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ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL  
Regulatory policy  
Notification of technical regulations

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**E-MAIL**

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**Number of pages:** 1 + 2

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**Subject:** G/TBT/THA/332 – Alcohol Beverages  
EU COMMENTS.

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**Message:**

Dear Sir or Madam

Please find attached the comments from the European Union on the above-mentioned notification.

Could you please acknowledge receipt of this e-mail? Thank you.

Yours faithfully

Ghyslaine Guisolphe  
Head of Unit

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**COMMENTS FROM THE EUROPEAN UNION ON NOTIFICATION  
G/TBT/N/THA/332**

**Draft Notification of the Alcohol Beverages Control, Re: Criteria, Procedures and  
Requirements for Alcohol Beverage Packages or Pictorial Labels/Warning Statements  
on the Local Manufactured or Imported Alcohol Beverages**

The European Union (EU) would like to thank the Thai authorities for providing the opportunity to comment on notification G/TBT/N/THA/332.

The EU notes that Article 4 of the draft in object encompasses the following list of six specified pictorial warning labels accompanied by a set of words in Thai, to be affixed on alcoholic beverage packaging:

- Type 1. "Drinking alcohol causes the hypertension liver cirrhosis";
- Type 2. "Alcohol intoxication leads to the accidents";
- Type 3. "Drinking alcohol leads to unconsciousness and even death";
- Type 4. "Drinking alcohol leads to inferior sexual performance";
- Type 5. "Drinking alcohol leads to adverse health effect and family problems";
- Type 6. "Drinking alcohol is a bad influence on children and young people".

In addition, it is required that the graphic health warnings shall be, according to the packaging shape, not less than 30% up to not less than 50% of the total surface space of the package.

Finally, the warning labels should be produced in six types and in four colours, sealed and affixed in a permanent manner and set in rotation every 1,000 packages.

With regard to the above the EU would like to raise the following issues:

The EU notes that the proposed measure refers to a generic consumption of alcohol, by using the word "drinking". In the EU's opinion, a label should provide adequate and correct information to consumers, and avoid being misleading. The EU would therefore like to ask the Thai authorities what is the scientific evidence to suggest that the conditions described in Types 1-6 of the health warning are generally caused by any level of alcohol consumption?

The EU would like to take this opportunity to recall Article 2.2 of the TBT Agreement, which states that: *"Members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles to international trade. For this purpose, technical regulations shall not be more trade-restrictive than necessary to fulfil a legitimate objective, taking account of the risks non-fulfilment would create. Such legitimate objectives are, inter alia: national security requirements; the prevention of deceptive practices; protection of human health or safety, animal or plant life or health, or the environment. In assessing such risks, relevant elements of consideration are,*

*inter alia: available scientific and technical information, related processing technology or intended end-uses of products”.*

The EU would also like to take this opportunity to mention that, according to its experience, public policies aiming to modify drinking behaviour should be approached in a holistic manner; for instance also encompassing information/education campaigns to raise the awareness level of the public with regard to specific alcohol-related problems. Therefore, the EU would like to ask whether Thailand has undertaken or is considering also other alternatives to mandatory product labelling, such as education and/or information activities.

In the light of the above the EU would like to invite the Thai authorities to take into consideration less trade restrictive measures or failing this, to provide clarification on which basis and evidence they consider that different, less costly and burdensome alternatives, than the indication of a pictorial health warning, would be insufficient to address the objective pursued.

Notwithstanding these comments, should the Thai authorities nevertheless ultimately decide to introduce this requirement, the EU would like to receive clarifications as to whether the pictorial label carrying mandatory health warnings could be placed either on the front or on the back of alcoholic beverage packages. In order to avoid undue barriers to trade, it is widely accepted for manufacturers and importers to use uniform main front labelling on alcoholic beverages and to give mandatory information translated into national languages on a market specific back label or additional label affixed on imported products. If there would be the obligation to indicate the warnings on the front of the labels without any flexibility, the EU would like to draw the attention of the Thai authorities to the fact that such labelling requirement will undoubtedly cause a burdensome and costly impact on imports.

The EU would also appreciate receiving clarification as regards the relationship between the draft Act at issue and the "Draft MOPH notification entitled Alcoholic beverages" notified under reference G/TBT/N/THA/282, and specifically whether the draft notified under G/TBT/N/THA/332 is intended to replace or add to the requirements notified under G/TBT/N/THA/282. In particular, the aforementioned draft legislation required two warning messages (i.e. "*Persons under 20 should not drink*" and "*Drinking alcohol impairs a person's driving ability*") and therefore the EU would appreciate receiving clarification from Thailand whether these messages would still remain mandatory. The EU would also like to ask Thailand to clarify, in any case, which of the requirements setting the aspect of this warning (font size and colour, etc.) would apply, since the two above-mentioned drafts contain different specifications in this regard.

The EU appreciates the opportunity to comment on this notification and would be grateful if the information requested above and the related comments could be replied to.