



MEDIA BRIEFER

Challenges posed by and classification of novel and emerging tobacco products

Report by the Convention Secretariat

This document summarises a report for delegates attending the Tenth session of the Conference of Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC). It discusses the challenges that Parties may face in comprehensively applying the Convention to novel and emerging tobacco products. The WHO FCTC is a global treaty that aims to protect public health from the harmful effects of tobacco use and exposure. At COP8, the Eighth session of the Conference of the Parties, the Parties expressly recognized that heated tobacco products (HTPs) are tobacco products and should be subject to the regulatory measures of the WHO FCTC. This document is intended to provide Parties with guidance on how to classify HTPs and other novel and emerging tobacco products in order to ensure that they are subject to the full complement of tobacco control measures.

Purpose of the Report

The report examines how these products can most effectively be included in the implementation of the WHO FCTC, focusing on certain articles and their Guidelines for implementation, and on definitions and terminology that may affect the scope of regulatory measures. The report also helps the Parties to identify measures that can be implemented to address the unproven claims of “reduced harm” made by the tobacco industry in terms of HTPs and other products marketed by the industry as alternatives to smoked tobacco products. The purpose of the report is to support regulatory efforts, as requested in paragraph 3 of decision FCTC/COP8/(22).

The report provides further guidance contributing to the United Nations Sustainable Development Goals (SDGs).

Supporting Guidance

The report notes that the Convention Secretariat commissioned the following three papers related to this issue and indeed these areas of research are discussed in detail in the report:

- Possible challenges posed by novel and emerging tobacco products in implementing WHO FCTC articles and guidelines referring to tobacco smoke.
- Possible challenges posed by novel and emerging tobacco products in implementing WHO FCTC articles and guidelines referring to definitions/terminology.

- Classification of novel and emerging tobacco products to support regulatory efforts and the need to define new product categories.

Much of the report presents information related to these areas to permit Parties to the WHO FCTC to consider which elements should be considered for their own tobacco control measures or planned new measures, in order to ensure appropriate regulation of HTPs and other novel and emerging tobacco products.

Clarification to Definitions

Novel and emerging tobacco products are heterogeneous, increasing in number and have a variety of design features that may raise questions concerning the application of product definitions, categorization, or descriptions.

The report includes findings from sources such as the WHO TobReg report on the scientific basis of tobacco product regulation. The knowledge about these novel and emerging tobacco products has been rapidly increasing, but information on their long-term health effects is limited because of the relatively recent availability of this new generation of products in global markets, and the fact that the industry regularly introduces new products with added design features that pose a challenge in conducting studies.

Challenges

The report states that one of the major challenges lies in categorising these products effectively due to their diverse design features and components, thus posing regulatory challenges for governing bodies. Addressing this, the report outlines a series of measures that can be taken by Parties to ensure that HTPs are regulated in a manner akin to conventional cigarettes to ensure a higher level of health protection and achieve appropriate implementation of the WHO FCTC.

Outline of measures across the world

The report concludes with a table of examples of how HTPs are regulated in selected Parties. It is not an exhaustive list but offers an insight into how different Parties have regulated novel and emerging tobacco products in light of their obligations under the WHO FCTC.

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