NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** Mauritius **If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Mr S.K.DauharryMinistry of Health and WellnessEmail: skdauharry@govmu.orgTel No: (+230) 201 2797Fax No: (+230) 214 9474**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:** TBT National Notification Authority International Trade DivisionMinistry of Foreign Affair, Regional Integration and International TradeLa Chaussée Street, Port-LouisEmail: motas@intent.mu; vidan\_2@yahoo.com |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **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):** All tobacco and manufactured tobacco substitutes, including but not limited to HS codes starting with, 2402 and 2403 and nicotine delivery systems, including components of such systems, including but not limited to HS codes starting with 2403, 3824 and 8543 |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Public Health (Restrictions on Tobacco Products) Regulations 2020 (48 pages; in English; and French in relation to health warnings) |
| **6.** | **Description of content:** The Ministry of Health and Wellness proposes to repeal the existing Public Health (Restrictions on Tobacco Products) Regulations 2008 (as amended) and replace with the Draft Public Health (Restrictions on Tobacco Products) Regulations 2020 ("the proposed measure") to further strengthen the tobacco control framework in Mauritius by:* Expanding the application of tobacco control regulations to include novel and emerging tobacco products, electronic nicotine delivery systems, electronic non-nicotine delivery systems and methods of advertising, promotion and sponsorship to keep pace with market developments.
* Expanding the public places where use of tobacco products is prohibited.
* Introducing new, larger graphic health warnings for all tobacco products, increasing the minimum size of the mandatory graphic health warnings from the existing 65% of packaging surfaces to cover 90-100% of specified tobacco product packaging surfaces.
* Placing further restrictions on sale, importation, manufacture and distribution of tobacco products.
* Introducing standards for manufacture of Reduced Ignition Propensity (RIP) cigarettes for importation, sale and supply in Mauritius.
* Introducing reporting requirements for manufacturers and importers of tobacco products.
* Introducing Standardised Packaging for Tobacco Products which aims to strictly regulate promotional aspects of tobacco packaging and to standardise packaging elements by removing all logos, colours, brand images, and promotional information on packaging, other than brand names and product names (variants) displayed in a standard colour and font style (the "proposed Standardized Packaging measure").

The proposed Standardized Packaging measure will require all tobacco products, and the packaging or labelling of tobacco products, to comply with every requirement prescribed, including requirements as to size, appearance, design, health warnings and other information to be stated. Tobacco products and their packaging or labelling will also not be permitted to bear any trade mark, term, descriptor, figurative or other sign, feature, scent or sound that is proscribed, or promotes the tobacco product by any means that is false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions.The import into Mauritius, and the distribution, sale, offer for sale or possession for sale in Mauritius, of non-compliant tobacco products will be made an offence.Details of the proposed Regulations are available upon request from the contact point in section 11 below. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Tobacco use is a significant public health problem in Mauritius. The prevalence of smoking is 19.3%. However, the prevalence of smoking is highest in the younger age-groups, with over 44.7% of men aged between 18 to 24 years reporting smoking. It is estimated that some 1,000 deaths each year in Mauritius are related to tobacco use. In this context, Mauritius became a Party to the World Health Organization's Framework Convention on Tobacco Control (WHO FCTC) in 2004 and Party to the Protocol to Eliminate Illicit trade in Tobacco Products (the Protocol) in 2018. The Convention creates a core obligation on all its Parties to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke. Parties are required to adopt and implement comprehensive and effective tobacco control measures that provide the highest level of protection for public health. The Guidelines to implementation of Articles 11 and 13 of the WHO FCTC encourage parties to consider adopting measures for standardised packaging. The Protocol also creates a mandatory obligation on all parties to strengthen their control measures so as to eliminate all forms of illicit trade in tobacco products through a package of measures to be taken by countries acting in cooperation with each other in view of seeking a global solution to a global problem. The protocol provides tools for preventing illicit trade by securing the supply chain, including by establishing an international tracking and tracing system, by countering illicit trade through dissuasive law enforcement measures and a suite of measures to enable international cooperation. The accession of the Republic of Mauritius to this Protocol proudly demonstrates our commitment and unflinching support to the international community in their constant strives to eliminate all forms of illicit trade in tobacco products. The Government is committed to reducing the serious harm that tobacco use causes to individuals and to the nation's public health. To this end, Mauritius has adopted a multi-pronged approach to tobacco control. It further recognises that continuing efforts in tobacco control are necessary to sustain, and continue, declines in tobacco use in Mauritius as well as strengthen the fight against illicit trade of tobacco products in all its form on our territory. The policy objectives of the proposed measure are to strengthen the existing comprehensive tobacco control framework in Mauritius by: * Prohibiting all forms of advertising, promotion and sponsorship of tobacco products in Mauritius.
* Reducing exposure of children and bystanders to second-hand smoke (including emissions)
* Further restricting the sale, importation, manufacture and distribution of tobacco products in Mauritius that are appealing to children and young people.
* Improving the safety requirements in the design of cigarettes.
* Requiring reporting of information by manufacturers and importers relevant to the health risks posed by tobacco products.
* Better inform smokers and non-smokers of the risks associated with tobacco use.
* Introducing the proposed Standardized Packaging measure to:
	+ Reduce the attractiveness of tobacco products;
	+ Eliminate the effects of tobacco packaging as a form of advertising and promotion;
	+ Reduce the ability of tobacco packaging to mislead about the harmful effects of tobacco use (including on the relative harmful effects between products); and
	+ Increase the noticeability and effectiveness of graphic health warnings.

Ultimately, the proposed measure is intended to operate alongside other existing and possible future tobacco-control measures to contribute towards meeting the Government's obligations under the WHO FCTC and the Protocol, promote public health through the reduction of the prevalence of tobacco use in Mauritius and fight illicit trade of tobacco products in all its form.; Protection of human health or safety |
| **8.** | **Relevant documents:** * Draft Public Health (Restrictions on Tobacco Products) Regulations 2020
* WHO Framework Convention on Tobacco Control

<https://www.who.int/tobacco/framework/fctc_en.pdf?ua=1>* Protocol to Eliminate Illicit Trade in Tobacco Products

<https://www.who.int/fctc/protocol/illicit_trade/protocol-publication/en/>* Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products)

<http://www.who.int/fctc/guidelines/article_11.pdf?ua=1>* Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship)

<https://www.who.int/fctc/guidelines/article_13.pdf?ua=1> |
| **9.** | **Proposed date of adoption:** The proposed date of gazetting and adoption of the Regulations is April 2021**Proposed date of entry into force:** For the Regulations on Graphic Health Warnings, Standardised Packaging and Reduced Ignition Propensity:• For importers, 6 months from the date of gazetting • For retailers, 8 months from the date of gazettingFor all other Regulations, from the date of gazetting. |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [** **]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** Mr S.K.DauharryTechnical Focal Point for Tobacco ControlMinistry of Health and WellnessEmail: skdauharry@govmu.orgTel No: (+230) 201 2797Fax No: (+230) 214 9474Website: [www.health.govmu.org](http://www.health.govmu.org)TBT National Notification Authority International Trade DivisionMinistry of Foreign Affair, Regional Integration and International TradeLa Chaussée Street, Port-LouisEmail: motas@intent.mu; vidan\_2@yahoo.comMauritius Standards Bureau (TBT Enquiry Point)Email: msb@intnet.mu/ KRamsarrun@msb.intnet.muFax: +230 4335051 |