World Health Organisation (WHO) Framework Convention on Tobacco Control

2003/0316(CNS) - 19/12/2003 - Legislative proposal

PURPOSE : to conclude the World Health Organisation Framework Convention on Tobacco Control. PROPOSED ACT : Council Decision. CONTENT : the objective of the World Health Organisation Framework Convention on Tobacco Control is to protect present and future generations from the consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at national, regional and international levels. This will make for a sustained reduction in the levels of tobacco use and exposure to tobacco smoke. The Convention was adopted by the World Health Assembly on 21 May 2003. The European Community was among the first Parties to sign the Convention on 16 June 2003. The main objective of the Convention is the promotion of public health in a global context. This is in line with the EC Treaty, especially Article 152. The Negotiating Directives covered only matters falling within the sphere of Community competence under Articles 95 and 152 of the Treaty. The negotiating Directives were reviewed by the Council with the aim of extending the Commission's authorisation to include negotiation on behalf of the Community on matters within the Community field of competence which do not fall under these Articles, including matters which require unanimity in the Council. In its resolution of 13 November 2001, the European Parliament supported the objective of a Framework Convention on Tobacco Control. There is no explicit provision in the Framework Agreement between the Commission and the European Parliament for members of the European Parliament to be included in Community delegations participating in international negotiations. Nevertheless, the participation of members of the European Parliament as observers was always welcome. The Convention deals with a wide range of tobacco control-related matters. Some of the key elements of the final text include: - Labelling (art. 11) - The text requires that at least 30 per cent - but ideally 50 per cent or more - of the principal display areas on tobacco product packaging should be taken up by clear health warnings in the form of text, pictures or a combination of the two. Packaging and labelling requirements also prohibit misleading language that gives the false impression that the product is less harmful than others. This misleading language may include the use of terms such as "light", "mild" or "low tar". - Advertising (art.13) - While a wide majority of countries agreed that a comprehensive ban would have a significant impact in reducing the consumption of tobacco products, some countries have constitutional provisions - for example, covering free speech for commercial purposes - that will not allow them to implement a comprehensive ban in all media. The final text requires Parties to move towards a comprehensive ban within five years of the Convention entering into force. It also contains provisions for countries that cannot implement a comprehensive ban which require them to restrict tobacco advertising, promotion and sponsorship within the limits of their constitutions or constitutional principles. - Taxes (art.6) - The text formally recognises that tax and price measures are an important way of reducing tobacco consumption, in particular among young people, and requires signatories toconsider public health objectives when implementing tax and price policies on tobacco products. - Liability (art.19) - Parties to the Convention are encouraged to consider taking legislative action, where necessary, to deal with criminal and civil liability, including compensation where appropriate. - Financing (art.26) - Parties are required to provide financial support for their national tobacco control programmes. In addition, the text encourages the use and promotion of existing development funding for tobacco control programmes. The decision on such use of official development assistance (ODA) should be taken on the basis of national priorities set and agreed with donors. The eventual need to enhance existing mechanisms or to set up other appropriate financial mechanisms to channel additional financial resources, which may include a voluntary global fund, should be assessed by the Conference of the Parties based on a review of the existing and potential sources and mechanisms of assistance and on an assessment of their adequacy. - Illicit trade (art.15) - The text recognises that the elimination of smuggling, illicit manufacturing and counterfeiting of tobacco products, including the development of an effective system for the tracking and tracing of such products, and the development

and implementation of related national law are essential components of tobacco control, and requires the Parties to take appropriate measures in this regard. The text also requires countries to promote treatment programmes to help people stop smoking (art.14) and education (art.12) to prevent people from starting, to prohibit sales of tobacco products to minors (art.16), and to limit public exposure to second-hand smoke (art.8). FINANCIAL IMPLICATIONS : as a Party to the Convention, the Community will be bound to participate in financing the activities of the Conference of the Parties, including any subsidiary body it may establish, and the functioning of the Secretariat of the Convention. The exact amount of the financial contribution of the Community is not known at present. The estimation of the costs in the Financial Statement is based on existing comparable international agreements concluded by the Community. - Total allocation for action : estimated at EUR 1 million. - Period of application : From the date the Convention enters into force. It enters into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary. - The estimation of the costs, 200 000 euros annually, is based on existing comparable international agreements concluded by the Community. This is best estimation available at present. The final financial implications are subject to the negotiations at the first meeting of the Conference of the Parties. All administrative and Human Resources requirements will be covered from within the Budget allocates to the managing DG in the framework of the annual allocation procedure. - Budget lines : ABB 17 01 01 Expenditure related to staff in active employment of policy area Health and consumer protection; ABB 17 01 02 11 : Other management expenditure; ABB 17 03 : Public Health.