

**FCTC**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Tel. direct: +41 22 791 5043
E-mail : fctcsecretariat@who.int

In reply please
refer to: CSF/HS/16/02

Public Petitions Committee
Ms Catherine Ferguson
Room T3.40
The Scottish Parliament
Edinburgh EH99 1SP
ROYAUME-UNI DE GRANDE-
BRETAGNE

Your reference:

11 January 2015

Dear Ms Ferguson,

Consideration of Petition PE1580

Your letter dated 11 November 2015 on the above subject, addressed to the World Health Organization (WHO), has been forwarded to the Secretariat of the WHO Framework Convention on Tobacco Control, which is the body responsible for servicing the Convention. The letter requests examples of good practices in legislatures of Party states in relation to the implementation of Article 5.3. of the Convention. I would like to respond to the question posed as follows:

As you are aware, Article 5.3. requires Parties to the Convention to protect their public health policies from commercial and other vested interests of the tobacco industry. The Conference of the Parties, as the Convention's supreme organ, has adopted a set of Guidelines containing concrete recommendations on the implementation of this provision. Although not legally binding, the Guidelines constitute an authoritative international policy tool, having been adopted by the Conference of the Parties by consensus. In accordance with the recommendations set out in the Guidelines, a number of Parties have established relevant practices relating to interactions with the tobacco industry. Please find some examples below:

Guideline Recommendation 2: Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.

- **Finland:** Interaction with industry is limited mainly to open requests for comment.
- **Canada:** Technical discussions as required by national law in regard to both health and tax-related regulations; litigation-related responses, as required by national law and practice.
- **Singapore:** Health Promotion Board guidelines governing interaction with tobacco industry, including minutes of meetings and previously set agenda.
- **Panama:** All meetings between the Ministry of Health and the tobacco industry take place at the National Commission for the Study of Tobacco; Article 5.3 Guidelines distributed to governmental sectors.
- **Mexico:** Meetings between government and industry accessible through the Federal Institute for Access to Information.
- **Australia:** Meeting between Department of Health and Ageing and the Tobacco Industry notified on website www.health.gov.au
- **Philippines:** DOH memorandum (DM 2010-0126) prohibits DOH and its attached agencies' interactions (unless strictly necessary - for regulatory purpose).
- **Brazil:** Intersectoral Committee for Implementation of the WHO FCTC (CONIQ) - rules of interaction (and conflict of interest).
- **Thailand:** Rules for interaction with the tobacco industry and how to handle requests for meetings (Regulation of Department of Disease Control B.E. 2553, 2010).

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Guideline Recommendation 4: Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.

- **Latvia:** Industry participation officially excluded from State Commission on Restriction of Smoking in 2010.
- **Denmark:** Administrative law guiding private versus public interest.
- **Slovenia and Sweden:** Code of conduct for civil service.
- **Norway:** Government Pension Fund divested of tobacco.
- **New Zealand:** Superannuation fund divested from tobacco; code of conduct for civil servants ensures that conflict of interests is minimized or avoided, and that when interactions occur, these are reported (<http://www.ssc.govt.nz/code>).
- **Philippines:** A Joint Memorandum Circular of Civil Service Commission and DOH (CSC-DOH No. 2010-01) covers all national and local government officials and employees, including government-owned and controlled corporations, original charters, state colleges and universities. DOH officials and employees should not accept any direct or indirect offer (gift, donation, sponsorship) from tobacco companies (AO 2009-0004 Revised DOH policy).
- **Brazil:** Code for members of WHO FCTC Implementation Committee.

You will note that relevant efforts by Parties are generally more advanced as they concern government officials and governmental bodies. Equivalent practices for legislative bodies are in the process of being developed in some countries.

Efforts made by Party states to prevent conflicts of interests of members of the legislative and executive bodies as well as civil servants constitute an important means of implementing Article 5.3., and the Secretariat encourages any efforts by Parties to adopt such measures.

I hope the above information is helpful. Please do not hesitate to contact us should you require further information.

Yours sincerely,

Dr Vera Lulza da Costa e Silva
Head of the Convention Secretariat
WHO Framework Convention on Tobacco Control