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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, 15 March 2018

RE: Public Consultation on Proposal to Introduce Standardised Packaging of Tobacco Products in Singapore, 5 February to 16 March 2018

We refer to the Ministry of Health's invitation for interested parties to participate in the abovementioned public consultation.

The European Chamber of Commerce would like to reiterate the concerns we had raised in March 2016 during the first public consultation on standardised packaging (A copy of our earlier submission is attached).

In line with our concerns that any proposal for standardised packaging would be inconsistent with Singapore's trademark laws and would be in breach of Singapore's international treaty obligations, we are of the view that the Ministry of Health should defer its decision until all outstanding disputes and appeals at the World Trade Organization on this issue have been resolved. Any prior policy decision on this front could have a negative impact on Singapore's ambitions to become a Global IP Hub in Asia (as outlined by the IPOS IP Hub Master Plan dated May 2017) in the eyes of European businesses operating in Singapore and the Asia Pacific region.

In addition, this Chamber remains concerned about the dangerous precedent standardised packaging for tobacco products would set for other industries whose products may similarly be deemed to be unhealthy in the future. This is especially important considering the increasing empirical evidence of the ineffectiveness of such legislation in countries that have implemented them.

Using the case of Australia post-2012, this Chamber proposes that the Singapore Ministry of Health first monitor and study the effectiveness of standardized packaging in achieving its public health objectives in France, the United Kingdom, and Ireland over the next few years before re-evaluating the necessity for a similar legislation to be implemented in Singapore.

As possible alternatives to standardised packaging, this Chamber believes that the enlargement of graphic health warning labels on tobacco products to 65%, as recommended by the European Union's Tobacco Product Directive (2014/40/EU), or to 75% as proposed in the consultation paper would clearly provide greater public awareness about the undisputed harms of smoking. At the same time, the remainder of the pack would be allowed for the effective use and visual perceptibility of trademarks. Not only does this preserve the intellectual property and trademark rights of legal companies operating in Singapore, it

also preserves the fundamental rights of any commercial business to be able to clearly distinguish their goods and services and compete effectively against their competitors and deter the trade of illicit tobacco.

This Chamber is a strong advocate for increasing public education and awareness especially among youths of school-going age and young men serving National Service, as evident from the Ministry's recent decision to raise the minimum legal smoking age from 18 to 21 beginning 2019. Such measures will undoubtedly be more effective and have a lasting impact as a tobacco control measure.

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

Cc: Minister Lim Hng Kiang – Minister for Trade and Industry (Trade)
Minister S. Iswaran – Minister for Trade and Industry (Industry)
Minister K. Shanmugam – Minister for Law and Home Affairs
Mr. Daren Tang – Chief Executive, Intellectual Property Office of Singapore