



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

Eighth session
Geneva, Switzerland, 1–6 October 2018

6 October 2018

DECISION

FCTC/COP8(22) Novel and emerging tobacco products

The Conference of the Parties (COP),

Recalling the WHO Framework Convention on Tobacco Control (WHO FCTC), and in particular its Article 6 (Price and tax measures to reduce the demand for tobacco), Article 7 (Non-price measures to reduce the demand for tobacco), Article 8 (Protection from exposure to tobacco smoke), Article 9 (Regulation of the contents of tobacco products), Article 10 (Regulation of tobacco product disclosures), Article 11 (Packaging and labelling of tobacco products) and Article 13 (Tobacco advertising, promotion and sponsorship);

Noting the report of WHO to the Sixth session of the COP (FCTC/COP/6/14) on the evolution of new tobacco products, related marketing strategies, and the conclusions and recommendations provided in that report, including on their toxicity, addictive potential, perception and potential impact on public health;

Recalling decision FCTC/COP7(14) to inter alia invite WHO to continue to monitor and examine market developments and usage of novel and emerging tobacco products, such as “heat-not-burn” tobacco products, and to report progress to future sessions of the COP;

Noting the report of WHO on technical matters related to Articles 9 and 10 of the WHO FCTC which covers market developments of heated tobacco products (document FCTC/COP/8/8);

Noting also that heated tobacco products are being marketed with claims of “reduced risk” “cleaner alternatives to conventional cigarettes” and smoke-free alternatives to smoking conventional cigarettes;

Recognizing heated tobacco products are tobacco products and are therefore subject to the provisions of the WHO FCTC;

Recognizing also that the properties of certain novel and emerging tobacco products such as heated tobacco products may pose regulatory challenges regarding their definition and classification, e.g. in relation to the emissions they produce, and that these may pose challenges for the comprehensive application of the WHO FCTC;

Recognizing further that some Parties have adopted various regulatory strategies with respect to heated tobacco products, in particular concerning their inclusion in smoke-free legislation;

Noting that the new generation of heated tobacco products have not been on the market for long, which results in very few Parties having experience regulating them or having insufficient measures to regulate the devices used to heat the tobacco;

Noting also that there is currently limited guidance to guide Parties on the classification and regulation of heated tobacco products,

1. THANKS WHO for its report to the COP on technical matters related to Articles 9 and 10 of the WHO FCTC, relevant publications cited therein and in particular the background document on the market monitoring of heated tobacco products cited therein (document FCTC/COP/8/8);
2. REQUESTS the Convention Secretariat to invite WHO and, as appropriate, the WHO Tobacco Laboratory Network (TobLabNet):
 - (a) to prepare a comprehensive report, with scientists and experts, independent from the tobacco industry, and competent national authorities, to be submitted to the Ninth session of the COP on research and evidence on novel and emerging tobacco products, in particular heated tobacco products, regarding their health impacts including on non-users, their addictive potential, perception and use, attractiveness, potential role in initiating and quitting smoking, marketing including promotional strategies and impacts, claims of reduced harm, variability of products, regulatory experience and monitoring of Parties, impact on tobacco control efforts and research gaps, and to subsequently propose potential policy options to achieve the objectives and measures outlined in paragraph 5 of the present decision;
 - (b) to examine the chemical and physical processes these products are undergoing during use, including the characterization of emissions;
 - (c) to assess whether the available standard operating procedures for contents and emissions are applicable or adaptable to heated tobacco products;
 - (d) to advise, as appropriate, on suitable methods to measure the contents and emissions of these products;
3. REQUESTS the Convention Secretariat:
 - (a) to examine possible challenges these products are posing for the comprehensive application of the WHO FCTC and in particular those articles and guidelines referring to definitions/terminology and to tobacco smoke, while considering the need to adapt these guidelines;
 - (b) to advise, as appropriate, on the adequate classification of novel and emerging tobacco products such as heated tobacco products to support regulatory efforts and the need to define new product categories;

4. INVITES Parties to take note of the report produced by WHO (document FCTC/COP/8/8);
5. REMINDS Parties about their commitments under the WHO FCTC when addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products, and consider prioritizing the following measures in accordance with the WHO FCTC and national law:
 - (a) to prevent the initiation of novel and emerging tobacco products;
 - (b) to protect people from exposure to their emissions and to explicitly extend the scope of smoke-free legislation to these products in accordance with Article 8 of the WHO FCTC;
 - (c) to prevent health claims from being made about novel and emerging tobacco products;
 - (d) to apply measures regarding advertising, promotion and sponsorship of novel and emerging tobacco products in accordance with Article 13 of the WHO FCTC;
 - (e) to regulate the contents and the disclosure of the contents of novel and emerging tobacco products in accordance with Articles 9 and 10 of the WHO FCTC;
 - (f) to protect tobacco-control policies and activities from all commercial and other vested interests related to novel and emerging tobacco products, including interests of the tobacco industry, in accordance with Article 5.3 of the WHO FCTC;
 - (g) to regulate, including restrict, or prohibit, as appropriate, the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products, as appropriate to their national laws, taking into account a high level of protection for human health;
 - (h) to apply, where appropriate, the above measures to the devices designed for consuming such products;
6. INVITES Parties, the Convention Secretariat and WHO to comprehensively monitor market developments and the use of novel and emerging tobacco products, including the relevant questions in all appropriate surveys and reports such as the WHO FCTC reporting instrument and to report on it at regular intervals.

(Fifth plenary meeting, 6 October 2018)

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