

THE PRIME MINISTER

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

No: 1315/QĐ-TTg

Hanoi, August 21st, 2009

DECISION

On the Ratification of the Plan for the Implementation of the Framework Convention on Tobacco Control

THE PRIME MINISTER

Pursuant to the Law on Government Organization dated December 12th, 2007;

Pursuant to the Law on the Signing, Accession and Implementation of International Treaties dated June 14th, 2005;

Pursuant to Decision No. 877/2004/QĐ/CTN dated November 11th, 2004 of the President of the Socialist Republic of Vietnam on the ratification of the Framework Convention on Tobacco Control;

Pursuant to Resolution No. 12/2000/NQ-CP dated August 14th, 2000 of the Government on the National Policy on Tobacco Control for the period 2000-2010;

Having considered the proposal of the Minister of Health;

DECIDES

Article 1. To approve the Action Plan for the Implementation of the Framework Convention on Tobacco Control attached to this Decision.

Article 2. This Decision shall take effect from the day it is signed.

Article 3. The Ministers, Heads of ministerial-equivalent bodies, Heads of government agencies, Chairmen of the provincial People's Committees and centrally-ruled cities, Heads of related agencies, Chairman and members of the Management Board of Vietnam Steering Committee on Smoking and Health shall be responsible for the implementation of this Decision .

Distribution list

- The Secretariat of the CPV Central Committee;
- The Prime Minister, Deputy Prime Ministers;
- The Ministries and Government Departments & Agencies;
- Office of the Central Committee for corruption prevention and control;
- The People's Councils of provinces and centrally-ruled cities;
- Office of the CPV Central Committee and the Party's Committees;
- Office of the President of the SRV;
- The Council of Ethnicity and other Committees of the National Assembly;
- Office of the National Assembly;
- The People's Supreme Court;
- The People's Supreme Procuracy;
- The State Audit body;
- The National Committee for Finance Supervision;
- Bank for Social policies;
- Bank for Development of Vietnam;
- The Central Committee of the Vietnam Fatherland Front;
- The Central Agencies of Organisations and Unions;
- The Government's Office; Departments and units, The Official Gazette; Website of the Government
- Archives: 5 copies

THE PRIME MINISTER

Nguyen Tan Dung

(Signed and sealed)

THE PRIME MINISTER

THE SOCIALIST REPUBLIC OF VIETNAM

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ACTION PLAN

**For the Implementation of the Framework Convention on
Tobacco Control**

(Promulgated according to Decision No. 1315/QĐ-TTg dated August 21st, 2009 of the Prime Minister)

To reduce the morbidity and mortality rates caused by tobacco-related diseases, the World Health Organisation has initiated the development of the Framework Convention on Tobacco Control (hereafter Framework Convention). The contents of this Framework Convention are related to several areas including production, trading and consumption of tobacco products. By July 30th, 2009, 168 countries had signed the Framework Convention, amongst which 166 have ratified it. Vietnam is the 47th country that ratified the Framework Convention and it has come into effect in Vietnam from March 17th, 2005.

In this Action Plan, the term ‘tobacco products’ refers to products manufactured from whole or part of raw tobacco material in the forms of cigarettes, cigars, smokeless tobacco, pipe and water pipe tobacco and other forms of tobacco products for chewing and inhaling.

The Action Plan provides contents, time frame and delegation of responsibility to related agencies in the development and promulgations of domestic legislations to meet the requirements of the Framework Convention and meeting Vietnam’s obligations and rights as a Party to the Convention.

I. Implementation road map

1. Measures to reduce demand for tobacco products

a) Price and taxation on tobacco products:

- From now until 2010, develop a price and taxation road map for tobacco products with the aim to: increase taxation and prices of tobacco products; levy high tax on imported tobacco products; apply regulations on minimum price for tobacco products; and apply measures to reduce and strictly control product sales at duty free shops;

b) Prevention from exposure to tobacco smoke:

- From January 1st, 2010 strictly prohibit smoking in schools, kindergartens, health facilities, libraries, cinemas, theatres, community cultural houses and indoor working areas, places at high risk of explosion and fire, and on public transport. “No-smoking” signs shall be put up in places where smoking is prohibited.

- In indoor public places (sporting halls, roofed stadiums, exhibition centres, waiting rooms at railway stations, bus stops, airports, seaports) and indoor entertainment centres,

bars, karaoke, hotels, discotheques smoking is only allowed in designated smoking areas. Smoking areas must have separate ventilation.

- Step by step strengthening the regulations on the prohibition of smoking in public places, moving towards a comprehensive ban on smoking in all indoor public places by 2010.

- Strictly enforce the sanctions on violations of the smoking ban in public places, in line with government regulations on fines for violations in the health sector.

c) Regulations on the disclosure of information about tobacco products:

- Tobacco products manufacturers and exporters shall provide the relevant authorities with information on the tar and nicotine content of tobacco products and tobacco smoke, and disclose information on tar and nicotine as per relevant regulation by the Ministry of Health.

d) Stamping, packaging and labelling requirements:

- All tobacco products circulating in the domestic market must be in packages that has stamps, be packed, labeled and printed with health warnings in accordance with the national regulations and in line with the requirements of the Framework Convention. Implement pictorial health warnings to warn about harmful health effects of smoking.

đ) Measures on information, education and communication about tobacco control:

- Promote and strengthen health education programs and raise public awareness about the health effects of tobacco use, the benefits of smoking cessation and of a smoke-free lifestyle, focusing on programs to educate and prevent young people from taking up smoking.

- Implement training programs to raise awareness of the dangers of tobacco use for health workers, staffs of government branches and social organizations; community workers; social workers; communication workers, teachers, policy makers, managers and other relevant persons.

e) Measures to control tobacco advertising, promotion and sponsorship:

- Strictly enforce the regulations on comprehensive ban of all forms of tobacco advertising and promotion;

- Strictly implement a ban on any form of contribution either directly or indirectly by manufacturer or traders to any events, or to any organizations or individuals with the aim to promote a tobacco product, a company name or image;

- Cooperate with other Parties to the Convention, in the process of development and signing of a Protocol on the comprehensive elimination of cross-border tobacco advertising, promotion and sponsorship.

g) Measures to supports smoking cessation service:

- Continue to develop and effectively implement smoking cessation programs; diversify the methods of smoking cessation counselling;

- Smoking cessation support activities have to be integrated into national health and educational programs and strategies, and involve health workers, educators and community workers;

- Issue permission for production, import and use of pharmaceutical products for the treatment of tobacco addiction and applying preferential taxation policies to these products in accordance with the relevant government regulations. Promote research into and application of cessation methods appropriate to the socio-economic conditions of Vietnam.

- Allocate budget for the development of cessation services from state budget, international aids and contribution of the service users in the forms of user fees and health insurance premium.

2. Measures to reduce the supply of tobacco products for domestic consumption:

a) Measures to control tobacco product trade:

- Introduce a plan to gradually achieve full implementation of regulations on controlling of tobacco product circulation provided for in the Government's Resolution No. 12/2000/NQ-CP dated August 14th, 2000 on the National Policy on Tobacco Control for 2000-2010; strictly control the circulation of tobacco products, both wholesale and retail; prohibit the sale of small packages which has less than 20 cigarettes.

- Continue to strictly prohibit tobacco sales in offices, workplaces, schools, hospitals, on public transport and places where smoking is prohibited, according to regulations currently in force.

- To complete by 2010 the licensing system for organizations and individuals involving in tobacco distribution, in order to prevent illegal sales of tobacco products.

- To complete by 2010 the reorganization of the network of tobacco wholesale distributors and retailers, first in big cities, and nationwide by 2010.

- After 2010, retail sales of tobacco product shall be allowed only in certain retail outlets approved of by relevant authorities.

- Continue to apply measures to strictly control the importation of tobacco products, and develop regulations on management and controlling of importation of tobacco products. Only allow imports by state companies and under specialized management measures. Regulate the focal points for importation, quality standards and brands to be imported; control the circulation of imported tobacco products in domestic market. Imported cigarettes shall be applied import stamps to distinguish them from domestically-produced products.

- Strengthen measures against counterfeit and illegally imported tobacco products. Intensify inspection and strictly deal with infringements like illegal importation of tobacco products, selling counterfeit and imitation tobacco products and illegal trading of tobacco products.

- Strictly apply regulations on the destruction (and prohibit re-exportation) of counterfeit and imitation tobacco products and equipments used in manufacturing such products, illegally imported tobacco products and other illegal tobacco products that are confiscated.

b) Measures to prevent sales of tobacco products to or by minors:

- Strictly prohibit the sales of tobacco products to persons less than 18 years of age. Retailers shall be required to sign a pledge with relevant authorities not to sell tobacco

products to persons under 18. Strictly enforce the penalties on infringements as per the Government Decree on fines for violations in the health sector.

- Strictly ban tobacco vending machines, internet sales of tobacco products and sales through telephones.

c) Measures to support economic activities and conversion of jobs for persons involved in tobacco production and trading:

- Step by step, study and develop projects to support feasible alternative economic solution for tobacco cultivators, workers of tobacco factories.

3. Environment protection

Promote measures to protect the environment and health of persons involved in cultivating and manufacturing of tobacco products. Reallocate tobacco factories to locations far from residential areas.

4. Scientific, technical and information collaboration

a) Research, monitoring and information exchange

- Develop a plan for research and evaluation and move toward the establishment of an effective surveillance system for monitoring of sales and consumption of tobacco products in the community, the consequences of tobacco use and exposure to tobacco smoke;

- Implement independent or integrated evaluation programs, and integrate tobacco monitoring programs into National Living Standards Survey, into other national health surveillance systems or other evaluation programs related to tobacco production, trade and consumption.

b) Reporting and information exchange

Regularly report on the implementation of the Framework Convention as required by the Conference of the Parties.

c) International cooperation

Cooperate with the World Health Organization and other international organizations in scientific, technical, legislation and professional fields to strengthen the capacity to implement the Framework Convention.

5. Financial resources for tobacco control activities

a) Financial resources for tobacco control activities to implement the Framework Convention shall be mobilized from:

- State budget;
- Financial support of organizations and individuals from Vietnam and outside.
- Civil fines imposed on violations in tobacco production, trading and consumption.

b) Establish a Foundation for Tobacco Control and Health Promotion.

II. Plan for the revision, amendment and promulgation of legal documents for the implementation of the Framework Convention

1. Revise or develop new legal documents to reduce demand for tobacco product consumption

a) Price and taxation on tobacco products:

- Develop a suitable road map for tobacco tax increase.

- Levy high tax on imported tobacco products.

- Review and revise regulations on the sales of tobacco products in duty free shops, so as to limit and strictly control tobacco sales in duty free shops.

b) Continue to improve and strengthen the enforcement of regulations to reduce exposure to tobacco smoke in public and work places.

c) Regulations on the disclosure of information about tobacco products.

Develop and promulgate regulations on the disclosure of information about constituents and emissions of tobacco products.

d) Packaging and labelling requirements.

Manufactures and traders of tobacco products are prohibited from the use of any form or language that are misleading or likely to create an erroneous impression about the characteristics and health effects of tobacco products, or create an erroneous impression that one particular tobacco product is less harmful to health than others shall be prohibited. Such a prohibition include use of the terms “low tar”, “light”, “ultra-light”, “mild”... and other terms in Vietnamese or other languages on tobacco packages.

đ) Tobacco advertising, promotion and sponsorship:

- Continue to improve guidelines on a comprehensive ban on all forms of tobacco advertising, promotion and sponsorship, direct and indirect, by tobacco manufacturers and traders with the aim of promoting a tobacco product, a company name or image;

- Cooperate with other Parties to the framework Convention in the development of a Protocol on the elimination of cross-border tobacco advertising, promotion and sponsorship.

2. Develop and issue legislations with the aim to gradually reduce tobacco product supply.

Prevent illegal trading of tobacco products:

- Cooperate with other Parties to the Framework Convention to develop and sign the Protocol on Illicit Trade in Tobacco Products;

- Develop a plan for an organized nationwide network of tobacco wholesale distributors and retailers, first in big cities.

III. Responsibilities of Ministries and Sectors, of People’s Committees of provinces and cities, and agencies in the implementation of the Framework Convention

1. Ministry of Health (MOH):

a) MOH is the standing agency of the National Tobacco Control Program, having the responsibility to organize, direct and coordinate inter-sectoral programs and plans for tobacco

control nationwide. The standing office of the Tobacco Control Program under MOH has responsibility to assist the Management Board of the National Tobacco Control Program to implement the Action Plan for the implementation of the Framework Convention; produce and submit a yearly report on the implementation progress and results to the Prime Minister.

b) Take prime responsibility in coordinating research in smoking cessation methods and organizing smoking cessation service; Take prime responsibility and collaborate with Ministry of Education and Training to develop teaching materials to be included in the curricula in schools and medical and pharmaceutical colleges.

c) Take prime responsibility and collaborate with related agencies in reviewing and systematizing legal documents in tobacco control.

d) Take prime responsibility and collaborate with related ministries to develop regulations on smoke-free areas, regulations on the contents and forms of health warnings, and regulation on the disclosure of information about constituents of tobacco products.

đ) Take prime responsibility and collaborate with related ministries to produce regular report on the Framework Convention implementation as required by the Conference of the Parties to the Convention.

e) Collaborate with the Ministry of Industry and Commerce and Ministry of Science and Technology to develop and promulgate national standards for tobacco products and strictly control the standards of tobacco products.

g) Collaborate with Ministry of Finance to evaluate the impact of tobacco tax on tobacco consumption and on the Government's tax revenues.

h) Collaborate with Ministry of Culture, Sports and Tourism, Ministry of Information and Communication, the Vietnam Television and Radio the Voice of Vietnam, mass media and other related agencies to organize communication campaigns and activities to widely disseminate the aims, significance and contents of the Framework Convention and the road map for implementation of the Framework Convention; mobilize people and community to support and participate in the enforcement of the Framework Convention.

2. Ministry of Culture, Sports and Tourism:

a) Direct the education and communication activities in all population sectors to disseminate information about the Framework Convention, about the dangers of tobacco use and tobacco control policies and measures using mass media and other forms of cultural, artistic performances and films.

b) Propagandize for a healthy, smoke-free lifestyle, eliminating the habit of offering cigarettes and smoking. Establish smoke-free tourist destinations. Develop plans for the integration of tobacco control information and communication into other social and economic programs.

c) Collaborate with related ministries and sectors to draft and finalize guidelines on implementation of the comprehensive ban on all forms of tobacco advertising; closely control the implementation of regulations on tobacco advertising ban and impose strict penalties on infringements.

3. Ministry of Information and Communication (MIC): shall direct the communication and propaganda for tobacco control; direct the prevention of the placement of tobacco

advertising, promotion and sponsorship by tobacco companies on the mass media and publications.

4. Vietnam Television and Radio the Voice of Vietnam, and other mass media agencies have the responsibility to collaborate with the MOH and related ministries, sectors to allocate broadcasting time to be used for widely disseminate the aims, significance and contents of the Framework Convention; disseminate the Action Plan for the implementation of the framework Convention and mobilize people and community to support and participate in the implementation of the Framework Convention.

5. Ministry of Industry and Commerce:

a) Direct the activities of the tobacco industry, including the production, material processing, manufacturing and trading; ensure environment protection, safety for the labourers, tobacco product quality improvement to reduce risks for consumers; take the prime responsibility and collaborate with related agencies in the reorganization of cigarette manufacturers nationwide toward combining smaller companies into fewer bigger ones. Implement specialized management functions in importation and utilisation of equipments, raw tobacco and tobacco paper.

b) Step by step conduct study and design projects to provide feasible economic alternative activities for tobacco cultivators and manufacturing workers when the industry is reorganized.

c) Take prime responsibility and collaborate with related agencies in controlling investment in tobacco industry.

d) Direct the management of tobacco export, import and circulation; control tobacco advertising, promotion and sponsorship by tobacco companies; coordinate with related agencies to effectively apply measures against infringements such as tobacco smuggling, sales of counterfeit tobacco products, non-compliance to the requirement on printing health warnings on tobacco packages; control the stamping on tobacco packaging and the sales of tobacco products in duty free shops.

đ) Collaborate with relevant agencies in the management of the importation of tobacco production equipment and tobacco materials;

e) Take prime responsibility and collaborate with related ministries and sectors to organize the network of tobacco product wholesale distributors and retailers.

6. Ministry of Education and Training:

a) Direct and strengthen tobacco control activities among students and the teaching staff. Implement smoke-free schools and universities.

b) Integrate tobacco control contents into school curricula, from pre-school to tertiary levels.

7. Ministry of Agriculture and Rural Development: to design measures to assist economic development, helping tobacco farmers to cultivate alternative crops in order to ensure livelihood for people in disadvantaged areas.

8. Ministry of Public Security: intensify tobacco control activities in the sector, enforcing the prohibition of smoking by policemen on duty; collaborate with the Ministry of Industry and Commerce and other related agencies to strengthen tobacco smuggling control, and enforce fines on violations of tobacco control regulations.

9. Ministry of National Defence: intensify tobacco control activities in the units under its management, develop and promulgate regulation prohibiting smoking by officers and soldiers on duty; collaborate with relevant ministries and sectors in controlling tobacco smuggling.

10. Ministry of Finance (MOF):

a) Direct the implementation of tobacco taxation policy, in line with the Law on Special Consumption Tax and relevant Government decrees on the implementation of the Law on Special Consumption Tax.

b) Take prime responsibility and collaborate with MOH and related ministries and sectors to develop a suitable road map for tobacco tax increase; study and recommend the establishment of the Foundation for Tobacco Control and Health Promotion.

c) Take prime responsibility and collaborate with MOH to assess the impact of the tobacco excise tax policy on tobacco consumption and government revenues.

d) Continue to study and recommend appropriate taxation and price policies in order to reduce tobacco consumption.

đ) Ensure the allocation of financial resource from state budget to annual budget plans of ministries, sectors and provinces for tobacco control activities, in line with the Budget Law currently in force.

e) Take prime responsibility and collaborate with related agencies in monitoring the application of stamps on tobacco products.

11. The Ministry of Planning and Investment:

a) Collaborate with the MOF to ensure adequate budget allocation for the National Tobacco Control Program in the implementation of the Framework Convention.

b) Collaborate with related ministries and sectors in the control of investments in the tobacco industry in accordance with the Government Resolution No. 12/2000/NQ-CP dated August 14th, 2000 on the National Tobacco Control Policy for the period 2000-2010.

c) Closely manage tobacco joint-ventures to ensure their compliance with national regulations on tobacco production and trade.

12. The People's Committees of provinces and centrally-ruled cities:

Have responsibility to direct the implementation of tobacco control activities in the provinces and cities; develop annual plans and allocate budget and monitor budget spending on tobacco control activities.

13. Socio-political and mass organizations:

a) The Central Committee of the Vietnam Fatherland Front, the Vietnam Labor Federation, the Vietnam Farmers Union, Vietnam Women Union, Ho Chi Minh Youth Union, Vietnam Veterans Organization shall mobilize their members to actively participate in tobacco control activities, and comply with smoking ban regulations in public places and work places.

b) Develop and promulgate regulations and guidelines on tobacco control in respective organizations.

c) Collaborate with MOH to compile tobacco control communication materials appropriate to different target groups.

d) Collaborate with the People's Committees of different levels to mobilize the people to not use tobacco products in the community, in festivals, weddings and funerals, family parties, etc.

đ) Non-governmental organizations: to mobilize resources and actively collaborate with government bodies in the implementation of the Framework Convention.

IV. Measures for the organization, management and financial resource for the implementation of the Framework Convention

1. MOH shall be the focal point, collaborating with ministries, sectors and related agencies and organizations to implement the Framework Convention.

2. Every year Ministries, sectors, Central organizations and Provincial people's committees shall proactively develop plans for tobacco control activities in their fields, sectors or provinces; allocate budget from their state-allocated budget and from other legal funding sources for the implementation of the plans; report on the results of activities to the Chairman of the National Tobacco Control Program.

3. MOH shall take prime responsibility and collaborate with related agencies to organize regular review and assessment activities, and to recommend giving wards for organizations and individuals with outstanding contributions to the control activities; those organizations and individuals who are violating the regulations on tobacco control will be given respective penalties in accordance with relevant legislations currently in force.

THE PRIME MINISTER

(Signed and sealed)

Nguyen Tan Dung