CONFIDENTIAL

Dear Article 4(1)b , Article 4(1)b , Article 4(1)b 

Further to e-mail regarding the LCR in Turkey please find attached and below the following information.

1) MEXICO.

Decision (two attached documents) of the Supreme Court replying to a request of information made through the Mexican Transparency Authority. The decision confirms that the grounds for removal of the “Acción de inconstitucionalidad #97/2022” from the list of matters to be reviewed by the Supreme Court are confidential. As mentioned, the matter was removed and since 4 July 2023 it has not been included in the list of matters to be discussed by the Supreme Court.

Considering the above we would appreciate if you could consider including Trade Barrier number 17442 in your discussions with Mexican authorities, in the context that you would deem appropriate, with a view to transmit this concern and ultimately lift the importation and commercialization prohibition of Heated Tobacco Products (HTPs).

2) TAIWAN:

As discussed, the Tobacco Hazards Prevention Act (THPCA) was amended and promulgated on 15 February 2023. In addition to enhancing existing tobacco control measures, the amended
THPCA further bans e-cigarettes and also creates a framework for the regulations of Heated Tobacco Products. However, unlike cigarettes, cut tobacco, cigars, snuff and chewing tobacco, HTPs are required to undergo a burdensome and expensive health risk assessment and approval process before they can be imported into and sold in that market. Taiwan filed a notification to the WTO TBT Committee in relation to this Health Risk Assessment framework.

Attached you will find a preliminary assessment from a WTO perspective of Taiwan’s amended Tobacco Hazards Prevention Act, which confirms that there would be contradictions with Taiwan’s WTO obligations.

To the best of our knowledge to this date EU manufactured HTPs are still not commercialized in Taiwan because of these procedures, whose implementation details are still being developed. We will share a more detailed WTO analysis in due course.

In the meantime, in order to get more details about the Taiwan’s new regulatory framework for HTPs, we would kindly ask you to take into consideration the attached draft list of questions that could be asked by the EU before the forthcoming WTO TPR of Taiwan that is scheduled to take place in Geneva on the 7-9 November. Your collaboration on liaising with the Commission’s WTO Unit would be highly appreciated.

3) SINGAPORE

We are also attaching more detailed information regarding the current ban on HTPs’ imports which don’t allow, among others, EU exports of such product while at the same time permitting i) imports of conventional cigarettes (CCs) from other sources and ii) sales of domestic CCs. We do believe that the ban would not be consistent with the EU-Singapore FTA provisions.

Thank you very much for your attention to this e-mail and we remain at your disposal should clarifications or additional information be needed.

Best regards,

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