



This document relates to item 6.2 of the provisional agenda.

Fifth Session of the Conference of the Parties to the  
WHO Framework Convention on Tobacco Control, 12-17 November 2012, Seoul, South Korea

***FCA Policy Briefing:***

**Adoption of additional guidelines for implementation of Articles 9 and 10  
(Regulation of the contents of tobacco products and  
tobacco product disclosures)**

**Recommendation**

The Framework Convention Alliance endorses the draft additions to the guidelines for implementation of Articles 9 and 10 (reduced ignition propensity (RIP) cigarettes and tobacco product disclosure) and recommends that the fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control adopt the proposed additions to the guidelines without change.

**Background**

Article 9 of the WHO Framework Convention on Tobacco Control (FCTC) deals with the testing and measuring of tobacco product contents and emissions, and with the regulation of tobacco product contents and emissions. Article 10 deals with disclosure of information about tobacco product contents and emissions.

The Conference of the Parties, at its first session (COP1), decided to initiate the elaboration of guidelines for implementation of Articles 9 and 10.<sup>1</sup> (The work of the working group was continued by the second session (COP2)<sup>2</sup> and the third session (COP3).<sup>3</sup>

COP4 approved partial guidelines for Articles 9 and 10, and mandated the working group to “continue its work in elaborating guidelines in a step-by-step process.”<sup>4</sup> The working group has now presented to COP5 draft additions to the Articles 9 and 10 guidelines (document FCTC/COP/5/9) regarding reduced ignition propensity cigarettes and tobacco product disclosures.

FCA continues to recommend, as in previous briefing papers, that while Articles 9 and 10 are important components of tobacco control policy, they should not be implemented at the expense of existing effective tobacco control policies required by other articles of the FCTC. Even if the tobacco industry is required to fund implementation of Articles 9 and 10 – a position FCA supports – there could remain resource and opportunity costs for regulators. Parties at an earlier stage of FCTC implementation should consider prioritising implementation of other provisions over implementation of Articles 9 and 10.

<sup>1</sup> Decision FCTC/COP1(15).

<sup>2</sup> Decision FCTC/COP2(14).

<sup>3</sup> Decision FCTC/COP3(9).

<sup>4</sup> Decision FCTC/COP4(10).

## **The draft guidelines**

FCA congratulates the working group on Articles 9 and 10 for the excellent work that it has done in elaborating draft additions to the guidelines (“draft guidelines”). FCA considers that the draft guidelines should be adopted by COP5 without change.

The draft guidelines elaborated by the working group offer useful guidance to Parties in implementing Articles 9 and 10. They draw upon research, country experience and knowledge of industry practices.

FCA comments below on some of the particularly important features of the draft guidelines.

## **Guidelines on reduced ignition propensity cigarettes**

FCA supported the development of guidelines on reduced ignition propensity cigarettes, and supports the adoption of the guidelines as drafted.

RIP cigarettes are designed to reduce the likelihood of manufactured cigarettes starting fires, which can cause damage, disability and death. Standards for RIP cigarettes have been developed using tests developed by two international standards bodies, ASTM International and ISO (the International Organization for Standardization). The tests developed by these two organizations are equivalent. These standards have already been adopted by many Parties including Canada, Australia, the EU and South Africa. RIP standards are also now in place in all US states. There is therefore a generally accepted standard in place which has already been implemented in many Parties.

However, RIP standards are only relevant to manufactured cigarettes and not to smokeless tobacco, hand-rolled tobacco or bidis. Therefore, in Parties where manufactured cigarettes are a small part of the overall tobacco market, for example Parties in South Asia such as India<sup>5</sup>, RIP standards are of less importance. Furthermore the guidelines need to take into account the significantly greater importance of effective implementation of other FCTC articles in reducing the harm caused by tobacco at population level.

In light of the above, FCA would like to make two points about the recommendations:

- FCA supports the key recommendation 3.3.2.1 (iii) (i), Annex 2, because, while stating that Parties ‘should require that cigarettes comply with an RIP standard’ it also recognizes that Parties should also take into account their national circumstances and priorities.
- Test methods and performance standards for RIP cigarettes will be revised and improved over time. Therefore, FCA also supports recommendation 3.3.2.1 (iii) (ii), Annex 2, which states that ‘at a minimum’ Parties should consider setting a performance standard corresponding to current international practice.

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<sup>5</sup> Gupta PC, Asma S (eds.) Bidi Smoking and Public Health, New Delhi: Ministry of Health and Family Welfare, Government of India, 2008.

## **Guidelines on Regulation of Tobacco Product Disclosures**

The draft guidelines recommend that Parties should disclose information about the toxic constituents and emissions of tobacco products to the public in a meaningful way, and that Parties may determine in accordance with their national laws the information about the toxic constituents and emissions of tobacco products that should not be disclosed to the public (section 2.7).

The draft guidelines also recommend that Parties should consider, in accordance with their national laws, making information about the toxic constituents and emissions of tobacco products and other information disclosed to governmental authorities in accordance with these guidelines publicly accessible (e.g. via the Internet, or by request to a governmental authority) in a meaningful way (section 3.5.2.1).

As an example of this, in Belgium the national government maintains a website<sup>6</sup> that provides detailed information regarding ingredients and specified emissions (including quantities) in cigarettes and other tobacco products, on a brand by brand basis.

The draft guidelines recognize that disclosure of such information may contribute to raising public awareness and advancing tobacco control policy, and may be of benefit to academic institutions, nongovernmental organizations, and others (section 3.5.2.1). Indeed, these would be definite benefits of these proposed guidelines.

The draft guidelines also refer to other FCTC articles, noting that tobacco product packaging and labelling is an effective means of public communication about constituents and emissions – Article 11 and its guidelines (section 7.2), and recommending that Parties should consider including messages about constituents and emissions of tobacco products in education, communication, training and other public awareness programmes – Article 14 and its guidelines (section 7.3).

FCA supports adoption of the draft guidelines regarding regulation of tobacco product disclosures prepared by the Articles 9 and 10 working group.

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<sup>6</sup> <http://www.health.belgium.be/eportal/Myhealth/Healthylife/Tobacco/Fabrication/index.htm?fodnlang=fr/>.