

Debate Pack
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Debate on the 10th Conference of Parties to the WHO Framework Convention on Tobacco Control

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1 Background on the Framework

1.1 The World Health Organization and World Health Assembly

The World Health Organization (WHO) is the United Nations agency responsible for health and provides leadership on global health matters.

The World Health Assembly (WHA) is the [decision-making body of the WHO](#). It is attended by delegations from all [194 WHO Member States](#), including the UK. One of the Assembly's main functions is to determine the WHO's policies.

1.2 The WHO Framework Convention on Tobacco Control

[The World Health Organization Framework Convention on Tobacco Control \(WHO FCTC\)](#) is a treaty adopted by the World Health Assembly in response to the global "tobacco epidemic".^{1 2}

The Convention was adopted in May 2003 and entered into force in February 2005. There are currently 183 Parties to the Convention, including the UK.³ [The Convention \(PDF\)](#) and its protocols aim to:

protect present and future generations from the devastating health, social, environmental, and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional, and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.⁴

The Convention encourages Parties to implement strategies and frameworks that support particular measures, including:

- adopting price and tax measures to reduce the demand for tobacco
- regulating the packaging and labelling of tobacco products

¹ [WHO Framework Convention on Tobacco Control](#), 25 May 2003

² WHO, [WHO Framework Convention on Tobacco Control \(WHO FCTC\)](#), accessed 17 January 2024

³ UN Treaties, [WHO Framework Convention on Tobacco Control](#), accessed 17 January 2024

⁴ UN Sustainable Development, [WHO Framework Convention on Tobacco Control \(WHO FCTC\)](#), accessed 17 January 2024

- warning people about the dangers of tobacco
- banning tobacco advertising, promotion and sponsorship
- offering support to people to stop using tobacco
- banning tobacco sales to and by children.⁵

The WHO publishes regular progress reports on the implementation of the FCTC. Its [2023 Global Progress Report on Implementation of the WHO Framework Convention on Tobacco Control](#) notes the UK Government's commitment to reducing adult smoking prevalence to 5% or less (in England) and publication of strategies aimed at reducing smoking prevalence (discussed in section 3 below).⁶ It also acknowledged the introduction of plain packaging on tobacco products in the UK, and public health campaigns intended to educate people on tobacco harms.

⁵ WHO, [WHO Framework Convention on Tobacco Control \(WHO FCTC\)](#), accessed 17 January 2024

⁶ WHO FCTC, [2023 Global Progress Report](#), 22 November 2023

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The Tenth Conference of the Parties (COP10)

Sessions of the WHO FCTC Conference of Parties (COP) are held every two years.

The [ninth session of the Conference of the Parties \(COP9\)](#) took place in November 2021.⁷ [Parties agreed to move forward with the development and launch of an investment fund](#) which would offer support to help global tobacco control efforts.⁸

COP10 is due to take place from 5th to the 10th of February 2024 in Panama, following a decision to delay the conference as initially scheduled for November 2023.^{9 10}

2.1

What will be discussed at COP10?

[Papers published ahead of COP10](#) indicate the topics for discussion. Topics set out in the [provisional agenda \(PDF\)](#) include regulating the contents and disclosure of tobacco products; advertising, promotion and sponsorship of tobacco products; and novel and emerging tobacco products.¹¹

An [annotated copy of the provisional agenda \(PDF\)](#) also provides detail on the items to be discussed.¹²

Implementation of Articles 9 and 10 of the FCTC (PDF), on the regulation of contents and disclosure of tobacco products.

[Article 9 of the FCTC \(PDF\)](#) provides for COP to propose guidelines for testing, measuring and regulating the contents and emissions of tobacco products. Subsequently, each Party would implement the measures nationally.

⁷ WHO FCTC, [Ninth session of the Conference of the Parties](#), accessed 17 February 2024

⁸ WHO FCTC, [The COP9 has closed with an agreement to embark on an innovative multi-million-dollar financial plan to strengthen global tobacco control measures](#), 12 November 2021

⁹ WHO FCTC, [Tenth session of the Conference of the Parties \(COP10\) to the WHO FCTC](#), accessed 17 January 2024

¹⁰ WHO FCTC, [Provisional agendas are out, and registration is open to attend the global tobacco control meetings: COP10 and MOP3 in Panama](#), 5 July 2023

¹¹ WHO FCTC, [Provisional agenda, Report by the Convention Secretariat \(PDF\)](#), FCTC/COP/10/1, 19 May 2023

¹² WHO FCTC, [Provisional agenda annotated \(PDF\), FCTC/COP/10/1 \(annotated\)](#), 10 July 2023

[Article 10 of the FCTC \(PDF\)](#) requires each Party to implement measures requiring manufacturers and importers of tobacco products to disclose information about the contents and emissions of tobacco products to national authorities. Parties would further be required to provide for public disclosures about toxic constituents of tobacco products and the emissions they may produce.

Document [FCTC/COP/10/5 Implementation of Articles 9 and 10 of the WHO FCTC \(PDF\)](#) sets out recommendations and a draft decision, proposed by the COP Bureau, to maintain a suspension of the Working Group on the implementation of Articles 9 and 10. The document provides background, on an earlier consultations following COP8, about the future remit and structure of the Working Group. COP10 is invited to note the Bureau's report and consider the draft decision.

[Document FCTC/COP/10/6 \(PDF\)](#) reports on the work undertaken by the Expert Group on Articles 9 and 10 to examine the reasons for low implementation of Articles 9 and 10 by Parties to the FCTC. COP10 is invited to note this report and provide further guidance.

The [annotated copy of the provisional agenda \(PDF\)](#) provides further detail on how this matter will be considered at COP10.¹³

Implementation in the UK

The UK has already implemented legislation regulating the contents and disclosure of tobacco products.

Provisions under section 4 of the [Tobacco and Related Products Regulations 2016](#) require tobacco producers to submit information about the product's ingredients and emissions to the government. Section 3 sets restrictions on the maximum emission levels of cigarettes, the measurement and verification of emission levels and a ban on vitamins, colourings and prohibited additives in tobacco products.

Advertising, promotion and sponsorship

Annex 13 of the FCTC requires Parties to implement bans or restrictions on all tobacco advertising, promotion and sponsorship.

COP10 will discuss a [Report on tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media \(PDF\)](#) published by a WHO Working Group.¹⁴ Parties will consider adopting new guidelines proposed by the Working Group (set out in Annex 1 of the document). The

¹³ WHO FCTC, [Provisional agenda annotated \(PDF\)](#), [FCTC/COP/10/1 \(annotated\)](#), 10 July 2023

¹⁴ WHO FCTC, [Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media, Report by the Working Group \(PDF\)](#), [FCTC/COP/10/8](#), 9 June 2023

guidelines would supplement existing [guidelines for implementation of Article 13](#).¹⁵

Novel and emerging tobacco products

COP10 will consider a report on [Novel and emerging tobacco products](#) (PDF), which examines challenges that novel and emerging tobacco products pose to the FCTC.¹⁶ It will also consider a [report on research and evidence on novel and emerging tobacco products](#), in particular heated tobacco products (PDF).¹⁷

[Examples of novel tobacco products](#) (PDF) include tobacco that is ingested orally (such as snus) and modified cigarettes that heat tobacco, or burn it at a lower temperature compared to conventional cigarettes.

[The UK Government was asked](#) if it would advocate for a “contemporary approach to tobacco harm reduction” and propose that this be developed through a dedicated working group ahead of COP9. Maggie Throup, then a Minister at the Department of the Health and Social Care, [said the UK would not advocate for a contemporary approach](#) nor a working group on tobacco harm reduction products such as novel tobacco products.

2.2

Government comment on COP10

[The government has explained that](#) the UK delegation to COP10 will consist of officials from the Department of Health and Social Care (DHSC).¹⁸

[The government has said](#) “the delegation will not agree to any decisions which would impact on our ability to deliver our bold ambition to be Smokefree by 2030”.¹⁹

[It has also said](#) the delegation will not agree to any decisions which would impact the government’s ability to make regulated vapes available for adult smokers who wish to quit smoking.²⁰

¹⁵ WHO FCTC, [Guidelines for implementation of Article 13](#), 1 January 2013

¹⁶ WHO FCTC, [Challenges posed by and classification of novel and emerging tobacco products, FCTC/COP/10/9](#) (PDF), 11 July 2023

¹⁷ WHO FCTC, [Comprehensive report on research and evidence on novel and emerging tobacco products, in particular heated tobacco products, in response to paragraphs 2\(a\)–\(d\) of decision FCTC/COP8\(22\)](#) (PDF), 7 July 2023

¹⁸ [PQ 194235](#), 19 July 2023

¹⁹ [PQ 194235](#), 19 July 2023

²⁰ [PQ 191861](#), 5 July 2023

Section 3 of this briefing provides information on the government's smokefree and e-cigarette policies.

3

Tobacco regulation and policy in the UK

The [Tobacco and Related Products Regulations 2016](#) (TRPR) provides the regulatory framework for tobacco control in the UK. The Regulations set out requirements and administrative provisions for the manufacture, presentation and sale of tobacco and related products, including e-cigarettes. For further information on the TRPR, see section 3 of the Library briefing, [The regulation of e-cigarettes](#).

Plain or standardised packaging has been a requirement for tobacco products in the UK since 2016.²¹

In general, health is a devolved policy area, but some aspects of tobacco regulation (for example tobacco duty) apply across the UK. In all four parts of the UK, tobacco sales are restricted to people over the age of 18.

3.1

Advertising, promotion, and sponsorship

Tobacco advertising on television has been banned since 1965 and on the radio since the early 1970s, across the UK.²² Paid placement of tobacco products on television and on-demand programs is prohibited and the unpaid depiction of tobacco product or smoking is restricted by the [Ofcom Broadcasting Code](#) (December 2020).

Most other forms of tobacco advertising,²³ promotion and sponsorship in the UK are banned under the [Tobacco Advertising and Promotion Act 2002](#) (as amended) (the TAPA 2002).²⁴ The Act prohibits all traditional forms of tobacco advertising (eg in print and on billboards) as well as advertising on the internet and direct marketing. It also bans tobacco sponsorship (including of global events, such as Formula One). With certain limited exceptions, the TAPA 2002 applies across the UK.

Under the [TAPA 2002](#), displays of tobacco products are prohibited in large and small shops, although permitted (subject to some restrictions) in specialist tobacconists.²⁵ Information is provided in a Library briefing, [Shop displays of tobacco and vaping products](#) (CBP 5537) (PDF).

²¹ As per the [Standardised Packaging of Tobacco Products Regulations 2015](#).

²² This ban was reinforced by the [Broadcasting Act 1990](#) and [Broadcasting Act 1996](#), and the [Audio-visual media Services Directive 2010](#) (2010/13/EU) updated by [Directive EU 2018/1808](#)

²³ Adverts with the sole purpose of promoting a tobacco product (direct advertising) or whose effect is to do so (indirect advertising or brand stretching)

²⁴ The Act was amended by the [Tobacco Advertising and Promotion 2002 etc. \(Amendment\) Regulations 2006](#), which implemented Directive 2003/33/EC

²⁵ [Section 7A](#) and [section 7B](#)

3.2 Smokefree policies in England

The UK government has set out an ambition for England to be ‘smokefree’ by 2030 – achieved when adult smoking prevalence falls to 5% or less. In 2022, around 12.9% of people aged 18 years and over in the UK were current smokers.²⁶ Further data on smoking prevalence is available in a Library briefing, [Statistics on smoking](#).

The government has introduced a range of measures and consultations to support its smokefree ambition. This includes a proposed ban on the sale of tobacco to anybody born on or after 1 January 2009, in England.

The Library’s briefing, [The smokefree 2030 ambition for England](#), provides information on the government’s wider smokefree policies, including the proposed ban (see section 4.2).

3.3 Smokefree policies in the devolved administrations

Governments in [Scotland](#), [Wales](#) and [Northern Ireland](#) have also published tobacco control strategies. The Welsh and Scottish Governments aim to reduce adult smoking prevalence to 5% or less.

Section 2.1 of the Library’s briefing, [The smokefree 2030 ambition for England](#), provides information on these targets and policies.

3.4 E-cigarettes

The use of e-cigarettes (also known as vaping) has been recognised as a reduced risk means of managing nicotine dependence in people who smoke tobacco. However, the long term risks of vaping remain unknown.

The government has recognised the role of e-cigarettes in adult smoking cessation but has been clear that non-smokers and children should never vape.²⁷

Information on the government’s policy on e-cigarettes is available in Library briefings; [The regulation of e-cigarettes](#), [Advertising, marketing and](#)

²⁶ Office for National Statistics, [Smoking habits in the UK and its constituent countries](#), 5 September 2023

²⁷ Gov.uk press release, [Government sets out next steps to create ‘smokefree generation’](#), 12 October 2023

promotion of vaping products, Youth vaping in England and Vaping and health.

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PQs

Tobacco: Sales

Asked by: Hayes, Sir John

To ask the Secretary of State for Health and Social Care, what recent discussions her Department has had with relevant stakeholders on the proposed generational ban on tobacco products.

Answering member: Andrea Leadsom | Department: Department of Health and Social Care

Smoking is responsible for around 80,000 deaths a year in the United Kingdom and causes around one in four cancer deaths in the UK. It also costs our country £17 billion a year and puts a huge burden on the National Health Service.

This is why the Government is planning to create a smokefree generation by bringing forward legislation so that children turning 14 years old this year or younger will never be legally sold tobacco products.

In development of this policy, we have, and will continue to, speak to a broad range of local and regional stakeholders. In line with the UK's obligations under the World Health Organisation Framework Convention on Tobacco Control, we will not engage with stakeholders who have links to the tobacco industry when developing this policy.

A public consultation on the Smokefree Generation policies closed on 6 December and received contributions from a broad range of stakeholders. The Department of Health and Social Care will respond to the consultation in the coming weeks.

HC Deb 19 December 2023 | PQ 5749

Electronic Cigarettes

Asked by: Smith, Royston

To ask the Secretary of State for Health and Social Care, when his Department plans to decide on the UK's position on vaping for the Europe Preparatory Meeting for the Tenth Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control in Turkey from 9 October 2023; and if he will make a statement.

Answering member: Neil O'Brien | Department: Department of Health and Social Care

The WHO European Region preparatory meetings for the tenth session of the Conference of the Parties of the Framework Convention on Tobacco Control will take place virtually from 3 October to 4 October 2023.

Members of the tobacco control team in the Office for Health Improvement and Disparities will represent the United Kingdom at the preparatory meetings. It is Departmental policy not to name officials below Senior Civil Service grades who attend these events.

The Government has regularly set out its position on vaping at the Conference of the Parties of the Framework Convention on Tobacco Control and we will do so at the next conference in November 2023 along with the preparatory meeting in October. The delegation will not agree to any decisions which would impact on our ability to make vapes available for adult smokers who wish to quit.

HC Deb 11 September 2023 | PQ 196494

[WHO Framework Convention on Tobacco Control](#)

Asked by: Smith, Royston

To ask the Secretary of State for Health and Social Care, which UK Government delegates will be attending the Europe Preparatory Meeting for the Tenth Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control in Turkey from 9 October 2023; and whether UK delegates plan to hold discussions on support for vaping and reduced risk products as an alternative to smoking at this meeting.

Answering member: Neil O'Brien | Department: Department of Health and Social Care

The WHO European Region preparatory meetings for the tenth session of the Conference of the Parties of the Framework Convention on Tobacco Control will take place virtually from 3 October to 4 October 2023.

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The Government has regularly set out its position on vaping at the Conference of the Parties of the Framework Convention on Tobacco Control and we will do so at the next conference in November 2023 along with the preparatory meeting in October. The delegation will not agree to any

decisions which would impact on our ability to make vapes available for adult smokers who wish to quit.

HC Deb 11 September 2023 | PQ 196493

Tobacco: Smuggling

Asked by: Jenkinson, Mark

To ask the Chancellor of the Exchequer, how many of the parties to the Protocol to Eliminate Illicit Trade in Tobacco that were obliged to introduce a tobacco track and trace system by 2023 have complied with that obligation.

Answering member: Gareth Davies | Department: Treasury

HMRC does not collect or retain this information. However, the World Health Organization (WHO) Framework Convention for Tobacco Control (FCTC) secretariat provides information about the implementation and progress of the WHO FCTC on their dedicated website.

The latest Global Progress report on implementation of the Protocol can be found [here](#). We understand the WHO are currently preparing the 2023 version which will be published in due course.

HC Deb 04 September 2023 | PQ 195252

WHO Framework Convention on Tobacco Control

Asked by: Jenkinson, Mark

To ask the Secretary of State for Health and Social Care, whether he supports greater inclusion of stakeholders at the Conference of the Parties of the Framework Convention on Tobacco Control.

Answering member: Neil O'Brien | Department: Department of Health and Social Care

The Government has not held discussions with the World Health Organisation regarding the United Kingdom's position on the conference in question.

All papers, decisions made at the conference, and attendance lists are available at the following link:

<https://fctc.who.int/who-fctc/governance/conference-of-the-parties/tenth-session-of-the-conference-of-the-parties>

Observers can apply to attend the proceedings.

HC Deb 04 September 2023 | PQ 195250

[WHO Framework Convention on Tobacco Control](#)

Asked by: Glindon, Mary

To ask the Secretary of State for Health and Social Care, pursuant to the Answer of 5 July 2023 to Question 191860 on WHO Framework Convention on Tobacco Control, who will lead the UK delegation; what instructions his officials will be given on the authorisation of measures that will involve a cost to the public purse; and if he will make a statement to the House on (a) his Department's approach before and (b) the outcomes of the convention after November 2023.

Answering member: Neil O'Brien | Department: Department of Health and Social Care

The United Kingdom delegation will consist of officials from the Department of Health and Social Care, as is usual practice for this Conference of the Parties. A decision on who will attend is yet to be made.

The delegation will not agree to any decisions which would impact on our ability to deliver our bold ambition to be Smokefree by 2030. Any measures involving a cost to the public purse will follow the normal Departmental approval processes.

Following the conference, decisions will be published on the World Health Organization Framework Convention on Tobacco Control website. There are no plans for a statement on the conference to be made to the House.

HC Deb 19 July 2023 | PQ 194235

[WHO Framework Convention on Tobacco Control](#)

Asked by: Lewer, Andrew

To ask the Secretary of State for Health and Social Care, what positions his Department will put forward on e-cigarettes at the Tenth Conference of the Parties to the World Health Organisation Framework Convention on Tobacco Control, COP10.

Answering member: Neil O'Brien | Department: Department of Health and Social Care

There are no plans for Ministers to attend the Tenth Conference of the Parties to the World Health Organization Framework Convention on Tobacco Control (COP 10). The United Kingdom delegation will consist of officials from the Department's as is usual practice.

The Government has regularly set out our position on vaping at the Conference of the Parties of the Framework Convention on Tobacco Control and will do so at the next conference in November 2023. The delegation will not agree to any decisions which would impact on our ability to make regulated vapes available for adult smokers who wish to quit smoking.

HC Deb 05 July 2023 | PQ 191861

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News items

Tobacco Reporter

22 November 2023

[Tobacco Control Efforts Have Slowed: Report](#)

The Grocer

16 October 2023

[Threat or tool: what's the future of non-combustible tobacco products?](#)

Tobacco Reporter

10 October 2023

[COP10 to Reject Harm Reduction: Briefing](#)

World Health Organisation press release

17 July 2023

[Seven out of 10 people protected by at least one tobacco control measure](#)

The Lancet

29 May 2023

[The 20th anniversary of the WHO Framework Convention on Tobacco Control: hard won progress amid evolving challenges](#)

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