

Reaccreditation report of NGO observers to MOP4

Survey response 1

Date submitted
2025-02-28 15:03:49

A. Contact details

A1. Name of organization
Smoke Free Partnership
A6. Website of organization
https://www.smokefreepartnership.eu/

B. General information

B1. Please indicate if your organization would like to retain its status as observer to the Protocol to Eliminate Illicit Trade in Tobacco Products
Yes
B2. Does your organization's mission statement specifically refer to tobacco control or to countering/fighting illicit trade in tobacco products?
Yes
B3. If yes, please specify:
<p>SFP's mission is the effective implementation of the WHO Framework Convention on Tobacco Control (FCTC). To this end, the SFP works with decision makers to ensure that tobacco control receives adequate political attention at EU level and to promote tobacco control information and policy research at EU and national level, in collaboration with other EU health organizations and tobacco control networks. It also aims to ensure FCTC implementation globally and is working to release EU funding for tobacco control to counter poverty in developing countries.</p>
B4. Does your organization have regional branch(es) to enhance activities in different regions or groups of countries?
Yes
B5. If yes, please provide details
<p>The SFP Coalition is a network comprising of independent EU and national advocacy organisations with technical expertise in tobacco control policy. Led by SFP, Coalition partners work together to promote and support smoking prevention through the development of advocacy towards EU tobacco control policies through the development and implementation of the FCTC, its protocols and guidelines.</p> <p>The main priority of the SFP Coalition is to promote forward-looking and evidence-based tobacco control legislation in order to implement the FCTC in specific and cross-cutting policy areas, with an overarching goal of improving health and reducing health inequalities among EU citizens.</p> <p>The SFP Coalition currently has 57 partners across Europe including SFP Main partners, Associate partners and Advocacy partners. The Coalition communicates regularly and meets annually to discuss and agree advocacy priorities at EU and national level on specific areas.</p> <p>SFP Coalition partners recognise the fundamental importance of strengthening cooperation on tobacco control policy in the EU through better communication of our actions and capacity-building regarding specific areas of the FCTC at European and national level.</p> <p>Additionally, SFP serves as the Regional Coordinator for Europe for the Global Alliance for Tobacco Control (GATC). In this role, it effectively conveys GATC's perspective to the European Community.</p>

B6. Does your organization regularly convene meetings or conferences for its membership?
Yes
B7. If yes, please indicate frequency:
Monthly
B9. If yes, is tobacco control or countering/fighting illicit trade in tobacco products covered in the meetings/conferences?
Yes

C. Participation in meetings organized under the auspices of the Protocol and contributions

C1. Please indicate the meetings organized by the Convention Secretariat at which your organization was represented (sessions of the Meeting of Parties, meetings of inter-sessional groups, working groups, NGO events, etc.)
<p>In 2023</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Preparatory euro-regional meeting for WHO MOP3 • <input checked="" type="checkbox"/> Informal NGO meeting organized by the Secretariat <p>In 2024</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Informal NGO meeting organized by the Secretariat • <input checked="" type="checkbox"/> Conference of Parties to the WHO FCTC Protocol to eliminate illicit trade in tobacco control (MOP3) Participation
C2. Please list any other meetings or conferences with a focus on tobacco control or countering/fighting illicit trade in tobacco products attended by your organization.
<p>In 2023</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Intergovernmental Negotiations for the Plastics Treaty (Plastic Pollution INC-5) – France • <input checked="" type="checkbox"/> European Tobacco for Health Conference – Madrid, Spain • <input checked="" type="checkbox"/> Conference by German Cancer Research Centre – Heidelberg, Germany • <input checked="" type="checkbox"/> ENSP Annual Conference – Florence, Italy • <input checked="" type="checkbox"/> Launch of the Global Industry Interference Index - online <p>In 2024</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> World Cancer Congress – Geneva, Switzerland • <input checked="" type="checkbox"/> Intergovernmental Negotiations for the Plastics Treaty (Plastic Pollution INC-5) – Busan, South Korea • <input checked="" type="checkbox"/> ICO Symposium – Barcelona, Spain • <input checked="" type="checkbox"/> ENSP Annual Conference – Athens, Greece • <input checked="" type="checkbox"/> High level Conference on the future of EU Health Union by Belgian Presidency – Brussels, Belgium • <input checked="" type="checkbox"/> Conference Challenging Big Industry Narratives – Ljubljana, Slovenia • <input checked="" type="checkbox"/> GATC COP/MOP Townhall – online • <input checked="" type="checkbox"/> Conference by JATC 2 – Brussels, Belgium

D. Work encouraging Parties to the WHO FCTC to become Party to the Protocol

D1. Have you supported any Party or Parties to the WHO FCTC to become Party to the Protocol?
No

E. Your organization's activities to support the Parties in their implementation of the Protocol

E. Has your organization conducted any work/activity in relation to the following provisions of the Protocol?
E1. Part II: General obligations
E1.a. Article 4: General obligations:
No

E1.b. Article 5: Protection of personal data:
No
E2 Part III: Supply chain control
E2.a. Article 6 (Licence, equivalent approval or control system):
No
E2.b. Article 7 (Due diligence):
No
E2.c. Article 8 (Tracking and tracing):
Yes
E2.d. Article 9 (Record keeping):
No
E2.e. Article 10 (Security and preventive measures):
No
E2.f. Article 11 (Sale by Internet, telecommunication, or any other evolving technology):
No
E2.g. Article 12 (Free zones and international transit):
No
E2.h. Article 13 (Duty free sales):
No
E2.i. If you responded YES to any of above, please provide details:
In June 2023 SFP published a report entitled: 'The status of the tracking and tracing system required under the WHO FCTC Protocol to Eliminate Illicit Trade in Tobacco Products'. The report outlines the progress and challenges of implementing tracking and tracing systems under the WHO FCTC Protocol to eliminate illicit tobacco trade. The protocol aims to secure tobacco supply chains and establish a global tracking system by September 2023, with 67 countries having ratified it as of May 2023. However, the implementation of these systems is uneven, with high-income countries leading while low and middle-income countries face significant technical and financial challenges. The systems, which require unique identifiers on tobacco products, are crucial for monitoring the legal trade and investigating illicit activities. Despite progress, concerns about tobacco industry interference, particularly with systems like Codentify, remain. Effective national systems, such as tax stamps, have proven useful but often fail to cover exports and transit, leaving gaps in control. To address these gaps, the report calls for more technical assistance, expansion of systems to cover international trade, and the development of international standards for data sharing and system interoperability, while ensuring that tobacco industry influence is minimized.
E3 Part IV: Offences
E3.a. Article 14 (Unlawful conduct including criminal offences):
No
E3.b. Article 15 (Liability of legal persons):
No
E3.c. Article 16 (Prosecution and sanctions):
No
E3.d. Article 17 (Seizure payments):
No
E3.e. Article 18 (Disposal or destruction):
No
E3.f. Article 19 (Special investigative techniques):
No

E4. Part V: International cooperation
E4.a. Article 20 (General information sharing):
No
E4.b. Article 21 (Enforcement information sharing):
No
E4.c. Article 21 (Information sharing: confidentiality and protection of information):
No
E4.d. Article 22 (Assistance and cooperation: training, technical assistance and cooperation in scientific, technical and technological matters):
No
E4.e. Article 24 (Assistance and cooperation: investigation and prosecution of offences):
No
E4.f. Article 27 (Law enforcement cooperation):
No
E4.g. Article 28 (Mutual administrative assistance):
No
E4.h. Article 29 (Mutual legal assistance):
No
E4.i. Article 30 (Extradition) and Article 31 (Measures to ensure extradition):
No
E5. Part VI: Reporting
E5.a. Article 32 (Reporting and exchange of information):
No
E6. Part VII: Institutional arrangements and financial resources
E6.a. Article 36 (Financial resources):
No

F. Other relevant activities to support the work of the Protocol

F1. Please provide any other relevant information that does not fit under the questions above.

Regarding internal affairs, the SFP Board conducted an independent and thorough assessment of the evidence relating to the reported contacts between Deborah Arnott, former Chief Executive of ASH (UK) (and a current member of the SFP Board in a personal capacity) and JUUL between June 2017 and March 2019, to determine whether these represented a breach of SFP's Articles of Association and/or behaviour incompatible with Deborah Arnott's responsibilities as a Board Member of SFP. Following its assessment, the SFP Board concluded that the evidence did not support the conclusion of any conflict of interest, malicious intent or inconsistency with SFP's mission on behalf of Deborah Arnott. However, the SFP Board identified errors of judgement on the part of Deborah Arnott concerning the sufficiency of disclosure of her contacts with JUUL during the specified period. Deborah Arnott accepted this decision and has offered her resignation from the SFP Board, which has been regretfully accepted. In conclusion, the SFP Board is actively revising its Conflict of Interest Policies to strengthen them and prevent similar cases in the future. This effort includes aligning with updates to the GATC's Conflict of Interest Policies and developing a robust, confidential disclosure process.

SFP organised 1 side events at MOP to raise awareness on progress regarding the implementation of the Protocols.

With the ongoing revision of the Tobacco Taxation Directive, SFP actively engages with decision-makers to emphasize the critical importance of this policy update. Recognizing the role of taxation in reducing tobacco consumption and protecting public health, SFP seeks to ensure that policymakers prioritize strong, evidence-based measures. Additionally, SFP shares key data on illicit tobacco trade, including findings from the World Bank, to address concerns and counter industry narratives that often exaggerate the impact of taxation on illicit trade.

In 2024, SFP published its position paper on the Revision of the EU Tobacco Products Directive, including key recommendations related to the WHO Illicit Trade Protocol. The position paper strongly advocates for the EU's tracking and tracing system to align with the WHO Illicit Trade Protocol, emphasizing the need for complete independence from the tobacco industry. It calls for removing the industry's role in appointing data storage providers and auditors, instead placing these responsibilities under the Member States or the European Commission to avoid conflicts of interest. The paper also stresses the need for greater transparency, recommending the publication of audit reports and auditor names while extending audits to include unique identifier generation to prevent manipulation. Additionally, it highlights critical gaps in the current system, which excludes raw tobacco and products passing through the EU under the transit regime, urging their inclusion to curb illicit supply chains. The paper also proposes limiting the number of unique identifiers to prevent oversupply and illicit trade, in line with Article 7 of the WHO Protocol. Finally, it calls for the extension of tracking and tracing requirements to electronic cigarettes, heated tobacco products, and other related products, ensuring a comprehensive regulatory framework against illicit trade.

G. Attachments

G1. Please attach any file relevant to any of the activities reported above.

[{"title":"Merged document of the relevant studies mentioned in the questionnaire","comment":"The following PDF contains: Report on tracking and tracing systems and the SFP Position Paper on TPD","size":4541.931640625,"name":"Merged-PDF.pdf","filename":"fu_af8t8eqe8kzycht","ext":"pdf" }]

filecount - G1. Please attach any file relevant to any of the activities reported above.

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H. Declarations

H1. Please confirm that your organization does not receive, has not received and will not receive in the future, either directly or indirectly, any financial or other contributions or assistances from the tobacco industry or its affiliates. Please also confirm that neither your members nor your partners are affiliated directly or indirectly with the tobacco industry or its affiliates or those furthering the interests of the tobacco industry.

Yes, I confirm

H2. Please confirm that the activity of your organization is in conformity with the Article 5.3 of the WHO FCTC and the 15th and 16th preambular paragraphs of the Protocol.

Yes, I confirm

H3. Through my electronic signature, I confirm that the above information is accurate and complete, to the best of our knowledge and abilities:

Lilia Olefir