

direct line: 020 7544 0110
email: groca@the-tma.org.uk
our ref: GR/vt2568



23rd November 2015

Michael McMahon MSP
Convener
Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr McMahon,

I am writing as the Director General of the Tobacco Manufacturers' Association (TMA) and in respect to the November 10th hearing held by your Committee into the petition brought by Ms Shelia Duffy of ASH Scotland and in which, I note, multiple references were made to the TMA.

I believe it is an important principle that a democratically elected Parliament should be free to decide from whom it takes evidence, particularly in areas that have potentially significant societal or pecuniary impacts. The tobacco industry is of course an entirely legitimate business and is fully committed to transparency and openness.

I would like to point out that Ms Duffy has made repeated attempts to try to influence the Scottish Parliament and a number of its Committees on her views in respect to the exclusion of the tobacco industry from democratic debate in recent years. Further to the Petition Committee's reference to studying the Scottish Parliament's position, I wish to draw the Committee's attention to the enclosed letter (which is in the public domain) from the Presiding Officer to Ms Duffy on 14th January 2015, which unambiguously addresses and confirms the Parliament's position.

Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) does not, in fact, suggest that the tobacco industry should be excluded from the regulatory process. It 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"

The objective of Article 5.3 of the FCTC is for policy makers to have in place lawful processes to ensure that their tobacco-related public health policies are protected from vested interests. The policy-making process should be impartial, fair, participatory, balanced and objective, in line with domestic and international principles of Better Regulation. This ensures that policy makers benefit from the widely recognised benefits of broad stakeholder engagement. The TMA agrees with the high standard of policy making that this implies.

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I hope these points are helpful in your deliberations but please do not hesitate to contact me if I can provide any further information.

Yours sincerely

Giles Roca
Director General

cc.

David Torrance MSP
Angus MacDonald MSP
Hanzala Malik MSP
Jackson Carlaw MSP
John Wilson MSP
Kenny MacAskill MSP