

**FCTC**WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

CSF/NV/16/04

### **Industry interference in tracking and tracing of tobacco products**

The Head of the Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) presents her compliments to the Permanent Missions of the Parties to the Convention and has the honour to advise them of the following:

It has come to the attention of the Convention Secretariat that some Parties to the Convention are being propositioned by tobacco companies to conclude agreements by which the companies would assume certain responsibilities in controlling the tobacco supply chain, and that a number of Parties have already concluded such agreements. It has further come to the Convention Secretariat's attention that the tobacco industry is widely promoting the use of Codentify, a coding system developed by the industry.

Furthermore, the International Tax and Investment Center (ITIC), which works to further the interests of the tobacco industry and which has four representatives of multinational tobacco companies on its board, continues to organize regional and global meetings and to invite governments of Parties to the WHO FCTC. These meetings feature discussions on tobacco taxation and promote tax policies favouring the tobacco industry rather than the recommendations of the guidelines on implementation of Article 6 of the Convention, adopted by consensus by the Parties to the Convention at the sixth session of the Conference of the Parties (COP). Although many Parties, COP observers and other entities have refused to participate at ITIC events, these meetings represent a means for the tobacco industry to interfere with national policies on tobacco taxation and controls on the illicit trade in tobacco products.

The Head of the Convention Secretariat wishes to express her concern over these developments, and to advise Parties that such behaviour is damaging for tobacco-control efforts worldwide.

In this context, the Head of the Convention Secretariat wishes to recall Article 5.3 of the Convention, which requires Parties to protect public-health policies on tobacco control from commercial and other vested interests, as well as the guidelines for implementation of this article adopted by the COP, which provide a set of recommendations on how Parties should prevent tobacco-industry interference. In particular, article 5.3 of the Guidelines recommends that Parties "reject partnerships and non-binding or non-enforceable agreements with the tobacco industry". In addition, Article 8.12 of the Protocol explicitly states that a Party's obligations shall not be performed by, or delegated to, the tobacco industry. Parties should consider the compatibility of agreements concluded with the tobacco industry and the use of Codentify with their obligations under the Convention.

Convention Secretariat

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The Head of the Convention Secretariat wishes to inform Parties that an expert paper entitled “The Tobacco Industry and the Illicit Trade in Tobacco Products”, which outlines industry behaviour in the context of illicit trade, is now available at the Convention Secretariat website at <http://www.who.int/fctc/>.

The Head of the Secretariat of the WHO FCTC avails herself of this opportunity to renew to the Permanent Missions of the Parties to the Convention the assurance of her highest consideration.



Geneva, 4 March 2016