

Needs assessment for implementation of the WHO Framework Convention on Tobacco Control in the Republic of Belarus



Convention Secretariat

September 2015

The WHO FCTC

- The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) was developed in response to the globalization of tobacco epidemic, which has taken place since the 20th century.
- The Convention is an evidence-based treaty that reaffirms the right of all people to the highest standard of health.
- The objective of the Convention is “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke”. The Convention asserts the importance of demand-reduction measures as well as supply-side strategies to achieve this end, and Parties are also encouraged to implement measures beyond those required by the treaty.
- The Conference of the Parties (COP) is the decision-making body of the Convention. The Convention Secretariat was established as a permanent body to support the implementation of the Convention in accordance with Article 24 of the WHO FCTC.

The needs assessment exercise

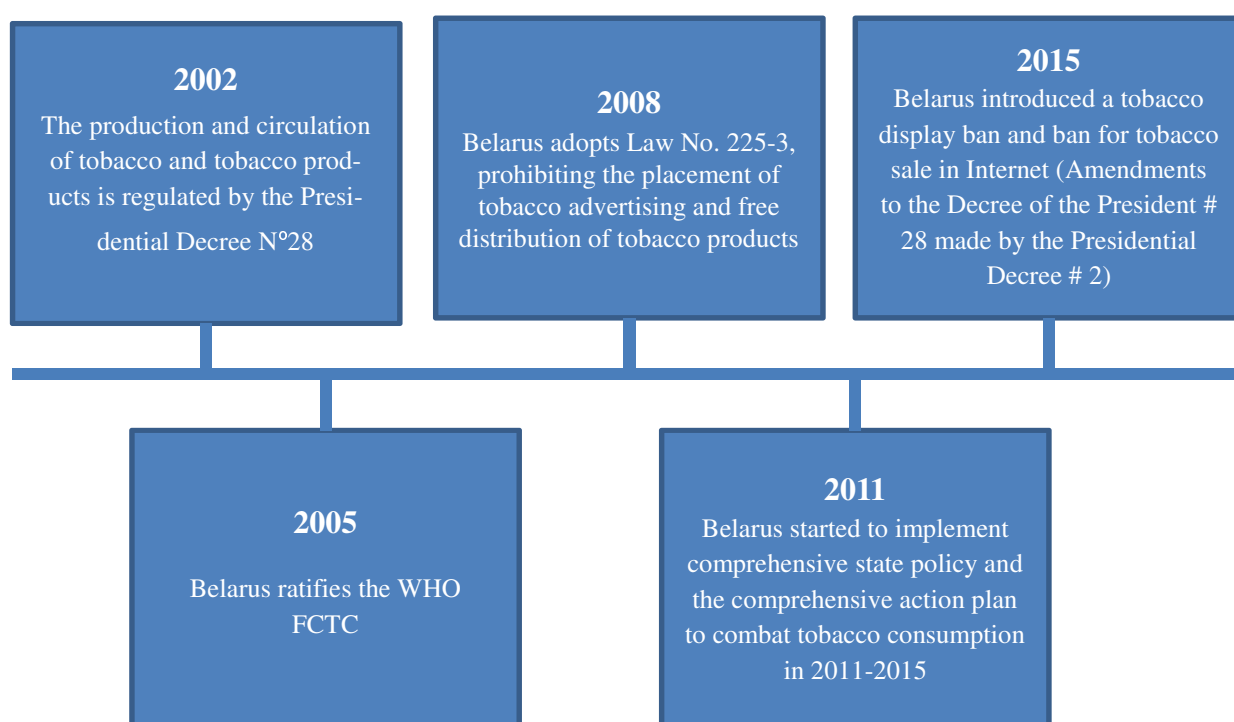
- The Conference of Parties (COP 1, February 2006) called upon developing country Parties and Parties with economies in transition to conduct needs assessments in light of their total obligations related to the implementation of all provisions of the Convention and to communicate their prioritized needs to development partners (decision FCTC/COP1(13)).
- The needs assessment is an exercise undertaken jointly with a government to identify the objectives to be accomplished under the WHO FCTC, resources available to the Party concerned for implementation, and any gaps in that regard. It is based on all substantive articles of the WHO FCTC so as to establish a baseline of needs.
- Post-needs assessment assistance is provided to the Parties that have conducted needs assessments, based on the reports and priorities identified.

Impact of tobacco use in Public Health

Tobacco prevalence, exposure to tobacco smoke and tobacco-related mortality in the Republic of Belarus: key facts

- There is a slight decrease in prevalence of daily smoking in the Republic of Belarus. The prevalence among individuals aged 15-64 in 2014 was 48.0% among men and 8.9% among women (combined 25.1%), as compared to 48.6% and 9.7% (combined 25.9%), respectively, in 2013.
- There is slight decrease in 2015 among men (45.8%) and increase among women - 9.3% (combined 24.4%). The trend of daily smoking among female of all age groups is increasing.
- It is estimated that about 15,500 people die each year in the Republic of Belarus from tobacco use (15,000 men and 500 women). This represents about 14% of all deaths (28% for men, 1% for women). Moreover, tobacco is estimated to cause about 40% of all male deaths in middle age (35-69). According to Tobacco Atlas 2015, tobacco-caused diseases kill every year more than 24,100 people in the Republic of Belarus.
- Since 2012, there has been a 7.8%, 13.2%, 14.9%, 3.6%, 5.5% and 4.2% decrease in exposure to second-hand smoke at home, with friends, at work or school, at public transport stops, in parks, and at cafes or bars, respectively.

Milestones of tobacco control legislation in the Republic of Belarus (2002 – 2015)



Executive summary

The World Health Organization Framework Convention on Tobacco Control (WHO FCTC) is the first international health treaty negotiated under the auspices of WHO and was adopted in 2003. It has since become one of the most widely and rapidly embraced treaties in the history of the United Nations, with 180 Parties to date¹.

The Republic of Belarus ratified the WHO FCTC on 8 September 2005, the 79th country in the world and the 24th country in the European Region to become a Party to the Convention. The Convention entered into force on 7 December 2005.

The Republic of Belarus has made a notable progress in meeting its obligations under the Convention, most notably in the areas of instituting a comprehensive ban on tobacco advertising, promotion and sponsorship, including recently implemented pack display ban (Article 13), planning and conducting media campaigns under financial governmental support (Article 12) and adopting new regulations regarding graphic health warnings (Article 11). Still, challenges remain for the Republic of Belarus to be fully compliant with the WHO Framework Convention on Tobacco Control.

With this in mind, and based on the official request from the government, a needs assessment exercise for implementation of the WHO FCTC was conducted jointly by the Government of Republic of Belarus and the Convention Secretariat of WHO FCTC from June - September 2015, including the initial analysis of the status, challenges and potential needs deriving from the country's most recent implementation report and other sources of information.

An international team, led by the Convention Secretariat and including representatives of the WHO Prevention of Non-communicable Diseases Department and the United Nations Development Programme (UNDP), conducted a mission in Minsk, the Republic of Belarus, from 1-3 September 2015. The assessment involved relevant ministries and agencies of the Republic of Belarus (see Annex). The mission builds on previous work conducted to support the work of the government to address NCDs and specifically the recommendations and findings of the joint UN interagency task team NCDs assessment conducted in July 2014.

This needs assessment report presents an article-by-article analysis of the progress the country has made in implementation, the gaps that may exist and the subsequent possible action that can be taken to fill those gaps. The key elements that need to be put in place to enable the Republic of Belarus to fully meet its obligations under the Convention are summarized below. Further details are contained in the report itself.

The findings and recommendations summarized below reflect the discussions undertaken during the country mission. They are provided in the order of Articles to the Convention and cover Articles 5 to 22.

¹ http://www.who.int/fctc/signatories_parties/

The prevalence of tobacco use has not changed significantly over the past 5 years as demonstrated by information provided by BELSTAT. The average rate of current smoking in the population stands at around 25% (2011 – 26.7% and 2015 – 24.4%) with a slight decreasing trend among men (2011 - 50.5% and 2015 - 45.8%) and stable among women (2011 - 9.6% and 2015 - 9.3%). However, the Sociological Survey conducted every two years show the prevalence of smoking at 30.5% in 2012 , and 27,9% in 2015 (men and women combined).

Article 5.1: the Ministry of Health declared that tobacco control strategies are integrated in the new comprehensive State Programme «People’s Health and Demographic Safety of Republic of Belarus» for 2016 – 2020. Implementation of the WHO FCTC should be specifically referred to during the elaboration of the related action plan including, as appropriate, indicators to measure implementation of the Convention.

Article 5.2 (a) The Republic of Belarus has a WHO FCTC technical focal point person at the Ministry of Health and an “Inter-agency Council at the Council of Ministers on prevention of alcohol abuse, alcoholism, drug addiction and tobacco consumption” that acts as the coordinating mechanism for tobacco control policy formation, implementation and legislation promotion. It is recommended that this Committee include periodically in its meetings and agenda item on WHO FCTC to ensure the progress and its full control over its complete implementation. It is recommended to invite WHO and UNDP representatives to the meetings of the Council as appropriate.

Article 5.2(b): The legislative framework for tobacco control consists of several regulations. To replace and scale up these regulations, the Ministry of Health (MoH) proposes to adopt a new comprehensive tobacco control law to cover all relevant Articles of the Convention. The draft law was reviewed and approved with recommendations by WHO/EURO experts. The draft law has also been extensively commented on by the public while posted on the site of the MoH. Advocacy efforts, mostly targeted to the Presidential Administration, should be strengthened to ensure inclusion of this draft law in next year’s (2016) legislative agenda.

Article 5.3: the mission has not revealed any specific measures, recommended by the implementation Guidelines on Article 5.3 to prevent interference of tobacco industry with the development of tobacco control policy. Specifically, there should be a firewall between the management of the state tobacco monopoly and the process of elaboration, promotion and implementation of tobacco control measures. A code of conduct for public officials should be developed to guide interactions between the tobacco industry and civil servants with support from the Convention Secretariat.

Article 6: the mission may conclude that in recent years, the Belarusian government implemented effective tobacco taxation policy that secured dynamic growth of tobacco prices exceeding the prices for other goods and services. This was partially the result of hyperinflation in 2010 - 2011 but also a conscious fiscal policy starting 2013. At the same time, tobacco prices in the Republic of Belarus are low and tobacco products are affordable for most of the population including youth. Implementation of this Article and its Guidelines should be strengthened including through intensified collaboration between the Health and Finance Ministries and with assistance of international partners (the World Bank, IMF, WHO and others as appropriate). Particularly, tobacco tax rates should be further increased to reduce affordability and consumption of tobacco products. This

would also guarantee stable or increased revenues to the state budget. The mission was informed that discussions were started on the harmonization of tax policy on tobacco for Armenia, the Republic of Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation, within the framework of the Eurasian Economic Union.

Article 8: There is a partial ban of smoking in most indoor public places in the Republic of Belarus with smoking areas still allowed. Considerable amount of population is exposed to tobacco smoke, including employees of the hospitality sector. These exemptions should be eliminated as soon as possible by the new comprehensive legislation. In addition, enforcement of the measures should be clarified and strengthened when new legislation amendments come into effect. .

Article 11: According to the recently adopted Customs Union's «Technical Regulations for Tobacco Products» pictorial health warnings will be introduced by the end of next year to cover 50% of the main surface areas (both sides) of tobacco packages. Relevant by-laws should be developed as soon as possible to operationalize the Technical Regulations. At the same time, it is recommended that the Republic of Belarus advocates for timely development of regulations to avoid any delays of implementation that could be prompted by the tobacco industry.

Article 12: There is a number of communication programmes implemented by several state actors funded by the state budget. They are primarily focused on tobacco related harm and cessation of tobacco use. Broadening the scope and target groups of the programmes as well as improving coordination of the campaigns among different stakeholders is advisable.

Article 13: There is a comprehensive ban on tobacco advertising, promotion and sponsorship in place including a recent and advanced ban on display of tobacco products at point of sale that came into effect on July 1, 2015. At the same time, the tobacco industry could conduct charitable and “social responsibility” activities by supporting mostly cultural events and institutions. New measures to ban sponsorship by the tobacco industry and cross-border forms of tobacco advertising should be included in the new comprehensive legislation.

Article 14: There are clinical guidelines available for healthcare professionals to promote cessation of tobacco use. Pharmaceutical products to treat tobacco dependence are available in pharmacies over the counter. However, these pharmaceuticals are not reimbursed and people need to pay out of pocket. Moreover, the Republic of Belarus does not offer smokers a national quit line service, therefore it is recommended this item is included in the new State Programme «People's Health and Demographic Safety» for 2016 - 2020.

Article 15: Cigarettes legally produced and purchased in the Republic of Belarus are smuggled and traded illegally in other parts of Europe. As the Protocol to Eliminate Illicit Trade in Tobacco Products is now available to Parties for their ratification and accession, the Republic of Belarus should consider as soon as possible ratification of this Protocol. Strengthened customs procedures would also contribute to better control of illegal exports of tobacco products.

Article 20: Regular surveys on tobacco use prevalence are being conducted and good trend data is available from BELSTAT and Ministry of Health. Furthermore, a STEPS Survey is planned for lat-

er this year which is to serve as a baseline for further evidence-based decision making. However, no recent information is available on the determinants of tobacco consumption, tobacco-related mortality, or social, economic and health indicators related to tobacco consumption. The need for such research should be highlighted and resources secured as part of the new State Programme «People's Health and Demographic Safety» for 2016 - 2020.

Article 22: There are number of partners supporting tobacco control measures in the Republic of Belarus, including the UN system organizations, most importantly WHO. The mission was informed that FCTC implementation is included in the next UNDAF programming cycle. The new interagency NCDs control project «BELMED» and the Biennial Collaborative Agreement between WHO and the Republic of Belarus, cover areas relevant to implementation of the FCTC.

The full needs assessment report is drafted in collaboration with the Ministry of Health and all entities engaged in the needs assessment exercise as appropriate. This joint needs assessment mission was financially supported by the European Union². The Ministry of Health and the WHO Country Office provided resources and logistic support to the needs assessment exercise, including organizing the meetings during the mission.

² This report has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the Ministry of Health of the Republic of Belarus and the WHO FCTC Convention Secretariat and can in no way be taken to reflect the views of the European Union.

SWOT Analysis of Tobacco Control in Republic of Belarus

STRENGTHS

1. Several tobacco control measures in line with the requirements of WHO FCTC were introduced since the ratification of FCTC.
2. Existence of a National Health Care Fund to support tobacco control measures.
3. Support and coordination from EURO/WHO system and several international partners, including the UN Resident Coordinator and UN Country Team.
4. Implementation of the state policy and comprehensive action plan on combatting tobacco consumption in 2011- 2015.

WEAKNESSES

1. Several requirements of FCTC have not yet been addresses with the deadline missing for implementation of Article 8.
2. Lack of measures to prevent the interference of the tobacco industry;
3. Enforcement mechanisms of tobacco control measures are vague and spread throughout different governmental institutions;
4. WHO FCTC implementation not incorporated into UNDAF;

OPPORTUNITIES

5. Comprehensive and unified draft law on tobacco control was developed and sent to the Presidential Administration;
6. Political momentum for tobacco control (10 years of FCTC ratification, international agencies' push for stronger tobacco control measures, neighbouring countries are 100% smoke-free);
7. Global and regional movement with specific targets for tobacco control.

THREATS

1. State ownership of the biggest tobacco producer in the country and tobacco industry interference;
2. Lack of capacity for strengthened WHO FCTC-specific work in different (non-health) Government departments;
3. Misperception that tax increases result in illicit trade;
4. Illicit cigarettes are increasingly originating from the Republic of Belarus.

Status of implementation, gaps and recommendations

This core section of the report follows the structure of the Convention. It outlines the requirements of each of the substantive articles of the Convention, reviews the stage of implementation of each article, outlines achievements and identifies the gaps between the requirements of the treaty and level of implementation by the Republic of Belarus. Finally, it provides recommendations on how the gaps identified could be addressed, with a view to supporting the country in meeting its obligations under the Convention.

Article 2: Relationship between this Convention and other agreements and legal instruments

Article 2.1 of the Convention, in order to better protect human health, encourages Parties “*to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law*”.

The Republic of Belarus does not currently implement measures that go beyond those provided for by the Convention. At the same time, implementation of total ban for displaying tobacco packs in the point of sales could be considered so far as such a measure due to the quite few examples worldwide (The Republic of Belarus is the 13th country in the world that implements such a measure).

It is recommended that the Government, while working on meeting the obligations under the Convention, also identify areas in which measures going beyond the minimum requirements of the Convention can be implemented.

Article 2.2 clarifies that the Convention does not affect “*the right of Parties to enter into bilateral or multilateral agreements ... on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat*”.

The Republic of Belarus has not yet provided information on bilateral or multilateral agreements relevant to the Convention and its Protocols. The Ministry of Foreign Affairs and Foreign Trade, in consultation with the relevant line ministries including Ministry of Finance and Ministry of Industry and Commerce, should identify these agreements and report them as appropriate. At the same time, Republic of Belarus should act within the agreement within the Eurasia Economic Union with Russian Federation, Kazakhstan and few other countries while developing its further taxation policies and tobacco products regulations. More details of the impact of this agreement are given under Article 11.

It is recommended that the Ministry of Foreign Affairs and relevant Government departments review any agreements in their jurisdictions that may fall under the scope of Article 2.2 of the Convention. Furthermore, if such agreements have been identified, it is recommended that the

Government of the Republic of Belarus communicate them to the Secretariat either as part of its next WHO FCTC implementation report or independently.

Article 4 Guiding Principles

The Preamble of the Convention emphasizes “*the special contribution of non-governmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women’s, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts*”.

Article 4.7 recognizes that “*the participation of civil society is essential in achieving the objective of the Convention and its protocols*”.

The needs assessment mission learned that the key focal point on tobacco control – The Republican Centre for Hygiene, Epidemiology and Public Health (Ministry of Health of the Republic of Belarus) cooperated with one NGO while implementing the tobacco control policies (NGO “Sober – Optimists”). This NGO is funded mostly from membership fees and sponsorship support. Without sustainable funding, civil society organizations do not have sufficient capacity to work on tobacco control, and consequently their tobacco control work is significantly curtailed when external funding is not available. Tobacco control in the Republic of Belarus would definitely benefit from more active participation from other sectors of civil society. Examples of such organizations are consumer organizations, community development organizations, women’s organizations, and others.

Gaps -

1. There is no government funding available for civil society organizations in the area of tobacco control and the external grants cannot guarantee such NGOs will continue working in this sphere.

It is therefore recommended that the Government more actively engage civil society organizations (CSO) in tobacco control to ensure their contribution towards implementation of the WHO FCTC.

Article 5: General obligations

Article 5.1 calls upon Parties to “*develop, implement, periodically update and review comprehensive multisector national tobacco control strategies, plans and programmes in accordance with this Convention*”.

The Republic of Belarus has been implementing the State Concept and Comprehensive Action Plan to combat tobacco consumption since April 4, 2011. As part of the implementation of the concept, some sanitary norms, rules, and hygienic standards regarding the prohibition of smoking in establishments and organizations including health facilities, educational buildings, sport facilities, trade and consumer services, catering facilities, railway stations, subway stations, trains, and on river-boats, with exception to places with specially designed smoking areas were implemented. The Con-

cept measures extend the powers of the officials and institutions exercising state sanitary inspection to monitor compliance with the smoking ban, to help reduce smoking in the Republic of Belarus, and to fully implement the requirements of the Presidential Decree of 17 November 2002 No.28.

Due to the conclusion of the Concept by the end of 2015 the Government started the process of development of the State Program «People's health and demographic safety of the Republic of Belarus» for 2016-2020 that will have a program component on «Prevention and control of non-communicable diseases». This program sets goals to decrease all key risk factors of NCDs and particularly the diseases that lead to premature death. The needs assessment mission was assured that the tobacco control activities and a new action plan will be included in this Program. In addition, UN system country organizations regularly conduct events on raising the awareness on NCDs, including tobacco control³.

In order to improve the effectiveness of tobacco control activities, the Ministry of Health of the Republic of Belarus developed in 2013 a new draft of comprehensive legal act⁴ that would regulate additional areas of tobacco control to decrease tobacco consumption and exposure to tobacco smoke. The WHO conducted an analysis in 2014 analyzed the draft law that concluded that most of the provisions are fully compliant with the FCTC, including 100% smoke free indoor places, changing the requirements for tobacco product packaging, further regulations the tobacco advertising and sponsorship ban, increasing the amount of information in the media about the dangers of tobacco use, and improving tobacco industry reporting procedures as well as tobacco content disclosure.

Besides, the new «Technical Regulations for Tobacco Products»⁵ within the agreements of the Eurasian Economic Union that will set up new requirements on health warnings recently adopted and will come into effect on May 15, 2016.

Gaps -

1. An impact evaluation of the Concept for the state policy implementation on tobacco control and the action plan has not been done.
2. The new State Programme is being going through the approval process, though the presented draft of the Programme did not have clear references or references to tobacco control.

It is therefore recommended that the Republic of Belarus clarify and strengthen the mechanisms for monitoring the implementation of the State Concept and the Action Plan in 2011-2015 and undertakes as appropriate an impact evaluation to learn from the gain experience. It is also recommended that tobacco control activities and targets should clearly be identified in the new State Programs' Action Plan under the expert supervision and consultancy of the Ministry of Health's tobacco control focal point WHO and other relevant UN institutions, as applicable.

³ For example a UN Train action that is dedicated to the 7th anniversary of UN. The train will start on October 25, 2015 in Minsk and will go to each oblast centers with aim to promote the sustainable development goals including NCD preventive factors and tobacco control. <https://www.facebook.com/UNBelarus/posts/914612185268607>

⁴ http://minzdrav.gov.by/ru/static/Lets_discuss

⁵ <https://docs.eaeunion.org/ru-ru/Pages/DisplayDocument.aspx?s=%7Be1f13d1d-5914-465c-835f-2aa3762eddda%7D&w=9260b414-defe-45cc-88a3-eb5c73238076&l=%7B8a412e96-924f-4b3c-8321-0d5e767e5f91%7D&EntityID=7744>

This needs assessment report can serve as a basis and a reference document in strengthening the monitoring the tobacco control actions of the new State Program including its additional indicators⁶.

The Convention Secretariat is committed to facilitating provision of expertise and technical support for monitoring implementation of the new State Program.

Article 5.2(a) calls on Parties to “*establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control*”.

The Republic of Belarus has established a tobacco control coordination center, its divisions for co-ordination work and a national coordinating mechanism for tobacco control. The tobacco control focal point - the National Coordinator on Tobacco Control – is the deputy chief physician of the National Centre of Hygiene, Epidemiology and Public Health of the Ministry of Health of the Republic of Belarus. The National Coordinator on Tobacco Control coordinates the organization of activities on tobacco control, interacts with relevant ministries, departments and NGOs, participates in international conferences and conducts other activities. She regularly participates in events on WHO FCTC, communicates relevant information to the MoH and other stakeholders, together with the specialists of public health department participates in the preparation of legislative initiatives, communications with media, and is in charge of the formation of public opinion in favour of smoking cessation and healthy lifestyle.

The Inter-agency Council at the Council of Ministers «On prevention of alcohol abuse, alcoholism, drug addiction and tobacco consumption” also acts as the coordinating mechanism for tobacco control. The Council meets on a regular basis four times per year and more often if it is needed.

It is recommended that this Council include periodically in its meetings an agenda item on WHO FCTC to ensure its complete implementation and that it invites WHO and UNDP representatives to the meetings (as appropriate).

The Convention Secretariat can assist with the improvement of the inter-sectorial coordination mechanism by promoting advanced practices and experiences from other Parties to the Convention.

Article 5.2(b) calls on Parties to “*adopt and implement effective legislative, executive, administrative and/or other measures, and cooperate, as appropriate, with other Parties in developing appropriate policies, for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke*”.

Tobacco control in the Republic of Belarus is referred in the following laws and regulations:

- 1) The President Decree # 28 of 2002. This complex document regulates a wide sphere of tobacco production, licensing, export and import, packaging and labeling of tobacco products, tobacco products sales, both bulk and retail, and smoking in public spaces.

⁶ The WHO FCTC Indicator Compendium, available at <http://www.who.int/fctc/reporting/Compendium/en/>

- 2) There is a comprehensive ban on tobacco advertising, promotion and sponsorship in the Republic of Belarus by the Law «On Advertising» of 2007. The Article 17, section 3 reads: *«placement (distribution) of tobacco advertising, free distribution of tobacco products, including use as prizes (gifts) during the contests, lotteries, games, other sports games, promotional, cultural, educational and sports events, betting and offering citizens who buy tobacco products or presents proof of such purchases, goods or rights to participate in contests, sweepstakes, games and other gaming and advertising activities are prohibited»*. In addition, recently adopted ban on display of tobacco products at point of sale was introduced from July 1, 2015 (Amendments to the Presidential Decree No. 28 were introduced by the Decree of the President of the Republic of Belarus No.2), This Decree also bans tobacco product sales and display on domestic Internet sites.
- 3) Prices for tobacco products are regulated by the Tax Code (Article 112) of the Republic of Belarus. According to this article tobacco producers set maximum retail prices for cigarettes that could not be exceeded by the retailers. The Tax Code also sets up the stakes for excise taxation that determines the retail process as well.
- 4) Code of Administrative Offenses of the Republic of Belarus, in particular Article 12.21 - 12.28 regulates the liability for violation of anti-smoking legislation and establishes a system of fines.
- 5) There is also a draft of the comprehensive tobacco control legislation developed by MoH yet in 2013. This draft law would unite all pieces of tobacco control legislation into the one piece of the legislation. This draft law was submitted to the President Administration to be included into the legislation development agenda for 2016. In 2013, WHO conducted an analysis and drafted a report assessing the compliance of this draft law with the WHO FCTC and respective Guidelines, and came up with very positive conclusions and recommendation to advocate for its adaptation in the nearest possible future.

Some recent examples of the legislation is technical regulations for tobacco products including new graphic health warnings to be implemented in 2016 (more information in Article 11).

Gaps -

1. Several areas of WHO FCTC are not covered in the current regulatory framework of tobacco control in Republic of Belarus.
2. There is no single comprehensive tobacco control legislation that reflects all of the relevant requirements of the WHO FCTC, and there is no clear commitment from the Government to adopt that single act in the nearest future.

It is recommended that the further strengthen the tobacco control legislative framework and insure they are compliant with the regulations of the FCTC. As part of the effort, comprehensive tobacco control legislation that implements all of the relevant requirements of the WHO FCTC, including inspection and enforcement provisions to ensure compliance with the legislation, is adopted and implemented.

The Convention Secretariat could provide promote the comprehensive bill ensuring full implementation of the Convention.

Article 5.3 stipulates that in setting “*public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry*”. Further, the guidelines for implementation of Article 5.3 recommend that “*all branches of government... should not endorse, support, form partnerships with or participate in activities of the tobacco industry described as socially responsible*”.

Introduction - Tobacco Industry

The major local players on the market are Neman Tobacco Factory Grodno (Open Joint Stock Company, 100% of shares belongs to the Government) - 79% of the market - and Tabak Invest (privately owned joint Belarusian-American Company) - 21% of the market. Neman has a contract agreement with British American Tobacco to produce cigarettes of BAT brands, and Tabak-Invest have a license agreement with Japan Tobacco International to produce cigarettes under JTI brand. There is an unclear difference between contractual and license agreement in the local legislation, but definitely, BAT has more opportunities to work with Neman as it is owned by the state, and has more production quotas. BAT also has a distribution network, which is 1.5 times larger than JTI. Therefore, BAT occupies a dominant position on the tobacco market of the Republic of Belarus. Neman employees approximately 1,050 people and Tabak Invest employs around 300 people.

The mission has not revealed any specific measures in place in relation to Article 5.3 of the Convention to prevent interference of the tobacco industry with the process of development of tobacco control policies.

The tobacco industry is coordinated by the Concern “Belpishcheprom Group”⁷ that in its turn has a seat at the Cabinet of Ministers and is connected to most of the Ministries. This Association unites hundreds of food processing producers and represent their interest in the government. Although the Ministry of Health stands against tobacco industry interference, it does not have any formal instruments to achieve this. Tobacco industry representatives are involved in the development of tobacco control regulations. For example, they had to deal with tobacco industry representatives during the development of the technical regulations within the Eurasia Economic Union, and develop agreed positions in opposition to the interests of tobacco companies.

The guidelines on Article 5.3 reads that «*Parties should require the tobacco industry and those working to further its interests to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities not prohibited or not yet prohibited under Article 13 of the Convention*».

In Republic of Belarus, the tobacco industry is still conducting sponsorship and charitable activities. For example, the official website of tobacco factory «Neman» underlines its prominent role as a

⁷ <http://www.bgp.by/ru/>

philanthropist and sponsor of cultural events and institutions, also displaying the Diploma of “Philanthropy for Culture” signed by the Ministry of Culture of the Republic of Belarus in 2014⁸.

Information on tobacco production, manufacturing, market share, marketing expenditures, revenues and other activities, including lobbying, philanthropy, political contributions is not available to the public and difficult to obtain through open sources.

Gaps –

1. There is no law or policy that explicitly requires public officials to comply with the requirements of Article 5.3 and its implementation guidelines;
2. There are no NGOs in the Republic of Belarus that serve a watch dogs to the Tobacco Industry activities, which has strong positions and connections in the Government;
3. State ownership of the tobacco industry creates grounds for the reflection of tobacco industry’s interests in the decision making, including protective policy and economic preferences;
4. Sponsorship of tobacco companies remains a possibility to strengthen relations with the government.

It is recommended that the Government of the Republic of Belarus, in collaboration with civil society, continue to raise awareness on protection of public health policy from the vested interests of the tobacco industry among all government agencies and public officials. Particularly, there should be a firewall between the management of the state tobacco monopoly and the process of elaboration, promotion and implementation of tobacco control measures. It is also recommended to include the obligations under Article 5.3 in the new comprehensive tobacco control legislation, based on the Guidelines for implementation of Article 5.3 of the WHO FCTC and, among others, establish codes of conduct for government officials to regulate their dealings with the tobacco industry.

Article 5.4 calls on Parties to “cooperate in the formulation of measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties”.

The Republic of Belarus has met its obligations under Article 5.4 by participating in the working groups on Articles 6 and 11 established by the Conference of the Parties, and participated in all meetings of the Conference of the Parties and in several meetings of the Intergovernmental Negotiating Body on the Protocol to Eliminate Illicit Trade in Tobacco Products. Further participation in intergovernmental processes under WHO FCTC in this regard will be highly recommended, to insure the sharing of the experience of Republic of Belarus with fellow parties.

Article 5.5 calls on Parties to “cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties”.

⁸ <http://www.tabak.by/company/nagrady/>

The Ministry of Health regularly cooperates with WHO/EURO in order to advance implementation of the WHO FCTC. Members of the international team, accompanied by members of the EURO/WHO country office, met the UN Resident Coordinator (UNRC) and other members of the UN Country Team in order to explore how cooperation with all UN agencies could be strengthened.

Article 5.6 calls on Parties to “*within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms*”.

Gaps -

1. The Ministry of Health has not been successful with raising any resources to implement the WHO FCTC through bilateral or multilateral mechanisms.

It is recommended that the Government fully explore multilateral and bilateral support available to implement the Convention. This could be done also through strengthening collaboration and involvement of the UN Country Team. The WHO European regional office and the WHO country office are committed to assisting the Government of the Republic of Belarus with the coordination and support of other UN agencies.

Article 6: Price and tax measures

In Article 6.1, the Parties recognize that “*price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons*”. Article 6.2(a) further stipulates that each Party should take account of its national health objectives concerning tobacco control in implementing “*tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption*”.

The mission may was informed that in recent years the Belarusian government implemented effective tobacco taxation policy that secured dynamic increase in tobacco prices clearly exceeding the prices of other goods and services. This was partially the result of hyperinflation in 2010 - 2011 but also a conscious fiscal policy starting 2013. At the same time, tobacco prices in the Republic of Belarus are still low and tobacco products are affordable for most of the population including youth. The mission was informed that discussions were started on the harmonization of tax policy on tobacco for Armenia, the Republic of Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation, within the framework of the Eurasian Economic Union.

It is recommended that implementation of this Article and its guidelines should be strengthened including through collaboration between the Health and Finance Ministries and with the assistance of international partners (the World Bank, IMF, WHO and others as appropriate). Particularly, tobacco tax rates should be further increased to reduce affordability and consumption of tobacco products that would also guarantee stable or increased revenues to the state budget.

Tobacco taxation structure

Rates for tobacco taxation (excise tax) are fixed in the Tax Code of the Republic of Belarus (see Annex1. Tobacco products are subject to excise tax and VAT. There are unified excise tax rates for both 1) excisable goods which are produced in the Republic of Belarus and 2) excisable goods which are imported to the Republic of Belarus and/or are sold on the territory of the Republic of Belarus. There is an applied specific tax system for filtered and non-filtered cigarettes, pipe tobacco and cigars. Taxation rates are applied based on the price level⁹.

Table 1: Taxation of Tobacco Products in the Republic of Belarus, September 2015

Product	Type of Tax	Rate or Amount (in BYR)	Rate or Amount (in USD)	Base of tax
Filtered cigarettes with a retail prices of up to 12,000 BYR (group 1)	Excise tax	143 800	\$8.12	1000 sticks
Filtered cigarettes with a retail prices of 12,000 to 15,000 BYR (group 2)	Excise tax	268 800	\$15.19	1000 sticks
Filtered cigarettes with a retail prices of 15 000 BYR and higher (group 3)	Excise tax	325 000	\$18.36	1000 sticks
Non-filtered cigarettes	Excise tax	107 900	\$6.09	1000 sticks
Pipe tobacco	Excise tax	339,000	\$22.01	1 kg
Cigars	Excise tax	19,700	\$12.79	1 stick

At the same time, the mission was informed about a considerable increase in tobacco taxation after the economic crisis and local currency inflation starting in 2011.

Table 2: Excise taxes for tobacco products in 2010 - 2015, in BYR per 1000 cigarettes

Tobacco products	Dec. 2010	Dec. 2011	Dec. 2012	Dec. 2013	Dec. 2014	2015		Growth
						Jan. - June	July - Dec.	

⁹ Filtered cigarettes belonging to group 1: price up to 12,000 BYR per pack (as of Sept. 1, 2015), filtered cigarettes belonging to group 2: price 12,000 – 15,000 BYR per pack (as of Sept. 1, 2015), and filtered cigarettes belonging to group 3: price 15,000 BYR and more per pack (as of Sept. 1, 2015). BYR – Belarusian Rubble

Filtered cigarettes								
Price group 1	6 650	17 000	28 800	100 400	125 000	131 300	143 800	22-x increase
Price group 2	12 500	45 000	83 240	160 600	215 000	240 500	268 800	22-x increase
Price group 3	20 630	65 000	103 240	180 600	250 000	285 000	325 000	18-x increase
Non-filtered cigarettes	3 400	5 000	8 480	60 200	93 800	98 500	107 900	32-x increase

From this table it may be concluded that over the period of 5 years (2010 - 2015) excise taxes on non-filtered cigarettes increased 32-x increase, on cheap filtered cigarettes 22 times, and for expensive filtered cigarettes 18 times.

At the same time, the consumption index for tobacco products during the period of December 2010 to December 2014 increased 5.7 times and prices for all goods and services (inflation rate) increased 3.6 times over the course of these years. Prices on local brands increased 6.8 times, and for the imported brands - 4.4 times. In recent years, the Belarus government implemented effective tobacco taxation policy that secured tobacco price growth exceeding other goods and services. This was partially the result of hyperinflation in 2010 - 2011 but also a conscious fiscal policy decision starting in 2013.

Quotas for tobacco products

Annual quotas imposed by the Government regulate production of cigarettes in the Republic of Belarus. Production quotas are set for each of the country's cigarette manufacturers, based on consumption in the previous year. However, the output quota is only set for cigarette production for sales in the Republic of Belarus, while manufacturers are allowed to produce more for export. The cigarette output quota for 2014 was set at 30 billion sticks, of which 23 billion was to be produced by the state company Neman Tobacco Factory Grodno OAO and the remaining seven billion by private manufacturer Tabak-Invest SP OOO. The production quota for 2014 set at 30 billion sticks was reduced from 33 billion in 2013 as some cigarettes produced in 2013 were not sold and remained in stock. The production quota for 2015 was set at the same level as for 2014 at 30 billion sticks. The right to import all tobacco products belongs to one state company, with imports of cigarettes kept low. Typically, the Republic of Belarus imports cigarettes, which are not produced at local facilities. As a result, in 2014 only 750 million sticks, or 2.9% of the total market volume sales, were imported. Retail sale prices of cigarettes also remain under strong control, with a "maximum retail selling price" set for each cigarette brand.

In 2015, the enterprises of Belgospishcheprom Group (Neman Tobacco Factory Grodno OAO) will be able to produce 23 billion cigarettes, and 18.9 billion of them are filtered cigarettes (Kronon,

Magnat, Minsk, Premier, Fest, Credo, Matrix, NZ, Portal and Queen). The 2015 tobacco quotas for Minsk (the joint venture Tabak Invest) are 7 billion pieces, of which 1.4 billion are filtered cigarettes (Korona and Fort).

Tobacco taxation administration, sales and revenues

Tobacco production has been growing fast in the Republic of Belarus, increasing 2.8 times in 2004-2014. This increase is not based on an increase in consumption, but rather on the production of international brands in domestic facilities, while banning their import, as well as by limiting the “shadow” markets. Slowdown of the production in 2013 can be explained by the increase of excise taxes, which influenced prices. The considerable growth of production and an effective taxation policy guaranteed considerable increase in the state budget revenues.

Table 3: Budget revenues from tobacco taxes in 2010 - 2015, in billions of BYR

Type of revenue by year	2010	2011	2012	2013	2014
Excise tax for tobacco product	271.0	452.4	1 491.3	3 073.7	4 211.3

The table, provided by the Ministry of Finance demonstrates a considerable tax increase in last 4 years subsequently leading to the a 15,5 times increase in tobacco tax revenues to the state budget, which is 3,5 times more than the inflation rates over the course of these years.

Intensive tobacco tax growth also led to the increase of the tax portion of the total price. In 2011, this part was around 12-20% and in 2015, it is around 34-42%. In 2013, the tobacco price index exceeded the price index for other goods and services which led to the decrease in consumption, and is reflected in the overall sales rates (32.5 bln in 2012 to 27 bln in 2014 or by 17%). In the period between 2005 – 2012, the annual consumption grew twice: from 15 bln in 2005 to 32.5, bln in 2012 while smoking prevalence stayed on the same level. The explanation for this is that more cigarettes are legally purchased in the Republic of Belarus to be smuggled to other countries, mostly to EU.

It is expected that retail sales of cigarettes in the Republic of Belarus will continue to decline with the main reasons of further expected growth in excise duties and consequent increases in retail prices. In addition, the growing understanding of healthy lifestyles amidst growing government attention to the problems of smoking are set to result in decreasing interest in cigarettes in the Republic of Belarus. The Republic of Belarus does not earmark any percentage of taxation income for funding any national plan or strategy on tobacco control.

Prices of tobacco products

Prices vary depending on whether it is a retail price or a wholesale price and whether tobacco products are of local manufacture or are imported to the Republic of Belarus. However, retail prices for both locally produced and imported tobacco products are the same, they are fixed and stated in the

Resolution of the Ministry of Economics of the Republic of Belarus 29.03.2010 No.61 “About prices on tobacco products”. Price data collected in March 2015 indicates that prices, inclusive of all taxes, vary only slightly - 1.200 BYR per pack of 20 sticks when purchased in established shops. The production and circulation of tobacco and tobacco products is regulated by the Presidential Decree # 28 of 2002. Quotas for the production of tobacco are determined by the state.

Table 4: Retail prices of selected brands of cigarette (tax paid), August 2015

FEST	PREMIER	MINSK	WINSTON
20 pack – p.6200 (\$0.40)	20 pk. – p.7400 (\$0.48)	20 pk. – p.7400 (\$0.48)	20 pk. – p.17600 (\$0.99)

In the conclusion the mission learned that tobacco taxation policy undertaken by the Belarusian government in the last 4 years was quite successful as it has led to a considerable increase in budget revenues and, what is most important, to decrease of cigarette consumption and smoking prevalence. In addition, this had led to the decrease of illicit trade, particularly smuggling out of the country.

Gaps -

1. Taxation of tobacco is generally seen only as a revenue measure instead of being perceived as an effective tool for reducing tobacco consumption as well as reducing illicit trade in tobacco products, provided a good tax administration policy be in place.
2. Prices for cigarettes remain affordable and comparatively cheap, and that leads to easier access.
3. Tobacco taxation data (production, revenues, consumption) is hard to find in open sources.

It is therefore recommended that (i) the MoH work with the Ministry of Finances (MoF) to revise the status of taxes and apply different scenarios and simulation modelling in order to develop best scenarios. It is recommended to continue increasing specific tobacco tax with the focus on cheaper segment cigarettes to narrow the price difference. In this case such a taxation policy will lead to continuous budget revenues increase and decrease of smoking prevalence. It is recommended to eliminate the lower taxation rates applied for non-filtered cigarettes as recommended by FCTC. While developing taxation policy the MoF should actively review and apply the Guidelines for implementation of Article 6.

Article 6.2(b) requires Parties to prohibit or restrict, “as appropriate, sales to and/or importations by international travelers of tax- and duty-free tobacco products”.

The Republic of Belarus restricts quantities of tax and duty-free cigarettes entering the country but also not regulates sales to international travelers and has therefore partially met its obligations under Article 6.2(b) of the Convention.

However, it is recommended that the Republic of Belarus consider prohibiting or further restricting, as appropriate, sales of tax and duty-free tobacco products to international travelers.

Article 6.3 requires that Parties shall “*provide rates of taxation for tobacco products ... in their periodic reports to the Conference of the Parties, in accordance with Article 21*”.

The Republic of Belarus has provided information on tobacco taxation in the report submitted in the 2014 reporting cycle, and has therefore met the obligations under Article 6.3. However, certain aspects of the reported information could be improved with more detailed explanations, including the varying locations in which products are sold and the associated varying prices.

It is therefore recommended that the Republic of Belarus continue to regularly submit, as part of its implementation reports (the next one due in 2016), information on tobacco taxation and prices of tobacco products, also explaining trends in tobacco taxation and the prices of tobacco products. Furthermore, sales and imports of tax and duty-free tobacco products should be regularly monitored, and such information is also included in each implementation report. It is also recommended that such information should be available for public access in order to make the tobacco taxation policy data and results available for monitoring and evaluation.

Implementation of this Article and its Guidelines should be strengthened including through intensified collaboration between the Health and Finance Ministries and with assistance of international partners (the World Bank, IMF, WHO and others as appropriate). Particularly, tobacco tax rates should be further increased to reduce affordability and consumption of tobacco products. This would also guarantee stable or increased revenues to the state budget.

Article 8: Protection from exposure to tobacco smoke

Article 8.2 requires Parties to “*adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.*”

The Article 8 guidelines emphasize that “*there is no safe level of exposure to tobacco smoke*” and call on each Party to “*strive to provide universal protection within five years of the WHO Framework Convention’s entry into force for that Party*”.

This Article 8 and its Guidelines indicate the 5-year timeline for implementation of this requirement in the national legislation. Therefore, the Republic of Belarus has not fully met its obligations under the Convention.

Smoking is prohibited in many outdoor public places in the Republic of Belarus including sports grounds, bus and train stations, underpasses, and in indoor public places such as educational and cultural institutions, medical institutions and facilities, airports and public transport. However, in most of public indoor, places smoking is allowed in designated smoking areas.

Article 38 of the Presidential Decree #28 of 2002 reads: *smoking (consumption) of tobacco products is forbidden, except in specially designated places:*

- *in the establishments of culture, health, education or sport organizations, in shops or consumer services outlets;*
- *in catering facilities, except those places which sell tobacco products and have special consumer areas, which are equipped with an operating ventilation system;*
- *in the premises of national and local government organizations;*
- *in all types of railway station buildings, airports, pedestrian subways and metro stations;*
- *on all types of public transport, train carriages, vessels and planes, except long distance trains, passenger vessels and planes, which have places specially designated for smoking.*

Article 39 specifies that individual businessmen or legal entities, which own or operate the places (premises, buildings, and transport facilities), mentioned in the Article 38, should establish specially designated smoking places and equip them according to regulations approved by the Ministry of Emergencies and the Ministry of Health.

There are also local administrative decisions on setting up 100% smoke-free rules in medical and educational institutions as well as outside areas.

Regarding cafes, bars and restaurants in most cases administrations decide about the smoking bans individually but generally, this allows for smoking and non-smoking areas. This means that hospitality industry employees (waiters, bartenders, admin staff etc.) and customers are exposed to second hand smoking. At the same time there appears to be no specific signage in the legislation to indicate which parts of hospitality premises are smoke-free. To add to this confusion, ashtrays are often found in areas of hospitality premises that might be assumed to be required to be smoke-free. Finally, the Presidential Decree points out that such designated areas for smoking should have proper ventilation systems. While Article 8 guidelines state clearly that *«approaches other than 100% smoke free environments, including ventilation, air filtration and the use of designated smoking areas (whether with separate ventilation systems or not), have repeatedly been shown to be ineffective and there is conclusive evidence, scientific and otherwise, that engineering approaches do not protect against exposure to tobacco smoke»*.

According to the national survey, (2012) – 30.7 % of the population is exposed to tobacco smoke. Thus, 20.5% of residents were often exposed to tobacco smoke at home, 24.5% at work, 36.4% at transport stops, 25.3% at parks and public areas, 24.1% at cafes and restaurants.

According to the data of the social studies received in 2015, still a significant part of the population is exposed to passive smoking: more than half of the respondents have to be around smokers in different places (at home, at a party, at work, etc.), thus being passive smokers. Most often the population is exposed to passive smoking at public transport stops (22.8%).

There is a positive downward trend in the proportion of those exposed to passive smoking "frequently" and an increase in the proportion of those exposed to passive smoking "rarely" and "never" reflected in the study period of 2010-2015. The share of those who have to frequently be close to smoking people at home decreased by 13.5%; at a party, at friends' places - by 19.9%; at

work/study venue - by 22.6%; at public transport stops - by 17.2%; in parks, squares - by 16.6%; in cafes, bars - by 13.5%.

There is a state sanitary inspectorate of the securing compliance with smoke-free rules. However, concerns were expressed about the resources available to carry it out compliance checks of the Presidential Decree No. 28 regarding smoke-free rules in public places. Besides, other enforcement agencies are also obliged to contribute to the enforcement of smoke-free requirements, such as Ministry of Internal Affairs, Ministry of Emergency and Safety, Ministry of Trade and Ministry of Transport. This might also create the duplications of functions and misunderstanding of the responsibilities.

The enforcement procedures are currently regulated by the Administrative Code of the Republic of Belarus. Article 17.9 states that a person who smokes in a place where smoking is forbidden by the legislation can be fined up to 4 basic units which is 720,000 Belarus Rubbles (BYR) (1 unit = 180,000 BYR) or around 35 Euros (as of 01.09.2015).

In accordance to Article 3.30 of the Code Republic of Belarus from 20.12.2006 N 194 - 3 «Processing and implementing code of the Republic of Belarus on administrative offenses» - the protocols on the administrative offenses (including smoking) according to the Article 17.9 of the Admin Code may be issued by the responsible authorities such as: internal affairs authorities (police), responsible authorities of the railroad, automobile and electric, metro and other types of public transportation.

According to the Administrative Code Article 23.56, owners and managers could be fined up to 200 basic units (36 million of BYR or 1,800 Euros) and other persons up to 30 basic units (currently 5,400,000 BYR or 270 Euros) by the authorities of the Ministry of Emergency.

While the Republic of Belarus has generally met its obligations under Article 8, those obligations are not sufficient and not supported by strong enforcement and implementation actions and procedures. It should be particularly noted that employees in many outdoor and indoor workplaces are not protected from exposure to tobacco smoke.

It is worth mentioning that new comprehensive smoke-free provisions are included into the new comprehensive tobacco control draft law «On protection of human health against the effects of tobacco use and tobacco smoke» developed by the Ministry of Health in 2013. The adoption of this law would bring the smoke-free regulations in line with the recommendations of Article 8 Guidelines.

Gaps -

1. National legislation does not require 100% protection from tobacco smoke at indoor working spaces and other public areas.
2. National legislation has several serious drawbacks that lead to the smoke-free in-compliance: no provision for an offense of failing to prevent people from smoking in a smoke-free premises or vehicles; no requirements in the law to take any preventative or deterrent measures such as requirements to display no-smoking signs and to remove ashtrays; the exemptions for specially designated areas requirements are confusing and undermine the

universal protection from second-hand smoke; only smokers non-complying with the law are targeted; the responsibility for carrying out the enforcement of the smoke-free legislation has not been allocated in a way that is clear and effective.

Therefore it is recommended that the Republic of Belarus adopts comprehensive smoke-free legislation fully in accordance with the Convention and Article 8 Guidelines. Enforcement should be streamlined and made more efficient.

In support of the Government's efforts to implement 100% smoke free policies and enforce the relevant legislation, the Convention Secretariat is committed to facilitating provision of expertise and technical support.

Article 9: Regulation of the contents of tobacco products

Article 9 requires Parties to “*adopt and implement effective legislative, executive and administrative or other measures*” for the testing and measuring of the contents and emissions of tobacco products.

There is an established laboratory capacity in the Republic of Belarus that provides testing and measuring of the contents and emissions of tobacco products under the jurisdiction of the State Committee of Standardization, Metrology and Certification and regulated by national standards - GOST 3935-2000 «Cigarettes. General technical requirements». When a new brand of tobacco product is launched, the State Committee of Standardization, Metrology and Certification should receive a declaration on the content, and emissions of that brand and, subsequently, the state authority should test samples of the product in its laboratories for the compliance with GOST. Upon completion of the tests, the producer receives the certificate that allows producing and selling the new product¹⁰. After adoption of the new tobacco products Technical Regulations within the Customs Union the State Standardization Committee will continue being the implementation authority for the Article.

Article 10: Regulation of tobacco product disclosures

Article 10 requires each Party to “*adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce*”.

The Minister of Health may request information from manufacturers and importers on the ingredients and design of tobacco products. Manufacturers and importers of tobacco products must disclose the contents and emissions of their tobacco products to government authorities upon such a

¹⁰ According to the information provided by the State Committee of Standardization, Metrology and Certification during the stakeholder meeting, there are 265 declarations registered by the Committee by this time.

request. The mission learned though that Ministry of Health did not submit such requests in the past few years.

The new comprehensive tobacco control draft law (Article 13) includes general provisions regarding tobacco products content regulations, misleading information and regular reporting. However, this article is only partially in line with Article 9 and 10 of the FCTC.

Currently, in the development of the Technical Regulation "Technical Regulations on Tobacco Products» there was developed a draft document, that had passed the procedure of public discussion.

Gaps -

1. No regular testing or measuring of the content and emissions of the tobacco products is taking place;
2. Information on the contents and emissions of tobacco products is not available to the public in open source.
3. Even the new draft law is only partially in line with the Articles 9 and 10.
4. Disclosure of ingredients is only required when a new product (brand) is launched or based on the request of the government authorities.

It is recommended that the Republic of Belarus strengthen the existing system of the content and emission control of tobacco products by specifying intervals for the compulsory reporting to the authorities and requiring the tobacco manufactures to provide the purpose of the use of each ingredient in accordance to WHO FCTC Article 9 and Guidelines.

It is recommended that also disclosure of ingredients the Republic of Belarus strengthen the existing system of the disclosure of content, ingredients and emission of tobacco products, specify intervals for the compulsory reporting to the authorities and require online publications of the content and emission of tobacco products on the websites of the relevant authorities (MoH) in accordance to WHO FCTC Article 10 and Guidelines.

It is recommended to include such regulations into the new comprehensive tobacco control draft law developed and promoted by the Ministry of Health.

The Convention Secretariat and WHO/EURO affirmed its commitment to facilitate exchanges of expertise and experiences from other Parties on regulation of tobacco products. RIP was also discussed during the stakeholder meeting with the State Fire Safety Inspection that expressed deep interest in learning more about the cigarettes with lower ignition propensity (LIP) and the progress towards the implementing of the LIP standards in EU. The Convention Secretariat also indicated the support of this issue obliging to provide more information through WHO country office.

Article 11: Packaging and labelling of tobacco products

Article 11 requires each Party “within a period of three years after entry into force of the Convention for the Party to adopt and implement... effective measures” on packaging and labelling of to-

bacco products.

According to the provisions of the Article 13 of the Presidential Decree No.28 of 2002, health warnings on tobacco packaging in the Republic of Belarus, occupy 30% of the principle display areas. The packaging rules do not require pictures or pictograms, nor is there a law mandating that the warnings should be rotated or be placed at the top of the principle display area of the package. Therefore, the Republic of Belarus meets the only minimum requirements of Article 11 of the WHO FCTC (see the picture below as of September 1, 2015)



The requirement of the annual rotation of health warnings is part of the legislation. According to the State Standard No. 4 BY* GOST 3935-2000 "CIGARETTES", introduced by Decree of the State Standard of the Republic of Belarus on 24.12.2008 № 64 «text message on the dangers of smoking is applied in accordance with the following rules: main inscription on the dangers of smoking is applied on the larger side of the pack (box) «Smoking - the cause of heart disease and cancer»; other inscription is applied on the other side of the larger packs (box): «Smoking contributes to the development of impotence and infertility of women», «Smoking - the cause of heart attacks and strokes», «Smoking - is a heavy addiction. Do not start smoking», «Smokers die younger», «Protect children from tobacco smoke»; each of the additional warnings about the dangers of smoking should to be applied to a roughly equal number of units of one type of consumer packaging of cigarettes issued by the manufacturer in circulation during the calendar year;

The mission learned that according to the recently adopted Eurasia Economic Union's «Technical Regulations for Tobacco Products TP TC 035/2014»¹¹ new pictorial health warnings will be introduced by the end of next year to cover 50% of the main surface areas (both sides) of tobacco packages in the Republic of Belarus. Placing information about the tar and nicotine content on packs will be banned according to the new regulations. Relevant by-laws should be developed as soon as possible to operationalize the Technical Regulations in 2016. The Ministry of Health's forecast is that new packs with health warnings will start appearing in the Republic of Belarus by the end of 2016.

As for the enforcement procedures - tobacco manufacturers and importers may opt to send their packaging to the State Standardization Committee of the Republic Belarus for pre-assessment of compliance prior to shipping the product for sale. The cost for the pre-assessment is borne by the manufacturer or importer. The Committee, which is responsible for enforcing the labelling require-

¹¹ <http://www.qgc.ru/informations/techreglament/detail.php?ID=1220>

ments of the Regulations, also conducts spot checks at point of entry of product into the Republic of Belarus and at points of sale.

Gaps -

1. The Republic of Belarus so far met minimum requirements of Article 11 with 30% text message warning on both sides of cigarette packs.
2. There is no requirement for health warning rotation.
3. By-laws to the implementation of the newly adopted technical regulations have not been developed and adopted yet.

It is therefore recommended that the Republic of Belarus advocate for the relevant and in-time development of all necessary by-laws with the countries of the Eurasian Economic Union to operationalize the Technical Regulations in 2016 as early as possible.

In support of the Government's efforts to implement Article 11 and the guidelines for its implementation, the Convention Secretariat is committed to facilitating provision of expertise and technical support upon request from the Government.

Article 12: Education, communication, training and public awareness

Article 12 requires that “each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote” education, communication and public awareness about the health, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke, the benefits of tobacco cessation and tobacco-free lifestyles as well as training to all concerned professionals and persons and public access to information on the tobacco industry.

There are a number of communication programmes implemented by several state actors funded by the state budget and mainly coordinated by the Ministry of Health. These campaigns are primarily focused on tobacco related harm and cessation of tobacco use. There is no coverage of social, economic and environment consequences of tobacco use, or the interference by the tobacco industry.

The Ministry of Health has engaged in occasional general tobacco awareness campaigns, usually organized around World No Tobacco Day (May 30) and International No Smoking Day. A recent campaign, entitled “Belarus against tobacco”, occurred from on May 11 - 31, 2015 was also focused on World No Tobacco Day.

The Ministry of Health promotes various aspects of the Public Health (Tobacco Control) Regulations to the public through outreach to stakeholders and through earned and paid media. Based on information received from the Ministry of Health representatives all materials within the campaigns are pre-tested on the target audience. Some of the campaigns received a secured airtime on national TV (not prime time though) and placement on radio. The mission also revealed that many anti-tobacco-related materials (leaflets, posters) were placed in public places and government institutions - airports, hotels, and administrative buildings. At the same time, all these materials were very diverse, lacked the coordinated set of key messages. At the same time, the mission was informed that, for example, all communications of key specialists with mass media were coordinated with the

spokesperson of the Ministry of Health of the Republic of Belarus, and all heads of departments prepared coordinated press releases to the events such as May 31 and the third Thursday of November. It is worth mentioning that the government has funded all these campaigns.

Information about the dangers of tobacco use for the human body is also included and highlighted in the secondary school curriculum as part of the lessons on “Safety Living”.

Gaps -

1. There is a lack of coordination among different stakeholders that conduct media campaigns or disseminated materials.
2. There is a lack of systematic evaluation of the effectiveness of education and communication programmes aimed at raising awareness of tobacco control issues.
3. There is a need for a systemic approach in integrating tobacco control with formal education curriculum at all level of primary, secondary and technical education.

It is therefore recommended to continue raising public awareness on the dangers of tobacco use in a more systemic and coordinated manner. The impact of the information and outreach activities should be evaluated in order to achieve better outcomes. Tobacco control should be integrated with school programmes for all grades, and in teacher training. International cooperation may be useful to ensure that rigorous, systematic and objective methods are used in designing and implementing these programmes.

In support of the Government’s efforts to implement Article 12 and the guidelines for its implementation, the Convention Secretariat is committed to facilitating provision of expertise and technical support upon request from the Government.

Article 13: Tobacco advertising, promotion and sponsorship

Article 13.1 of the Convention notes that the Parties “*recognize that a comprehensive ban on advertising, promoting and sponsorship would reduce the consumption of tobacco products*”.

Article 13.2 of the Convention requires each Party “*in accordance with its constitution or constitutional principles, to undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21*”.

There is a comprehensive ban on tobacco advertising, promotion and sponsorship in place. All forms of tobacco advertising in the Republic of Belarus are regulated by the Law «On Advertising» of 2007. In particular Article 17, section 3 that reads: «*Prohibited: placement (distribution) of tobacco advertising, free distribution of tobacco products, including use as prizes (gifts) during the contests, lotteries, games, other sports games, promotional, cultural, educational and sports events, betting and offering citizens who buy tobacco products or presents proof of such purchases, goods*

or rights to participate in contests, sweepstakes, games and other gaming and advertising activities».

In addition, recently adopted ban on display of tobacco products at point of sale was introduced from July 1, 2015 by the Decision of Council of Ministries #393 and Amendments to the Presidential Decree #28 of 2002. This Decree also bans tobacco product sales and display on domestic Internet sites. The ban also covers brand stretching, products that imitate the cigarettes, using the names or the brands of the tobacco products in the names for other goods, including the whole and retail sale of such products. Such legislative novelties are considered as a definite progress towards eliminating all forms of tobacco marketing and promotion in the Republic of Belarus.

The recently adopted new Technical Regulations of tobacco products of the Eurasia Economic Union ban the sale of the products that imitate tobacco products, the use of tobacco products' names in the names for other products and ban the use of insets in the tobacco packs. These regulations should come into effect in 2016 and will constitute progress in applying Article 13 of the Convention.

However, neither the 2007 Law nor the 2015 amendments to the Decree prohibit contributions from tobacco companies to any other entity for "socially responsible causes" or other activities under the umbrella of "corporate social responsibility" by the tobacco industry, or cover cross-border advertising or sponsorship originating from the Republic Belarus. The mission revealed a common practice of tobacco industry sponsoring cultural institutions such as museums and exhibitions. Also direct advertising could be found in magazines usually imported from the Russian Federation.

The total advertising, promotion and sponsorship ban is reiterated by the draft comprehensive tobacco control legislation (Article 15) that is being reviewed by the President Administration. In case the law is adopted in 2016 - 2017, all mentioned loopholes will be closed by its provisions.

The duty of enforcement of the control over existing tobacco regulations is with the Ministry of Trade's Department for Consumers' Rights Protection and Advertising. This authority has a well-developed network on the regional level. The department informed the mission that there is high compliance with the advertising regulations and have not provided any data on it.

Gaps -

1. Tobacco companies may sponsor international events or activities and/or participants therein, and present this as part of their «social responsibility»;
2. Trans-border tobacco advertising in print media still exists.

Article 13.5 encourages Parties "to implement measures beyond the obligations set out in paragraph 4". The paragraph 4 lists all types of tobacco advertising, promotion and sponsorship that should be banned according to this Article.

The Republic of Belarus has not implemented any measures beyond the obligations set out in paragraph 4.

Article 13.6 also underlines that Parties “*shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising*”.

The mission did not reveal any cross-border advertising aspect of the Internet that is also difficult to regulate.

Article 13.7 reaffirms Parties’ «*sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law*”.

The mission was informed that tobacco advertising is present in print media imported from the Russian Federation. At the same time all types of tobacco advertising is prohibited in print media without exceptions. Therefore, it is unclear so far how tobacco advertising is present in the imported magazines.

Gaps -

1. The Republic of Belarus does not impose penalties for cross-border advertising equal to those applicable to domestic advertising, promotion and sponsorship originating in the Republic of Belarus in accordance with national law.

It is therefore recommended that the Government of the Republic of Belarus further strengthen its ban on tobacco advertising, promotion and sponsorship to achieve a full prohibition of all contributions from the tobacco industry and importers in the form of “socially responsible” activities, and on cross-border tobacco advertising, promotion and sponsorship entering into and originating from its territory (by adopting the draft of comprehensive tobacco control law).

It is also recommended that the Government increase the compliance level of the existing tobacco advertising and promotion legislation ban by strengthening capacity of the enforcement institutions and monitoring the compliance with the new display ban.

Article 14: Measures concerning tobacco dependence and cessation

Article 14.1 requires each Party to “*develop and disseminate appropriate, comprehensive and integrated guidelines [concerning tobacco dependence and cessation] based on scientific evidence and best practices... [and] take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence*”.

In 2014, the Ministry of Health of the Republic of Belarus together with the WHO office developed, approved and disseminated the smoking cessation Guidelines as part of the Guidelines for the diagnosis of respiratory diseases.

Being approved by the Ministry of health, the Guidelines were distributed to primary health care doctors. Information on tobacco cessation programmes is available to the public on the website of the Ministry of Health (<http://minzdrav.gov.by/>).

Article 14.2 stipulates that to achieve the end outlined in Article 14.1, “*each Party shall endeavour to*” implement effective tobacco cessation programmes aimed at promoting the cessation of tobacco use, include diagnosis and treatment of tobacco dependence and counseling services on cessation of tobacco use in national health and education programmes, establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence, and ensure the accessibility and affordability of treatment for tobacco dependence.

The mission concludes that some fragmental forms (smoking cessation Guidelines for the primary health care doctors as part of the Guidelines for respiratory diseases diagnostics and treatment) of the tobacco dependence treatment is incorporated into the primary health care system, and tobacco dependence treatment is included in the curricula of medical professionals to ensure that all health workers are trained in tobacco dependence treatment. Specialists in this sphere include the Republican Scientific and Practical Centre for Mental Health in the Republic of Belarus, rehabilitation centres, private medical centres, and private specialists with partial public funding. The mission also learned that provisions on tobacco-dependence treatment and counseling services are included in national tobacco-control strategies, plans and programmes. Such provision also exists in the new comprehensive legislation draft (Article 16).

Pharmaceutical products to treat tobacco dependence are available in pharmacies over the counter. However, these pharmaceuticals are not reimbursed and the National Health Fund does not include compensation for tobacco dependence. National media campaigns also emphasize the importance of quitting smoking, provide information on the telephone lines and addresses of the health institutions (State Institution «RNPT of the psychologic health», narkodispensers), that may offer help on smoking cessation, and there are cessation programmes specially designed for under aged girls and young women, women, and pregnant women. Some pilot smoking cessation programmes were also implemented at schools.

However, the Republic of Belarus does not offer a national telephone quitlines as part of its cessation programs.

Gaps –

1. There is no comprehensive smoking cessation programme that unites different activities recommended by Article 14 of the Convention and the related Guidelines and there is no available information on the progress, monitoring and evaluation of the national cessation programme.
2. There is no national helpline for smoking cessation.
3. Pharmaceutical products for treatment of tobacco dependence are available, but not free of charge.

It is therefore recommended that the Republic of Belarus should facilitate accessibility and affordability of pharmaceutical products for treatment of tobacco dependence, including if appro-

priate, by collaborating with other Parties in the region. It is also very important to establish a national quit line, preferably toll-free that should also be placed on packs of cigarettes. It is recommended to include this provision into the Action plan of the development new State Programme «People's Health and Demographic Safety 2016 - 2020», and to incorporate tobacco dependence treatment into the curriculum of medical, dental, nursing and pharmacy schools/universities.

Article 15: Illicit trade in tobacco products

In Article 15 of the Convention the “*Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to sub-regional, regional and global agreements, are essential components of tobacco control*”.

Measures to combat illicit trade are regulated under several obligations under Article 15 of the Convention.

There is no tracking and tracing system in the Republic of Belarus and no requirement that tobacco products for retail and wholesale use sold on the domestic market carry the statement: “Sales only allowed in ...” or carry any other information indicating the final destination of the product.

However, according to the Articles 14-21 of the Presidential Decree #28 it is required of all unit packets and packages of tobacco products and outside packaging of such products to have the information of the product origin. This information is derived from the bar code on the unit packets and packages of tobacco products and partially from the excise stamp.

In addition, in accordance with Article 3 of the Presidential Decree # 28 wholesale, retail trade of tobacco products, storage (as business activity) could be carried out by legal entities and individual entrepreneurs in the mandatory availability of the serviceable instrument for the authentication of excise stamps of the Republic of Belarus (hereinafter - excise stamp) and (or) special stamps. Legal entities and individual entrepreneurs engaged in wholesale and (or) retail sale of tobacco products are obliged to ensure the authentication of excise and (or) special stamps on tobacco products sold by them or their structural divisions (objects of trade and public catering), and are responsible for the authenticity of these brands.

In accordance with Article 11 of the Decree all the equipment for the production of tobacco products is subject to state registration in the manner determined by the Council of Ministers and must be equipped with serviceable meters of finished products that have passed state tests (included in the State Register of measuring instruments of the Republic of Belarus) or metrological certification.

In Belarus, there are requirements to monitor and collect data on cross-border trade in tobacco products, including illicit trade, and responsible government agencies (the Customs Service and the Ministry of the Interior). Appropriate penalties and fines applicable to combat illicit trade in tobacco products, including counterfeit and contraband cigarettes. Thus, in accordance with Articles

12.23. - 12.26. The Code of Administrative Offenses, there is a gradation of penalties for the offense in this area. In addition, the proceeds derived from illicit trade in tobacco products may be confiscated, however, requires that confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco illicit trade are destroyed. The Republic of Belarus has taken measures to monitor, document and control the storage and distribution of tobacco products, stored or transported after the payment of taxes or fees. Belarus also promotes cooperation between national agencies and relevant regional and international intergovernmental organizations in investigations, prosecutions and proceedings with a view to eliminating illicit trade in tobacco products. In Belarus, there are strict requirements for the licensing of the production of and trade in tobacco products in order to prevent illicit trade.

Table 5. Summary of measures taken against the illegal trade in tobacco products in the Republic of Belarus

Parts of Art. 15	Content	Compliance level	Comments and Gaps
2	Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products are marked to assist Parties in determining the origin of tobacco products	Compliant	In accordance with Articles 14-21 of Presidential Decree number 28, there are certain requirements for the labeling of packages of tobacco products with excise stamps and information about the origin of products.
2(a) and 3	requires that all unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: "Sales only allowed in (insert name of the country, subnational, regional or federal unit) "or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market.	Obligations partially fulfilled - labels on packages "Sales only allowed in the Republic of Belarus", product information could be read from barcode and the excise stamp.	Articles 14-21 of Presidential Decree number 28 regulate this sphere partially
2(b) and 3	consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade	Obligation is completed	import and export through customs can be traced, there is also a requirement for the retailer to have the presence of devices for authentication of excise stamps
4(a)	monitor and collect data on cross-border trade in tobacco products, including illicit trade, and, where appropriate, exchange information among customs, tax and other authorities in accordance with national law and applicable bilateral or multilateral agreements	The obligation is partially fulfilled	The data on international trade collected. Information about the total amount, without mentioning the individual representatives of importers and exporters are not available to the public

4(b)	enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in tobacco products, including counterfeit and contraband cigarettes	The obligation is partially fulfilled	Fines amounting to 9000000 BYR (about EUR 45) may be imposed in accordance with the Administrative Code for the smuggling of cigarettes into the territory of the Republic of Belarus
4(c)	take the necessary steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using, where feasible, environmentally friendly methods, or disposed of in accordance with domestic law	The obligation is not met	Under the law, illegal tobacco products are confiscated, but not destroyed. By the courts decision of the confiscated goods are transferred to the state
4(d)	adopt and implement measures to monitor, document and control the storage and distribution or moving under suspension of taxes or duties of tobacco products within its jurisdiction	The obligation is fulfilled	Articles 14-21 of Presidential Decree number 28 regulate this sphere fully
4(e)	shall take the necessary measures to enable the confiscation of proceeds derived from illicit trade in tobacco products	The obligation is partially fulfilled	Measures of administrative law are resolved by the courts
6	Parties, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations to the extent that it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Particular attention is paid to cooperation at the regional and sub regional levels to combat illicit trade in tobacco products.	The obligation is fulfilled	Republic of Belarus - a member of the Commonwealth of Independent States agreements for cooperation in customs control, as well as a member of the World Customs Organization
7	Each Party shall endeavor to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade	The obligation is fulfilled	Importers and sellers of tobacco products need to be licensed. Licensing rules governed by Articles 14-21 of Presidential Decree number 28, and in recent years tightened

Gaps -

1. There is no tracking and tracing system implemented.
2. Illicit cigarettes are increasingly originating from the Republic of Belarus. Although these cigarettes are produced legally, they are being produced in quantities greatly exceeding the local demand and are being smuggled to many countries of Eastern Europe¹².

¹² An article in newspaper "Day" on <http://www.day.kiev.ua/uk/article/ekonomika/kudy-znykayut-cygarky> reads that in 2014, according to Belarusian statistics committee, 3.5 billion cigarettes were exported in Ukraine for the amount of

It is recommended that the Republic of Belarus establish an effective tracking and tracing system for tobacco products to secure the distribution system and facilitate the investigation of illicit trade, as early as possible and irrespective of progress towards accession to the Illicit Trade Protocol.

The Republic of Belarus should consider the ratification the Protocol to Eliminate the Illicit Trade in Tobacco Products. The Ministry of Health should take the lead in raising awareness about the Protocol.

The Convention Secretariat is available to facilitate the ratification of the Protocol and taking any practical steps in combating illicit trade in tobacco products.

Article 16: Sales to and by minors

Article 16 requires “measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen.”

In accordance with Article 31 of Presidential Decree # 28, there are a number of restrictions regarding the sale and trade of tobacco products to citizens under 18 years. Thus, the retail sale of tobacco products is prohibited:

- with vending machines and other electronic devices; at sports facilities and on their territories; in dietary canteens and children's cafe;
- in trade organizations and their departments and sections for selling goods for children and teenagers;
- in the premises of educational organizations, health care organizations (except of specially designated places in sanatoriums for adults and for children);
- in cultural-entertainment and informational institutions.

In addition, Article 32 of the Decree prohibits the sale of tobacco products to citizens (and citizens) of the Republic of Belarus, foreign nationals and stateless persons under the age of 18. At the same time, the mission found out that the cigarettes are sold, for example, in office supply stores, including school supplies, as well as bookstores.

Article 16.1.(a) requires Parties to ensure that “all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, [to] request that each tobacco purchaser provide appropriate evidence of having reached full legal age”.

33.7 million dollars, however only 0.316 million cigarettes worth 9,200 dollars legally crossed the Ukrainian boarder (according to State statistics department of Ukraine).

In Belarus Republic there are requirements on the legislative level for sellers of tobacco products to post signs regarding the prohibition of tobacco sales to minors. There is also a total ban on display of tobacco products at points of sale, and self-service is not available.

Violation by individual entrepreneurs or by official responsible persons the rules for sales of tobacco products in retail trade in places where, in accordance with the legislative acts it is prohibited, or in the retail trade in tobacco products from public consumer packages, on weight, or by sticks (except of cigars and cigarillos in the individual packaging), as well as the sale of tobacco products to minors, punishable by a fine in the amount of twenty to fifty base units in accordance with Article 12.26 p. 4 of the Administrative Code of Belarus.

Article 16.1. (b) Requires Parties to “*ban the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;*”

It is required for sellers of tobacco products to request that the purchaser provide appropriate evidence of having reached the full legal age of 18.

Article 16.1(c) requires Parties to prohibit “*the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors*”.

According to recent amendments to the legislation, which came into effect as of 1 July 2015, sales of products that imitate tobacco products are prohibited.

Article 16.1 (d) calls on each Party to ensure “*that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors*”.

Regulations prohibit the sale of tobacco products from vending machines and promotion of tobacco products on vending machines to the public and to minors.

Article 16.3 calls on Parties to “*endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors*”.

Regulations prohibit the sale of cigarettes individually and restrict the sale of small packets by, for example, setting a minimum package size. Most cigarettes are only available in 20 packs in the Republic of Belarus.

Article 16.6 calls on Parties to “*provide penalties against sellers and distributors in order to ensure compliance.*”

The Republic of Belarus provides such penalties against sellers and distributors that are regulated by Articles 12.26 p. 4 of the Code of the Administrative Offenses of Belarus Republic.

Article 16.7 calls on Parties to “*adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.*”

It is prohibited in the Republic of Belarus to sell tobacco products by persons under the age of 18¹³.

Gaps -

1. Despite the existing ban of sale of tobacco products to and by minors, child still are finding access to tobacco products.

It is therefore recommended that the Republic of Belarus strengthen the enforcement and control on the sale of all forms of tobacco products to and by minors.

Article 17: Provision of support for economically viable alternative activities

Article 17 calls on Parties to promote, as appropriate, “*in cooperation with each other and with competent international and regional intergovernmental organizations... economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers*”.

According to the National 2014 FCTC Report, tobacco is not cultivated on the territory of the Republic of Belarus. At the same time, the mission was not informed about any programs available for workers or sellers of tobacco products as the economically viable alternatives for their current employment.

Articles 18: Protection of the environment and the health of persons

In Article 18, Parties agree to “*have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture*”.

Although tobacco is not grown in the Republic of Belarus, there are many manufacturers present in the country and they do not have policies or programmes in place to protect workers or the environment from the risks of tobacco manufacture.

Gaps –

1. There are no any measures undertaken under this Article.

It is therefore recommended that the Government implement outreach and information programmes to provide alternatives to tobacco workers (and sellers where appropriate), and to sensitize tobacco manufacturers to the risks among the environment of tobacco manufacture.

Article 19: Liability

¹³ Despite the existing ban of sale of tobacco products to and by minors, children still report being able to purchase and easily find access to tobacco products. According to Tobacco Atlas 2013, more than 57,000 children in the Republic of Belarus continue to use tobacco each day. This indicates that the enforcement of these measures needs to be strengthened.

Article 19 requires Parties to consider, for the purpose of tobacco control, “*taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate*”.

The Republic of Belarus has only partially met its obligations under Article 19 by enforcing civil liability measures for violation of tobacco control legislation.

Gaps -

1. The tobacco control legislation does not contain measures regarding criminal liability provisions for law violation.

It is recommended that the Republic of Belarus improve its tobacco control legislation to deal with criminal and administrative liability, including compensation where appropriate.

Article 20: Research, surveillance and exchange of information

Article 20 requires Parties to “*develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control*”.

Article 20. 1 (b) requires that each Party shall: “*promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in tobacco control activities, including research, implementation and evaluation*”.

The Republic of Belarus met its obligations under Article 20 by establishing a national surveillance system funded from local resources. There are gaps in this surveillance system and some information is missing, some data is not collected at all.

The Republic of Belarus on the governmental level conducts regular tobacco control surveys through the Institute of Sociology of National Academy of Sciences the Republic of Belarus.

The most recent data on tobacco use and exposure to tobacco smoke are from 2012 (Sociological Studies of the Institute of Sociology of NAS of the Republic of Belarus) that will be repeated in October – November 2015.

The annual sample survey of households in 2012 provided data on exposure to tobacco smoke. Much of the population is exposed to secondhand smoke, with more than half of the respondents reporting to be exposed to smokers in multiple places. 36.4% of respondents are exposed to secondhand smoke at public transport stops. However, the 2012 annual survey noted a decline in those exposed to secondhand smoke, decreasing by 7.8% at home, 13.2% with friends, 14.9% at work or school, 3.6% at public transport stops, 5.5% in parks, and 4.2% in cafes or bars.

There is information on tobacco-related mortality in the Republic of Belarus that reflects a figure of 15,500 tobacco related deaths every year. However, it does not coincide with international data.

According to Tobacco Atlas 2015, tobacco-caused diseases kill every year more than 24.100 people in the Republic of Belarus¹⁴.

Article 20.2 continues, “*The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke*”.

Although there is a national system for epidemiological surveillance of patterns and consequences of tobacco control, there is no national system for epidemiological surveillance of the determinants for tobacco consumption and exposure to tobacco smoke, or the social, economic, and health indicators related to tobacco consumption.

Article 20.3 underlines “*the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies*”.

The Republic of Belarus has a National Health Fund that partially supports tobacco control measures through financing of media campaigns and national surveys. UN system organizations also have projects that among other priorities raise that awareness on the issues of tobacco control.

Article 20.4 requires that Parties should “*promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry...*”

The State Department of Statistics of the Republic of Belarus (BELSTAT) provides different databases that is open for use and processing. Data collected from the sociological study provides the prevalence of tobacco smoking, the impact of tobacco on the body, the effects of legislation in the field of tobacco control and the banning of smoking in public places is available. At the same time all these databases are in different formats, different reports and sometimes fragmental.

Gaps -

1. There is limited research on the burden of disease and deaths caused by tobacco use and exposure to tobacco smoke, and no recent research on the economic costs of tobacco or on the costs and benefits of tobacco control measures.
2. There is no surveillance and research on the tobacco industry and its activities.

¹⁴ As reported in 2013, according to the medical certificates of death, there were 316 deaths caused by malignant neoplasm of the larynx, 2.816 deaths caused by malignant neoplasm of the trachea, bronchus and lung, and 66.208 deaths caused by diseases of the circulatory system. It should also be mentioned that a STEPS survey is planned for later this year which will provide further baseline data to inform evidence-based decisions in the field of tobacco control. According to the Ministry of Health website the annual data on deaths caused by diseases of the circulatory system shows that, there is a considerable decrease (by 15%) of death rates since 2005. Thus in 2005 there were 820 deaths per every 100 000 of population, and in 2013 the data says this figure was 699.9. Data on average life expectancy also available from MoH website demonstrates a positive increasing trend. Thus, the average life expectancy among men increased from 62.9 years in 2005 to 67.3 in 2013. The average life expectancy among men increased from 75.1 years in 2005 to 77.9 in 2013.

It is therefore recommended that the Government of the Republic of Belarus: (i) ensure the regular and timely collection of data on tobacco use and exposure to tobacco smoke in the national household surveys and other relevant surveys so that trends can be monitored¹⁵; (ii) conduct economic analysis of the costs of tobacco use, and of the costs and benefits of tobacco control measures, including analysis of price and income elasticity for consumption of tobacco products and expansion of research on the burden of tobacco-caused death and disease; (iii) conduct monitoring of and research on the tobacco industry and its activities; (iv) develop a surveillance system to monitor tobacco sales, imports and exports in order to assess the size of the legal and illegal tobacco market.

In support of the Government's effort to strengthen research and surveillance, the Convention Secretariat together with the WHO Regional and Country Office are committed to facilitating provision of expertise and technical support.

Article 21: Reporting and exchange of information

Article 21 requires each Party to “submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention”.

The Republic of Belarus has met its obligations under Article 21 by submitting national report in 2014.

As the COP established a new two-year cycle of Parties' implementation reports starting from 2012 with a deadline of submission six months prior to each COP session, it is recommended that the Government start the preparation of the next report well in advance (in 2015/2016) to meet the deadline in 2016 and thereafter, and to ensure complete and accurate reports. It is also recommended that the relevant Government departments contribute to the preparation of country reports by providing data as requested in the reporting instrument of the WHO FCTC in a timely manner.¹⁶

Article 22: Cooperation in the scientific, technical, and legal fields and provision of related expertise

¹⁵ For suggested indicators to be incorporated in household surveys, please see the WHO FCTC Indicator Compendium, available at: <http://www.who.int/fctc/reporting/Compendium/>. For concrete questions concerning these indicators, please see the publication of WHO promoting a limited subset of standardized questions from the Global Adult Tobacco Survey, the tobacco questions for surveys (TQS), available at: <http://www.who.int/tobacco/publications/surveillance/tqs/>.

¹⁶ One of the approaches found efficient in other countries is to coordinate with the government agencies and other stakeholders who have the necessary information to contribute with to the preparation of the national implementation report, for example through requesting initiation of data collection by such entities in a circular note sent by the Ministry of Health focal point and later, once data have been collected by the relevant entities, to organize a meeting for the finalization of the implementation report.

Article 22 requires that Parties “*shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national tobacco control strategies, plans and programmes*”.

Over the last ten years, with the support of the UN Country Team (UNCT) the Government of the Republic of Belarus has taken significant steps to scale up the response to NCDs including tobacco control provisions. In order to ensure the complete implementation and monitoring progress of the FCTC, the Government of the Republic of Belarus works closely with the UNCT (including WHO, UNDP, UNFPA, UNICEF, UNECE and UNESCO). FCTC implementation contributes strongly to the efforts of the government and the UNCT to strengthen the NCDs response. This FCTC assessment mission builds on the outcomes of previous work and the key recommendations of the Joint Interagency NCDs Assessment mission conducted to the Republic of Belarus in July 2014.

The UNCT members have on-going projects and activities contributing to FCTC implementation and tobacco control. UNICEF is scaling up the “Child Friendly Cities” Initiative, facilitating the creation of conducive environments for children’s development and participation, enhancing effectiveness of local planning and budgeting, and promoting inter-sectorial cooperation at all levels. Special attention is placed on healthy lifestyle promotion, including information related to harmful use of tobacco products. UNFPA and UNICEF are also working on a joint initiative “Responsible Parenting”, focusing on secondary school students and women of reproductive age as primary target groups. The initiative includes specially designed curricula on healthy lifestyle¹⁷ and risky behaviour taught at secondary schools. Under the umbrella of an inter-sectorial approach, an initiative on gender-based violence also integrates increasing awareness on the impacts of harmful use of tobacco products. UNODC currently doesn’t have specific programming on tobacco control contributing to the implementation of the FCTC, however tobacco consumption may be considered a “gateway” to the further use of drugs and hence there is strong interest to support relevant activities of the UNCT. The BELMED project funded by the EU can be considered a concrete example of coordination and joint action of the UNCT to address issues around NCDs (including specific activities on tobacco control and impacting on FCTC implementation). Project implementation will start in October 2015 and will run till the end of 2019 with three strategic entry points for contribution to FCTC implementation and providing a policy dialogue platform.

The United Nations Development Assistance Framework (UNDAF) is the strategic framework for country programming priorities jointly agreed upon between governments and the UN system. At its fourth session, in decision FCTC/COP 4 (17) the Conference of the Parties (COP) fully acknowledged the importance of implementing the Convention under the UNDAFs as a strategic approach to ensure long-term sustainable implementation and monitoring of progress for countries. The decision encourages countries to utilize the opportunities for assistance under the UNDAF and

¹⁷ Healthy lifestyle promotion covers - health promotion and NCDs risk factor reduction (tobacco, alcohol, unhealthy diet, and physical inactivity)

requests the Convention Secretariat to actively work with UN agencies on the ground, in order to strengthen implementation of the Convention at country level. The current UNDAF (2011-2015) in the Republic of Belarus includes work on NCDs prevention and control (including tobacco consumption as a risk factor) under priority area of cooperation “Assistance for strengthening the national health care system”. The new UNDAF (2016-2020), currently in the process of finalization and approval, integrates NCDs and tobacco control (including FCTC implementation) under the priority thematic area of “Sustainable Human Capital Development: Health, Education, Social Inclusion and Protection”.

Tobacco control (including FCTC) implementation is an integral part of discussions around the Post-2015 agenda and is to be included under Goal 3 “Ensure healthy lives and promote well-being for all at all ages” when approved at the Sustainable Development Summit in New York, 25-27 September 2015.

The Republic of Belarus has also received technical support from the WHO country office¹⁸, International Union against Tuberculosis and Lung Disease, the World Lung Foundation and the Bloomberg Foundation.

Gaps -

1. Supporting implementation of the FCTC has not been highlighted as a priority in the current UNDAF.

It is therefore recommended that the Ministry of Health ensure that supporting implementation of the Convention is included in the next UNDAF. It is further recommended that the Government of the Republic of Belarus actively seek opportunities to cooperate with other Parties, competent international organizations and development partners present in the country to support implementation of the Convention.

Article 26: Financial resources

In Article 26, Parties recognize “the important role that financial resources play in achieving the objective of this Convention”. Furthermore, Article 26.2 calls on each Party to “provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes”.

As mentioned above the Republic of Belarus provides funding for the tobacco control activities such as media campaigns, national surveys and salaries for staff annually. There is no separate budget line for the tobacco control thought and therefore there is no information about annual expenditures on tobacco control from the government.

¹⁸ In particular WHO provided technical and financial assistance in preparation and drafting of the smoking cessation Guidelines, analysis of the comprehensive tobacco control draft law developed by the Ministry of Health and other types of assistance.

Gaps –

1. There is an overall lack of resources to conduct tobacco control activities in order to promote further implementation of the WHO FCTC in specific areas (e.g. hot-line service, information campaign etc).

It is therefore recommended that the Government, in collaboration with civil society, explore options for sustainable financing mechanisms to support implementation of the Convention, including additional staff time dedicated to tobacco control. Options include:

1. *Increasing tobacco taxes and allocating a portion of the increased revenues to support implementation of the Convention.*
2. *Increasing the proportion of tobacco taxes allocated to the National Health Fund and, once collected, increasing the proportion of these funds allocated to tobacco control.*

Article 26.3 requires Parties to “promote, as appropriate, the utilization of bilateral, regional, sub-regional and other multilateral channels to provide funding for the development and strengthening of multi-sectorial comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition”.

It is recommended in line with Article 26.3 of the Convention that the Government of Republic of Belarus seeks assistance from development partners and promote the inclusion of implementation of the Convention in bilateral and multilateral agreements and action plans developed with these agencies.

Article 26.3 specifically points out “economically viable alternatives to tobacco production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development”.

Implementation of this Article is not relevant to the Republic of Belarus.

ANNEX

List of Government agencies and their representatives, legislative bodies, members of the international team and nongovernmental organizations participating in the joint needs assessment

Ministry of Health Team

1. **Naroychik Ludmila**, Deputy Chief Doctor of Republic Centre of Hygiene, Epidemiology and Public Health, Ministry of Health of Republic of Belarus, National Tobacco Control Coordinator.
2. **Bartman Olga**, Tobacco Control Focal Point and Coordinator for WHO FCTC implementation, Republic Centre of Hygiene, Epidemiology and Public Health, Ministry of Health of Republic of Belarus.
3. **Pronina Tatsiana**, Head of Laboratory of Children's and Adolescents Hygiene, National Scientific – Practical Centre of Hygiene, Ministry of Health of Republic of Belarus.
4. **Konorazov Ivan**, Head Narcologist, Ministry of Health of Republic of Belarus.
5. **Migal Tatiana**, Deputy Head of the Department of Medical Care, Head of the Department for Specialized Care, Ministry of Health of Republic of Belarus.

Members of the Parliament

6. **Tsetsokhj Aliksandr**, Member of the Permanent Committee on Health, Physical Culture and Youth Policy, National Assembly of the Republic of Belarus, House of Representatives.

Representatives of ministries and government institutions

7. **Yarkovich Dmitry**, Ministry of Foreign Affairs of the Republic of Belarus, the third secretary of global policy and humanitarian cooperation of the Main Department of multilateral diplomacy.
8. **Matusevich Dmitry**, Ministry of Economy of the Republic of Belarus, Head of the main department of agriculture and forestry systems, environment.
9. **Zaitseva Yulia**, the Ministry of Taxes and Duties of Belarus, chief state tax inspector of the control of excisable goods, Main Control Department of excise goods, gambling and electronic control systems.
10. **Petrakovskaya Lyudmila**, the Ministry of Trade of the Republic of Belarus, the consultant of the organization of trade and services.
11. **Borodovskii A.S.**, the Customs Committee of the Republic of Belarus.
12. **Likhomanov Ruslan**, the Ministry of Emergency Situations of the Republic of Belarus, Deputy Head of the Control and Prevention.
13. **Konoshonok Inna**, the National Statistical Committee of the Republic of Belarus, Head of the Department of Statistics in living standards and household surveys.
14. **Grishkevich Oksana**, the State Committee for Standardization of the Republic of Belarus, Head of Technical Regulation and Standardization.
15. **Petrovich Irina**, the Ministry of Education of the Republic of Belarus, Chief Specialist of Youth.
16. **Kasatkina Inna**, Office of the Belarusian Railways.
17. **Tikhonova Veronica**, the Ministry of Internal Affairs of the Republic of Belarus, the Department of Finance.

- 18. Shylovich Viktoria**, Head of International Cooperation Division, the Ministry of Finances of the Republic of Belarus.

Convention Secretariat

- 19. Dr Tibor Szilagyi**, Convention Secretariat, WHO Framework Convention on Tobacco Control.
- 20. Andrii Skipalskyi**, Temporary Consultant to WHO Framework Convention on Tobacco Control, Ukrainian Center for Tobacco Control

UN Organizations and International Bodies in the Republic of Belarus

- 1. Egor Zaitsev**, Head of Country office.
- 2. Valentin Rusovich**, National Professional Officer, Communicable diseases (tuberculosis).
- 3. Lika Gangebali**, International Consultant - Technical support to ensuring a multi-sectoral approach to addressing Non-communicable Disease (NCDs) and Health Inequalities in Eastern Europe and Central Asia, UNDP Istanbul Regional Hub.
- 4. John Macauley**, Regional HIV, Health and Development Programme Specialist, UNDP Istanbul Regional Hub.
- 5. Sanaka Samarasinha**, UN Resident Coordinator/UNDP Resident Representative.
- 6. Olga Atroshchanka**, Programme Officer, UNDP.
- 7. Vladimir Gordeiko**, National Officer, UNODC.