

# Explaining the COP: the UK in a global context

**E-cig Summit 17 November 2016**

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# This presentation will cover

1. What is the COP
2. What is the WHO Framework Convention on Tobacco Control and what impact has it had
3. How does COP work
4. What role does the Framework Convention Alliance play
5. Where did we get to on e-cigs and why
6. Next steps
7. Conclusions

# What is the COP?



# Viewed from outside



DrMA  
@mihotep

I'd rather have a fully unregulated #tobacco industry forever than another day under the tyranny of #TobaccoConTrol #cop7 #FCTCCOP7



Drew Johnson  
@Drews\_Views



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IT'S A JOKE: Everything the @FCTCofficial & the @WHO #COP7 delegates do are motivated by the \$10M/yr in bribes they get from Big Pharma

Fuzzy Duck @BoatingFuzzy · Nov 12

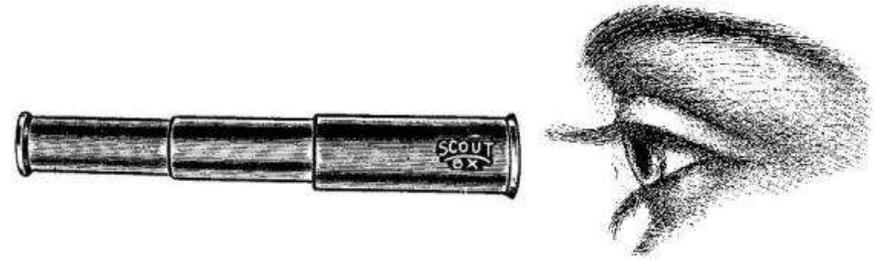
This is the modern face of evil, not Trump, but people killing by committee behind closed doors #cop7 #unTobaccoControl #cop7fctc



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# I understand the frustration but.....

- FCTC objective: to protect present and future generations from the harm caused by tobacco
- Nearly 6 million die from smoking annually
- Global market tobacco US\$744 billion
- Ecigs US\$ 10 billion
- E-cigs are neither the silver bullet nor the Trojan Horse
- Both sides are looking at it through the wrong end of the telescope



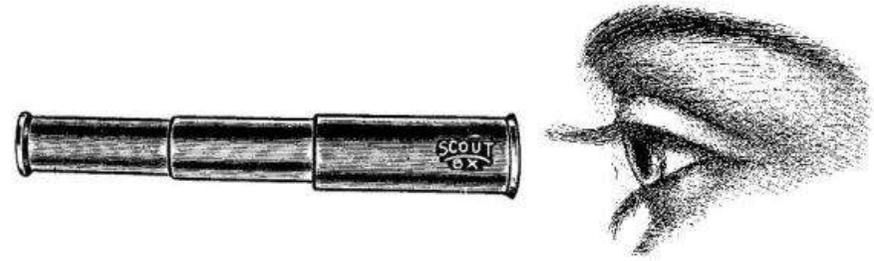
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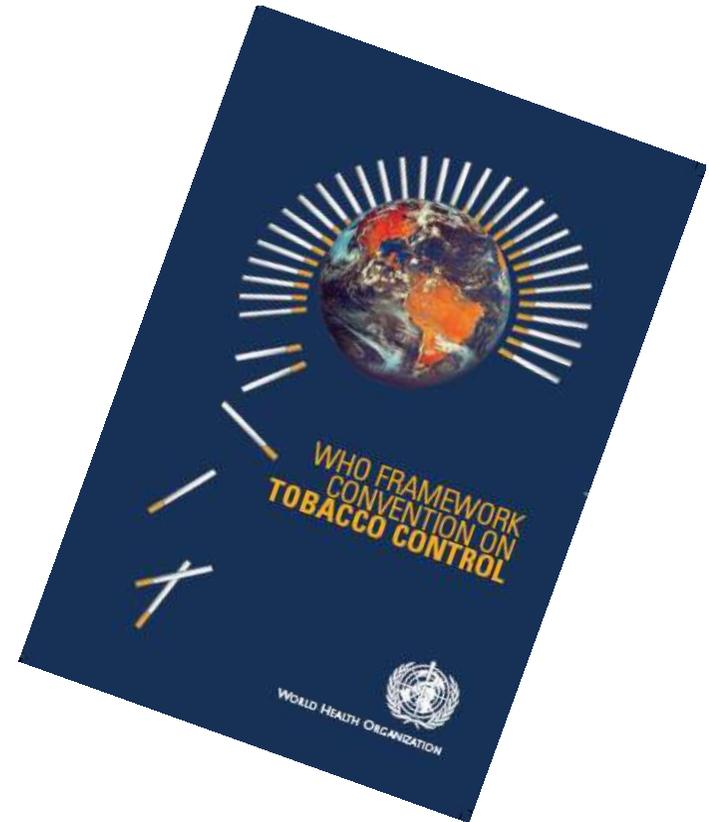
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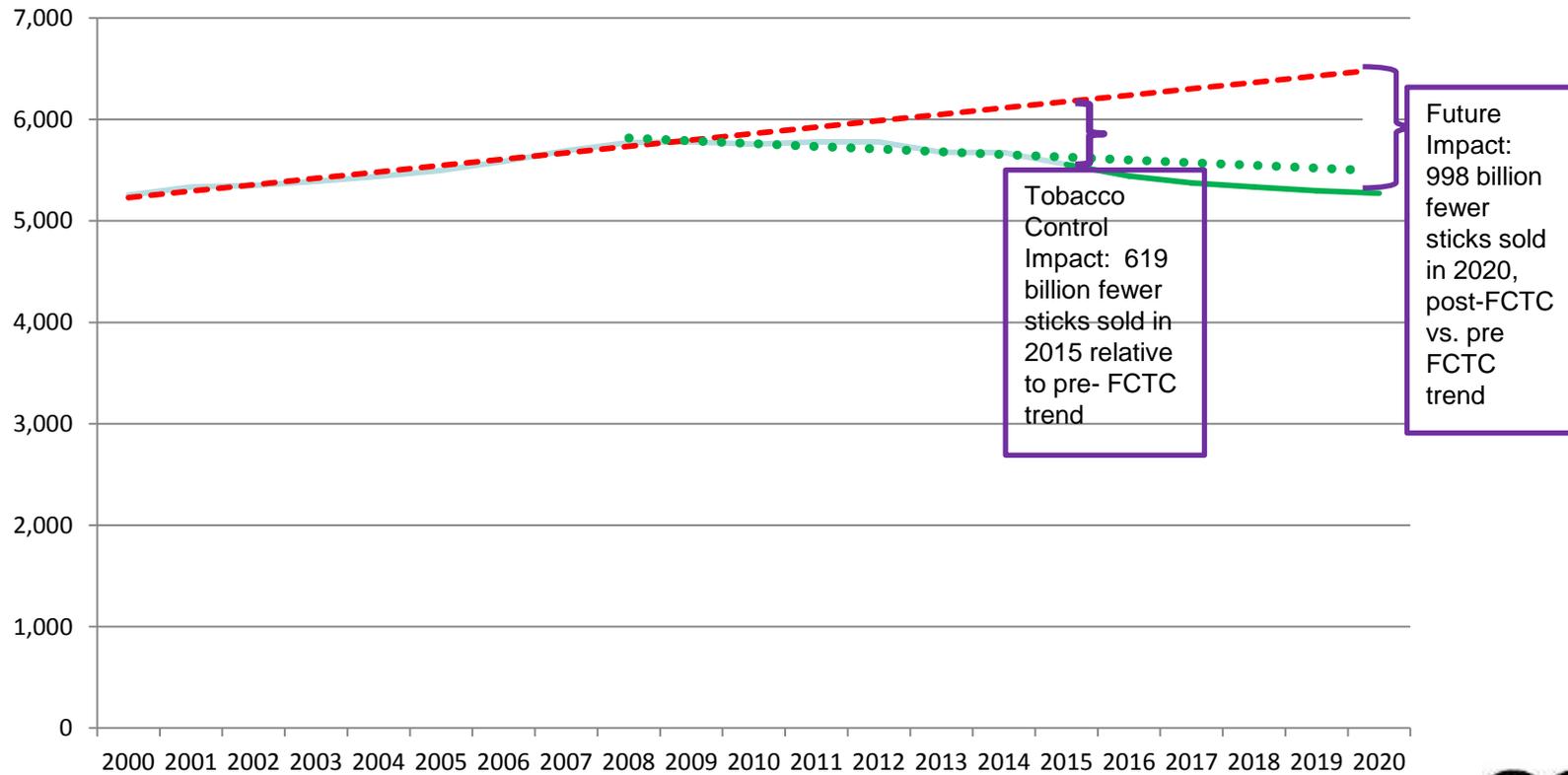


# Focus of the Treaty is, and should be tobacco

- Framework Convention on Tobacco Control
- First WHO Health Treaty – in force since 2005
- 180 Parties covering over 80% of world population (not the US)
- Nearly 80% of the world's **1 billion** smokers live in low- and middle-income countries
- Policy measures to reduce supply of and demand for tobacco



# The Treaty is working: tobacco sales in decline



Source: Euromonitor, 7/15/2016 with thanks to CTFK

# What is the COP and how does it operate

- The COP is the governing body of the WHO FCTC = parliament
- Every two years meets to agree policy – 7 COPs so far
- Policy measures include both tackling supply and demand for tobacco
- Develops guidelines
- Priority now to support FCTC implementation

# FCTC decision making process

- Consensus process no votes
- EU works as a bloc – so currently UK agrees lines with EU
- Article 4.7 ‘participation of civil society essential’
- Article 5.3 requires Parties to protect policy process from the commercial and vested interests of the tobacco industry
- Excluding the public and the media is not the way forward but:
  - Tobacco industry tried and failed to torpedo the FCTC – continues to try to undermine it
  - Smokers groups historically been astro-turf funded by tobacco industry so mistrusted



Bismarck *“Laws are like sausages, it is better not to see them being made.”*

# Role of the FCA



- Represent coalition of global tobacco control activists
- 500 organisations from over 100 countries
- Develop consensus positions on policy issues before COP starts
- FCA's positions help frame COP debates
- Aim at COP7 on e-cigs to limit discussion – not core to FCTC, no consensus on the evidence or regulatory options
- Encouraged Parties to take same position

# FCA recommendations



## Key recommendations

- Recognising that current evidence on the potential risks and harms of ENDS/ENNDS is inconclusive and Parties have divergent views on their potential role in tobacco control, we urge the COP not to engage in lengthy debate on this topic;
- Parties should note the non-exhaustive list of options provided in the WHO report, which they might consider in order to achieve the ENDS/ENNDS objectives set out in the COP6 decision (FCTC/COP6(9));
- Parties should request the WHO to prepare an expert report for COP8 with an update on scientific evidence and on national regulatory developments.

# COP reached a similar place to the FCA

- Report including decisions available shortly
- Parties invited to prohibit or regulate 'in ways appropriate to their national laws and public health objectives'
- Parties invited to monitor and report on scientific, regulatory and market developments (inc. initiation and cessation)
- WHO requested to report on developing methods for analysis of ingredients and emissions and to continue to provide, upon request, help to Parties
- No further scientific report commissioned by the Conference of the Parties.
- No working party or guidelines proposed.

# How did that happen?

- Canada led on drafting the decision following announcement it would regulate e-cigs ‘to allow adult smokers to legally access vaping products’
- Tobacco Products Directive ensured EU had a unified position that e-cigs should be regulated not prohibited – supported Canada
- UK provided knowledge and expertise to feed into the EU position
- FCA played a key role with Parties
- UKCTAS report helped balance WHO report, particularly with civil society

# Next steps

- COP 8 is in Autumn 2018 in Geneva
- The evidence on e-cigs is still contested
- The UK (and the EU), followed by Canada are leading the way in promoting e-cig regulation rather than prohibition
- Monitoring, surveillance and feedback essential on:
  - Impact of e-cigarettes on quitting and uptake
  - Safety and reliability of products
  - Impact of current regulatory approaches
  - Methods for testing and measuring contents and emissions

# Conclusions

- The WHO FCTC is not an e-cigarette treaty
- The WHO FCTC COP should not spend time developing regulatory options for e-cigarettes
- The UK needs to continue to lead the way in developing and promoting the evidence base to inform regulation