



LUNCH DEBATE IN THE EUROPEAN PARLIAMENT ON THE FCTC AND THE NEED FOR A SMUGGLING PROTOCOL

On the 20th June in the European Parliament (Strasbourg) the SmokeFree Partnership (European Respiratory Society, Cancer Research UK and Institut National du Cancer), together with the European Public Health Alliance/ Action for Global Health and the Framework Convention Alliance, organized a lunch debate on the Framework Convention on Tobacco Control (FCTC) and the need for a smuggling protocol. The debate was co-hosted by Dutch MEP Jules Maaten (ALDE) and German MEP Frithjof Schmidt (Greens).

Speakers included Dr Douglas Bettcher from the Tobacco Free Initiative of the WHO, Dr. Ahmed Ogwell, regional representative for Africa of FCA and Mr. Austin Rowan, Head of Operations, Task Group Cigarettes, OLAF.

Around 40 people attended the lunch debate including 14 MEPs and several parliamentary assistants.

The objectives of the debate were:

- To introduce tobacco control as a development policy issue
- Highlight how tobacco control can contribute to achieving the Millennium Development Goals
- Provide an overview of the WHO Framework Convention on Tobacco Control
- To outline the discussions that will take place at the second conference of the Parties
- To discuss the prospects for the negotiations of a protocol on illicit trade

Dr. Bettcher's presentation gave an overview of the FCTC and the outputs of the 1st Conference of the Parties. He also identified what was needed for the second Conference of the Parties and urged MEPs to support and contribute to the implementation of the FCTC by paying Voluntary Assessed Contributions to the Conference of Parties, strengthening the existing mechanism for cooperation and helping to mobilize extra budgetary funds to support sessions of a subsidiary body to negotiate a protocol. According to the WHO Health Statistics, published in May 2007, tobacco use is most prevalent among the lowest-income households in developing economies.¹ In light of this evidence, Dr. Bettcher stressed the importance of the FCTC as a development tool to address the tobacco epidemic. Furthermore, he highlighted the need to provide financial and technical support to developing countries in order to assist them in the implementation of the FCTC.

Dr. Ogwell's presentation focused on the importance of the FCTC for the developing countries and on how it can contribute in the achievement of the Millennium Goals. The implementation of the FCTC in developing countries would mean supplying a framework to respond to the increasing use of tobacco and identifying clear elements for action, such as a ban on advertising, smoke-free spaces, health warnings and controlling smuggling. The current expenditure in Kenya on tobacco related diseases

¹ World Health Organization, World Health Statistics 2007

amounts to 1-3 schillings per head (0.01 – 0.03 Euros) compared to 30-37 Euros on HIV/AIDS.

Mr. Rowan's presentation focused on the problem of cigarette smuggling and how in the past year there has also been an increase of counterfeit cigarettes in the EU. In 2006 alone 3.270.000.000 illegal cigarettes were seized throughout the EU. To tackle the problem of smuggling an Anti-Contraband and Anti-Counterfeit agreement was signed between the EU and Philip Morris International. The aim of this agreement is to supply a comprehensive anti-smuggling and antimoney laundering system for Philip Morris products before and after distribution. In particular, the Tracking and Tracing protocols introduced by such agreement are of great assistance to the law enforcement authorities working on the prevention of future smuggling.

The debate was closed by Frithjof Schmidt MEP who, in his closing remarks, recognized the key role of the European Parliament in the implementation of the FCTC and how this would promote poverty reduction and good governance by reducing costs linked to tobacco use and smuggling. Furthermore, Mr. Schmidt stated that tobacco is not only a public health issue but also has an impact on areas such as trade, taxation and development policy.

The debate was very successful and the discussions that followed the presentation showed a strong interest from MEPs.

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ANNEX 1: Programme

ANNEX 2: Participants' list

ANNEX 3: Amendments

ANNEX 1



Lunchtime briefing on the WHO Framework Convention on Tobacco Control

20 June, room C3.1, European Parliament, Strasbourg

Host MEPs: Jules Maaten and Frithjof Schmidt

Objectives of the briefing:

- Provide an overview of the WHO Framework Convention on Tobacco Control
- To outline the discussions that will take place at the second Conference of the Parties
- To discuss the prospects for the negotiation of a protocol on illicit trade

Draft programme:

Opening and welcome: Jules Maaten, MEP

General introduction to the FCTC and what we need at CoP2

Speaker: Dr D. Bettcher, Director of Tobacco Free Initiative, WHO, Geneva

What the FCTC means for developing countries

Speaker: Dr E. Ogwel (Kenya)

The need for a smuggling protocol

Speaker: Austin Rowan, OLAF, Brussels, Chair of the FCTC Expert Working Group on a smuggling protocol

General debate and discussion

Moderator: Luk Joossens

Closing remarks: Frithjof Schmidt MEP

ANNEX 2

Lunch debate on the FCTC and the need for a smuggling protocol Host MEPs: Jules Maaten and Frithjof Schmidt

<u>Surname</u>	<u>Name</u>		<u>Country</u>
ALBERTINI	Gabriele	MEP	IT
ONYSZKIEWICZ	Janusz	MEP	PL
STIHLER	Catherine	MEP	UK
BREYER	Hiltrud	MEP	DE
SCHLYTER	Carl	MEP	SE
BLOKLAND	Johannes	MEP	NL
ONESTA	Gerard	MEP	FR
MCAVAN	Linda	MEP	UK
DOYLE	Avril	MEP	IE
CZARNECKI	Ryszard	MEP	PL
STERCKX	Dirk	MEP	BE
STAES	Bart	MEP	BE
KNIGHTLEY	Emily	Assistant to P Bradbourn	
HOLLINGSWORTH	Andrew	Assistant to J Bowis	
ATTONEN	Staci	Assistant to J Bowis	
DIMITROVA	Rostislava	ALDE - ENVI Committee	
SZECHT	Balazs	EPP-ED	
BERTOZZI	Luca	Assistant to G Albertini	
TODISCO	Valeria	Assistant to R Ventre	
SCHMITT	Michael	Assistant to F Schmidt	
MARTINET	Yves	CNCT	
GOODWIN	Frazer	EPHA/Action for global health	
NIKOGOSIAN	Haik	WHO - Head of Convention Secretariat	
ROWAN	Austin	OLAF	
BETTCHER	Doug	WHO - TFI	
OGWELL	A E	FCA	
JOOSSENS	Luk	FCA/Belgian Cancer Leagues	
GODFREY	Fiona		
MUZIO	Nicoletta		
SILVA	Margarida		

M6 channel - 2 journalists

ANNEX 3

AMENDMENT TO DRAFT REPORT/OPINION BY: KARL-HEINZ FLORENZ

PROPOSAL FOR A MOTION ON THE GREEN PAPER "TOWARDS A EUROPE FREE FROM TOBACCO SMOKE: POLICY OPTIONS AT EU LEVEL"

AMENDMENT BY HILTRUD BREYER AND CARL SCHLYTER

Amendment 1

Citations (new)

- having regard to the 2004 WHO European strategy for smoking cessation policy,

Amendment 2

Citations (new)

- having regard to the 2007 WHO policy recommendations on protection from exposure to second-hand tobacco smoke,

Amendment 3

Recital C

C. whereas it has been scientifically proven that *(delete)* tobacco smoke causes serious damage to health and premature death,

Amendment 4

Recital D

D. whereas *(delete)* tobacco smoke damages the airways, resulting in irritations of the mucous membrane, coughing, hoarseness, shortness of breath, impaired lung function, the development and aggravation of asthma and of pneumonia, bronchitis and chronic obstructive pulmonary disease, and damage to the arteries is so severe as to cause heart attacks and strokes,

Amendment 5

Recital E

E. whereas exposure to tobacco smoke *in general or* in the workplace is proven to increase the risk of lung cancer and employees of catering establishments in which smoking is permitted are, for instance, 50% more likely to develop lung cancer than employees not exposed to tobacco smoke,

Amendment 6

Recital Na (new)

Na. whereas both the World Health Organisation and the World Bank stress the positive impact and cost-effectiveness of taxation measures to reduce the demand for tobacco products and to reduce overall tobacco consumption,

Amendment 7

Recital Nb (new)

Nb. whereas it is unacceptable that certain Member States encourage the purchase of tobacco products by low taxation rates in their countries so as to increase their overall tax income,

Amendment 8

Paragraph 2a (new)

2a. Does not consider "no change from the status quo", voluntary measures, the open method of coordination or Commission or Council recommendations to be appropriate policy options to achieve smoke-free environments; strongly believes that only binding legislation can bring the necessary change;

Amendment 9

Paragraph 3

3. Renews its call to the Commission, as issued in its resolution of 23 February 2005 on the European Environment and Health Action Plan 2004-2010, to ***classify*** environmental tobacco smoke ***in the Dangerous Substances Directive (67/548/EEC)*** a class 1 carcinogen as soon as possible ***so as to bring environmental tobacco smoke under the scope of the Carcinogens and Mutagens Directive (2004/37/EC)***;

Amendment 10

Paragraph 4

4. Calls on the Commission to present a proposal to Parliament and the Council by 2008 for an unrestricted smoking ban in all (***deletion***) workplaces, including ***all indoor and outdoor*** catering establishments, and in all enclosed public buildings and transport in the European

Union;

Amendment 11

Paragraph 6

6. Calls on the Commission to present a proposal, by 2008 if possible, for an amendment of Directive 2001/37/EC² on tobacco products, containing at least the following:

- ***an immediate ban on all addiction-enhancing additives,***
- an immediate ban on all additives shown by existing toxicological data to be carcinogenic, ***mutagenic, or toxic to reproduction as such or upon*** pyrolysis (burning at a temperature of between 600 and 950°C),
- introduction of a detailed registration, evaluation and authorisation procedure for tobacco additives, ***and complete on-pack labelling of all tobacco additives,***
- an automatic ban on all additives for which manufacturers and importers of tobacco products do not have complete data sets ***by the end of 2008*** (including lists of all ingredients by brand name and type, along with their quantities and toxicological data),
- a requirement for manufacturers to ***make publicly available*** all existing toxicological ***data on*** the additives and ingredients in tobacco smoke, including pyrolysis products (public and in-house data),
- the development of a compendium of tobacco additives and substances in tobacco smoke and the provision of consumer information in this respect,
- ***to make the use of pictorial warning labels mandatory on all tobacco products, with such labels to be put onto the front of the package,***
- introduction of a financing system that makes tobacco product manufacturers liable for all costs of developing and maintaining assessment and supervisory structures (e.g. independent laboratories, staff and scientific investigations),

application of product liability in respect of manufacturers and introduction of manufacturer liability for the financing of all health costs arising from tobacco consumption;

Amendment 12

Paragraph 7

² Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p. 26.)

7. Calls on the Commission to examine further EU-wide measures *towards a Europe free from tobacco smoke*, such as:

- an EU-wide ban on the sale of tobacco products to young people under 18,
- the granting of a permit for the installation of cigarette machines only where the machines will be inaccessible to young people *under 18*,
- the removal of tobacco products from self-service displays in retail outlets,
- a ban on distance sales of tobacco products to young people *under 18* (e.g. over the Internet),
- *a ban on internet advertisement of tobacco products*,
- *an EU-wide high minimum level of taxation of tobacco products, to be increased annually at least with the minimum rate of average inflation*,
- *stronger controls against tobacco smuggling*;
- *to develop a code of conduct for European companies on the marketing of tobacco products outside the EU and sanctions for companies violating that code of conduct*;

Amendment 13

Paragraph 7a (new)

7a. *Calls on all Member States to stop encouraging the purchase of tobacco products by low taxation rates in their countries;*

Amendment 14

Paragraph 7b (new)

7b. *Welcomes Italy's decision to ban all transports of unlabelled cigarettes as a way to combat smuggling and facilitate determination of origin;*

Amendment 15

Paragraph 8

8. Calls on the Member States to apply suitable measures, e.g. addiction therapy, to make it easier for smokers wishing to give up to do so; ***points out that according to the 2004 WHO***

European strategy for smoking cessation policy intensive counselling of more than 10 minutes by a physician has the highest success rate of achieving long-term abstinence; therefore calls on Members States to embed counselling to end nicotine dependence into the national health care system by encouraging and training primary care professionals to intervene by systematically asking patients about smoking, to advise smokers to stop, and to reimburse them for such intensive counselling;

Amendment 16

Paragraph 10a (new)

10a. Calls on the European Commission and the Member States to include tobacco control as a key priority into their health and development work and to work with low-income countries to ensure that all necessary funding and technical assistance is made available so that the EU's ACP partners are able to comply with their obligations under the WHO Framework Convention on Tobacco Control (FCTC); calls on the European Commission to always promptly pay all financial commitments linked to the FCTC and related initiatives in the UN-system;

Amendment 17

Paragraph 10b (new)

10b. Calls on Italy and the Czech Republic to ratify the WHO Framework Convention on Tobacco Control as soon as possible;

Amendment 18

Paragraph 10c (new)

10c. Condemns the disrespect by some Members and staff of the European Parliament for the restrictions on smoking in the European Parliament, e.g. by smoking in staircases or in the open Member's bar in Strasbourg;

Amendment 19

Paragraph 11

11. Calls on the Bureau to follow the example of the European Commission and to re-establish a total smoking ban as previously adopted in all parts of the European Parliament with effect from 1 August 2007 and not to waste tax-payers money for the creation of smoking saloons, and even less to equip them with vending machines and other facilities turning

them into socialising places that would encourage smoking further;

Amendment 20

Paragraph 11a (new)

11a. Considers that those participating in the polemic email action by the "Netzwerk Rauchen Forces Germany" against the Green Paper "Towards a Europe free from tobacco smoke" have failed to understand that the freedom of smokers ends where it infringes on the freedom or health of others;

Amendment 21

Paragraph 11b (new)

11b. Calls on its President to clarify whether he considers EU-wide prohibitions of smoking to be a "dictatorship of education", as being quoted in an interview with the Berliner Tagesspiegel of 18 March 2007;

AMENDMENT TO DRAFT REPORT ON THE GREEN PAPER "TOWARDS A EUROPE FREE OF TOBACCO SMOKE"

AMENDMENT BY GLENIS WILLMOTT, JULES MAATEN, CATHERINE STIHLER

Paragraph 7a(new)

7a (new) Calls on the Commission to submit proposals to amend Directive 2001/37/EC so as to remove the requirement to display tar, nicotine and carbon monoxide yields on cigarette packs, which currently provides smokers with a misleading comparison.

Justification

The use of these yields are used by smokers to compare different cigarettes and to help perpetuate the myth that low tar equals safer cigarettes, thus reducing the motivation quit. This was recommended by WHO in 2003.

AMENDMENT TO DRAFT REPORT ON GREEN PAPER: "TOWARDS A EUROPE FREE FROM TOBACCO SMOKE"

AMENDMENT BY GLENIS WILLMOTT AND CATHERINE STIHLER

Paragraph 7b(new)

7b (new) Calls on the Commission to submit proposals to amend Directive 2001/37/EC so as to include a renewed library of larger, hard hitting picture warnings mandatory on all tobacco products sold in the European Union, and for such warnings to appear on both sides of the tobacco packs. All warnings should also include clear contact details to help smokers quit such as a relevant freephone number or website.

Justification

Bigger, hard hitting picture warnings, together with stop smoking information on all packs is necessary to ensure there is also an emphasis on helping smokers to quit.