

PE1580/A

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Public Petitions Committee
Room T3.40
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CONSIDERATION OF PETITION [PE1580](#)

Thank you for your letter of 11 November regarding the above petition. The purpose of your letter is to ask whether the Scottish Government (SG) considers that the Scottish Parliament acts in line with the terms of Article 5.3 of the World Health Organisation's Framework Convention on Tobacco Control.

It might help if I first set out SG's position with regard to Article 5.3. The current SG Tobacco Control Strategy, [Creating a Tobacco-Free Generation](#), notes that:

'The Framework Convention on Tobacco Control (FCTC) is the first ever public health treaty brokered by the World Health Organisation. Article 5.3 states that: "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."

Scotland is signed up to the FCTC as part of both the United Kingdom and the European Union. Whilst Scotland has a strong record in this regard, consideration should be given to how Scotland could further enhance its reputation as a world leader.

Action: We will commission an audit of the implementation of Article 5.3 of the Framework Convention on Tobacco Control in Scotland, with a view to providing the Scottish Government with options for ensuring the continued protection of public health policy from undue interference from the tobacco industry'.

SG is yet to undertake an Audit of 5.3 compliance. That work must be completed within the lifetime of the Strategy, which runs up until March 2018. In taking this forward, SG would likely consider where activity is being taken forward across SG, examples of good practice in other areas, the need for broader awareness and guidance across SG, and whether there is a role for wider partner organisations.

Currently, the SG Tobacco Control Team undertakes a number of measures to comply with Article 5.3.

- A requirement for members of our Ministerial Working Group on Tobacco Control (and related sub-groups) to declare any links to the Tobacco Industry and publish these within the [Minutes](#) of meetings.
- Ask consultation respondents to make a similar declaration of any links to the Tobacco Industry within recent Tobacco Control Consultations (eg. UK wide [Consultation on Standardised Packaging of Tobacco Products](#) and [A Consultation on Electronic Cigarettes and Strengthening Tobacco Control in Scotland](#)).
- Publish [notes](#) of Tobacco Control consultation meetings with the Tobacco Industry representatives (including retailer organisations) on the Scottish Government website and ask other parts of the Scottish Government to do the same.
- In December 2013, the SG Tobacco Control Team was represented at a workshop on Article 5.3, hosted by the UK Department of Health's Tobacco Control Team and the WHO. The aim of the event was to explore awareness across central and local Government, and the third sector. Since this event, while we are not aware that any further guidance that has been produced by the UK Government or the WHO, we are aware that Local Authorities and the NHS in England have issued [declarations](#) in support of the FCTC, including Article 5.3.

In terms of the role of the Scottish Parliament, SG would be in a better position to offer further advice once we have undertaken the above mentioned audit of Article 5.3. However, Officials within the SG Population Health Improvement Directorate have previously raised this as an opportunity for the Scottish Parliament to lead the way. In advance of the introduction of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill, Officials raised Article 5.3 with the Clerk of the Health and Sport Committee and asked whether the Committee might consider the approach taken by the SG Tobacco Control Team, as outlined above. Officials also shared this information with the Scottish Parliament's Standards Committee when it considered Article 5.3 earlier this year.

Finally, I note that the Public Petitions Committee has also requested good practice examples from the WHO. I hope that both this response and any further information provided by the WHO helps the Committee in its deliberations on this matter.

Yours sincerely

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Tobacco Control Team