



ELTI Conference – “The Perspectives of European Tobacco and ESG”

WHO Framework Convention on Tobacco Control

18 May 2022



Background & Context

1995: Initial discussions, WHO asked to report on “feasibility of developing an international instrument on tobacco control”

1999: Framework convention starts to be drafted

2001: First draft released

2005: Entry into force

1998: WHO DG makes tobacco control a priority – increased focus from international community

2000: Public hearing, including tobacco industry and farmers’ groups

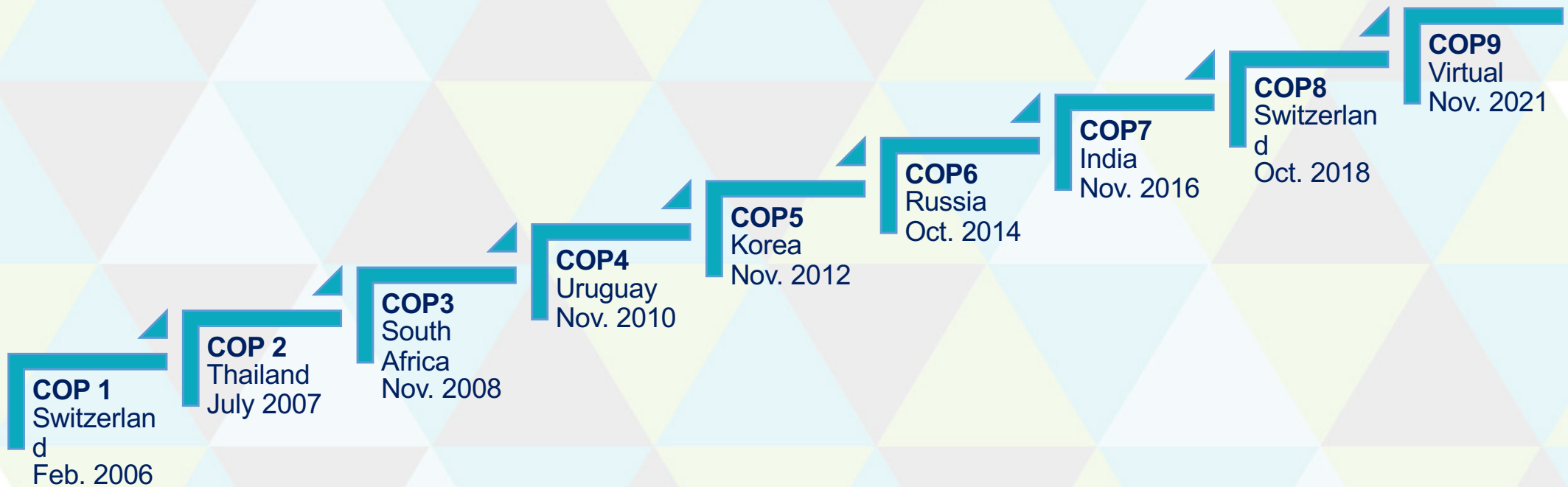
2003: Unanimous adoption of the FCTC by World Health Assembly

Background & Context

- Framework Convention for Tobacco Control (FCTC) is legally binding to signatory parties.
- **Objective:** *“to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties (...) in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke”.*
 - **Tobacco control** *“means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke”.*
- FCTC reaffirms the right of all people to the highest standard of health.
- FCTC Treaty: Thirty-eight articles all aiming to reduce tobacco products use prevalence through supply and demand measures, except for:
 - Article 17 – *Provision of support for economically viable alternative activities*
 - Article 18 – *Protection of the environment and the health of persons*



Conference of the Parties



- **Contents** *“means “constituents” with respect to processed tobacco, and “ingredients” with respect to tobacco products”.*
 - “Ingredients” include tobacco, components (e.g. paper, filter), including materials used to manufacture those components, additives, processing aids, residual substances found in tobacco (following storage and processing), and substances that migrate from the packaging material into the product (contaminants are not part of the ingredients).
- **Livelihoods** *“refers to the process in which rural families build a diversified portfolio of activities and abilities of social support in order to survive and improve living conditions”.*
- **Supply chain** *“covers the manufacture of tobacco products and manufacturing equipment; and import or export of tobacco products and manufacturing equipment; and may be extended, where relevant, to one or more of the following activities when so decided by a Party: (...)”*
 - (b) *growing of tobacco, except for traditional small-scale growers, farmers and producers; (...)”.*
- **Tobacco industry** *“means tobacco manufacturers, wholesale distributors and importers of tobacco products”.*
- **Tobacco products** *“means products entirely or partly made of tobacco leaf as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing”.*

- Governed by the Conference of the Parties (COP) which meets every two years.
- COP may establish intersessional meetings and groups (working groups or expert groups) with the mandate to elaborate guidelines and recommendations for the implementation of different treaty provisions.
 - COP can adopt guidelines, protocols, annexes and amendments.
- How the FCTC Operates:
 - Each COP mandates the work of Working Groups and Expert Groups.
 - Both can propose draft guidelines and present reports on specific subjects.
 - COP also mandates the deadline for disclosure of draft guidelines and reports.
 - All documents discussed at COP must be made public 60 days prior to COP.

General Obligations

Reduction in Demand
Measures

Reduction in Supply
Measures

Price and Tax
Measures

Non-price Measures

Illicit Trade

Sales to and by
minors

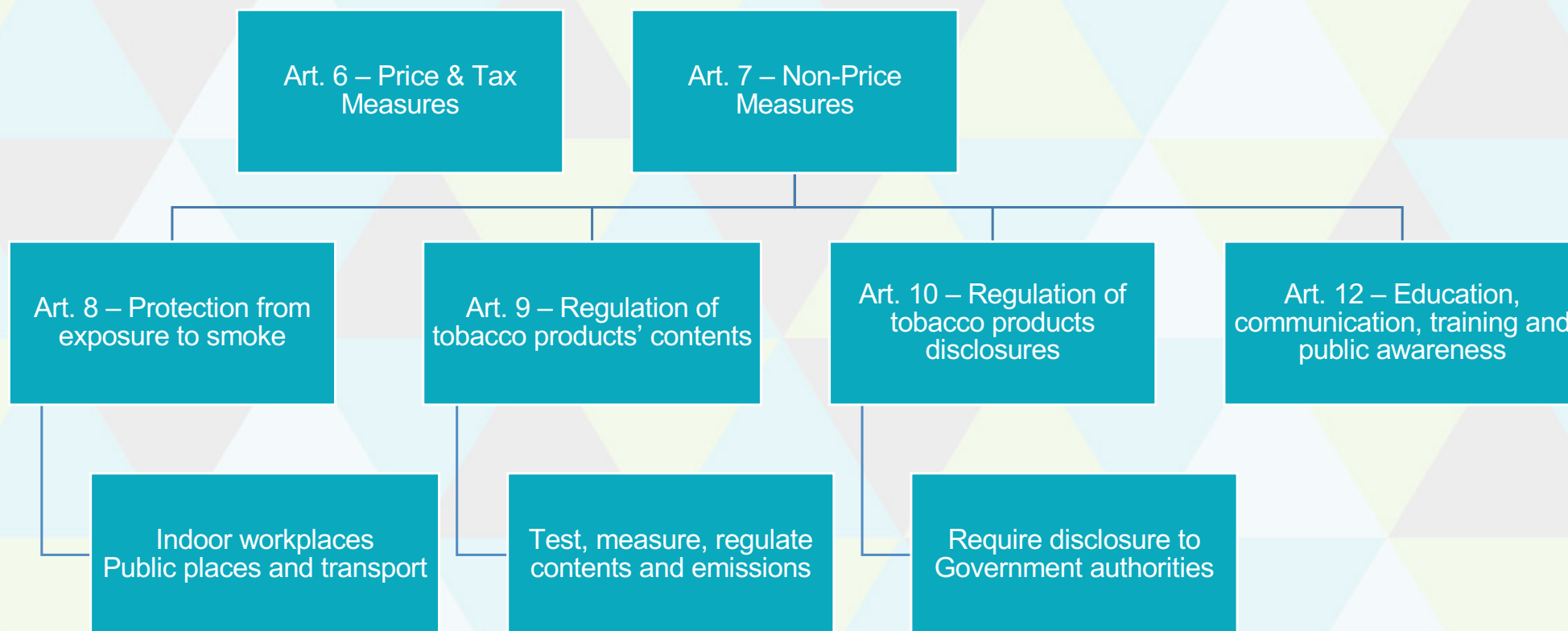


General Obligations & Specific Reduction Provisions

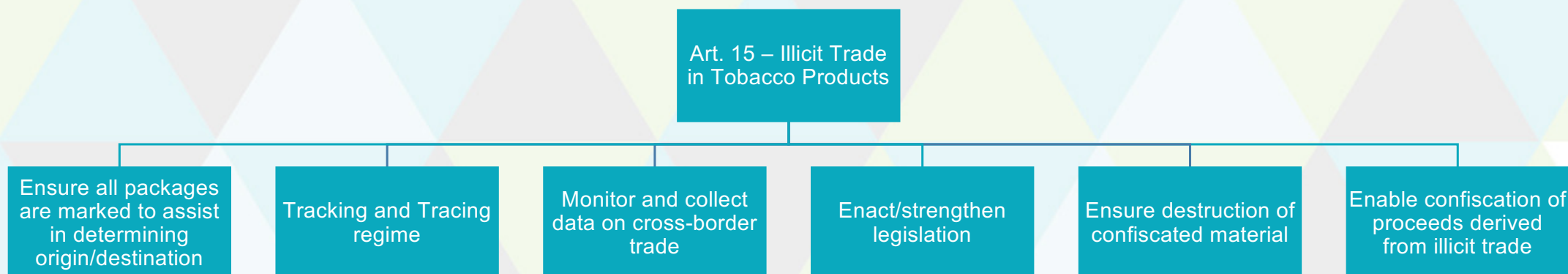
- **Article 5 – General Obligations**
 - Develop, implement, periodically update and review comprehensive multisectoral tobacco control strategies.
 - Establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control.
 - Protect public health policies related to tobacco control from commercial or other vested interests of the tobacco industry.
- WHO FCTC also asserts importance of demand reduction strategies, as well as supply issues.



Measures related to Demand Reduction



Measures related to Supply Reduction



❖ **Important instrument of the FCTC: Protocol to Eliminate Illicit Trade in Tobacco Products**

- ❖ First (and, to date, only) protocol to the FCTC.
- ❖ Entered into force in September 2018 and currently has 64 parties.
- ❖ Complements article 15 of the FCTC, which addresses means of countering illicit trade in tobacco products, and its objective is the elimination of all forms of illicit trade in tobacco products.
- ❖ At its first session, in October 2018, the Protocol's Governing Body (Meeting of Parties) decided to establish a Working Group for the development and implementation of tracking and tracing systems, including the global information-sharing focal point and unique identification markings for cigarette packets and packages, to further elaborate on the next steps.



Measures related to Supply Reduction

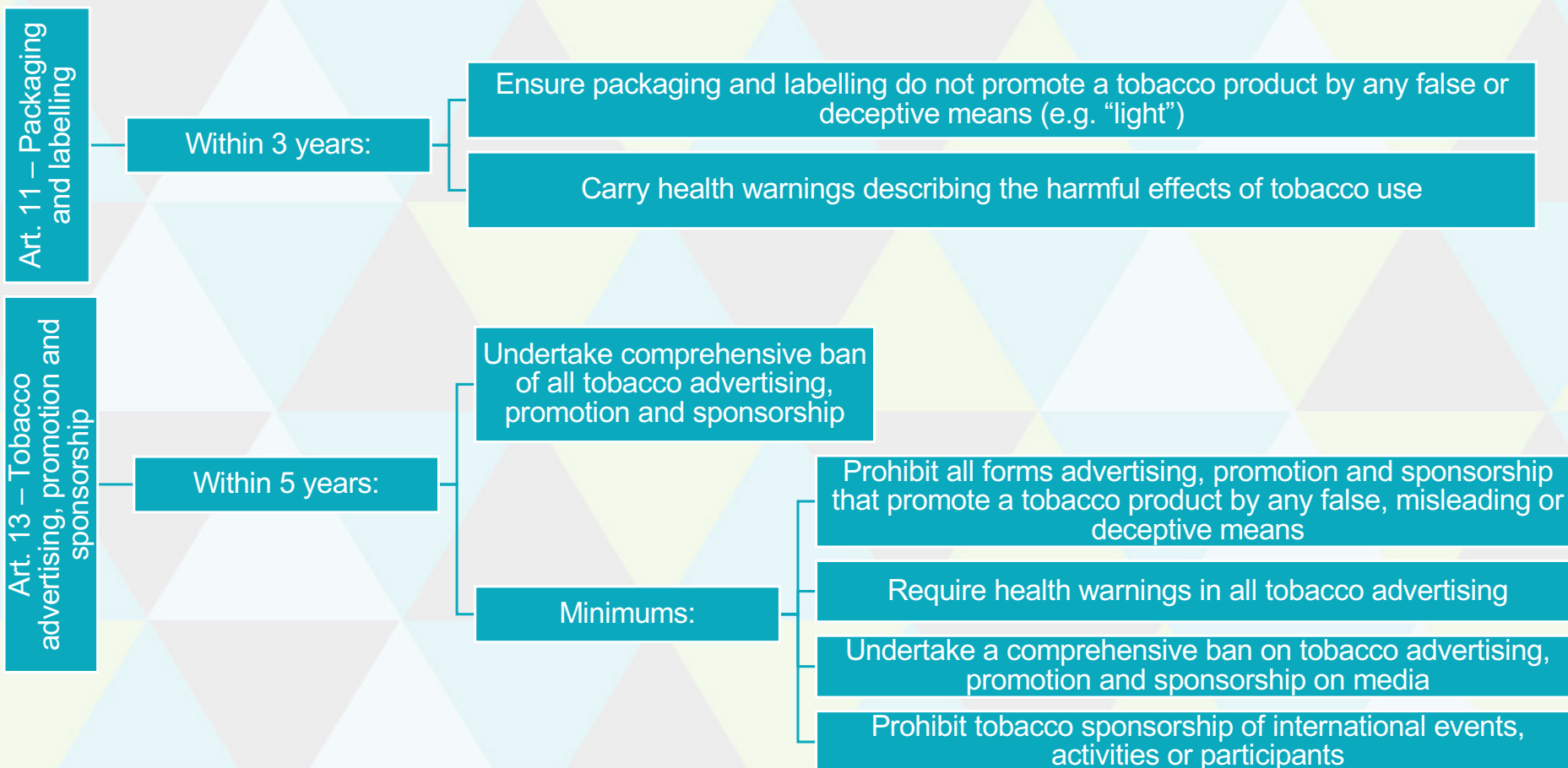
Art. 16 – Sales to and by minors

Require sellers have clear and prominent indicator prohibiting sales to minors
ID check

Ban sale of tobacco products in directly accessible places (e.g. stores shelves)

Ensure tobacco vending machines are not accessible to and do not promote sales to minors

Time-Bound Articles



Liability & Reporting

- **Article 19 – Liability**
 - Parties shall adopt and implement effective legislative, executive and administrative measures to **prohibit the sales of tobacco products to persons under the age set by domestic/national law or eighteen.**
- **Article 21 – Reporting and exchange of information**
 - Each Party shall submit to COP periodic reports on its implementation of the Convention, including:
 - Information on legislative, executive, administrative or other measures taken towards implementation.
 - Information on any constraints or barriers encountered in its implementation.
 - Information on financial and technical assistance provided or received for tobacco control activities.

COP 9: Online – November 2021

- **Due to its virtual nature, only an abridged version of the agenda was considered at COP9**
- **Discussion and decisions on main topics deferred to COP10**
 - **Full deferral:**
 - Article 2.1 of the WHO FCTC on measures beyond those required by the Convention.
 - Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media
 - Accountability of the tobacco industry.
 - Promotion of the WHO FCC through human rights.
 - Possible Amendment of the Rules of Procedure of the COP.
 - **“Partial” deferral – reports provided for information:**
 - Implementation of Articles 9 & 10 (Regulation of contents and disclosure of tobacco products).
 - Novel and emerging tobacco products.
- **COP9 Decisions**
 - Investment Fund

COP 10: Panama – November 2023

- **The following issues are expected for discussion at COP-10:**
 - Measures beyond those required by the Convention.
 - **Accountability of the tobacco industry (this may include also leaf production).**
 - Tobacco advertising, promotion and sponsorship.
 - Depiction of tobacco in entertainment media.
 - **Promotion of the FCTC through human rights.**
 - Possible Amendment of the Rules of Procedure of the COP.
 - **The work on guidelines on tobacco product regulations as per Art. 9 and 10 and in particular whether they will be dealt with by the currently suspended Working Group (responding to Parties) or by an Expert Group (responding to the FCTC Secretariat) – may include nicotine reduction.**
 - Cigarette ventilation.
 - Novel products regulation.
 - **Environmental matters in particular related to climate change.**
 - **Geneva Declaration – specific reference to connection between FCTC and climate change.**



Potential Impact on Tobacco-Growing Communities

- Increased cost of production due to societal and environmental increased requirements.
- Potential accountability as part of the supply chain of manufacturers.
- Potential risk for new specific restrictions on tobacco growing in order to reduce the social and environmental impacts of the crop beyond those applied to other crops with similar impacts.
 - To a certain extent, the tobacco sector is typically subject to an unparalleled degree of scrutiny and increased requirements
- EU Supply Chain Directive – new legislation foresees EU companies or companies operating in internal market have to respect human rights and environmental throughout entire supply chain which will, naturally, extend to growers
 - This is not FCTC legislation but, in the past, FCTC has mirrored existing legislation

Thank you!