WHO Public Hearings on the Framework Convention on Tobacco Control
12-13 October 2000 - Geneva, Switzerland

Submission from the European Network for Smoking Prevention

Identification
The European Network for Smoking Prevention (ENSP) is an international non profit association registered in 1997 under Belgium law (identification number 16377/97). ENSP is governed by a general assembly consisting of two representatives from each of the national coalitions against tobacco of the 15 member States of the European Union and one representative from each of the specialised European tobacco control networks (INWAT Europe, ENYPAT, European Network of Smoke free Hospitals). ENSP is administered by a regularly elected executive board who delegates the daily management and co-ordination of the network to a secretary general.

The mission of ENSP is to develop a strategy for co-ordinated action among tobacco control organisations in Europe with the specific objective to promote and facilitate the activities of national coalitions and specialised European networks. It promotes collaboration through the exchange of information and experience. It stimulates and co-ordinates joint European activities and projects. It establishes links with intergovernmental bodies and international non-governmental organisations and any other groups concerned with smoking prevention. It also encourages and supports tobacco control organisations in the countries of Central and Eastern Europe.

ENSP is currently comprised of 342 member organisations operating in the framework of national coalitions against tobacco or specialised European networks in the European Region. Information is distributed to a network of 884 organisations and individuals interested in tobacco control in Europe. ENSP is funded through annual membership fees and support from the European Commission in the frame of the Europe Against Cancer program.

Interest in the Framework Convention process
The interest of ENSP to contribute to the public hearing is guided by the primary objective of the association “smoking prevention” and its mission to develop a strategy for co-ordinated action among tobacco control organisations in Europe.
Engage in a common approach to curb smoking rates locally, nationally, regionally and internationally

Approximately, 4 million people world wide, die annually from smoking related illness. The share of smoking related mortality in the 51 countries of the WHO European Region is 1.2 million people representing 14% of all deaths. In the 15 Member states of the European Union 550,000 citizens die annually due to tobacco consumption. The situation is particularly dramatic in Central Europe. A recent study by IARC shows that as a consequence, cancer mortality rates are still expected to increase and particularly in Hungary.

The increase of smoking related deaths among women is particularly alarming. The number of deaths has increased more than 10 fold between 1955 and 1995 and smoking rates are still rising. Smoking among young people is also on the rise practically in every country, severely jeopardising the health of the next generation.

If current trends continue, smoking related deaths and diseases will continue to rise dramatically within the 51 countries of the European Region, imposing an unacceptable burden of suffering to their citizens. This will create a loss in productivity among the 35-69 year old workforce, deprive families of income, and generate additional financial cost to the already heavy public health budget.

Only through an international treaty binding the nations of the world, will we be able to curb this rising epidemic.

Ban advertising, promotion and sponsorship on a global level

In order to guarantee a high protection of public health to European citizens, the European Union has adopted 5 pieces of binding legislation since 1989. These cover television broadcasting activities, the regulation of tar content, the labelling of cigarette packaging, a ban on sale of moist snuff (with the exception of Sweden) and a ban on advertising and sponsorship of tobacco products. The European Union is in the process of passing comprehensive legislation to improve labelling of tobacco products, to further limit nicotine/tar/carbon monoxide contents, to require the industry to disclose contents/additives of tobacco products, to search for new testing mechanisms and to ban the branding of tobacco products as “light, mild, ultra light” etc.

The European Union is an excellent example of the feasibility but also the difficulty of trans-national legislation. Twelve EU Member States out of 15 and a majority of the 626 regularly elected members of the European Parliament voted in favour of the European advertising directive which was consequently adopted as binding EU legislation. Despite this overwhelming show of support, the directive is currently being challenged in the European

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1 WHO Europe leaflet, "Partnership to reduce tobacco dependence”.
4 Some Like it "Light": Women and smoking in the European Union. ENSP, 1999.
Court of Justice. Powerful economic interests and the German Government are requesting the annulment of the directive.

It has been shown that voluntary codes regulating advertising do not work 5. In the European Union 6 countries have adopted advertising bans (France, Finland, Belgium, Sweden, Portugal, Italy) and 4 countries (UK, Ireland, the Netherlands, Denmark) already plan to put in place their own national legislation.

Taking into account the transnational dimension of advertising, promotion and sponsorship for tobacco products, only a binding international treaty will protect the next generation in the European Region from the predatory marketing techniques of the tobacco industry.

Regulate the manufacture, labelling and sale of tobacco products

Six of the leading multinational tobacco companies of the world are implanted in the countries of the European Union: (Philip Morris, BAT, RJ Reynolds, Rothmans, Reemtsma and Seita (having recently merged with Tabacaleira)). The EU tobacco industry exports 16% of its total cigarette production out of the EU with Greece exporting 43%, the UK 36%, Sweden 19% and Germany 15%. The German based company Reemtsma, who plays an important role in Central and Eastern Europe, exported 57% of its production to Central and Eastern Europe in 1996. British American Tobacco UK manages the multinational’s international cigarette production in over 50 countries. By the end of 2000, Swedish Match (tobacco company specialising in oral tobacco) plans to own 74% of the equity of Wimco Ltd in India.

Future EU legislation aims to regulate EU export products in the same manner as local and imported tobacco products. There is no way, however, to oblige European based companies to adopt EU manufacturing, labelling and sales provisions for their overseas marketing or production units or for industries under their control.

Unless there is an international convention regulating the production, labelling and sale of tobacco products in the interest of public health world wide, the industry will always escape regulations through relocation of production/marketing units to non-regulated countries.

Fight smuggling and illegal trade of tobacco products

It is estimated that 30% of cigarette sales world wide end up as smuggled merchandise. The European Union is subject to large-scale smuggling activities using the “transit transport” system. Goods with a destination outside the EU are exempt from import taxes while crossing its borders. After having left the European Union legally, cigarettes are smuggled back into

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5 Effect of tobacco advertising on the take-up of smoking by children. Study by ASH, August 1997.
6 World Health report 1999, WHO.
7 Personal communication from Martina Pötschke Langer.
the countries and sold on the black market, thereby creating huge tax losses for the European Union and its member states.

According to 1997 figures, all EU countries are subject to smuggling activities. The contraband market share in Austria, Spain, Italy and Germany is estimated to cover 10-15% of their annual trade. Andorra, a small principality of 63,000 inhabitants, imports 160 million packets of cigarettes a year with virtually no exports. The country has been identified by the European Union as a turning point for contraband into the UK and Ireland. In 1997, the financial loss for the European Union in unpaid tax was estimated at 1.6 billion Euro.

Several international investigations have indicated that the world's largest tobacco companies are involved in illegal trade endeavouring to control the brands and seeking to manage volume and price levels of smuggling markets.

In July 2000, OLAF, the European Anti Fraud office, declared its intention to launch a civil suit against the big tobacco companies established in the United States for loss of import tax on smuggled cigarettes into the European Union as a consequence of their involvement in smuggling operations. EU Member States are invited to join the court action.

Large-scale smuggling not only creates great financial losses for a country but also undermines adoption by governments of a high tax policy for tobacco products. High tobacco prices, however, discourage teenage smoking. Smuggling by its very nature can only be tackled through co-ordinated multi-disciplinary international collaboration. The framework convention on tobacco control is an essential tool to take co-ordinated measures on world scale to curb the contraband of tobacco products.

**Conclusion**

Citizens of the world have an equal right to health. Given the international dimension of the problem, there is a need for international action to identify global challenges to health and mechanisms to regulate their causes.

The European Network for Smoking Prevention calls on WHO and the World Health Assembly

- not to allow this first international treaty addressing the health of the world to be driven by economic arguments.
- to provide for a strong and meaningful body of the convention establishing the basic principles for the adoption of comprehensive tobacco control policies in all countries signatory to the convention.

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• to enable governments and intergovernmental bodies to use the framework convention as a stepping stone to pass effective legislation on the regulation of tobacco product advertising and sponsorship, the labelling of tobacco products, the regulation of contents/additives, the ban of duty-free tobacco sales and the co-ordinated fight against smuggling.
• to define a common policy for fading out subsidies paid to tobacco growers and find meaningful ways to compensate for the loss of livelihood of tobacco farmers.

In order to provide a strong and meaningful treaty, a series of specific commitments relating to measures affecting the transboundary nature of tobacco control should already be mentioned in the body of the convention such as

• A ban on duty free sales and imports of tobacco.
• Warning labels to be placed on all packs sold world wide in the national language of the country in which it is to be sold. This is a risk-communication and anti-smuggling measure.
• A unique machine-readable marking indicating the origin, batch and date of manufacture of the cigarette.
• A ban on tobacco sponsorship – or a ban on sponsorship of televised events – by 2006. The aim of this should be to tackle tobacco sponsorship of Formula One.
• A ban on misleading “low-tar” branding and the printing of misleading tar yields on packs.
• A comprehensive disclosure regime - ingredients and smoke composition.
• A funding mechanism for north-south assistance.\[14\]

Human rights were established in order to protect the individual from the arbitrary nature of power. In an increasingly global market place, governments of the world have the duty to protect their citizens from the arbitrary nature of multinational economic power.

SF 24/8/2000

\[14\] ASH policy paper on the Framework Convention on Tobacco Control, Clive Bates, August 4, 2000