

# Thailand's experience in introducing plain packaging : Lessons for other LMICs

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**Thailand**      GHW 2004 (50%) 2010 (55%)  
**Uruguay**      GHW 2010 (80%)  
**Australia**      Plain packaging regulation 2011

The choice then was : to go for  
**a bigger GHW**  
or  
**plain packaging**



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## 2011: Started drafting process for revision of the Tobacco Product Control Act 1992

- To include a provision for plain packaging. **(with no wording on plain packaging)**

Wording: Cigarette packaging color, health warning, trademark sign and logo must conform with MOH regulation



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# 2012

- Public hearing of the draft bill
- Strong opposition by Philip Morris / front groups (Retailer Association, Farmer Association Trade Chamber, USABC) on plain packaging
- “Violation of trademark and intellectual property right”
- Concern expressed by Ministry of Commerce



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# 2013

- Australia's plain packaging regulation was brought to WTO for dispute settlement.
- Ministry of Health issue regulation to increase size of GHW from 55 to 85%, while awaiting for the outcome of the case in WTO
- Tobacco industry challenge the 85% GHW regulation to Thailand Administrative Court, claiming its unlawful.

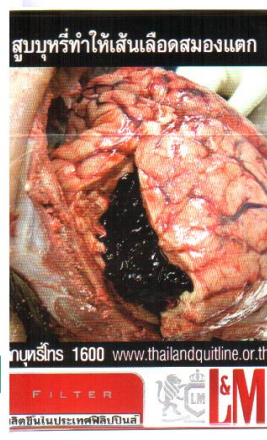
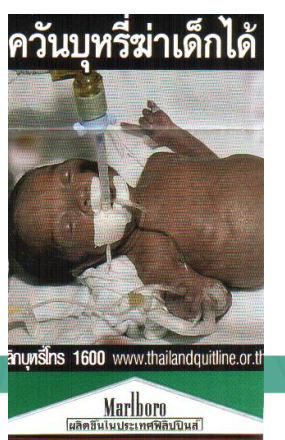
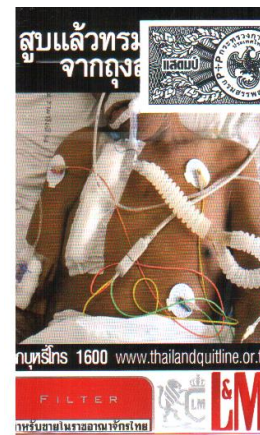
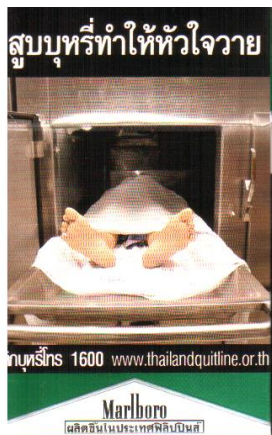


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# The Administrative Court uphold 85% GHW regulation June 2014



Cigarette packages on Sept 24, 2014



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## 2013-2014

- Continue to advocate for the draft Tobacco Product Control Bill (with provision on plain packaging)

## December 2014

- Draft Tobacco Product Control Bill was presented to the Cabinet
- **Promise to Cabinet that we will not implement plain packaging regulation if WTO rule against Australia**

## May 2015

- **Cabinet approved the draft bill**



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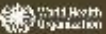
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## May 2016

- May 20 France/UK require plain packaging by law.
- May 31 WHO WNTD. UN Secretary General's statement **"Get ready for plain packaging"**.
- WHO release document guiding plain packaging implementation.

Plain packaging  
of tobacco products

WORLD HEALTH ORGANIZATION



## March 2017

- **Thai Parliament approved the new Tobacco Product Control Act.**  
(with plain packaging provision)



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# Advocacy points

1. WHO FCTC recommendations/ obligations
2. Australia's court rule plain packaging to be lawful.
3. EU Tobacco Control Directive recommends plain packaging.
4. WHO WNTD (2016) - UN Secretary General urge country "Get ready for plain packaging".
5. Court cases in many countries where plain packaging has been implemented before Thailand (France/UK)



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# Timeline of plain packaging regulation

- 2011 Started to revise the Tobacco Product Control Act to include plain packaging provision
- 2012-13 Public hearing, advocacy and lobbying for the draft bill
- 2014 Presented to cabinet
- 2015 Approved by cabinet
- 2015-16 Deliberation by State Judicial Council
- 2017 Parliament enacted the Tobacco Product Control Act
- 2017-2018 Awaiting WTO ruling on Australia case

**Tobacco industry and front groups lobby against the bill in every step of the journey of the draft bill**



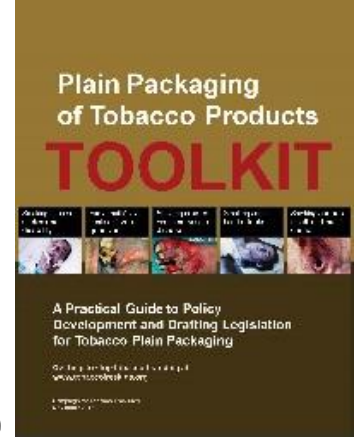
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# Timeline of plain packaging regulation

- 2018 June. WTO Rule in favor of Australia's plain packaging
- 2018 June-October drafting of plain packaging regulation (based on WHO and CTFKs toolkit)  
November, National Committee approve plain packaging regulation
- 2019 September Regulation came into effect



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# Plain packaging effective September 2019

85%

15%



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# Conclusion

## Thailand's experience on plain packaging regulation

1. Use FCTC recommendations/guidelines, other countries's example for advocacy and counter action to industry's opposition.
2. It is not difficult to draft plain packaging regulation guided by the toolkits.
3. Once WTO ruled that Australia's plain packaging was lawful, there were no industries resistant.



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# Thank You



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