

COMMENTS FROM THE EUROPEAN UNION REGARDING NOTIFICATION

G/TBT/N/KOR/664

DRAFT PARTIAL AMENDMENT OF THE NOTIFICATIONS ON WARNING MESSAGES ON SMOKING AND DRINKING

The European Union (EU) would like to thank the authorities of Korea for providing the opportunity to comment on the draft "Partial Amendment of the Notifications on Warning Messages on Smoking and Drinking" notified on 29 July 2016.

The EU was informed that the notified draft entered into force on 3 September 2016. The EU would like to ask the Korean authorities to clarify if the notified draft has already been adopted and would like to recall that according to Article 2.9.2 of the TBT Agreement "*notifications shall take place at an early appropriate stage, when amendments can still be introduced and comments taken into account*".

The EU shares Korea's objective of fighting against excessive consumption of alcohol. However, having examined the notified draft, the EU would like to raise the issues below.

The EU notes that the notified draft aims to change the health warnings to be put on the labels of alcoholic beverages. In particular, the following three health warnings are proposed:

1. Drinking during pregnancy increases the risk of congenital anomaly. Alcohol, as carcinogen, causes liver cancer, stomach cancer when excessively drunk.
2. Drinking during pregnancy is the cause of congenital anomaly and miscarriage, adolescent drinking is the cause of hinder on their physical growth and brain development, excessive drinking is the cause of cancer.
3. Drinking during pregnancy causes congenital anomaly. Excessive drinking leads to stroke, memory damage or dementia.

The EU notes that the three health warnings establish a direct link between drinking and the occurrence of certain health problems. The EU believes that there is not an automatic link between drinking alcohol and the occurrence of certain diseases. Consequently, the EU would like to suggest to the Korean authorities to consider re-drafting the health warnings in a way that better reflects the absence of such an automatic link between drinking alcohol and the occurrence of certain diseases.

The EU understands that economic operators will have the possibility to choose the health warning to be included in the label of alcoholic drinks. The EU would like to ask the Korean authorities to confirm this interpretation and to confirm that a rotation in the use of the three health warnings is not provided for by the notified draft.

In addition to the above comments, the EU would like to note that according to the notified draft "*those alcohols and spirits with previous warning labels may be*

manufactured or imported until 2016". The EU would like to ask the Korean authorities to provide a reasonable transition period (preferably 18 months) to implement the necessary changes to comply with the new provisions and to allow the sale of products already present on the Korean market until stocks are exhausted.

The EU would be grateful if the above-mentioned comments could be taken into account and replied to.
