TOBACCO PRODUCT REGULATION

Basic Handbook

World Health Organization

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Tobacco product regulation: basic handbook

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CONTENTS

PREFACE

Although tobacco use is a major public health problem, tobacco products are one of the few openly available consumer products that are virtually unregulated in many countries for contents and emissions. In recent years, health authorities have become increasingly interested in the potential of tobacco product regulation to reduce the morbidity and mortality associated with tobacco use. However, barriers to implementing appropriate regulation include limited understanding of common approaches or best practices, and a lack of adequate resources and/or technical capacity.

The importance of tobacco products regulation is reflected in World Health Organization Framework Convention on Tobacco Control (WHO FCTC) *(1)*. Article 9 of the WHO FCTC defines obligations for Parties with respect to the regulation of the contents and emissions of tobacco products, while Article 10 deals with the regulation of disclosure of information on the contents and emissions of tobacco products. Disclosure of product information takes two forms:

- the disclosure of information by manufacturers to health authorities; and
- the disclosure of information from health authorities to the public.

In 2006, the first session of the Conference of the Parties (COP1) to the WHO FCTC established a working group to elaborate guidelines and recommendations for the implementation of Article 9 *(2)*. The second session extended the mandate of the working group to consider guidelines for Article 10 and encouraged WHO's Tobacco Free Initiative (TFI) to continue its work on tobacco product regulation *(3)*.

Partial Guidelines on the implementation of Articles 9 and 10 *(4)* were adopted at the fourth session of the COP in 2010, and further additions were adopted at COP5 and COP7. The working group was requested to continue to elaborate guidelines in a step-by-step process, and to submit further draft guidelines to future sessions of the COP for consideration.

The Partial Guidelines currently contain recommendations for regulations to reduce the attractiveness of tobacco products. They also contain guidance with respect to the testing and measuring of the contents of tobacco products. Recommendations to reduce the addictiveness and toxicity of tobacco products may be adopted at a later stage. It is important to note that, contrary to claims by the tobacco industry, these guidelines are in effect. The regulatory measures in the Partial Guidelines are to be treated as minimum standards and do not prevent Parties from adopting more extensive measures, in line with WHO FCTC Article 2 *(1)* which provides that "Parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law".

WHO has continually provided support to its Member States in regulating tobacco products and in developing laboratory capacity through a series of advisory notes and other resources on issues such as menthol and nicotine. In addition to this handbook, WHO published a guide on building laboratory testing capacity in 2018 *(5)* to guide countries interested in developing or accessing tobacco product testing capacity to support their regulatory authority.

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