

Framework Convention on Tobacco Control Guidelines for implementation of Article 5.3 on Tobacco Industry Interference

Article 5.3 of the FCTC states:

In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

Guidelines on implementing Article 5.3 were subsequently developed and approved by the Parties to the FCTC to assist them to meet their legal obligations under Article 5.3. The purpose of the Guidelines is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective. Principle 1 of the Guidelines states: **There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.**

According to the Article 5.3 Guidelines, Parties to the Convention should refuse to:

- Treat tobacco corporations as “stakeholders” in public health policy;
- Invest in the tobacco industry;
- Partner with tobacco corporations to promote public health or other purposes;
- Accept the tobacco industry's so-called corporate social responsibility schemes which are really just marketing by another name.

In addition, there are certain activities prohibited under the Article 5.3 Guidelines:

- No partnerships, non-binding, or non-enforceable agreements between tobacco industry and governments;
- No voluntary contributions by tobacco industry to governments;
- No tobacco industry-drafted legislation or policy, or voluntary codes as substitutes for legally enforceable measures;
- No investments by governments or public officials in tobacco industry;
- No tobacco industry representation on government tobacco control bodies or FCTC delegations.

There are also transparency measures established under the Article 5.3 Guidelines:

- Transparency of government interactions with the tobacco industry, through public hearings, public notice of interactions, and disclosure of records;
- Disclosure of tobacco industry activities, including: production, manufacture, market share, revenues, marketing expenditures, philanthropy – with penalties for providing false or misleading information;
- Disclosure or registration of tobacco industry affiliated entities, including lobbyists;
- Disclosure of current or previous work with tobacco industry by applicants for government positions related to health policy, and of plans to work for tobacco industry by former public health officials.