a decision given on December 23, 2016.\(^7\)

UNITED KINGDOM

- March 16, 2015, Standardised Packaging of Tobacco Products Regulations adopted.
- May 20, 2016, regulations came into force\(^8\) for manufacturers and for retailers on May 20, 2017 (applies to England, Wales, Northern Ireland, and Scotland). Legislation applies to cigarettes and hand-roll tobacco.
- **LEGAL CHALLENGES:** High Court challenge by tobacco industry dismissed May 2016;\(^9\) ruling upheld by Court of Appeal November 2016.\(^10\)

NEW ZEALAND

- September 14, 2016, Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016\(^11\) was given royal assent. A consultation ran from May to July 2016.\(^12\) June 6, 2017, Smoke-free Environments Regulations 2017\(^13\) adopted. The 2017 Regulations were revoked and replaced by the Smokefree Environments and Regulated Products Regulations 2021\(^14\) which excluded smokeless tobacco products from plain packaging rules.
- March 14, 2018, law came into force for manufacturers and for retailers on June 6, 2018. Legislation applies to all tobacco products except smokeless tobacco (which includes heated tobacco products under the regulations).
NORWAY
• December 9, 2016, parliament approved the bill to introduce plain packaging. 15,16
• July 1, 2017, detailed regulations came into force for manufacturers 17 and for retailers on July 1, 2018. 18 Legislation applies to cigarettes, snus and hand-roll tobacco.
• LEGAL CHALLENGES: Swedish Match issued court proceedings claiming that plain snus boxes are in conflict with the free trade principle under the EEA/EU agreement. The District Court dismissed the application on November 6, 2017. 19 Swedish Match filed an appeal on December 8, 2017. The appeal was dismissed on February 19, 2018. 20

IRELAND
• March 10, 2015, Public Health (Standardised Packaging of Tobacco) Act 21 adopted. Regulations adopted on September 29, 2017. 22
• September 30, 2017, implementation for manufacturers and for retailers on September 20, 2018. Applies to all tobacco products.
• LEGAL CHALLENGE: Claim by Japan Tobacco International in the Commercial Court struck out November 2016. 23

THAILAND
• April 2, 2017, The Tobacco Products Control Act 2017 was gazetted which includes a provision (at Article 38) that allows the Minister to introduce regulations for plain packaging. 24 December 14, 2018, detailed regulations were published. 25
• September 10, 2019, implementation for manufacturers and for retailers on December 8, 2019. Legislation applies to all available tobacco products.

URUGUAY
• December 21, 2018, the President promulgated a law passed by Congress that amends Law No 18, 256 to provide for tobacco plain packaging with implementation in 12 months (December 21, 2019). 26 The Ordinance with detailed requirements was adopted on April 29, 2019. These laws supersede a presidential decree from August 6, 2018 27 that mandated plain packaging with an earlier implementation date. Uruguay is the first country in Latin American to adopt plain packaging laws.
• December 21, 2019, implementation for manufacturers and retailers. Legislation applies to all tobacco products.
• LEGAL CHALLENGES: BAT filed two legal challenges against the presidential decree. The tribunal at first instance issued an injunction suspending the decree but this was overturned on appeal. 28 The other challenge was decided in favor of the government. 29

SAUDI ARABIA
• December 12, 2018, Plain Packaging Standards of Tobacco Products were adopted.
• August 23, 2019, implementation for importers and for retailers on January 1, 2020. 30 Legislation applies to all tobacco products.

SLOVENIA
• February 15, 2017, parliament passed a tobacco control bill, 31 which implements the EU TPD and includes provisions for plain packaging. March 28, 2019, detailed regulations adopted. 32
• January 1, 2020, implementation at manufacturer and retailer level. A parliamentary proposal to delay implementation was defeated in the Health Committee. Legislation applies to cigarettes and hand-rolled tobacco.

TURKEY
• December 5, 2018, Law No. 7151 adopted that includes provisions for tobacco plain packaging 33 and on March 1, 2019 detailed regulations were adopted. 34
• December 5, 2019, implementation for manufacturers. January 5, 2020, implementation for retailers. Legislation applies to all tobacco products.

ISRAEL
• January 8, 2019, the Restriction on Advertising and Marketing of Tobacco Products Law (Amendment No. 7) was published which includes provisions for plain packaging. 35
• January 8, 2020, implementation for manufacturers and retailers. The law applies to all tobacco products (including heated tobacco products and the heating devices) and to e-cigarettes. Israel is the first country to apply plain packaging to e-cigarettes.
• LEGAL CHALLENGES: JUUL Labs and the Tel Aviv Chamber of Commerce brought legal claims challenging the application of the law to e-cigarettes. Both claims were dismissed or withdrawn in November 2019. 36

CANADA
• May 24, 2018, an act was adopted providing ministerial powers to implement plain packaging regulations. 37 Detailed regulations were adopted on May 1, 2019 that include plain packaging for heated tobacco products and the heating devices such as IQOS. 38
• November 9, 2019, implementation for manufacturers. February 7, 2020, implementation for retailers. Legislation applies to all tobacco products and devices used for consuming tobacco.

SINGAPORE
• July 1, 2019, amendments to the Tobacco (Control of Advertisements and Sale) Act 39 came into force including provisions allowing regulations for standardized packaging and detailed regulations 40 were published on the same date.
• July 1, 2020, implementation for manufacturers and retailers. The rules apply to all available tobacco products.

BELGIUM
• April 13, 2019, Royal Order 41 on Standardizing packaging for tobacco was adopted and on April 16, the Ministerial Order 42 setting out the detailed conditions was issued.
• January 1, 2020, implementation for manufacturers. January 1, 2021, implementation for retailers. The rules apply to cigarettes, roll-your-own and water pipe tobacco.
STANDARDIZED OR PLAIN TOBACCO PACKAGING: INTERNATIONAL DEVELOPMENTS

NETHERLANDS

- March 14, 2020, Decree amending article 3.4 of the Tobacco and Smoking Products Decree to provide for powers to introduce plain packaging for cigarettes and roll-your-own tobacco. April 20, 2020, amendments to the Tobacco and Smoking Products Regulations set out the detailed conditions.
- October 1, 2020, implementation for manufacturers, and for retailers on October 1, 2021. The rules apply to cigarettes and roll-your-own tobacco.
- In addition, the government has run a consultation and now intends to further amend the Tobacco and Smoking Products Decree to provide for plain packaging of all other tobacco products and electronic cigarettes from January 1, 2022.

HUNGARY

- August 16, 2016, Decree No. 239/2016 published.
- August 19, 2016, all new brands/variants put on the market must be in plain packaging (the first new brand appeared on the market in plain packaging in August 2017).
- January 1, 2022, all brands must be in plain packaging.
  The original implementation date was May 20, 2019 but this was delayed with amending legislation. The rules apply to cigarettes and hand-roll tobacco.

DENMARK

- December 21, 2020, parliament passed an Act amending the Act on the Prohibition of Tobacco Advertising, etc., introducing plain packaging for tobacco products and e-cigarettes. On March 22, 2021, the executive order with detailed rules for tobacco products was adopted and on April 19, 2021, the executive order with detailed rules for e-cigarettes was adopted.
- July 1, 2021, implementation for manufacturers of tobacco products and for retailers on April 1, 2022. The rules will apply to all tobacco products, including the devices for heated tobacco products, but with an exclusion for cigars and pipe tobacco.
- October 1, 2021, implementation for manufacturers of e-cigarettes and for retailers on October 1, 2022.

ALL LAWS ADOPTED – FULL IMPLEMENTATION PENDING (in date order for implementation at retailer level)

MYANMAR

- October 12, 2021, The Ministry of Health issued Order 453/2021 to provide for standard specifications for the packaging of tobacco and tobacco products. The order is made using powers under sections 8 and 19 of The Law of Control of Tobacco and Tobacco Products Consumption 2007. In April 2022, and amendment was made to the order, delaying implementation from April 2022 to January 2023.
- January 1, 2023, implementation for manufacturers and importers, and for retailers on April 1 2023. The rules will apply to all tobacco products.

GUERNSEY

- May 18, 2021, the Committee for Health and Social Care made regulations to implement plain packaging.
- July 31, 2021, implementation for manufacturers. July 31, 2022, implementation for retailers. The rules will apply to cigarettes and roll-your-own tobacco.

JERSEY

- June 20, 2021, the State Assembly adopted standardised packaging regulations.
- January 1, 2022, implementation for manufacturers and importers, and implementation for retailers on July 31, 2022. The rules will apply to cigarettes and roll-your-own tobacco.
**LAWS ADOPTED – DETAILED REGULATIONS NEEDED** *(in alphabetical order)*

*Countries in this section need to adopt further regulations or decrees before implementation can take place.*

**ARMENIA**
February 13, 2020, Law on Tobacco Products and Substitutions adopted which includes provisions banning brand colors, images and corporate logos on tobacco packaging with a power to adopt technical regulations.50

**BOTSWANA**
October 18, 2021, the President gave assent to the Tobacco Control Act 2021. Section 42 (4)(a) and (5) provide powers to introduce plain packaging of tobacco products.56

**CÔTE D’IVOIRE**
July 23, 2019, the National Assembly adopted Law No 2019-676 Concerning Tobacco Control which provided a power to adopt regulations requiring plain packaging.57
January 26, 2022, the Council of Ministers adopted a decree laying down detailed rules introducing plain packaging.58 Further Ministerial Orders are required to establish the pack color and implementation dates.

**FINLAND**
April 13, 2022, Parliament passed amendments to revise the Tobacco Control Act that include plain packaging provisions that would apply to all tobacco products and e-cigarettes. The provisions will come into force on May 1, 2023, and will require technical details on the layout of the packaging to be issues by decree.59

**GEORGIA**
May 30, 2017, the President signed an amending law on Tobacco Control which included provisions for a plain packaging Decree to be adopted by July 1, 2017, and implemented by January 1, 2018.60 To date this has not occurred.

**ROMANIA**
October 12, 2016, parliament passed a law that implements the EU Tobacco Products Directive (TPD) and includes provisions that allow the Health Minister to introduce plain-packaging regulations.61

**MAURITIUS**
On November 1, 2018, the Cabinet approved a proposal to take forward plain packaging legislation.66

**MEXICO**
On September 9, 2020, a draft bill was introduced to the Chamber of Deputies that modifies the current tobacco control legislation and provides powers for the government to introduce plain packaging. It is currently being discussed before the health and economics committee.67

**UKRAINE**
On January 28, 2020, a draft tobacco control law was registered with the Ukraine Parliament that requires the government to introduce plain packaging.68

**LEGISLATION BEING CONSIDERED BY PARLIAMENT** *(in alphabetical order)*

**CHILE**
A bill providing powers to introduce plain packaging was passed in the Senate in July 2015 and moved to the Committees. Over the course of 6 years the bill was approved by the Health Committee but rejected by the Agriculture Committee in December 2021. The Chamber of Deputies considered the Bill further and passed it ‘in general’ meaning that it moved back to the Health Committee for further consideration.62

**COSTA RICA**
March 2021, a bill that included provisions for standardized packaging was introduced in Costa Rica but has remained in the Committee of Social Affairs since August 2021. Hearings at the Committee level were held in March and April 2022. If approved, the bill should go to the plenary of the National Assembly for discussion, expected to be held in July 2022.63

**ECUADOR**
A bill for plain packaging was introduced to the National Assembly on August 3, 2016,64 and has subsequently been assigned to the health committee.

**LITHUANIA**
The Lithuanian government has drafted proposed amendments to the tobacco control law that include provisions for plain packaging (as well as a display ban and extended smoke free rules). The proposal has yet to come before parliament.65
UNDER FORMAL GOVERNMENT CONSIDERATION (in alphabetical order)

SOUTH AFRICA
The Minister of Health has made a number of announcements that he wanted to introduce plain packaging from 2014 to 2016. On April 30, 2018, the Cabinet approved for public comment the Control of Tobacco Products and Electronic Delivery Systems Bill which provides for standardized packaging. Stakeholders had until August 9, 2018, to provide comments.69

TAIWAN
On February 13, 2017, a draft Tobacco Hazards Prevention Act Amendment Bill was notified to the WTO (under TBT Article 2.9).72 The draft included a provision for plain tobacco packaging. However, a draft proposal to amend the Act published in June 2020 omitted the plain packaging provision.

SRI LANKA
The Cabinet approved a proposal to introduce standardized packaging of tobacco on April 10, 2018.70

SWEDEN
The Minister of Health directed the committee examining the implementation of the EU TPD to also consider plain packaging. The committee report,71 presented in March 2016, recommended plain packaging, but concluded that implementing it would require a change to the Swedish constitution. The government has yet to propose a bill in response to the committee’s report.

OTHER RELEVANT LAWS

EAST TIMOR
January 13, 2018, a Ministerial Diploma on the labelling of tobacco products, requires certain elements of plain packaging including that all surfaces not covered by health warnings are colored Gray Aluminum (RAL 9007) and that the brand or logo only appear on the front outer surface (the Diploma also stipulates new GHWs covering 100% of the back surface and 85% of the front surface – the largest in the world). Any text or logos must be white in color, however, because a logo is allowed and the brand name may appear in a stylized font, the requirements are not a full plain packaging policy. The Diploma came into force on May 13, 2018 (120 days after publication).73

EUROPEAN UNION
Revised Tobacco Products Directive (TPD) adopted April 3, 2014 and came into force on May 20, 2016 and which introduces some elements of pack standardization and provides (at Article 24(2)) that the 28 EU Member States have the option to adopt further requirements to standardize tobacco packaging.74
STANDARDIZED OR PLAIN TOBACCO PACKAGING: INTERNATIONAL DEVELOPMENTS


3 Philip Morris Asia Limited v. Commonwealth of Australia PCA Case 2012-02. All publicly available documents associated with the case are available from the Permanent Court of Arbitration’s case page: https://www.pcacases.com/web/view/.

4 Australia — Certain Measures Concerning Trademarks and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging. Dispute numbers DS435, DS441, DS458 and DS467.


19 Commercial Court Case No 17-110415TV-OBYF. Ruling available from: https://www.tobaccocontrollaws.org/litigation/decisions/no-20171108-swedish-match-v-the-ministry-

20 Court of Appeal Case No 18-004746ASK-BORG/04. Ruling available from: https://www.tobaccocontrollaws.org/litigation/decisions/no-20180219-swedish-match-v-the-ministry-


23 JT v Minister for Health, Ireland and the Attorney General 2015/2530P.


29 https://www.tobaccocontrollaws.org/litigation/decisions/uv-20190724-la-republicana-


39 Available from: https://sso.agc.gov.sg/Act/TCASA1993?Transaction=Details/C2013C00199&Date=20190701235959#pr37-

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45 Available from: https://business.gov.nl/regulation/sales-tobacco/


47 Consolidated version of the law that includes the change to the implementation date available from: https://net.jogtar.hu/jogszabaly?docid=A1300039.KOR

48 The Tobacco Act (incl. standardization on tobacco, herbal and e-cigarettes) (LOV nr 2071 af 21/12/2020. Available from: https://www.retsinformation.dk/eli/lo/2020-06-

49 Executive order on standardization of tobacco packaging and herbal-based smoking products (BEK nr 572 af 22/03/2021. Available from: https://www.retsinformation.dk/eli/2021/7/2


62 The Bill’s movements area available from: https://www.camara.cl/lawislation/ProyectosDelLey/tramitacion.aspx?pid=9292&pm=BOLETIN%203864


64 Bill 216. Available from: https://ppiess.assembleanacional.gob.ar/afiches/d/1/wrkSpace/SpacesStore/1e1af46-ca22-4314-8802-700df2cDea&Preventivo%20de%20Ley%20n%203%20Reforma%20en%202020%20El%20%20Regulacion%20del%20Control%20de%20Tabaco.pdf

65 Legislative proposal available from: https://ie-seimas.lt/portal/legalAct/di/TAP/C/bee5ac50a61171e8a3316e0f4e5b7c0?fileId=2e9c2dS4m


69 The call for comments and a draft of the Bill are available from: https://pjmorg.org/za/call-for-comment/6655


72 Notification number TPKM/264 (Taiwan Economy). Date Issued: 2/13/2017.


74 EU Tobacco Products Directive introduces some pack standardization provisions (on shape and minimum quantities together with 65 percent front and back picture health warnings) but does not itself impose full standardization packed. Instead it provides the EU Member States with the ability to act directly through domestic legislation ("Accordingly, Member States could, for example, introduce provisions providing for further standardization of the packaging of tobacco products, provided that those provisions are compatible with the TFEU [Treaty of the Functioning of the European Union], with WTO obligations and do not affect the full application of this Directive."). Article 24.2, Directive 2014/40/EU of the European Parliament and of the Council of April 3, 2014.