

HIGHLIGHTS OF THE FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

April 2003

The Framework Convention on Tobacco Control (FCTC) is the first treaty initiated by the World Health Assembly, the governing body of the World Health Organization (WHO). Negotiations began in October 1999 and concluded on March 1st 2003. All members of WHO will be eligible to sign and ratify the treaty after it has been adopted by the World Health Assembly in May, 2003.

The objective of the FCTC is “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.” The Preamble of the FCTC recognises the need for countries to give priority to their right to protect public health, the unique nature of tobacco products and the harm that companies that produce them cause.

The FCTC provides Parties with a considerable degree of flexibility in implementing measures beyond those described in the treaty.¹ Significantly, Article 2.1 of the FCTC states that *all Parties are encouraged to implement measures that are stronger than the minimum standards required by the treaty*. Significant treaty provisions include:

ADVERTISING, PROMOTION & SPONSORSHIP — ARTICLE 13

A comprehensive ban is required: The FCTC requires all Parties to undertake a comprehensive ban on tobacco advertising, promotion and sponsorship within five years of ratifying the treaty. The ban must include cross-border advertising originating within a Party's territory. The definitions of advertising, promotion and sponsorship are broad and include indirect as well as direct forms. Countries with constitutional constraints are required to restrict advertising, promotion and sponsorship, including cross-border advertising, in a manner consistent with their constitutional principles. The Parties also agree to consider a protocol to elaborate on the cross-border provisions, for example the technical and legal aspects of preventing or blocking advertising on the internet and satellite television.

PACKAGING & LABELING — ARTICLE 11

Large health warning labels are required. Parties to the treaty agree that health warning labels ideally should cover 50% or more of the principle display areas of each packet, which for a standard cigarette package means both the front and back. Parties are required to implement health warning labels that cover, at a minimum, 30% of the principle display ar-

reas within three years of ratifying the treaty. Health warning labels must include rotating messages in the principle languages of the Party, and may include pictures or pictograms.

Deceptive labels must be prohibited. Countries agree to prohibit misleading or deceptive terms on tobacco product packages within three years of becoming a Party. Research has proved that cigarettes that are labeled “light”, “low tar”, and “mild” (among other terms) are as dangerous as those denoted as regular and thus these terms mislead and deceive consumers about the risks involved in the use of these products. Although the treaty does not specify the terms that Parties should ban, the scientific evidence would certainly support banning the use of terms such as “light”, “mild”, “low tar”, etc.

SECONDHAND SMOKE — ARTICLE 8

Nonsmokers must be protected in workplaces, public transport and indoor public places. The treaty recognizes that exposure to tobacco smoke has been scientifically proven to cause death, disease and disability. It requires all Parties to implement effective measures to protect nonsmokers from tobacco smoke in public places, including workplaces, public transport and indoor public places -- evidence indicates that only a total smoking ban is effective in protecting non-smokers.

¹ A framework convention is a type of multilateral treaty. Under this approach, countries negotiate a framework convention that calls for cooperation in achieving broadly stated goals and that contain agreements on substantive issues on which there is consensus. At the same time, they may negotiate protocol to reach agreements on more specific issues. This approach has been used to address other global problems, such as climate change.

SMUGGLING — ARTICLE 15

Action is required to eliminate tobacco smuggling. Measures required include marking all tobacco packages in a way that signifies the origin and final destination or the legal status of the product, and cooperating with one-another in anti-smuggling, law enforcement and litigation efforts.

TAXATION & DUTY-FREE SALES — ARTICLE 6

Tobacco tax increases are encouraged. The treaty states that “each Party should take account of its national health objectives concerning tobacco control” in its tobacco tax and price policies. The treaty recognizes that raising prices through tax increases and other means “is an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.”

Duty-free sales are discouraged. Parties may prohibit or restrict duty-free sales of tobacco products.

PRODUCT REGULATION & INGREDIENT DISCLOSURE — ARTICLES 9 & 10

Tobacco products are to be regulated. The Parties agree to establish guidelines that all nations may use in regulating the content of tobacco products.

Ingredients are to be disclosed. Parties shall require manufacturers to disclose to the government the contents of their tobacco products.

LIABILITY — ARTICLES 4.5 AND 19

Legal action is encouraged as a tobacco control strategy. The treaty recognizes that liability issues are an important part of a comprehensive tobacco control program and the Parties agree to consider legislative and litigation approaches to advance tobacco control objectives. Parties also agree to cooperate with one another in tobacco-related legal proceedings.

TREATY OVERSIGHT — ARTICLE 23

A strong Conference of the Parties will oversee the treaty. The FCTC establishes a Conference of the Parties (COP) which will convene within one year of the treaty’s entry into force. The COP is empowered to monitor the implementation of the treaty, adopt protocols, annexes and amendments to the FCTC, and to create appropriate subsidiary bodies to carry out specialized tasks.

FINANCING — ARTICLE 26

Parties have committed themselves to promote funding for global tobacco control. The Parties agree to mobilize financial assistance from all available sources for tobacco control initiatives for developing country Parties and for Parties with economies in transition, including from regional and international intergovernmental organizations and other public and private sources.

Other Important Commitments

- **Each Party shall establish or reinforce and finance a national coordinating mechanism or focal point for tobacco control. (Article 5)**
- **Parties shall endeavor to include tobacco cessation services in their national health programmes. (Article 14)**
- **Parties shall prohibit or promote the prohibition of the distribution of free tobacco products. (Article 16)**
- **Parties shall promote the participation of NGOs in the development of national tobacco control programmes. (Article 12)**
- **Parties shall prohibit the sale of tobacco products to persons under the age set by national law, or eighteen. (Article 16)**
- **No reservations to the FCTC are allowed. (Article 30)**
- **The FCTC will enter into force 90 days after ratification by the 40th country. (Article 36)**

The full text of the FCTC can be found at: <http://www.who.int/gb/fctc/PDF/inb6/einb65.pdf>
More information about the Framework Convention Alliance may be found at: <http://www.fctc.org>