

**Needs Assessment
for implementation of the
WHO Framework Convention on
Tobacco Control
in the Republic of Moldova**

**Convention Secretariat
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Introduction

Ratification of the Convention by the Republic of Moldova

The WHO Framework Convention on Tobacco Control¹ is the first and only international public health treaty under the auspices of the World Health Organization. The Republic of Moldova signed the WHO FCTC on 29 June 2004 and adopted the Act No 124 of 11 May 2007 "on the ratification of the WHO FCTC"². Official ratification documents were deposited at the United Nations on 3 February 2009 and the treaty entered into force for the country on 4 May 2009.

Assessing the needs of Parties deriving from the Convention

The Convention recognizes the need to generate global action so that all countries are able to respond effectively in the implementation of the provisions of the Convention. Article 21 of the Convention calls on Parties to periodically submit to the Conference of Parties (COP) implementation reports, including any difficulties they may face during implementation of the treaty.³ Article 26 of the Convention underlines the importance that financial resources play in achieving the objectives of the treaty. The COP further directed that detailed needs assessment be done at country level, especially in developing countries and countries with economies in transition, to ensure that lower resource Parties are then supported to fully meet their obligations under the treaty.

The initiation of this process dates back to the first session of the COP (February 2006)), when it called upon developed country Parties to provide technical and financial support to developing country Parties and Parties with economies in transition (decision FCTC/COP1(13). The COP also called upon developing country Parties and Parties with economies in transition to conduct needs assessment in light of their total obligations related to the implementation of all provisions of the Convention and communicate their prioritized needs to development partners. The Convention Secretariat was further requested to assist Parties, upon request, with the conduct of needs assessments, to advise them on existing mechanisms of funding and technical assistance, and to provide information to development partners on the needs identified.

At its second session (July 2007), the COP asked the Convention Secretariat (Decision FCTC/COP2(10)) to actively seek extrabudgetary contributions specifically for the purpose of assisting Parties in need to carry out needs assessments and develop project and programme proposals for financial assistance from all available funding sources.

At its third session (November 2008), the COP adopted the workplan and budget for the current biennium of 2010–11. The workplan, inter alia, stressed the importance of assisting developing country Parties and Parties with economies in transition, strengthening coordination with international organizations, and aligning tobacco control policies at country level to promote the implementation of the Convention. Needs assessments, combined with the promotion of access to available resources, the promotion of treaty tools at country level, the transfer of expertise and technology, and south-to-south cooperation were outlined as major components of this work.

¹ Access the text of the treaty at: <http://whqlibdoc.who.int/publications/2003/9241591013.pdf> (English version) and http://whqlibdoc.who.int/publications/2003/9789244591017_rus.pdf (Russian version)

² Published in the Official Monitor No 78-81 of 8 June 2007.

³ The first implementation report of the Republic of Moldova is due on 4 May 2011.

The assessment of needs is necessary to identify the objectives to be accomplished under the WHO FCTC and resources available to a Party for the implementation and any gaps thereof. It should therefore be comprehensive and based on all substantive articles of WHO FCTC with a view to establishing a baseline of needs that a Party requires to fulfill its obligations under the Convention. The needs assessment is also expected to serve as a basis for assistance in programme and project development for meeting the obligations under the Convention, particularly to lower resource countries with the view to promoting and accelerating access to internationally available resources for implementation of the Convention.

To be comprehensive, the needs assessment is carried out in three phases: (a) initial analysis of the status, challenges and potential needs deriving from the implementation report of the Party and other available sources of information; (b) visit of an international team to the country for a joint review with government representatives representing both the health and other relevant sectors; and (c) follow up with country representatives for further details and clarifications, review of additional materials jointly identified, and the development and finalization of the needs assessment report in cooperation with the government focal point(s).

The needs assessment mission in the Republic of Moldova

With the above objectives and process in view, a joint assessment of the needs concerning the implementation of the WHO FCTC was conducted by the Convention Secretariat and the Government of the Republic of Moldova, with the participation of the WHO Representative in the Republic of Moldova, from 18 to 22 October 2010. The detailed assessment involved various relevant ministries and agencies of the Government of the Republic of Moldova and also UN organizations with offices in the country (Annex 1). The following report is based on the findings of this joint mission.

It is to be mentioned that the joint needs assessment mission followed a similar review on the transposition of the requirements of the European Union concerning tobacco control by a mission from the European Union in the Republic of Moldova. That mission reviewed implementation of two European Union directives with relevance to tobacco control (Directives 2001/37/EC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products and 2003/33/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products), as well as two recommendations of the European Council (2003/54/EC of 2 December 2002 on the prevention of smoking and on initiatives to improve tobacco control and 2009/C296/02 of 30 November 2009 on smoke-free environments). Taking into account that the European Union is also a Party to the Convention and its initiatives reflect the requirements of the treaty, the two missions resulted in parallel recommendations promoting the spirit of the treaty in strengthening tobacco control and utilizing tools and mechanisms which are also in conformity with the Convention.

This report contains a detailed overview of the status of implementation of substantive articles of the treaty and also identifies gaps therein and areas where further actions are needed to ensure full compliance with the requirements of the treaty. This is followed by specific recommendations concerning that particular area. The Executive Summary provides an overview of the joint needs assessment exercise, and an outline of key findings and recommendations.

Executive Summary

The Republic of Moldova ranks fourth among the countries of the WHO European Region based on the highest smoking prevalence rates among men, although smoking rates are still low among women. The objective of the WHO Framework Convention on Tobacco Control, to which the Republic of Moldova is a Party since 3 February 2009, is to protect present and future generations from devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke (Article 3 of the Framework Convention). The Convention also calls for the development and implementation of comprehensive multisectoral national tobacco control strategies, plans and programmes which are to be developed and implemented free from the influence of commercial and other vested interests of the tobacco industry. In line with the Government's strategies, such plans and programmes should also be aligned with the directives and recommendations of the European Union (EU) related to tobacco use and control as part of the process of the integration of the Republic of Moldova to the EU.

The needs assessment exercise, jointly undertaken by the international team and local experts, looked at the implementation of the WHO FCTC in a comprehensive and integrated manner and also considered its implementation within the broader health policy and the collaborative partnerships between the Government of the Republic of Moldova and international donor agencies. During the mission it was recognized that action in a number of areas was critical for strengthening the implementation of the WHO FCTC.

First, it was noticed that the Tobacco and Tobacco Product Act 2007⁴ creates a sound basis for implementation of certain measures required under the treaty. The requirements of this legislation, however, in many areas fall short of the obligations of the country under the treaty, with special regard to article 5 (General Obligations), Article 6 (Price and tax measures to reduce the demand for tobacco), Article 8 (Protection from exposure to tobacco smoke), Article 14 (Demand reduction measures concerning tobacco dependence and cessation), Article 15 (Illicit trade in tobacco products) as well as Article 20 (Research, surveillance and exchange of information). The need for the **legislation to be in compliance with the WHO FCTC and to also take into account the guidelines for implementation of specific articles of the treaty already adopted by the Conference of the Parties** can hardly be over emphasized.

Second, it was noticed that the level of awareness on the treaty obligations of the government branches was not adequate, therefore emphasis was given during the mission to raise awareness on the implementation of the relevant articles of the treaty among these other portfolios. It was felt that an **inter-ministerial mechanism/task force on tobacco control**, as required under the WHO FCTC (Article 5.2), was urgently needed to be established in order to coordinate with all government departments on tobacco-related matters to facilitate effective implementation of the Convention in the Republic of Moldova.

Third, national capacities and infrastructure for tobacco control need to be strengthened. Providing secure and sustainable funding for the tobacco control unit by inserting a specific line in the budget of health ministry was noticed as an urgent issue together with establishment of a dedicated focal point for tobacco control. It was felt that such a unit can be based either in the Ministry of Health or a satellite agency, such as the National Centre for Public Health provided that the latter is given the necessary authority to deal with partners in other government portfolios. Also, dedicating more staff time in other ministries and government agencies who have a role in

⁴ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=327126>

the implementation of the Convention should also be considered.

Fourth, it was recognized that while tobacco control appears as separate chapter in the National Health Plan of 2007 there is **no specific tobacco control strategy in place** developed and implemented in collaboration between all the government sectors and other sectors of the society. Such a tobacco control strategy and programme should be developed in parallel with the updating of national legislation to reflect all obligations under the WHO FCTC.

Fifth, a few **international donor agencies and development partners** (UNDP; UNICEF; UNESCO) have been identified as being active in the health and development sectors in the Republic of Moldova. It was recognized at the same time that no item relevant to tobacco control is included in any of the bilateral agreements and action plans worked out with these agencies. The Government of the Republic of Moldova may wish to take advantage of the presence of international donor agencies in the country when promoting tobacco control programmes. It should also be ensured that the forthcoming collaborative agreement with the WHO European Regional Office reflects on some specific recommendations of this report.

Sixth, implementation of the Convention under "One UN" was discussed with the resident coordinator (UNDP), and it is recommended that during the evaluation process for UN Development Assistance Framework (UNDAF) for Republic of Moldova, early next year, this issue is discussed and necessary steps taken forthwith.

Seventh, it was identified that implementation of specific requirements of the treaty varies article by article, but no full implementation was observed in any of the articles of the Convention. Gaps between treaty obligations and the achievements of the Republic of Moldova have been identified and recommendations on how to address these gaps are formulated in the current report.

As the Government of the Republic of Moldova addresses these areas, the Convention Secretariat is available to support the process of engaging potential partners and identifying internationally available resources for implementation of the Convention as well as to provide and promote other assistance that may be necessary and available to further promote the implementation based on the needs identified. This report of the joint needs assessment shall be the basis for proposals to be undertaken by the Government and be presented to relevant partners for support.

Status of implementation, achievements and challenges

This section of the report takes into account the achievements of the Republic of Moldova concerning the implementation of specific articles of the Framework Convention. Each section starts with a brief overview of the relevant requirements of the treaty, reviews the stage of implementation of this particular article by the Republic of Moldova and identifies the gaps between the requirements of the treaty and actual level of implementation by the country. It concludes with providing recommendation(s) on how to address the gap(s) identified with a view to close the gap(s) between the treaty requirements and the implementation status.

Relationship between this Convention with other agreements and legal instruments (Article 2 of the Framework Convention)

Article 2.1 of the Convention encourages Parties to implement measures beyond those required by the Convention and its protocols and that are in conformity with international law. The needs assessment team has not identified any measures which go beyond those provided for by the Convention.

Article 2.2 clarifies that the Convention does not affect the right of Parties to enter into bilateral or multi-lateral agreements on issues relevant or additional to the Convention, provided that such agreements are compatible with the Party's obligations under the Convention. Such agreements shall be communicated to the Conference of the Parties (COP) through the Convention Secretariat. No such information have been provided so far by the Republic of Moldova. **It is therefore recommended that the Government of the Republic of Moldova considers this matter and submits a report to the Convention Secretariat on any previous agreements it entered into as required by Article 2.2 of the treaty. The report on any retrospective review of such agreements can be submitted in conjunction with or as an annex to the forthcoming due report on the implementation of the Convention by the Republic of Moldova (due on 4 May 2011). Alternatively, it can also be submitted as a standalone document before this deadline. Later on, any agreements concluded after such an initial review has been conducted and submitted to the Convention Secretariat, can be reported upon/after their conclusion.**

General obligations (Article 5 of the Framework Convention)

Article 5.1

This article of the Framework Convention calls upon Parties to *"develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention"*.

The Act No 124 of 11 May 2007 "on the ratification of the WHO FCTC" required the Ministry of Economic Affairs to initiate the development of a national tobacco control strategy. The needs assessment mission, when meeting with representatives of this ministry, came to know that the ministry actually developed a draft strategy in 2008 which was discussed by the Government but no further steps were taken.⁵ Thus, no comprehensive, multisectoral, national tobacco control strategy, plan and programme has been elaborated by the Government of the Republic of Moldova so far. However, some aspects of tobacco control are included in **the National Program on Healthy Lifestyles, approved by Government Resolution No 658 of 12 June**

⁵ It was also discussed a possible relocation of this role/function to the Ministry of Health, and such as initiative would attract the agreement of officials of the economic portfolio.

2007, which provides for several measures of health education and promotion, especially in the areas of preventing the uptake of smoking among the youth and protection from exposure to tobacco smoke.

In addition, a comprehensive national health plan, **the National Policy for Health, was approved by Government Resolution No 886 of 6 August 2007**. The document contains a chapter on the "society free from smoking, alcohol and illicit drugs", which lists a few interventions to be performed in the area of tobacco control (such as preventing exposure to tobacco smoke in the workplace, in public transport and other public places (paragraph 97), prohibition of tobacco advertising, promotion and sponsorship (paragraph 98), reflecting the requirements of the WHO FCTC concerning packaging and labelling of tobacco products (paragraph 99), measures to prevent sales of tobacco products to minors (paragraph 100), public information and education to be done in collaboration with the civil society, communities, health care and educational institutions (paragraph 101) and introduction of various mechanisms to assist smokers to quit (paragraph 102). While the National Policy foresees reporting on its implementation by ministries and government authorities to the Ministry of Health and the Ministry of Health to the Government, no such implementation report was reviewed during the needs assessment mission.

While the National Policy has now been in force for more than three years, very few of its elements were actually implemented and/or enforced. The vast majority of its content elements are still to be legislated and/or their implementation strengthened to effectively counter tobacco use and prevent the uptake of tobacco by young people. There is an urgent need, therefore, for its revitalization and its reflection, along with the implementation of other treaty requirements, in the revised version of the actual tobacco control legislation (Tobacco and Tobacco Products Act of 2007, see later). Alternatively, a standalone national tobacco control action plan, as required in Article 5.1 of the Convention, should be developed to place tobacco control higher on the Government's agenda. **It would therefore be advisable that the Ministry of Health develops and implements a new standalone comprehensive tobacco control action plan, which reflect on all treaty requirements and is also in line with the 2007 National Health Policy adopted by the Government of the Republic of Moldova, containing, *inter alia*, a clear identification of functions, responsibilities, resources for its implementation and provides for efficient mechanisms to monitor the implementation.**

Article 5.2(a)

National coordinating mechanism or focal point for tobacco control

Article 5.2(a) calls for the establishment or reinforcement and financing of a national coordinating body/mechanism and nomination of a national focal point for tobacco control. In July 2010 the Vice-Director of the National Centre for Public Health was nominated by the health minister as **focal point for tobacco control** in the Republic of Moldova, but his responsibilities also cover programmes concerning other behavioural risk factors and determinants of chronic, non-communicable diseases. Implementation of treaty articles which fall under the control of other departments of the government may also require some time to be dedicated on treaty implementation in ministries other than health.

In addition to having a tobacco control focal person, consideration should also be given to the fact of establishing a **tobacco control unit** to act as coordinator of activities related to the implementation of the Convention. International experience indicates that such a unit is best placed in the health ministry or a national institute under the control of the health ministry, for

example the National Centre for Public Health. The number of full time staff should be determined by carefully assessing the needs of treaty-related activities in the forthcoming years.

The focal point indicated that so far there is no multisectoral national coordinating mechanism to act as coordinator of tobacco- and tobacco control-related activities of different ministries. Such an **intersectoral (interministerial) committee/task force on tobacco control** could be responsible, among others, for coordinating the development of and advising the government on the national tobacco control action plan, review the status and advise on future implementation of the Convention by the Republic of Moldova, monitoring the implementation of the action plan, planning and overseeing enforcement of legislative measures, etc. The membership of the task force should be intersectoral, i.e., having representatives from each government department. The unit described above can also act as secretary for the intersectoral committee/task force.

It is recommended that the position of the national tobacco control focal point be strengthened, a separate tobacco control unit within the health department or an affiliated institution be established, the terms of reference for the intersectoral coordinating mechanism for tobacco control (committee/task force) be included in national tobacco control legislation. It should also be ensured that adequate and sustainable funding is provided for their operation, preferably in the national health budget. This is the way to ensure that all actors (governmental and non-governmental) can bring their contributions to the development of implementation of a national action plan. This would be in line with one of the guiding principles of the Framework Convention (Article 4), which stipulates that *"comprehensive multisectoral measures and responses to reduce consumption of all tobacco products at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke"*.

Coordination with the civil sector

The Preamble of the Framework Convention emphasizes *"the special contribution of nongovernmental 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"*. **It is recommended that the Government identifies and invites for the participation in the committee/task force of civil society organizations working in tobacco control.** The contribution of other than government sectors to the overall tobacco control efforts of the country should be complementary, and be designed in a way to support the efforts of the government and create a receptive environment within the society for strong tobacco control measures through advocacy and awareness raising targeted at various sectors of the society.

Article 5.2(b)

Article 5.2(b) calls for *"effective legislative, executive, administrative and/or other measures ... for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke"*. Reflecting measures required by the treaty in a national act is crucial to ensure their meaningful implementation. It also allows for effective enforcement and monitoring of the implementation of required measures. The legislation should also ensure that a national infrastructure for tobacco control exists in the country, that infrastructure is sustainable and well

financed and should also require contribution from different sectors of the government to ensure implementation of all aspects of the treaty.

Act No 278 on Tobacco and Tobacco Products (hereafter Tobacco Act) was adopted on 14 December 2007 (to amend and complete Act No 386-XV of 19 July 2001) and it was proposed by the Ministry of Agriculture and Food Industry. The scopes of the legislation (Article 1.2) are multiple:

- Protection of economic interests of the state and society in the agrarian and industrial arms of tobacco, import and trade of tobacco products;
- Creation of adequate conditions for the production of non-fermented and fermented tobacco and tobacco products;
- Introduction of measures limiting consumption of tobacco products;
- Introduction of measures to prevent harmful effects of smoking on health;
- Ensuring the information of consumers on tobacco products which are to be purchased and consumed;
- Combating and control of falsification of tobacco products;
- Regulation of smoking in locals and public places.

Looking into the content of the legislation, general obligations (Chapter 1) are followed by two chapters on production and after-harvest processing of tobacco and manufacturing of tobacco products, respectively. In this sense, the legislation refers to aspects covered by Article 15 of the Convention (licensing of all activities related to tobacco production, import and trade) and Article 18 (protection of the environment in relation to tobacco growing and preventing the employment of minors and pregnant women in tobacco growing, processing and manufacturing). During the mission, the Ministry of Agriculture indicated that one of the main aims of the legislation was to prevent illicit activities related to tobacco growing, processing and manufacturing in the years when legislative intervention was needed to adequately regulate the tobacco sector. As such, Chapter 5 of the legislation refers to the scope and extent of state control in the tobacco sector, including organs authorized to control the sector and responsibilities of the different actors in the case of infringement of the legislation.

With respect to tobacco control, the 2007 legislation covers the following areas of the Framework Convention:

- Article 5 (e.g., activities concerning public information to be coordinated by the Ministry of Health with the involvement of other ministries and competent institutions, including nongovernmental organizations);
- Article 8 (e.g., restrictions on smoking in public places);
- Article 9 (e.g., measuring and regulating the content of tobacco products);
- Article 10 (e.g., disclosure of content of tobacco products to national authorities);
- Article 11 (e.g., markings on the packages of tobacco products);
- Article 12 (e.g., provision of information on the content of tobacco products to the public);
- Article 13 (e.g., relatively wide ban of tobacco advertising and promotion);
- Article 15 (e.g., regulation of tobacco trade).

While the legislation introduced important measures in compliance with some requirements of the Convention, it should be revised and completed for a full alignment with the requirements of the treaty and accompanying guidelines for implementation of specific treaty articles. In addition, separation between safeguarding the interests of the tobacco sector and measures to control

tobacco use is advisable. **It is therefore recommended, that the Government provides two separate legislative instruments in this area: one, if required, for regulating the tobacco sector and another for public health matters concerning tobacco trade and consumption as required by specific articles of the treaty.**

Article 5.3

Article 5.3 and related guidelines call for and provide guidance on how to protect public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law.

So far, there are no production facilities operated by transnational tobacco companies in the Republic of Moldova. Products of multinational tobacco companies are imported into the country (around 5-5.5 billion pieces/year).

There is only one manufacturing company (Societatea pe Actiuni Combinatul de Tutun Chisinau) in the country, with is 90% state-owned and the control over this manufacturing unit is provided by the Ministry of Agriculture and Food Industry. Actually total local production accounts for 2.8-3 billion pieces annually (the factory's capacity would allow 9 billion pieces), distributed among about 60 brands (out of which about ten are not filter-tipped). There are two companies dealing with the processing of raw tobacco, one of these is currently being privatized.

Recommendations 7 and 8 of the guidelines for implementation of Article 5.3, adopted at the third session of the Conference of the Parties in late 2008, may apply to the situation in the Republic of Moldova. The Government should ensure that no incentives, privileges and benefits (for example, tax exemptions) are provided to the tobacco industry to establish or run their businesses. State-owned tobacco industry should be treated in the same way as any other member of the tobacco industry in respect of setting and implementing tobacco control policy. For example, if any of their activities infringes any legislation in force, that should be considered in the same way as if was done by any private company.

There should also be a clear separation between the functions of participation in tobacco control policy setting (i.e., when ensuring intersectoral participation of government departments in tobacco control policy development) and overseeing and managing tobacco industry. **It is recommended that the Government takes into account the need for such separation between the duties when requiring participation of the relevant ministry in the national tobacco control committee/task force and also ensures that no representatives of the state-owned tobacco industry take part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies it establishes. The Government should also ensure, that in line with the treaty obligations, no multinational tobacco industry interest can have interference (through their local representatives) with the development of any tobacco control policy.**

Price and tax measures (Article 6 of the Framework Convention)

In Article 6.1 of the Framework Convention *"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"*. It should be ensured that government departments concerned with finance, revenue trade and customs matters as well as parliamentary committees concerned with these matters have a clear understanding of the significant importance tax and price measures play in combating the tobacco epidemic and, consequently, the role they could

play in the success of the country's overall tobacco control efforts. There is a need to raise awareness among these actors on the requirements of the treaty concerning taxation and price measures to decrease the demand for tobacco and to also promote the use of dedication of a share of the collected tobacco taxes for the purposes of securing sustainable funding for tobacco control programmes (hypothecation or earmarked tax).

Article 6.2

Taxation of tobacco products

Article 6.2(a) of the Convention stipulates that each party should take account of its national health objectives concerning tobacco control and implement tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption.

Tax structure and taxation rates

From the group of excise taxes, the Republic of Moldova only applies specific tax (determined per 1000 pieces of cigarettes or other tobacco products) on both locally produced and imported cigarettes.⁶ No import duties are applied to any imported tobacco products.

A value-added tax (VAT) of 20% is also applicable to all tobacco products.

Taking into account the information made available for analysis of tobacco (excise) taxation trends in the Republic of Moldova in the years 2000 to 2010 the following observations can be drawn:

- for cigarettes, different taxation rates apply for filter-tipped and non filter-tipped cigarettes, the rates for the latter being lower than the former;
- the calculation of tax rates in these two cases are also different, specific tax in the case of filter-tipped cigarettes also taking into account the commercial value of 1000 pieces of the product, while in the case of non filter-tipped cigarettes there is only a nominal value of 7 Moldovan Lei⁷ applied per 1000 pieces of products;
- however, if trends in the past ten years are concerned, tax rate for non filter-tipped cigarettes increased at a higher pace than that of filter-tipped products;
- tax rates for cigars and other fine tobacco products, rates are significantly higher;
- as tax increases are concerned, in the analysed period:
 - there was no tax increase in any tobacco product category between 2000 and 2003; between 2004 and 2005; between 2007 and 2008;
 - in 2010, a change was observed in the calculation of taxation rates of fine tobacco products and there were significant increases in the tax rates for all cigarette categories (filter-tipped and non filter-tipped). Actually, taxation rates are as follows:
 - filter-tipped cigarettes: 6.6 Lei + 12% of the trade value in Lei per 1000 cigarettes;
 - non filter-tipped cigarettes: 7 Lei per 1000 cigarettes;
 - cigarettes made of leaves, including cigars and fine tobacco products:

⁶ The European Union also recommends the use of a mixed excise structure, which includes both specific and ad valorem components.

⁷ 1 Moldovan Leu (MDL)=0.085 USD (2 November 2010); 1 USD=11.75 MDL

- 25% of trade value per 1000 pieces;
 - other cigarettes made of leaves, including cigars and other tobacco products containing replacements for tobacco: 10.8 Lei per 1000 pieces.
- no tax rates of any tobacco products exceeded the consumer price index (CPI) in the past years; in the years when there were any tax increases performed these remained around at the same level as the average inflation for that year.

The 2007 European Tobacco Control Report⁸ (with data referring to the year 2005) provides a comparison of total excise rates in the countries belonging to the European Region of WHO. According to the published figures, the Republic of Moldova has the lowest total excise rate for tobacco products (7.7%).⁹ If VAT is added, the total tax burden on tobacco products will also find the Republic of Moldova to rank last in this list.

In the 2010 global progress report on the implementation of the Convention eighty Parties (59% of those which submitted at least one implementation report) provided enough data (both price and taxation information) to enable a calculation of the **total tax burden** in their cigarette prices. According to these the global average of total tax burden on cigarettes is 50%.¹⁰ The Republic of Moldova reaches around half of this global average with its specific excise and VAT combined (27.7%).

Trends in tobacco taxation

This indicates that although tobacco taxes were raised a few times in the past ten years, the increases never reached not even that year's actual rate of inflation. This practice indicates that a net increase in tobacco taxes is perhaps never reached, thus this policy does not take into account the achievement of health objectives as required by article 6.2 of the Convention. **It is recommended therefore that the Republic of Moldova revisits its tobacco taxation policy for a number of reasons. First, it should be ensured that regular tax increases exceed the level of increase in CPI. Second, the tax structure worth revision to ensure better compliance with the relevant EU Directive. Third, overall tax burden on tobacco products should be significantly raised to ensure that this public health tool (tobacco tax increase) brings its contribution to the health objectives of the country concerning tobacco control.**

State revenues from tobacco taxation

In 2009, the total tax income from taxation of tobacco products (excise + VAT) reached MDL 130 million (around US\$ 11 million). Tax income more than doubled between 2004 and 2009 even with these modest tax increases (if any). Also, since 2002 tobacco tax volumes increased steadily and no regression was observed even in the years of tax increases (such as in 2004 and 2006). This indicates that tobacco tax is also a good source of income for the Government, which should be further exploited.

⁸ http://www.euro.who.int/_data/assets/pdf_file/0005/68117/E89842.pdf, page 32.

⁹ Just for the sake of comparing this figure with the relevant requirements in the European Union, here is a quote from the "COUNCIL DIRECTIVE 2010/12/EU of 16 February 2010 amending Directives 92/79/EEC, 92/80/EEC and 95/59/EC on the structure and rates of excise duty applied on manufactured tobacco and Directive 2008/118/EC": The overall excise duty (specific duty and ad *valorem* duty excluding VAT) on cigarettes shall represent at least 57 % of the weighted average retail selling price of cigarettes released for consumption. That excise duty shall not be less than EUR 64 per 1 000 cigarettes irrespective of the weighted average retail selling price.

¹⁰ http://apps.who.int/gb/fctc/PDF/cop4/FCTC_COP4_14-en.pdf, paragraph 16.

Earmarking for health

The 2010 global progress report on the implementation of the Convention indicates that thirteen of the 135 Parties which reported at least once on the implementation of the treaty reported on having introduced, as part of their tobacco tax, a so-called "earmarked" tax. This share of tobacco tax is being collected along with the excise tax but kept as a separate fund. Its use is usually regulated by legislation and it ensures secure, long-term and sustainable funding for tobacco control programmes or even broader health promotion/public health programmes/action plans. Experience with establishing such earmarked taxes comes from: Barbados, Belize, Bulgaria, Jordan, Madagascar, Marshall Islands, Panama, Republic of Korea, Romania, Serbia, Sri Lanka, Thailand and Uruguay. **It is recommended that the Government considers the introduction of such an earmarked tax on tobacco products to be used for funding the implementation of the country's tobacco control action plan, including the establishment and maintenance of the tobacco control infrastructure or, depending on the amount collected, programmes with broader public health scopes.**

Price of tobacco products

The Republic of Moldova has the lowest prices for cigarettes in Europe; they range from as low as US\$ 0.1 for the cheapest local, non-filter tipped brands to US\$ 1.5 for the most expensive imported cigarette brands. **It is desirable therefore that regular tax increases are performed at rates which would result in raising tobacco prices and thus, decreasing consumption and increasing tax volumes at the same time.**

Importations of tobacco products and duty-free sales

Article 6.2(b) requires Parties to prohibit or restrict, as appropriate, sales to and/or importations by international travellers of tax- and duty free tobacco products. The Republic of Moldova, restricting importation of tobacco products, complies in part with this requirement of the treaty. The importation of tobacco products by international travellers is limited to 200 cigarettes and 50 sticks of cigars/cigarillos per entry to the country. While there is no information available on the volume of such personal imports, it can be expected that this remains insignificant, especially taking into account the low taxes/prices for tobacco products in the country in comparison with other European countries, but also worldwide.

Tax- and duty-free sales, however, are not limited; neither the Tobacco Act or the National Health Policy provides for such measure (either prohibition or restriction). The amendment of the legislation in force would be a good opportunity to implement this requirement of the treaty. There are good international precedents and experience with the ban in duty-free sales. For example, member states of the European Community apply a complete ban on duty free sales within the EU internal market, indicating that such measure is feasible and do not require additional resource investment. Also, introduction of such a measure by the Republic of Moldova would not decrease state incomes from tobacco taxation. On the opposite, a ban on duty free sales, by diverting tax-free purchases into the taxed tobacco market, would increase the overall tax income from tobacco products, so the country's economy at large would benefit from this measure. **It is recommended therefore, that the Republic of Moldova forbids tax- and duty-free sales of tobacco products in the near future, thus increasing the volume of collected taxes from tobacco products.**

Protection from exposure to tobacco smoke (Article 8 of the Framework Convention)

In Article 8.1 of the Framework Convention *"Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability"*.

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"*.

According to the Global Youth Tobacco Survey of 2008, two out of ten students in the Republic of Moldova live in homes where they are exposed to others' tobacco smoke and almost six in ten students are exposed to tobacco smoke outside their homes. More than 90% of the students think that smoking should be banned from public places.

Article 16 of the 2007 Tobacco Act contains "restrictions for the consumption of tobacco products and prevention of harmful effects on health". The new Code of Offences, adopted on 24 October 2008 and introduced after its publication in the Government's Monitor on 16 January 2009, in its Articles 91 and 203 imposes penalties for smoking in the following places:

- in all places where there is a fire danger;
- in all educational facilities (primary, secondary, specialty, higher education), sports stadiums and other sporting areas, shops and public restaurants;
- all children's shops and cafeterias;
- in locals dedicated for non-smokers;
- in government buildings, cinemas, theatres, concert and exhibition halls, circus, museums, libraries, waiting rooms, bus stops, train stations, public transport, other public institutions, elevators, facilities/zones for leisure and rest, with the exemption of designated smoking areas. The designated smoking areas should not occupy more than 50% of the public place.

Penalties of 600 to 1,000 MDL (US\$ 60-100) shall be applied for smoking in a public place where smoking is not allowed.

Authorities controlled by the Ministry of Internal Affairs have elaborated internal rules for implementation of the 2007 Tobacco Act. In addition, based on articles 91 and 203 of the Code of Offences, these authorities have initiated sanctions and/or legal actions for the infringement of rules regulating smoking in public places, including public places where a ban of smoking applies and also in public transport facilities. In 2010 only more than 1500 cases of violation of smoking rules have been observed in different economic units and around 2000 additional cases were observed in public transport facilities. Anecdotal evidence shows, however, that the number of penalties are far outweighed by the number of violation cases which go unobserved. It should be ensured that checking compliance with smoke-free regulations should become part of daily routine of the agencies responsible for their enforcement. Previous experience of the enforcing agency should be channelled into a coordinated planning and implementation of such efforts, to increase the overall compliance of the society with already existing legislation.

It is therefore important, that as part of the revision of the 2007 Tobacco Act strong measures to ban tobacco use in public places be introduced, along with the strengthening of the enforcement authority (including increased capacity and training, if appropriate) and

introduction of proper penalties for non-compliance. It should be ensured that all workplaces and public places provide complete protection from exposure to tobacco smoke to their employees. Settings where the 2007 Tobacco Act only applies restrictions should be made completely smoke-free when revising the legislation. The guidelines for implementation of Article 8 of the Convention¹¹ can be used as resource material when drafting new legislation or planning the monitoring and enforcement of measures concerning smoke-free environments. It is to be reminded that the guidelines requires Parties to the Convention to ensure universal protection to exposure to tobacco smoke within five years of the entry into force of the Convention for the Party (May 2014 in the case of the Republic of Moldova).

Regulation of the contents of tobacco products (Article 9 of the Framework Convention)

The treaty requires Parties to regulate and provide for testing/measuring of the contents and emissions of tobacco products.

Testing and measuring and regulating the contents

As some content elements are concerned, the 2007 Tobacco Act regulates the maximum level of pesticides and other toxic substances in cigarettes. According to the legislation, limits are to be set by the Ministry of Health, and measurements be made based on international standards. However, no requirement exists in the legislation for the analysis of the content of tobacco products.

Testing and measuring emissions

The 2007 Tobacco Act stipulates that determination of emissions of smoked tobacco products (tar, nicotine and carbon-monoxide levels of cigarettes) should be done by accredited laboratories. With respect to testing/measuring, the Republic of Moldova does not have the necessary infrastructure and capacity in place to perform such testing.

Only one laboratory for testing "the quality of tobacco products" exists in the country at the Chisinau Tobacco Factory. This laboratory is accredited by the National Accreditation Authority. The Ministry of Agriculture would support the establishment of an independent and objective laboratory in an institution controlled by the Ministry of Health.

Regulating emissions

Article 10 of the 2007 Tobacco Act sets maximum levels for tar, nicotine and carbon-monoxide in tobacco products. According to the legislation, the level of these substances is going to decrease, and will reach 1 mg tar and nicotine and 10 mg carbon-monoxide by 1 January 2012. Different levels apply for cigarettes without a filter.

It is recommended that capacity should be established in the country for testing the content of tobacco products. This issue should be addressed during the revision of the national tobacco control legislation. It should also be taken into account that draft guidelines for the implementation of Articles 9 and 10 of the Convention¹² are being considered by the Conference of the Parties. Such guidelines, if adopted, may provide further guidance to the

¹¹ http://www.who.int/fctc/cop/art%208%20guidelines_russian.pdf

¹² http://apps.who.int/gb/fctc/PDF/cop4/FCTC_COP4_6-ru.pdf

Parties in implementing Articles 9 and 10.

Regulation of tobacco product disclosures (Article 10 of the Framework Convention)

The Convention requires Parties to *"adopt and implement effective ... 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"*.

Disclosure of content and emissions information to the Government

Article 12 of the 2007 Tobacco Act calls for disclosure of content information to the government and the public.

The law stipulates that by 30 May each year producers or importers of tobacco products should present to the Ministry of Health the following information:

- commercial brands and their tar, nicotine, carbon-monoxide and pesticide content, as referred to in Article 10 of the same legislation;
- list and quantity of all ingredients utilized during the production of the respective tobacco product, by brand and product type; the list should contain the ingredients in the decreasing order of their quantity;
- toxicological data owned by the producer for each of the used ingredients, with special regard to their health effects, including dependency-causing capacity.

No document containing this information was presented to the mission.

Public disclosure of information on the content

The same article of the 2007 Act requires public disclosure of the following information:

- maximum allowed content in toxic substances for the respective product (tar, nicotine, carbon-monoxide);
- results of the tests of tobacco products which can be found in the Republic of Moldova;
- other data and information, with exemption of confidential information on receipts and product formulae, which can be considered commercial secret;
- all results and toxicological data resulted from supplementary tests performed in the country on the request of the Ministry of Health cannot be considered as confidential and should be made public;
- the deadlines and modes of disclosure are to be determined by the Ministry of Health.

The legislation of the country concerning this area is quite comprehensive, but its implementation needs adequate follow-up. **It is recommended therefore that the necessary information is indeed submitted in time to the Ministry of Health and non-secret information on the respective products are made available to the public.**

Packaging and labeling of tobacco products (Article 11 of the Framework Convention)

This is one of the treaty articles bound by a deadline in implementing specific measures. The measures for which a deadline three years from the date of entry into force of the Convention for

the Party (May 2012 in the case of the Republic of Moldova) applies are given in **red** in the following table.

Article 11 of the 2007 Tobacco Act requires the implementation of several measures which also need to be implemented under the treaty. the law enters into a level of detail that it also covers two elements from the guidelines for the implementation of Article 11 of the Convention¹³, adopted by the Conference of the Parties in 2008.

Table 1 provides a comparison of the treaty requirements and the actual stage of complying with these requirements in the Republic of Moldova concerning measures on Article 11.

Table 1.

| Paragraph in Art. 11 | Content | Level of compliance | Comments |
|----------------------|---|---------------------|---|
| 1(a) | tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as “low tar”, “light”, “ultra-light”, or “mild” | Obligation met. | Article 11(9) of the 2007 Tobacco Act |
| 1(b) | each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. | Obligation met. | Article 11(2) of the 2007 Tobacco Act. The law requires both general warnings and additional warnings. There are two general warnings (smoking kills; smoking seriously harms your health and those around you). These should rotate, to ensure that each of them appears regularly, in equal time intervals. There are 12 additional warnings (Article 11(2)(e) of the 2007 Tobacco Act). The rules of their rotation is the same as in the case of the two general warnings. |
| 1(b)(i) | [The warning] shall be approved by the competent national | Obligation met. | Implied by Article 11(1) of the 2007 Tobacco Act. |

¹³ http://www.who.int/fctc/guidelines/article_11_ru.pdf

| | | | |
|-----------|--|--|--|
| | authority | | |
| 1(b)(ii) | [The warnings] shall be rotating | Obligation met. | See above. |
| 1(b)(iii) | [The warning] shall be large, clear, visible and legible | Obligation met. | There is no explicit requirement in the legislation, but requirements of Article 11(6) allow for clarity, legibility and good visibility. |
| 1(b)(iv) | [The warning] should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas | Obligation met for the 30% requirement, but should aim for 50% as per article 11.1(b)(iv) of the treaty and the guidelines. It should also be ensured that the frame is excluded from the 30% requirement. | The general warning should occupy at least 30% of the side it is printed. In addition, there is no requirement for the frame to be excluded from this 30% size of the warning itself. The additional warning is to be printed on the other main side, and should be at least 40%. |
| 1(b)(v) | [The warning] may be in the form of or include pictures or pictograms | Not yet implemented | This item is also referred to in the guidelines for implementation of Article 11 adopted by COP in 2008. |
| 2 | Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities. | Obligation met. | Since 1 January 2010, on 10% of one of the sides of the pack information should be published on tar, nicotine and carbon-monoxide emissions. |
| 3 | Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its principal language or languages. | Obligation met. | Warnings are published in the country's official language. |

The Republic of Moldova complies with the majority of time bound requirements of Article 11 of the Convention. Additional efforts need to be taken for considering inclusion of pictures or pictograms in these warnings. **It is recommended that this issue is considered during the revision of the 2007 Tobacco Act.**

Education, communication, training and public awareness (Article 12 of the Framework Convention)

The Convention requires Parties to *"promote and strengthen public awareness of tobacco control issues, using all available tools, as appropriate."*

Chapter X (paragraph 101) of the National Policy for Health stresses that "the success of

informing and educating the public in order to reduce and prevent smoking will depend on the implementation of the partnership between the civil society, communities, health care and educational institutions, through which educational programmes will be performed". Thus, the National Policy envisages well established and functioning intersectoral cooperation in this area, which could only be achieved if an inter-ministerial task force/committee is established and maintained.

The issue of communication on tobacco-related matters was considered during a number of meetings held during the mission by the international team. This indicates that various activities scattered amongst different actors are being implemented in the country, without a formal coordination among these activities. Reference to such programmes are provided below taking into account the structure of Article 12 of the treaty.

Broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke and public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles as specified in Article 14.2 (Article 12(a) and 12(b) of the Convention)

Activities aimed at increasing public awareness on such matters were presented by a number of ministries and organizations, as follows:

- the Ministry of Education reported that tobacco-related matters appear in basic and optional subjects/curricula and in various extracurricular activities, for example,
 - in both primary and secondary schools as part of curricula of the protection of the environment and health; biology; and hygiene;
 - in the curricula of "civic education" (which is aimed at empowering students and formulation of attitudes against smoking);
 - in various extracurricular activities (for example, smoke-free day is organized in school with presentations, discussions, contests and sports activities which are presented as alternatives to tobacco use in everyday life);
 - with respect to some extracurricular activities collaboration has been established with local organizations, NGOs and UN agencies;
- the Ministry of Health reports implementation of activities linked to the World No Tobacco Day each year; in addition workshops were organized in the regions for health workers and information materials on tobacco use and prevention of smoking were sent to local agencies;
- the Ministry of Internal Affairs also reported having implemented awareness raising programmes in schools, with a focus on implementation and enforcement of the legislation concerning smoking in public and sales of tobacco products to minors;
- the Ministry of Youth and Sports indicated that the law on young people also focuses on promoting healthy lifestyles among the young people. It also reported implementation of various programmes targeted at young people promoting healthy lifestyles, including smoke-free environments. The Ministry is also coordinates the establishment of a network of "youth friendly" clinics; there are 12 such establishments all over the country, which not only provide medical assistance to young people, if necessary, but also focus on health education. Finally, a television anti-tobacco campaign was implemented in 2010 by the Ministry, in collaboration with other ministries and agencies;

- UNICEF also reported promotion of health-related curricula in schools;
- during the meeting with the representative of Teleradio Moldova discussions were focused on their participation in mass media campaigns to promote smoke-free life; interest was expressed in hosting such spots and campaigns;

In summary, various government ministries implemented various programmes to promote healthy lifestyles, including smoke-free life, but is unlikely that these projects reached the society as a whole. Less focus was found on cessation of tobacco use and treatment of tobacco dependence. Overall, the function of implementing such programmes seem to be scattered among different organizations and seem not to be sustainable. Therefore, they would greatly benefit from better coordination of efforts with the same scope. At the same time, ministries met during the mission indicated that they would appreciate the establishment of an intersectoral committee/task force for tobacco control which may bring synergy and harmonization among these scattered efforts. **It is recommended therefore that the future intersectoral committee/task force takes the leadership in coordinating, monitoring and evaluating projects aimed at raising public awareness on tobacco-related matters, such coordination being expected to also increase cost-efficiency of these initiatives.**

Public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention (Article 12(a) of the Convention)

No such programmes were brought to the attention of the mission. **It is recommended that this matter is reflected in the messages employed by various communication programmes, in conformity with the guidelines for implementation of Articles 5.3 and 12 of the Convention.**

Effective and appropriate training or sensitization and awareness programmes on tobacco control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons (Article 12(a) of the Convention)

Implementation of such programmes was reported by the Ministry of Health. In addition, other ministries also reported organizing training programmes for their officials (for example, the Ministry of Internal Affairs for law enforcement officials or the State Chancellery's guide for mayors), which can be used to raise awareness among the government officials on matters related to the implementation of the Convention. **It is recommended that the Ministry of Health coordinates such actions and includes tobacco-related matters in the training materials used in such programmes.**

Awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control (Article 12(a) of the Convention)

There are a couple of agencies with interest in tobacco control, including non-governmental organizations¹⁴. The Center for Public Health Policies and Studies (Centrul pentru Politici si

14 The NGOs Coalition for Tobacco Control Policy Promotion (Coaliția ONG pentru promovarea politicilor de control asupra tutunului în Moldova) comprises six nongovernmental organizations (<http://www.tineriliberi.md/index.php?mod=page&id=5>). Their activities include awareness raising programmes and advocacy for strong tobacco control policies in the country. However, so far no

Analyze in Sanatate)¹⁵ implemented health-related programmes, such as in the areas of tuberculosis or HIV/AIDS. No specific program on tobacco control has been implemented so far by this agency. **It is recommended that the government establishes contact and works in partnership with relevant organizations and agencies with interest in tobacco control and not affiliated with the tobacco industry, including nongovernmental organizations. Creating synergy and complementarities in the functions should be the principles underlying such collaboration. To ensure synergy, such organizations need to also be represented in the intersectoral tobacco control committee.**

It is also important to note that, alike passing tobacco control legislation, communication and awareness raising programmes are resource-demanding interventions. It is understood that insufficient financial support for tobacco control programmes, in general, has a negative impact on the implementation of these resource-demanding programmes. **Therefore, within the frame of the revision of the Tobacco Act reference should be made not only to the implementation of measures concerning "education, communication, training and public awareness" as required under Article 12 of the Convention, but also to a mechanism providing secure and sustainable funding (such as dedicated funds from tobacco tax for purposes of communication and public awareness on tobacco) for such tobacco control programmes** (see section "Earmarking for health" under the discussion of Article 6 of the Convention).

Tobacco advertising, promotion and sponsorship (Article 13 of the Framework Convention)

In Article 13 of the Convention *"Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products"*. Further, Article 13 requires each Party to undertake, in accordance with its constitution or constitutional principles, 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 years¹⁶ after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures..."*.

In addition, the Conference of the Parties at its third session (in 2008) adopted the guidelines for implementation of Article 13 of the Convention¹⁷ to assist Parties in meeting their obligations under this article.

The 2007 Tobacco Act regulates advertising of tobacco products (in its Article 13). The law bans all tobacco advertising in television and radio, in written and electronic press, cinema halls, and outdoor areas. Exemptions are made for the publication of the brand name and logo in the following places: on the buildings of the economic persons who produce, import or wholesale tobacco products and inside such buildings; at the points of sale of tobacco products; on accessories to smoking (lighters, ashtrays, litter bins, etc). All remaining advertising should carry health warnings (one of the two general warnings), occupying 20% of the central-bottom part of the item on which the advertising appears.

nongovernmental organization from the Republic of Moldova is member of the Framework Convention Alliance (http://www.fctc.org/index.php?option=com_sobi2&catid=5&Itemid=26) or the European Network for Smoking Prevention (<http://www.ensp.org/>).

¹⁵ <http://www.pas.md>

¹⁶ Emphasis added.

¹⁷ http://www.who.int/fctc/guidelines/article_13/

The existing legislation complies with the requirements of the treaty in many aspects. Areas where further strengthening is needed are as follows:

- cross-border advertising (both entering or originating from its territory): the Convention imposes a deadline of five years (from the entry into force) for the introduction of such measure (May 2014 in the case of the Republic of Moldova). This measure would also be in line with the requirements of Directive 2003/33/EC of the European Union (Article 13.2 of the Convention). pursuant to Article 13.6, the Party should also cooperate with other Parties in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising;
- sponsorship by the tobacco industry (Article 13.4(f) of the Convention);
- direct and indirect incentives (that encourage purchase of tobacco products, article 13.4(c) of the Convention);
- disclosure of advertising expenditures (spent on advertising not yet prohibited, article 13.4(d) of the Convention).

It is therefore essential that relevant legislation is amended for the inclusion of the above listed items. When developing new legislation the content and recommendations of the guidelines for implementation of Article 13 should also be taken into account. Special attention shall be given to the inclusion of cross-border advertising and proper arrangements for adequate enforcement of these measures.

Measures concerning tobacco dependence and cessation (Article 14 of the Framework Convention)

Pursuant to Article 14.1 of the Convention **"each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence"**.

There is no national strategy for tobacco cessation and there is no treatment guidelines developed so far in the Republic of Moldova. To ensure compliance with Article 14.1 of the treaty, **comprehensive and integrated guidelines concerning tobacco dependence and cessation** should be developed with the involvement of relevant stakeholders and medical organizations. This should refer to the health care structures which should host cessation services and also identify the role of various health care professionals/providers in providing cessation advice to smokers who wish to quit. services

It is important that the establishment and maintaining of cessation services is performed in conjunction with population-based interventions (e.g., mass media campaigns with cessation messages) to ensure or increase demand for such services. Already existing health care infrastructures should be approached to provide such services. This would not only decrease costs but would also ensure synergy with other preventive services.

Article 14 of the Convention also refers to specific programmes aimed at promoting cessation of tobacco use. The only experience with such programmes belongs to the National Centre for Narcology, where doctors, upon request, prescribe pharmaceutical products for smoking cessation, but no behavioural support is provided in the Centre.

During the mission, plans were presented to establish reference centres for cessation counselling as early as 2011. In the pilot phase, five such centres are planned to be established in each of the five economic regional structures of the country, while the National Centre for Public Health will be made responsible for this project. **It is important that such a pilot program is established after the development of a national cessation strategy (as part of the national tobacco control action plan) and after the national tobacco dependence treatment guidelines have been developed and endorsed by relevant medical institutions and the Ministry of Health.** It should also be ensured that the establishment of services are coupled with population-level programmes (mass media campaigns, quitline, etc.), which increase demand for such services, and themselves increase the number of smokers who wish to quit.

Article 14.2(d) of the Convention encourages collaboration with other Parties to facilitate accessibility and affordability for treatment of tobacco dependence including pharmaceutical products pursuant to Article 22. In the Republic of Moldova nicotine replacement therapy and bupropion are not available in pharmacies as cessation aids. International experience concerning the increase in affordability of such products, for smokers who may need them, should be taken into account and referred to in the national cessation strategy. **Taking into account that sufficient financial resources are needed for the implementation of requirements of Article 14 of the treaty, the same recommendations apply with respect to ensuring sustainable funding of these measures as in the case of interventions under Article 12 of the Convention.**

Illicit trade in tobacco products (Article 15 of the Framework Convention)

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 subregional, regional and global agreements, are essential components of tobacco control"*. Seen in conjunction with Article 6 of the treaty adequate control in illicit trade in tobacco products will ensure that tax increases will fulfil their role as effective tool to decrease consumption. On the opposite, if cheaper smuggled products become available on the market, the impact of tax measures (and of other measures under this Convention) will be jeopardized.

According to the information received from the Customs Services, the share of smuggled or counterfeit tobacco products in the local market is not significant, especially because the Republic of Moldova has the lowest tobacco prices in the whole Europe. Illicit trade in tobacco products affects the country in respect to locally produced cigarettes or cigarettes transiting the country and reaching the illegal market of neighbouring countries, Romania and Ukraine.

The cross-border traffic of illicit tobacco products seem to increase (see table). There was a significant increase in the volume of seizures between 2008 and 2009, and there number of seizures continues to increase.

| Year | Number of seizures | Number of cigarette packs seized |
|----------------------|--------------------|----------------------------------|
| 2008 | 119 | 218774 |
| 2009 | 142 | 1149775 |
| 2010 (by October) | 151 | 1028879 |

The Customs Services reported important steps taken at the border between the Republic of Moldova and Romania, especially following the signing of an agreement for the control of illicit

trade with Romania. The agreement required the country to establish scanners at all transit points on the border between the two countries, and mobile scanners were also put in use within the Republic of Moldova. The agreement also allows for communication and exchange of data concerning illicit trade in tobacco products between the two countries. Challenges include border controls on the Ukrainian border, where no such machinery was installed; in addition, illicit products may also reach the Ukrainian market through Transnistria.

The Customs Services also concluded memoranda of understanding in the area of illicit trade in tobacco products with the representatives of major multinational tobacco companies (British American Tobacco, Japan Tobacco International and Philip Morris International). Such memoranda of understanding are in practice in other European countries, and are only acceptable in the spirit of the guidelines for implementation of Article 5.3 of the Convention (Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry) if they are binding and enforceable. Examples of such binding agreements aimed at combating illicit trade in tobacco products between tobacco companies and Parties to the Convention are the trilateral agreements signed by the European Commission on behalf of the European Union, members states of the EU who joined these agreements and, individually, three major multinational companies.

The 2007 Tobacco Act requires implementation of measures reflecting the content of the treaty. For example, Article 11(8) of the referred act provides for a unique marking (e.g., lot number) on each individual package of tobacco product, enabling determination of the place and date of production and this information is shared to all authorities responsible for following up the movement of these goods. In addition to this requirement, all elements of the tobacco sector should hold a license to perform economic activities (Article 15.1 and 18 of the Tobacco Act).

An overview of the measures against illicit trade in tobacco products, with identified needs is given in **Table 2**.

Table 2.

| Paragraph in Art. 15 | Content | Level of compliance | Comments |
|----------------------|---|---------------------|---|
| 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 | Obligation met. | Article 11(8) of the 2007 Tobacco Act. |
| 2(a) and 3 | require that unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: " <i>Sales only allowed in (insert name of the country, subnational, regional or federal unit)</i> " or carry any other effective marking indicating the final destination or which would assist authorities in determining | Not yet implemented | To be dealt with during the revision of the 2007 Act. |

| | | | |
|------------|--|---------------------|---|
| | whether the product is legally for sale on the domestic market. | | |
| 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 met. | Article 11(8) of the 2007 Tobacco Act. |
| 4(a) | monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements | Obligation met. | Provided by the 2007 Tobacco Act and various agreements on the matter concluded by the Customs Services. |
| 4(b) | enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in tobacco products, including counterfeit and contraband cigarettes | Obligation met. | |
| 4(c) | take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law | Obligation met. | Confiscated products are burnt. |
| 4(d) | adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction | Partial compliance. | Some areas are not covered. |
| 4(e) | adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products | Obligation met. | |
| 5 | Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21. | Not yet implemented | The two-year report of the Republic of Moldova is due in May 2011. |
| 6 | Promote cooperation between national agencies, as well as relevant regional and international intergovernmental | Partial compliance. | Agreement on illicit trade in tobacco products concluded with Romania. No such agreement with other states. |

| | | | |
|---|--|-----------------|---|
| | organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products. | | Cooperation between national agencies should be further improved. |
| 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. | Obligation met. | All stakeholders within the tobacco sector should hold a licence to perform economic activities (2007 Tobacco Act). |

It is recommended that the areas of non-compliance identified above need to be addressed during the revision of the relevant tobacco control legislation.

The mission learned that the Customs Services would support increase in tobacco tax levels in the country, since this would contribute to decreasing the level of illicit transit of products to other countries. The Services also expressed interest in developing a joint study on the impact of illicit trade in tobacco products, in which aspects of trade, customs and health are equally tackled. **It is recommended such study be performed as part of the national tobacco control action plan.**

Sales to and by minors (Article 16 of the Framework Convention)

Article 16 of the Convention provides for a number of measures to prevent access to tobacco products of young people. First and foremost, it stipulates that *"each Party shall adopt and implement effective legislative, executive, administrative or other 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"*.

The Code of Offence, which entered into force on 31 May 2009, previews fines of 1200-2000 MDL (US\$ 120-200) to sellers who sell tobacco products to minors. The mission has learnt that in 2010 more than 300 such offences were recorded by the Ministry of Internal Affairs.

Article 15(3) of the 2007 Tobacco Act covers the majority of items required under Article 16 of the Convention, including:

- bans the sale of tobacco products to and by children under 18 years of age;
- bans sales through vending machines and mobile commercial units;
- bans sale of tobacco products in institutions of all levels of education (including universities) and in health care facilities, as well as in sports facilities, stadiums and all retail units which are placed in a radius of less than 200 meters of the settings listed before;
- ban of sale of all products which do not carry an excise stamp (except at duty-free shops) or do not comply with packaging requirements provided for in the same legislation;
- in packs of less than 20 pieces.

In addition to the above mentioned requirements of the 2007 Tobacco Act, which refer to

measures required under Article 16 of the treaty, Article 14(1) of the same legislation prevents commercialisation of any smokeless tobacco product (snuff or tobacco intended for chewing or sucking).¹⁸

The following items required by Article 16 of the Convention are not included in the present legislation, **therefore it is recommended that they are included** during the revision of this law:

- Requiring sellers to place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age (Article 16.1(a));
- Banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves (Article 16.1(b) (e.g., in all retail units, eliminating all impersonal modes of sale);
- Prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors (Article 16.1(c));
- Prohibition or promotion of prohibition of the distribution of free tobacco products to the public and especially minors (Article 16.2).

Provision of support for economically viable alternative activities (Article 17 of the Convention)

Article 17 of the Convention 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"*.

Tobacco growing has a more than 300 years tradition in the Republic of Moldova, with the production growing after the second World War. Tobacco growing reached its top output in 1986 with 77,000 hectares occupied by tobacco and total leaf production reaching 1,232,000 tons.¹⁹

The mission learned that after the disintegration of the former Soviet Union (FSU) the tobacco output of the Moldavian agricultural sector shrank to around 3,000-4,000 hectares and the total leaf production decreased to around 5,000 tons per year. Of this volume only 1,000 tons are used locally and about 4,000 tons are exported. Overall, the economic importance of tobacco growing decreased substantially and the Ministry of Agriculture and Food Industry indicated that revitalizing tobacco growing is not considered a priority.

With respect to tobacco processing, there are two fermentation plants in the country, serving the only, mostly (90% of shares) government owned, tobacco factory in the capital city of Chisinau.

The significant reduction in demand for tobacco leaf in the FSU necessitated that the Republic of Moldova identifies and promotes alternative livelihoods for its former tobacco farmers. Therefore, the mission would recommend participation of a delegate from the country in the work of the currently active working group tasked with the development of policy alternatives and guidelines for implementation of Articles 17 and 18 of the Convention.

It is, therefore, recommended that the Government continues to actively seek alternatives

¹⁸ This requirement of the 2007 Tobacco Act also ensures compliance with Article 8 of Directive 2001/37 of the European Union.

¹⁹ <http://www.policy.hu/zatusevski/FinalPolicyPaper.pdf>

to tobacco growing for those farmers who were impacted by the changing market conditions. It is also recommended that the Republic of Moldova shares its experience on promoting alternative livelihoods for former tobacco growers through the intergovernmental process currently developing guidelines for implementation of Article 17 and 18 of the Convention²⁰. It is also noted that the experience of the Republic of Moldova would be beneficial for other Parties who wish to make progress in developing and implementing policies in this area.

Protection of the environment and the health of persons (Article 18 of the Convention)

Article 18 of the Convention calls upon Parties 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 within their respective territories*".

A number of measures required under the 2007 Tobacco Act actually relate to the implementation of this article²¹. Chapter II (Articles 3 to 5) of this law refer to the production and post-harvest processing of tobacco. With respect to tobacco growing and post-harvest processing reference is made to national standards concerning processing technologies which must be taken into account during the process. Agricultural inputs involved in tobacco growing are required to maintain and improve fertility of the soil and to only apply technologies which do not have a negative impact on the environment. Further, only fertilizers and phyto-sanitary products registered in the country can be used. During the growing or processing of leaf tobacco, standard rules of workers health protection and security should be respected. In this regard, employment of minors and pregnant women is not allowed in growing, harvesting or post-harvest processing of tobacco.

Similar rules apply to industrial processing of tobacco, including manufacturing of tobacco products (Chapter III of Tobacco Act, articles 6 to 9). Again, the law forbids employment of minors and pregnant women for manufacturing of tobacco products.

It is, therefore, recommended that, during the revision of the 2007 Tobacco Act, matters concerning the protection of the environment and the health of persons in relation to tobacco growing and manufacturing are retained in the new draft legislation.

Liability (Article 19 of the Convention)

Article 19 of the Convention promotes the use of legislative actions or promotion of Parties' existing laws, including criminal and civil liability as tools for tobacco control. No such as efforts has been initiated so far in the Republic of Moldova.

During the next review of the 2007 Tobacco Act the inclusion of language concerning Article 19 in the new draft legislation should be considered, taking into account experiences of other Parties on the implementation of this article communicated to the Conference of the Parties

²⁰ The relevant decision of the fourth session of the Conference of the Parties allows for nominations of new Parties who wish to participate in the work of the working group on Articles 17 and 18 of the Convention to indicate their willingness for participation to the Convention Secretariat by 31 January 2011.

²¹ The level of detail to which tobacco growing, processing and manufacturing are regulated in this law reflects the attempt of the Government of the Republic of Moldova to regulate the tobacco sector, after its downturn following the collapse of the Former Soviet Union, in a transparent and sustainable manner. The law also provides a clear definition of rights and obligations of each stakeholder within the sector, also imposing state control over the surviving elements of the sector, not least to also prevent illicit activities concerning tobacco growing, processing and manufacturing.

via their implementation reports.

Research, surveillance and exchange of information (Article 20 of the Framework Convention)

Article 20.1 of the Convention 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. *"Towards this end, each Party shall ... initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops"*.

In the recent years, the following surveys were implemented in the Republic of Moldova on the prevalence of tobacco use, also including collection of information on the determinants and consequences of tobacco consumption and exposure to tobacco smoke:

- Global Youth Tobacco Survey (GYTS) has already been conducted twice in the republic of Moldova, in 2004 and 2008. In 2008, 13.4% of respondents indicated that they currently use any tobacco product (Boys = 20.8%, Girls = 7.1%). As compared to 2004 data, the trend is not worsening; moreover, a few percentage point decrease (from 23% to 18.5%) could be observed among boys. For girls, figures did not change (6% and 5.6%, respectively). The factsheet of the 2008 GYTS is provided in **Annex 1** of this report.
- Global Health Professional Students Survey (GHPSS) for dental, nursing and pharmacy students was conducted in 2008. 65% of dental students, 20% of nursing students and 30% of pharmacy students reported that they currently smoke cigarettes. The findings of these reports are provided in **Annex 2** of this report.
- The "National Baseline Evaluation of Knowledge, Attitudes and Practices of Young People in relation to their Health and Development" is a study implemented in 2004 by the Association "Health for Youth" with financial support from UNICEF Moldova, the Canadian Agency for Development and the Canadian Public Health Association. The study resulted in findings which can be useful in tackling the spreading of tobacco use among the young people in the country, such as: perception of the prevalence of smoking among young people; reasons for smoking and for giving up smoking; knowledge about the harms of smoking; attitudes towards people who smoke.
- An evaluation of tobacco use has been performed in 2005 by the National Centre of Public Health within the frame of the Demographic Health Survey among adults aged 15 to 59; almost 51% of men and 7.1% of women reported current smoking.

However, there are no recent data available on tobacco use among the adults. The 2008 WHO Report on the Global Tobacco Epidemic provides as estimate for the combined (men and women) age standardized adult smoking prevalence for the Republic of Moldova. According to this study, 21.6% of the adult population smokes, compared to 27% in Romania and 38.2% in Ukraine (the two neighbouring countries). Earlier, the European Tobacco Control Report 2007 produced daily smoking prevalence estimates (for the year 2005) using data from WHO Infobase for countries of the European Region of WHO. Based on these findings in 2005, the Republic of Moldova presented the sixth highest prevalence rates (almost 50%) in the WHO European Region and the seventh lowest prevalence rates (around 5%) for women.

Article 20.3(a) of the Convention envisages that Parties repeat their surveys/research programmes regularly so that they may be considered to have a system in place for the epidemiological surveillance of not only tobacco consumption, but also of the related social, economic and health indicators²². The Republic of Moldova plans to repeat GYTS and GHPSS in 2011, in collaboration with the WHO Regional Office for Europe and the Centers for Disease Control and Prevention, USA.

However, the latest information on tobacco use among the adult population dates back to 2005, and an analysis of the economic and social impact of tobacco use in the country is yet to be implemented. **It is, therefore, recommended that the Republic of Moldova launches a new study to collect data on prevalence of tobacco use among the adults as soon as possible.** Recommendations on the collection of prevalence data from the reporting instrument of the WHO FCTC and accompanying step-by-step instructions should be taken into account, with special regard to those concerning the selection of the age range and of the age groups, as well as definitions related to tobacco use.²³ Previous recommendations of the WHO, including proposed questionnaires²⁴, as well as the questionnaires of established international data collection systems²⁵ concerning tobacco use prevalence can be used and adapted to national circumstances.

Further, an analysis of the economic and social costs of tobacco use and exposure to tobacco smoke, including collection of data concerning the burden of tobacco related morbidity and mortality should be performed. For the latter, the use of existing data collection systems (such as data on the number of hospital admissions concerning tobacco-related diseases, as well as mortality caused by such diseases) is advisable. Wide distribution of such data (among the society at large and among the decision-makers in particular) would contribute to the raising of the awareness of the society on tobacco-related harm and may serve as promoter for strengthening tobacco control legislation. can be used as a basis.

Finally, it should be noted that during the mission the Customs' Services indicated that they would be interested in participating, together with other relevant departments of the Government, in a **joint study on the trends on licit and illicit trade in tobacco products, including the health impact of both.** Such a joint effort would contribute to better understanding of the interrelationship between trade, consumption and health impact of tobacco use and would, again, facilitate the strengthening of tobacco control efforts in the country.

Reporting and exchange of information (Article 21 of the Framework Convention)

The Republic of Moldova is expected to provide its two-year report on the implementation of the Convention by 4 May 2011. Article 21.1 refers to major content elements to be included in the said report.

²² Apart from the repeatability and frequency of the survey, other criteria that characterize a good national surveillance system include: comparability; validity and reliability; mechanisms to translate findings into action; and sustainability (of financial and human resources). Please see: Standardization and harmonization of data and data collection initiatives. Report of the Convention Secretariat. http://apps.who.int/gb/fctc/PDF/cop4/FCTC_COP4_15-en.pdf

²³ http://www.who.int/fctc/reporting/step_by_step_instructions_en_adjusted.pdf (pages 6 to 11)

²⁴ Guidelines for controlling and monitoring the tobacco epidemic. Geneva, World Health Organization, 1998.

²⁵ http://apps.who.int/gb/fctc/PDF/cop4/FCTC_COP4_15-en.pdf (pages 19 to 23)

The Convention Secretariat, upon request, can assist the country in the preparation and submission of the report. Information collected during this mission should also be included in the report.

The reports submitted by the Parties to the Convention, including annexes submitted along with the reports, are published on the public website of the Convention Secretariat and are analysed to be included in the regular reports on global implementation of the Convention.

Cooperation in the scientific, technical, and legal fields and provision of related expertise (Article 22 of the Framework Convention)

Article 22.1 of the Convention requires Parties to *"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..."*

During the needs assessment mission some areas where assistance has been received by the Republic of Moldova concerning its tobacco control efforts were identified. First, in October 2010 a mission of the European Union reviewed the transposition and implementation of tobacco related directives and regulations of the EU by the Republic of Moldova. This mission contributed to the identification of the next steps in tobacco control policy development in the country.

Second, in the context of further activating and bringing on board the issue of implementation of the WHO FCTC into the development agenda in the Republic of Moldova, this mission utilized the opportunity to meet the UN Resident Coordinator and a discussion was held concerning the inclusion of treaty implementation in the context of cooperation between the UNDP and the Government of the Republic of Moldova, to be facilitated through the WHO Representative to the Republic of Moldova. During the meeting the UN Resident Coordinator welcomed the suggestion to bring the implementation of the Convention under "One UN". This process, likely to start early next year, will involve the national focal point and the WHO Representative for necessary follow up.

Third, the WHO Regional Office for Europe, in collaboration with the WHO Country Office, organized a mission to the country in early December 2010 to develop a national tobacco control action plan. The recommendations of the report of this mission served as basis for incorporation in the action plan.

Other assistance received by the Republic of Moldova include the contributions of UNICEF to the collection of data on knowledge, attitudes and practice related to tobacco use among the youth and the support of Romania in the area of combating illicit trade in tobacco products along the border between the two countries.

Financial resources (Article 26 of the Framework Convention)

In Article 26 *"Parties recognize the important role that financial resources play in achieving the objective of this Convention"*. Article 26.2 calls on Parties 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"*. These resources should be availed by the

responsible ministries and government agencies.

The Ministry of Health currently supports tobacco control activities under the budget of the National Centre for Public Health. Additionally, the Compania Nationala de Asigurari in Medicina (National Medical Insurance Company) allocated MDL 1.7 million (cca US\$ 150000) for an anti-tobacco campaign in 2010²⁶ and the WHO Country Office contributed US\$ 3600. There is no information on allocation in the budgets of the other relevant ministries that contribute to the implementation of the Convention.

The Ministry of Health can therefore be urged to:

- **Establish within its budget, or the budget of an agency under its jurisdiction, a dedicated line for implementation of the Convention.**
- **Urge the other relevant ministries to provide in their budgets, funds to support implementation of the relevant provisions of the Convention as their responsibility towards meeting obligations of the treaty.**
- **Collate the sums in the various ministry budgets to estimate the total government financing of implementation of the Convention.**
- **Consider the establishment of a specific fund for tobacco control, using a determined part of the collected tobacco tax (earmarking).**

Further, during the discussions on bringing the implementation of the Convention under "One UN"²⁷, the issues pertaining to resource allocation would also be looked into by the donors present at the country level. It would be possible to access resources if the Government of Republic of Moldova demonstrates its commitment by taking the above steps and by adopting tobacco control and implementation of the WHO FCTC, as a national development and health priority, in its various policy frameworks.

Article 26.3 of the Convention requires Parties to *"promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition"*. There were two international donor agencies that have been identified to be active in health and development sectors in the Republic of Moldova: the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

It is recommended that, in the spirit of Article 26.3 of the Framework Convention, the Government of the Republic of Moldova takes advantage of the presence of international donor agencies in the country and promotes the inclusion of tobacco control in bilateral agreements and action plans worked out with these agencies. In this regard, it is once again

²⁶ A web page was also created as part of the project (<http://www.antiviciu.md>).

²⁷ The "One UN" approach originates from the need that the UN overcomes its fragmentation and deliver as one through a stronger commitment of its agencies to working together on the implementation of one strategy, in the pursuit of one set of goals. The essence of this vision is for the UN to deliver as one in the areas of development, humanitarian assistance and the environment. Through this approach, the UN's normative and analytic expertise, its operational and coordination capabilities, and its advocacy role would be more effectively brought together at the country level, at the regional level and at the global level.

recommended that the existing and available resource mechanisms at country level are utilized, particularly under the "One UN". Article 26.3 specifically points out, that projects promoting *"economically viable alternatives to tobacco production, including crop diversification"* should be addressed and supported in the context of nationally developed strategies of sustainable development.

ANNEX 1

The assessment involved the following ministries, departments and agencies of the government of the Republic of Moldova:

Ministry of Health (Deputy Health Minister, Head of Department for Public Health Policies and of Foreign Relations)

National Centre for Public Health

Ministry of Internal Affairs

Ministry of Youth and Sports

Ministry of Education

Ministry of Labour, Social Protection and Family

Ministry of Agriculture

Ministry of Economy

Parliament Commission on Mass Media and Education

Customs' Services

National Broadcast Company (Teleradio Moldova)

State Chancellery

UNDP

UNICEF