NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** NEW ZEALAND  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Ministry of Health  PO Box 5013  Wellington 6140  NEW ZEALAND  Email: [smokefree@health.govt.nz](mailto:smokefree@health.govt.nz)  **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:**  Standards New Zealand  Phone: +64 4 498 5990  Email: [wto@standards.co.nz](mailto:wto@standards.co.nz)  Website: [www.standards.govt.nz](http://www.standards.govt.nz) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** HS code 8543.40.00 |
| **5.** | **Title, number of pages and language(s) of the notified document:** The Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document - [Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document (health.govt.nz)](https://consult.health.govt.nz/tobacco-control/proposals-for-the-smoked-tobacco-regulato/supporting_documents/Proposals%20for%20regulation%20%20Smokefree%20Environments%20and%20Regulated%20Products%20Act%201990%20%2022%20Dec%20final.pdf)  The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 - [Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 No 79, Public Act Contents – New Zealand Legislation](https://www.legislation.govt.nz/act/public/2022/0079/latest/LMS708154.html)  The Smokefree Environments and Regulated Products Regulations 2021 - [Smokefree Environments and Regulated Products Regulations 2021 (LI 2021/204) Contents – New Zealand Legislation](https://www.legislation.govt.nz/regulation/public/2021/0204/latest/LMS524981.html?search=qs_act%40bill%40regulation%40deemedreg_smokefree_resel_25_h&p=1&sr=1) |
| **6.** | **Description of content:** Regulatory proposal 5 of the Smoked Tobacco Regulatory Regime proposes to extend vaping packaging and product restrictions, including restricting flavour names of vaping products to minimise their appeal to youth, and extending product safety requirements for disposable vaping products.  Restricting flavour names  We propose that the variant name on a vaping substance or its packaging must only be a description of the product's flavour, and that the flavour must be described using one or more flavours from permitted segments on a prescribed e-liquid flavour wheel, adapted for New Zealand from a published wheel.  Product safety requirements  We propose additional product safety requirements to mitigate safety concerns with single use vaping products, including user safety mechanisms, removable/replaceable batteries, substance container labelling, maximum nicotine concentrations in non-refillable products and serial/batch numbers. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** The objectives of the proposals in Regulatory Proposal 5 of the Smoked Tobacco Regulatory Regime are to limit the appeal of vaping products, particularly for youth, and to mitigate safety concerns with single use vaping products.  ; Protection of human health or safety |
| **8.** | **Relevant documents:**  Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 - <https://www.legislation.govt.nz/act/public/2022/0079/latest/LMS708154.html>  Proposals for the Smoked Tobacco Regulatory Regime - Public consultation document - [Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document (health.govt.nz)](https://consult.health.govt.nz/tobacco-control/proposals-for-the-smoked-tobacco-regulato/supporting_documents/Proposals%20for%20regulation%20%20Smokefree%20Environments%20and%20Regulated%20Products%20Act%201990%20%2022%20Dec%20final.pdf)  Smokefree Aotearoa 2025 Action Plan - [Smokefree Aotearoa 2025 Action Plan - Auahi Kore Aotearoa Mahere Rautaki 2025 | Ministry of Health NZ](https://www.health.govt.nz/publication/smokefree-aotearoa-2025-action-plan-auahi-kore-aotearoa-mahere-rautaki-2025) |
| **9.** | **Proposed date of adoption:** Not before July 2023  **Proposed date of entry into force:** Not before January 2024 |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  Ministry of Health  PO Box 5013  Wellington 6140  New Zealand  [smokefree@health.govt.nz](mailto:smokefree@health.govt.nz) |