

11 June 2019

(19-3998)

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Committee on Technical Barriers to Trade

Original: English

### NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b>	<u>PHILIPPINES</u>
<b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>	
<b>2. Agency responsible:</b>	Department of Health - Food and Drug Administration
<b>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:</b>	
<p>Engr. ANA TRINIDAD F. RIVERA, MSc.          Director IV          Center for Cosmetics Regulation and Research Food and Drug Administration (CCRR)          Civic Drive, Filinvest Corporate City,          Alabang 1781, Muntinlupa City          Tel. No.: +632.857.1900 loc. 8113 or 8107          Email: <a href="mailto:infor@fda.gov.ph">infor@fda.gov.ph</a>; <a href="mailto:ccrr@fda.gov.ph">ccrr@fda.gov.ph</a>; <a href="mailto:mcdledesma@fda.gov.ph">mcdledesma@fda.gov.ph</a></p>	
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>	
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b>	Electronic Nicotine and Non-Nicotine Delivery System (ENDS/ENNDS)
<b>5. Title, number of pages and language(s) of the notified document:</b>	Administrative Order No. ____ : "Revised Rules and Regulations on Electronic Nicotine and Non- Nicotine Delivery System (ENDS/ENNDS)" (9 page(s), in English)
<b>6. Description of content:</b>	E-cigarettes, including both Electronic Nicotine and Non-nicotine Delivery Systems (ENDS/ENNDS), are used to deliver aerosolized solutions to the lungs, which is similar to the act of smoking. At present, the industry is commonly marketing ENDS/ENNDS as a "safer" or "less harmful" alternative to conventional tobacco products despite the significant level of uncertainty surrounding its safety. The available studies are not enough to clearly and unequivocally conclude that the long-term use of ENDS/ENNDS will not have any harmful effect to human health. There may still be undue harm to health that may be brought about by the use of these products thus, precautionary measures such as regulation by a competent authority is necessary for the protection of public health. Thus, the DOH recognizes the exigency to strengthen its policy for the effective regulation of ENDS/ENNDS products.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b>	To provide an update on FDA's regulation on ENDS/ ENNDS.; Protection of human health or safety
<b>8. Relevant documents:</b>	<ul style="list-style-type: none"> <li>Executive Order No. 102</li> </ul>

<ul style="list-style-type: none"> <li>• Republic Act No. (RA) 9711</li> <li>• Administrative Order (A.O.) 2014-0008</li> <li>• Administrative Order 2016-0003</li> <li>• Administrative Order No. 311 s. 1977</li> <li>• Republic Act 7394 s. 1992</li> <li>• A.O. 2014-0008</li> </ul>
<p><b>9. Proposed date of adoption:</b> This Order shall take effect 15 days after its publication in a national newspaper of general circulation.</p> <p><b>Proposed date of entry into force:</b> This Order shall take effect 15 days after its publication in a national newspaper of general circulation.</p>
<p><b>10. Final date for comments:</b> 60 days from notification</p>
<p><b>11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></p> <p>Engr. ANA TRINIDAD F. RIVERA, MSc.          Director IV          Center for Cosmetics Regulation and Research Food and Drug Administration (CCRR)          Civic Drive, Filinvest Corporate City,          Alabang 1781, Muntinlupa City          Tel. No.: +632.857.1900 loc. 8113 or 8107          Email: <a href="mailto:infor@fda.gov.ph">infor@fda.gov.ph</a>; <a href="mailto:ccrr@fda.gov.ph">ccrr@fda.gov.ph</a>; <a href="mailto:mcdledesma@fda.gov.ph">mcdledesma@fda.gov.ph</a>  <a href="https://members.wto.org/crnattachments/2019/TBT/PHL/19_3382_00_e.pdf">https://members.wto.org/crnattachments/2019/TBT/PHL/19_3382_00_e.pdf</a></p>