



MEDIA BRIEFER

Implementation of regulations of contents and disclosure of tobacco products

Expert Group Report

The Expert Group, composed of specialists nominated by Parties, was established to provide a detailed analysis of barriers to implementing Articles 9 and 10 and to propose recommendations. The Parties requested the group to review evidence related to the regulation of tobacco product contents and disclosure of ingredients and to examine the reasons for low implementation of Articles 9 and 10.

The Expert Group considered factors that highlighted the importance of clarity on the requirements of Articles 9 and 10, improved technical capacity, financial support, collaboration between the Convention Secretariat, WHO, and Parties, and international cooperation. It also suggested the establishment of a knowledge hub focused on product regulation.

Articles 9 & 10 serve to help Parties develop regulations around content and disclosure of tobacco products, including water pipes, smokeless tobacco, and heated tobacco products. Due to COVID-19 the Parties attending COP9 in 2021 deferred the report on these two articles until this year and COP10.

The importance of Articles 9 & 10

Globally, tobacco use accounts for more than 8 million deaths annually, with more than 7 million of those deaths attributable to direct tobacco use and approximately 1.2 million deaths the result of exposure of non-smokers to second-hand tobacco smoke.

During COP4 the WHO FCTC invited Parties to consider adopting a Working Group that would be responsible to elaborate guidelines for Article 9 and 10, the COP adopted the recommendation but later was suspended. It is anticipated that this issue will be brought forward during COP10, providing an opportunity for consensus-building.

Recommendations by the Expert Group

- Recognise tobacco product regulation as a critical component of comprehensive tobacco control strategy.
- Emphasise the need for coordination among various stakeholders, including the Convention Secretariat, WHO, TobReg, TobLabNet, and civil society.
- Promoting an all-encompassing understanding of Articles 9 and 10 in light of the evolving tobacco market.
- Considering the establishment of a knowledge hub dedicated to product regulation to facilitate international cooperation and provide expertise and guidance.

Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS)

These are commonly referred to as vapes or e-cigarettes.

The Convention Secretariat was requested during COP7 to develop testing methods for Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS), these are commonly referred to as vapes or e-cigarettes. COP invited Parties to monitor and report on scientific regulatory and market developments such as initiation, cessation, advertising, and promotion. WHO was also expected to report on the development of methods by regional and international standards-development organizations for the testing and measuring of contents and emissions of these products, at either the eighth or the ninth session of the COP, as applicable.

In order to do that WHO commissioned a paper, which was discussed at the 10th WHO TobLabNet working group meeting at the National Institute for Public Health and the Environment in Bilthoven, Netherlands, in February 2020. The paper identified existing standardized methods for the determination of contents and emissions of electronic nicotine delivery systems (ENDS) and/or electronic non-nicotine delivery systems (ENNDS).

The report being presented to COP10 outlines methods for testing the contents and emissions of ENDS/ENNDS, focusing on nicotine, glycerol, propylene glycol, toxic constituents, and flavours. It highlights collaboration with regional and international standards organizations is ongoing to develop or validate these methods.

The report highlights regulatory objectives for ENDS/ENNDS, including preventing initiation among non-smokers and youth, minimizing health risks to users and non-users, and preventing unproven health claims. It also suggests considering bans or restrictions on appealing flavours and testing for safety.

Adaptation of Cigarette Emission Testing Methods

The report suggests that methods developed for testing cigarette emissions can be adapted for e-

cigarette emissions but need further investigation for e-liquids. It also recommends adjustments to testing procedures include connecting e-cigarettes to machines and defining puffing topography based on product types.

Children and adolescents' tobacco consumption

The prevalence of ENDS and ENNDS use by children and adolescents is highlighted, with a combined pooled estimate of 17% for “ever use”; and 8% for current use among this age group. It also notes that the use tends to be higher in high-income countries.

The use of ENDS among young people is a significant public health concern, and surveys are continuously monitoring their use among adolescents. Research suggests an increased risk of tobacco use among non-smoking youth who use these products.

The efficacy of ENDS and ENNDS as cessation aids is discussed, with low certainty of evidence. The Bureau highlights the need for more research to understand their role in helping people quit smoking. While some health effects of ENDS are still not established, there is conclusive evidence of certain harms, such as poisoning, addiction, and increased uptake of conventional cigarettes, especially among youth.

Tactics of the tobacco industry to attract new consumers

The report recognises that the tobacco industry continues to add newer tactics to expand its market, not just for conventional products, such as cigarettes, but also in new and emerging tobacco products such as HTPs, as well as on ENDS and ENNDS. WHO examined these tactics often targeting adolescents and young adults.

The market for HTPs continues to grow. Their global sales generated US\$ 32.4 billion in 2022 but are expected to reach a market value of US\$ 77.2 billion by 2027. This projected rapid growth in sales, coupled with the increasing use of these products in some jurisdictions, is a concern for regulators. Phillip Morris has the predominantly largest company share of HTPs, at 67.4%, followed by British American Tobacco at 16.5%, and Japan Tobacco International at 5.1% (Euromonitor). In 2018, Japan had the largest share of HTP revenue at 85% of the global HTP market, whereas the Republic of Korea had the fastest growth rate in HTP revenue.

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