



WORLD HEALTH ORGANIZATION

**INTERGOVERNMENTAL NEGOTIATING BODY
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
Fourth session
Provisional agenda item 4**

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Compilation of draft technical annexes

1. The Chair's text of a framework convention on tobacco control¹ did not contain drafts of technical annexes. At the second plenary meeting (28 November 2001) of the third session of the Intergovernmental Negotiating Body,² it was suggested that the secretariat, in conjunction with the Chair of the Negotiating Body and delegations or regional groups, prepare draft technical annexes for discussion at the fourth session of the Intergovernmental Negotiating Body.
2. As a first contribution to this proposed process, the present document sets forth possible elements of the proposed technical annexes compiled by the secretariat (see Annexes 1-4). These drafts are intended not to constitute exhaustive catalogues of possible provisions, but only to provide preliminary examples for consideration.
3. The choice of technical annexes for inclusion in the final version of the framework convention will depend on the text of that instrument. It should not be assumed that the examples of possible draft elements of the technical annexes contained in this document will be included in the final text of the framework convention.
4. Accordingly, the secretariat has compiled possible elements of the proposed technical annexes referred to in the Co-Chairs' texts from the third session (see Annexes attached).³ The relevant paragraphs of the Co-Chairs' texts are reproduced below.

¹ Document A/FCTC/INB2/2.

² See document A/FCTC/INB3/PL/SR/2.

³ See documents A/FCTC/INB4/2(a), A/FCTC/INB4/2(b) and A/FCTC/INB4/5.

G.1(d) (Packaging and labelling)

...

(d) (iv) each unit packet or package of tobacco products carries a clear, visible, and legible [general] [rotating] [health] warning [including a picture or pictogram], [as prescribed] / [which shall be approved] by the national [health] authorities [and in keeping with World Health Organization specifications], illustrating the harmful consequences of tobacco consumption [for health] [and that generic packaging is used for the parts of the package other than where mandatory messages are required], in accordance with **Annex [INSERT]**; these warnings shall: ...¹

I. Measures related to the reduction of the supply of tobacco

6. [In accordance with their national legislation and their obligations under international [law]/ [treaties],] the Parties shall promote cooperation between national, regional and international agencies [involved, in promoting investigations, prosecutions and proceedings] to eliminate illicit trade, in particular smuggling, in tobacco, tobacco products, raw tobacco materials and additives[, and ...]. The Parties shall further cooperate to promote regular exchanges of information to prevent such trade [pursuant to **Annex [INSERT]** in this Convention]. Special emphasis shall be placed on cooperation at regional and subregional levels as the most effective prerequisite for combating smuggling and illicit trade of tobacco products.²

K. Surveillance, research and exchange of information

1. ...

(a) establish progressively a national system for the epidemiological surveillance of [active and passive] tobacco consumption and related social, economic and health indicators specified in **Annex [INSERT]**;

(b) cooperate with the World Health Organization and other relevant organizations, including government and nongovernment agencies in regional and global tobacco surveillance and exchange of information on the indicators specified in **Annex [INSERT]**;

(c) cooperate under the auspices of the World Health Organization in the development of general model standards or procedures defining the collection, analysis and dissemination of major surveillance data as specified in **Annex [INSERT]**.²

¹ Document A/FCTC/INB4/5.

² Document A/FCTC/INB4/2(a).

2. ...

(a) [establish an appropriate national system of epidemiological surveillance of tobacco use [, build indicators for the surveillance system] and] initiate and cooperate, directly or through competent international bodies, in the conduct of research and scientific assessments, as detailed in **Annex [INSERT]**;¹

M. Conference of the [States] Parties

4. ...

[(d) promote and guide the development and periodic refinement of [comparable methodologies], in addition to those provided for in Article [Surveillance, Research and Exchange of Information] and **Annexes [INSERT]**, relevant to the implementation of the Convention [and its protocols];]²

¹ Document A/FCTC/INB4/5.

² Document A/FCTC/INB4/2(b).

ANNEX 1

TOBACCO PRODUCT PACKAGING AND LABELLING [ARTICLE G.1(d)(iv)]

Article G.1(d)(iv) refers to an annex on tobacco product packaging and labelling. The draft below deals with issues such as the size, placement and language of health warnings. Its content may overlap with that of the annex on illicit trade.¹

The following two options are extracted from the provisional texts of proposed draft elements for a WHO framework convention on tobacco control (document A/FCTC/WG2/3) that had been presented to the second session of the Working Group that preceded the Intergovernmental Negotiating Body; that document contains suggested texts for several different types of provisions based on proposals that had been made at the first session of the Working Group and on document A/FCTC/WG1/6. The two options below are not meant to be exclusive. The preparation of detailed draft provisions on packaging and labelling of tobacco products requires further consideration of the ways in which tobacco products are packaged around the world. It should be noted that these options are given merely as possible examples. In addition, obligations relating to tobacco packaging and labelling could also incorporate provisions on toxic emissions and toxic constituents, formulated after a review of existing international standards. Finally, the text of this annex will have to be coordinated with the text of Article G.1(d) itself, to avoid any overlaps or inconsistencies.

Pursuant to Article G.1(d)(iv), each unit packet or package of tobacco products shall carry a health warning conforming to the following requirements:

Option 1:

1. Each unit packet of tobacco products shall carry two different health warnings.
2. The warnings required by this Annex shall be printed on the two [most visible] surfaces of the unit packet, and on any outside packaging used in the retail sale of the product.
3. The text of warnings and yield indications required under this Annex, shall be:
 - (a) printed in easily legible black type on a white background. In order to accommodate language requirements, each Party may determine the point size of the font, provided that the font size specified in its legislation is such as to occupy the greatest possible proportion of the area set aside for the text required;
 - (b) centred in the area in which the text is required to be printed, parallel to the top edge of the packet;
 - (c) surrounded by a black border of not less than [INSERT] millimetres, which does not in any way interfere with the text of the warning or information given;
 - (d) in the principal language or languages of the country in which the product is placed on the market.

¹ Annex 2 to this document.

4. Texts as required by this Annex and by Article [II.D.2] shall not be printed on the underside or on the tax stamps of unit packets. The texts shall be irremovably fixed and indelible, and shall not in any way be hidden, obscured or interrupted by other written or pictorial matter, nor by the opening of the packet.

5. The health warning required by this Annex shall cover not less than 25% of the external area of the corresponding surface of the unit packet on which it is printed. This percentage shall be increased to 27% for countries with two principal languages and 30% for countries with three principal languages.

OR

Option 2:

General

1. Any written information that is required by this Annex shall be printed:
 - (a) in the principal language or languages of the country where the product is placed on the market;
 - (b) in a manner that ensures that the information is legible and prominently displayed.

Health warnings

2. For the purposes of this section a health warning consists of a written statement and a [colour picture] that illustrates the harmful health effects of tobacco consumption or the benefits of cessation.
3. The Parties shall adopt appropriate measures to ensure that health warnings are displayed on every package or wrapper of tobacco products in accordance with the terms of this Annex.
4. The health warnings required by this Annex shall be displayed on the two largest display surfaces on each unit package.
5. They shall occupy 50% of those surfaces and be positioned parallel to the top edge of the package or the top part of the package and in the same direction as the other information that is on the package.

Health information

6. The Parties shall adopt appropriate measures to ensure that every package of tobacco products displays health information in accordance with the terms of this Annex.
7. The health information required by this Annex shall be displayed in the following manner:
 - (a) on [each side of] a leaflet, the message being centred and occupying at least 50% to 70% of the page; or

- (b) in the case of a slide package,
 - (i) on a leaflet in accordance with paragraph 7(a) above; or
 - (ii) on the surface of the slide that is opposite to the side of the slide that is next to the tobacco products, in such a manner that the health information is centred and occupies 60% to 70% of the surface.

8. In the case of a leaflet, the leaflet shall measure approximately [INSERT] by [INSERT] millimetres and be readily visible to a person who opens a package in which it has been inserted.

ANNEX 2

ILLICIT MANUFACTURING AND TRAFFICKING OF TOBACCO PRODUCTS [ARTICLE I.6]

Article I.6 refers to an annex on the illicit trade of tobacco products. The following text covers issues such as the maintenance and exchange of information that helps in the tracing and identification of illicit tobacco products. Because of the role that labelling and packaging may play in this process, the content of this annex may overlap with that of the annex on packaging and labelling.¹

Pursuant to Article I.6, each Party shall undertake the following legal, administrative and other measures in order to prevent and combat the illicit manufacturing and trading of tobacco products:

1. Ensure the maintenance, for not less than [10] years, of information in relation to tobacco trade that is necessary to trace and identify tobacco products that are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

- (a) the appropriate markings required by Article I.3;
- (b) in cases involving international transactions in tobacco products, the place and date of manufacturing, the country of export, the country of import, any transit countries, and the final recipient and the description and quantity of the tobacco products, so as to enable the competent authorities systematically to track tobacco products from manufacturer to wholesaler and/or retailer for the purpose of detecting, investigating or analysing illicit manufacturing and trafficking.

2. Facilitate the exchange of case-specific information between the competent national authorities on matters such as:

- (a) licensed manufacturers, exporters, importers, wholesalers, warehouses, transporters and retailers;
- (b) the identification, monitoring and prosecution of persons, organizations and companies involved in illicit manufacturing of and trafficking in tobacco products and/or criminal activities;
- (c) investigations, prosecutions and judicial proceedings;
- (d) methods and means, points of dispatch and destination and routes customarily used by organized groups engaged in illicit manufacturing of and trafficking in tobacco products;
- (e) legislative and fiscal experiences and practices, such as the use of tax-paid markings and chain-of-custody marks, and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in tobacco products.

¹ Annex 1 to this document.

3. Cooperate in exchanging information and skills relevant to combat illegal manufacturing of and trafficking in tobacco products. Each Party in a position to do so shall assist other Parties either bilaterally or under the auspices of the Convention.

ANNEX 3

SURVEILLANCE [ARTICLE K.1]

Articles K.1(a), K.1(b), K.1(c) and M.4(d) refer to an annex on surveillance. The following text includes information on prevalence, morbidity, mortality, economics, and policies and programmes. Some overlap may exist with the annex on research.¹

Pursuant to Articles K.1(a), K.1(b), and K.1(c), the Parties shall cooperate as specified below:

- (i) to establish progressively a national system for epidemiological surveillance;
- (ii) with the World Health Organization and other relevant organizations, including governmental and nongovernmental agencies in regional and global tobacco surveillance and exchange of information;
- (iii) under the auspices of the World Health Organization in the development of general model standards or procedures defining the collection, analysis and dissemination of major surveillance data:

1. Surveillance should capture data on such topics and areas as the following:

Prevalence

- (a) periodic national estimates of patterns of tobacco use among adults and youth by age, gender, socioeconomic strata, and occupational categories (for adults specifically, health professionals, teachers), including prevalence of cigarette and other tobacco use, knowledge and attitudes concerning tobacco use, and environmental tobacco smoke exposure (ETS), as well as information among youth on access, availability, and price; exposure to media, advertising and promotion; and school curriculum and other educational programmes;
- (b) periodic national estimates of the proportion of population using leading brands for each type of tobacco product commonly used by youth and adults, by age and gender;
- (c) periodic national estimates on tobacco dependence patterns and its treatment, including average amounts consumed per day by users of each product, quit attempts, and access to and use of available tobacco dependence treatment options;

Tobacco-attributable morbidity and mortality

- (a) trends in mortality and morbidity by age, gender, and socioeconomic strata, including annual mortality rates for all-cause and major tobacco-related diseases; periodic national estimates of tobacco-related morbidity including pregnancy and neonatal outcomes, and years of life lost attributable to tobacco use measured in disability-adjusted life years (DALYs);

¹ Annex 4 to this document.

- (b) periodic national estimates of levels of exposure to second-hand smoke in home, occupational, and public environments by age and gender, and by socioeconomic, occupational, and/or ethnic/racial categories as appropriate for the society;
- (c) periodic national estimates of direct and indirect health care costs attributable to tobacco use;
- (d) consumer knowledge about the constituents of tobacco products and their smoke and the hazards associated therewith and sources of that knowledge (e.g., health education, package warnings), particularly information on public knowledge/perceptions about health effects associated with potentially reduced risk products;

Economics and industrial organization

- (a) annual national statistics on the following:
 - (i) sales, market shares and consumption of tobacco products;
 - (ii) tobacco prices, tax and tariff structures;
 - (iii) tobacco manufacturing, production and trade statistics;

Policy and programmes

- (a) periodic information on national policy and programmes including:
 - (i) national plan of action on tobacco (e.g., description of national objectives and administrative structures for tobacco control, including funding levels);
 - (ii) interventions and programmes to prevent the initiation of tobacco use, to promote quitting and to protect non-smokers, and their evaluation.

ANNEX 4

RESEARCH [ARTICLE K.2]

Articles K.2(a) and M.4(d) refer to an annex on research. The following text covers, inter alia, areas such as the health consequences of tobacco use, evaluation of tobacco control policies and interventions, prevention of initiation and treatment for tobacco dependence, and design and regulation of tobacco products. Some overlap may exist with the annex on surveillance.¹

Pursuant to Article K.2(a), the Parties shall cooperate as appropriate with the relevant organizations for the purposes of this Convention:

- (i) in the establishment and implementation of regional and other international research programmes,
 - (ii) in conducting research and systematic observations, and
 - (iii) in formulating recommendations for future research and observations:
1. The research programmes and observations referred to above shall cover such areas as:
- (a) the health consequences associated with all forms of tobacco use and nicotine addiction, as well as involuntary or passive exposure to tobacco smoke;
 - (b) the impact of tobacco control policies;
 - (c) the evaluation of tobacco prevention and control interventions;
 - (d) the prevention of tobacco use, including factors related to initiation of tobacco use;
 - (e) the treatment of tobacco dependence;
 - (f) the health implications of the design and regulation of current and new tobacco products;
 - (g) the impact of past and current actions of the tobacco industry;
 - (h) the social and economic impact of changes in tobacco growing.

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¹ Annex 3 to this document.