

# FCA BULLETIN

Weather outlook: hot,  
hot, hot! (Barbados)

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Online editions at  
[www.fctc.org](http://www.fctc.org)

**Don't miss today:**

**Lunchtime briefing**

**Illicit trade**

**Room 2**

**13.00—14.30h**

Light lunch provided

## TIME FOR A PROTOCOL ON SMUGGLING

Smuggled cigarettes cost governments tax revenue and undermine public health policy. Terrorist groups and other criminal organizations are involved in the illegal tobacco trade. So who would oppose action to combat smuggling?

The illicit tobacco trade is a global problem needing global-level resolution. The European Union (EU) has had some success, decreasing the number of seized cigarettes from around 8 billion in 2000 to 2.6 billion in 2003. Nonetheless illegal cigarette trade still booms.

Industry sources estimate global illicit cigarette volumes at 390 billion sticks in 2005 — 268 billion genuine cigarettes and 122 billion counterfeit. Success has come from concentrating on reducing the supply of illegal cigarettes. This was one of the main issues during the negotiations between a major tobacco company and the European Community.

On July 9 2004 the European Commission, with 10 EU Member States and Philip Morris International concluded a 12-year Agreement on a system to fight smuggling. The agreement was the result of a lawsuit filed against Philip Morris for smuggling cigarettes into the EU.

For years the industry has blamed smuggling on high cigarette prices. However, this agree-

ment stresses the importance of controlling the supply chain and export practices in order to effectively control smuggling.

Article 15 of the WHO FCTC obliges Parties to reduce the illegal tobacco trade, but does not say enough about how to do this effectively. A protocol which controls the illegal trade of tobacco products is urgently needed. This should be based on similar conventions such as the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

It should extend the obligations outlined in the agreement between PMI and the EC to all tobacco product manufacturers and countries, and provide more public access to information on enforcement efforts and results. Producer of a tobacco products should be financially liable for all the taxes and duties payable on their products until they reach their final destination.

Learn more about the scale and implications of illegal tobacco trade at today's lunch seminar.

**Luk Joossens**  
**Association of European Cancer Leagues**

### Lunchtime briefing

**Illicit Trade in Tobacco Products and Ramifications for the Implementation of Article 15 and possible Protocol**

*Moderator:*

**Mr. Tim Roberts**

Policy Development Manager, Tobacco Regulation

*Speakers:*

**Mr. Austin Rowan**, Head of Operations, Task Group Cigarettes, European Anti-Fraud Office (OLAF)

**Mr. Andreas Mausolf**, Project Manager, EUROPOL

**Mr. Luk Joossens**, Advocacy officer, European Cancer Leagues

**Ms. Ayda Yurekli**, Senior Economist, WHO—Tobacco Free Initiative



**Seized cigarettes that had been hidden in a consignment of toilet rolls.**

## RED CARD FOR GERMANY—AND FIFA

*“In 2002 smoking was banned...  
...in 2006, smoking is to be permitted almost everywhere.”*

What has happened to the WHO Memorandum with FIFA during the 2002 World Cup in Japan and South Korea, which declared the event a smoke-free event? What about declarations at that time that tobacco and sport are incompatible and tobacco in all its forms must remain outside of all FIFA events?

This agreement appears to have been completely forgotten. In 2002 smoking was banned in all indoor areas of the tournament stadiums; in 2006 smoking is to be permitted almost everywhere (the only restriction being in the press galleries—lucky journalists).

Press spokesman for the German organising committee Gerd Graus states that smoking is to be controlled through voluntary measures (i.e. not at all)—fans will just be asked to “respect non-smokers”. At the same time, stadiums will be selling cigarette lighters bearing the official World Cup logo and mascot.

Franz Beckenbauer was a prominent supporter of this year's World Cancer Day. Would he be happy if someone presented his little boy with one of these lighters, officially sanctioned mementos of the world cup hosted in his own country?

What on earth is FIFA thinking of in licensing these products?



**A full range of FIFA branded lighters, ready for display and sale at World Cup venues. Thank you for not smoking—here's a light!**



**Unsuspecting parents might not even notice this mascot is a lighter—the flame comes out of his cute little head. Many countries would ban this kind of item for child safety reasons alone.**

### Ratification update

Region	Ratified countries	%
WPRO	25 out of 27	92
SEARO	9 out of 11	81
EMRO	13 out of 21	62
EURO	33 out of 54	61
AFRO	26 out of 46	56
AMRO	16 out of 35	45

## FCA POSITION ON RULE 30BIS (PARTICIPATION OF NGOS)

Today, Committee B will continue its consideration of Rule 30bis, which deals with the participation of nongovernmental organizations. Consideration of the Rule began on Friday, with delegates agreeing on the importance of the participation of members of civil society not affiliated with the tobacco industry, as recognized in preambular paragraphs 17 and 18 and Article 4.7 of the Convention. However, Parties will need to settle on text which gives effect to that participation.

To assist Parties in their deliberations, FCA states its position on Rule 30bis as follows:

1. There should be no reference in Rule 30bis to any form of WHO or WHA accreditation. There are two primary reasons for this position. First, as explained by Brazil on Friday, the WHA has only recently introduced screening for tobacco industry interests. Second, criteria for observer status to the COP should be specific to the Convention itself (as in the Chair's draft text released on Friday), and the setting of those criteria, and decision-making on applications for observer status, should be performed exclusively by the COP and not by any other body.
2. Rule 30bis should include a reference to "accreditation", as stated in paragraph 6 of the Chair's summary of the discussions of the Open-ended Intergovernmental Working Group on Rules 29 and 30 of the draft rules of procedure for the Conference of the Parties (Annex 4 to the Report of the second session of the Intergovernmental Working Group, Document A/FCTC/IGWG/2/7). There will need to be an accreditation process that allows for the making, assessment and determination of applications.
3. The accreditation process should include the following:
  - Clear provisions on the material to be submitted with an application, namely:
    - ⇒ information on the structure, purposes and activities of the organization; and
    - ⇒ a statement that the organization is not directly or indirectly affiliated, associated or connected with, or working on behalf of, the tobacco industry.
  - A process by which applications for accreditation are notified to Parties and to observers mentioned in Rules 29, 30 and 30bis to enable any information they may have on an organisation's links to the tobacco industry to be provided to the COP.
4. Applications for accreditation should initially be examined by the Secretariat, with the decision to grant or refuse accreditation being made by the COP, after receiving advice from the Secretariat.
5. There should be provision for the withdrawal or suspension of accreditation where an organization has provided false or misleading information in its application for accreditation or where the circumstances of the organization have changed in a material way such that its accreditation is no longer appropriate having regard to the accreditation criteria.
6. The modalities for the participation of observers should be consistent across Rules 29, 30 and 30bis.
7. Parties should not have the power to veto the accreditation of nongovernmental organizations which meet the criteria for accreditation.

*"Criteria for observer status to the COP should be specific to the Convention itself."*

## LA CONTREBANDE DE TABAC

Chaque année, ce sont des milliards de cigarettes qui disparaissent à travers le marché noir si lucratif des produits du tabac. Cette contrebande cause un tort considérable à la santé publique en contournant la politique de taxation des produits du tabac, ce qui a pour effet de réduire les prix des cigarettes et de rendre disponibles des cigarettes « hors taxes » aux jeunes et aux fumeurs pour lesquels le prix plus élevé des cigarettes aurait été un facteur dissuasif.

La contrebande de cigarettes aide aussi à financer des groupes terroristes et criminels. Elle réduit les revenus de l'Etat qui servent également à financer des programmes de santé publique, dont la lutte contre le tabac.

**Discussion aujourd'hui au sujet de la contrebande, Salle 2, 13.00h à 14.30h.**

## LA PARTICIPACIÓN DE LAS ONGS

Las ONGs juegan un papel esencial en el control del tabaco: cuentan con la experiencia de los expertos, trabajan con los gobiernos en la implementación del CMCT y han asesorado y promocionado desde el principio el proceso del CMCT.

Normalmente los tratados tienen criterios y procedimientos específicos. Deben ser las partes de la COP las que determinen las normas de acreditación, y no las partes o la OMS. La COP necesita su propio criterio de acreditación para las ONGs ya que los procedimientos de la AMS son demasiado restrictivos.

### Acción necesaria

- Acreditar a ONGs que han sido previamente acreditadas para la INB y el Grupo de Trabajo Intergubernamental
- Adoptar una versión modificada de la cuarta versión de la Norma 30bis en el Borrador de las Normas de Procedimiento (A/FCTC/IGWG/2/7) por las cuales se establecerá un procedimiento simple de acreditación a gestionar por la Secretaria Permanente
- Acreditar a aquellas ONGs cuyos fines y actividades sean consistentes con los objetivos de la Convención y que no tengan relación alguna con la industria del tabaco
- Las ONGs acreditadas deberían poder hacer intervenciones temporales, tener los documentos que se distribuyen a las Partes, asistir a todas las sesiones y reuniones de las Partes, solicitar puntos extra en la agenda, tener acceso a los documentos oficiales y a instalaciones convenientes (como salas de reunión o equipos informáticos).

## URUGUAY, UN LÍDER EN LATINOAMÉRICA

El éxito del CMCT depende en gran medida de la forma eficaz con que se interpreten cada una de las estrategias contempladas en el convenio, hemos de recordar que éstas están basadas en la evidencia científica, que son el producto de 4 años de intensas negociaciones y que el mismo convenio nos invita aplicar medidas que vayan más allá de las estipuladas en el CMCT y sus protocolos.

Uruguay ha podido comprender la magnitud del grave problema del tabaquismo y las fuerzas que lo promueven, por eso para los uruguayos la implementación del CMCT es una prioridad; prueba de ello es el consenso nacional que existe entre gobierno, parlamento y sociedad civil en pos de la ratificación y ahora legislación del convenio.

Es así, que para el primero de marzo del 2006, Uruguay se convertirá en el primer país libre de humo de tabaco de las Américas.

Además de esto, contarán con advertencias sanitarias en los paquetes, que ocupan el 50% de las superficies principales expuestas, las cuales contendrán pictogramas a partir de abril del 2006.

Se inició una campaña de sensibilización a la población la cual se acompaña de la posibilidad de acceso gratuito a tratamientos de cesación de tabaquismo, tanto en instituciones públicas y privadas. A la par se inició la capacitación de profesionales de la salud para dichos tratamientos.

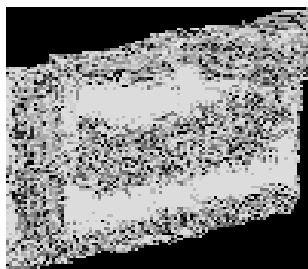
Otras disposiciones que se han aprobado son regulaciones a la publicidad, incluida la eliminación de publicidad y sponsorización vinculada al deporte, así como incrementos del impuesto a los productos del tabaco.

Vale la pena mencionar que el presidente de Uruguay se ha convertido en un campeón del control del tabaco en la región de las Américas no solo por impulsar el control del tabaco en su país, sino por llevar su mensaje a parlamentarios (senadores y diputado) del MERCOSUR.

Un nuevo desafío por delante, velar porque se cumpla efectivamente la ley, lo cual seguirá siendo una responsabilidad compartida entre el gobierno y la sociedad civil.

Considero que Uruguay es un líder en la región de las Américas digno de imitar.

Laura Salgado  
FCA en Latinoamérica



**Humanicida:** Más de 4000 sustancias químicas, de las que 50 causan cáncer. Tu aire es también el mío. Respétalo.

## FCTC MEASURES WORK—OFFICIAL!

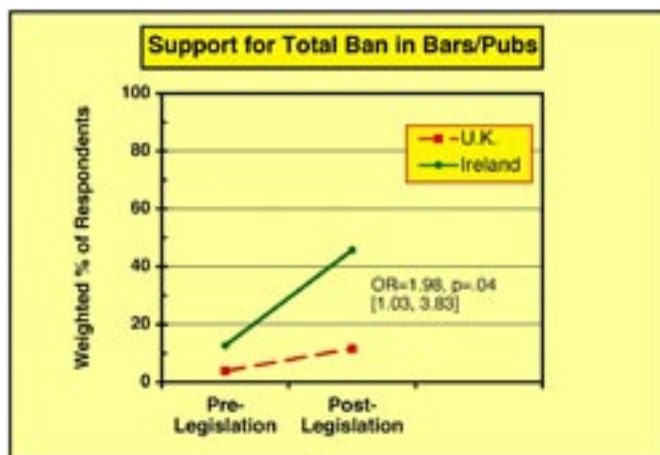
The International Tobacco Control Policy Evaluation Project (ITC) is an international collaboration of tobacco control researchers who track the effects of national-level tobacco control policies throughout the world.

The ITC Project surveys over 2,000 adult smokers in 9 countries: Canada, U.S., U.K., Australia, Ireland, Thailand, Malaysia, South Korea, and starting next month, in China. More countries will be added.

The findings so far have shown the effectiveness of Ireland's comprehensive smoke-free law, the UK's 2003 comprehensive advertising ban, and the EU's 2003 new text warning labels.

The FCA will publicise results from the ITC Project as they get published, both to advocates and the media. FCA will also conduct training at on how to use this research for media and policy advocacy.

Visit the ITC Project at: [www.itcproject.org](http://www.itcproject.org) or email Prof Fong at [gffong@uwaterloo.ca](mailto:gffong@uwaterloo.ca)



The kind of evidence found in ITC research – this shows the effect of the Irish smoking ban on smokers' attitudes.

## LA POSITION DE LA FCA AU SUJET DU RÈGLEMENT 30BIS

Aujourd'hui, le Comité B poursuivra son travail commencé vendredi, sur le règlement 30bis, qui se rapporte à la participation des ONG. Les délégués se sont déjà mis d'accord sur l'importance de la participation des membres de la société civile qui ne sont pas affiliés à l'industrie du tabac, comme stipulé dans le préambule aux paragraphes 17 et 18 et à l'Article 4.7 de la Convention.

Les Parties devront définir le texte qui rendra cette participation effective. Pour éclairer ces délibérations, la FCA propose la réflexion suivante:

**1.** Il ne doit avoir aucune référence à n'importe quelle forme d'accréditation par l'OMS ou de l'Assemblée Mondiale de la Santé (AMS) pour 2 raisons :

- Comme l'a bien expliqué la déléguée du Brésil, l' (AMS) n'a introduit que très récemment la condition de l'exclusion des ONG qui ont un lien avec l'industrie du tabac.
- Le développement du statut d'observateur à la Conférence des Parties (CDP) doit être spécifique à la Convention elle-même (ainsi que l'a souligné le texte du Président (date de vendredi) et l'établissement de ces critères, ainsi que le pouvoir de décision concernant les applications pour le statut d'observateurs, doivent être effectués par la CDP et nulle autre instance.

**2.** Le règlement 30bis doit inclure le terme "accréditation", comme indiqué dans le paragraphe 6 du Résumé du Président sur les discussions du Groupe de Travail à Composition Non Limitée sur les règlements 29 et 30 des règlements de la procédure de la Conférence des Parties (Annexe 4 du Rapport de la Deuxième Session du Groupe de Travail Intergouvernemental (Document A/FCTC/IGWG/2/7)). Une procédure d'accréditation qui permettra l'établissement, l'évaluation et la détermination des applications sera nécessaire.

**3.** La procédure d'accréditation doit inclure les conditions suivantes :

- Des provisions claires au sujet du matériel qui doit être soumis lors de l'application, dont
  - ⇒ Une information sur la structure, les buts et activités de cette organisation ;
  - ⇒ Une déclaration qui stipule que cette organisation n'a aucun lien direct ou indirect avec l'industrie du tabac ni ne travaille pour cette industrie.

Un procédé par lequel les demandes d'accréditations sont notifiées aux parties et aux observateurs mentionné dans la règle 29, 30 et 30bis afin de permettre à la CDP d'avoir l'information voulue sur les liens d'une organisation avec l'industrie du tabac.

**4.** Les applications pour une accréditation doit d'abord être examinée par le Secrétariat. La décision d'accepter ou de refuser cette accréditation est prise à la CDP, après avoir reçu l'avis du Secrétariat.

Il doit y avoir des provisions pour le retrait ou la suspension de l'accréditation dans le cas où une organisation aurait fourni des informations fausses ou erronées pour son application pour l'accréditation ou au cas où les circonstances de l'organisation auraient changé de telle façon que les faits autour de son accréditation ne correspondraient plus aux critères requis.

**6.** Les modalités pour la participation des observateurs devront être conformes aux règlements 29, 30 et 30bis.

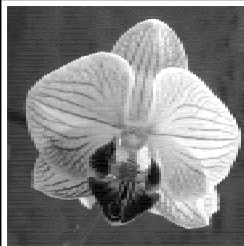
**7.** Les Parties ne devraient pas avoir le pouvoir d'imposer leur veto à l'accréditation des Organisations Non Gouvernementales qui répondraient aux critères voulus.

# ORCHIDS AND ASHTRAYS

## Time management advice for Committee B—make a To-Do list

1. *Get paper and pencil*
2. *Think about things to-do*
3. *Start writing the to-do list*
4. *Watch the list get really big*
5. *Get overwhelmed*
6. **PANIC**
7. *Start doing stuff (that isn't the stuff you're trying to do) in order to avoid the stuff that you are trying to do*
8. *Have anxiety*
9. *Work on list again*
10. *Add increasingly impossible things to the list*
11. *Think about the things you've wanted to do in your life, but haven't done. Realize that your life is a waste and that achieving the simplest goals is beyond you.*
12. *Allow yourself to be filled with shame*
13. *Freak out*
14. *Spend so much time on the to-do list that you run out of time to actually do anything*
15. *Give up*
16. *Go outside. It's a nice day. Life is short."*

*Shannon Wheeler*



Brazil is the worthy recipient of the first orchid of the week, for its positive spirit and proactive approach both at this COP and at home, where it has already created a National Commission for FCTC implementation.



A bumper pile of extra-smelly ashtrays to start the week, to all those countries in Committee A who supported wishy-washy

reporting systems. What's the point of implementing policies if you are not going to evaluate them?



## Guide for delegates participating in Committee B

### CREDENTIALS AND REGISTRATION

The names of the delegates, alternates and advisers are known to everyone and you have our sympathy.

### WORKING HOURS

Interminable

### ESCAPE FROM THE CONFERENCE CENTRE

**By bus, by tram, by car, on foot** – all are recommended.

### COMMUNICATION FACILITIES

Use of them is strongly encouraged, but please spare a thought for the interpreters, who have homes to go to.

### DOCUMENTS

WHO cannot dispatch participants' documents home — even in the unlikely event that the Committee manages to produce any.

### USEFUL CONTACTS

[www.despair.com](http://www.despair.com)  
[www.getmoredone.com](http://www.getmoredone.com)

### TRAVEL AND HOTEL ARRANGEMENTS

Delegates should not try to sneak back to their hotels during meetings — your hotel staff have been instructed to send you back to work.

### REFRESHMENT FACILITIES

Be aware that Committee A works fast, thus getting into the queues ahead of you.

### MEDICAL FACILITIES

Resuscitation nurses are standing by for when the boredom gets terminal.

### PARKING FACILITIES

A good place to hide – no-one will look for you there.

### PERSONAL SECURITY

Although CIG is a fairly nice place, delegates are advised to take precautions:

- stay alert – you might get allocated to a working group
- avoid walking alone – you can and will be lobbied

WHO cannot be held responsible for the loss of the will to live during the meetings of this Committee.

***"Much work remains to be done before we can announce our total failure to make any progress."***

**Committee B's philosophy?**

