

**F C T C**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

S E C R E T A R I A T

In reply please
refer to: CS/HS/22/71

Eurasian Economic Commission
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**Contribution of the Secretariat of the WHO Framework Convention on Tobacco Control
in the frame of public consultations on Technical regulations on nicotine products in the countries
of the Eurasian Economic Union**

The Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) wishes to contribute to the public consultation on the Technical regulations on nicotine products of the Eurasian Economic Union (EAEU), currently under public review.

With 182 Parties, the WHO FCTC is an evidence-based treaty that reaffirms the right of all people to the highest standard of health. Its objective is to protect current and future generations from the devastating health, social, environmental and economic consequences of tobacco.¹

The WHO FCTC was developed in response to the globalization of the tobacco epidemic. In spite of progress made, tobacco kills up to half of its users and more than 8 million people globally each year. All forms of tobacco are harmful, and there is no safe level of exposure to tobacco.

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CC: Minister of Health of the Republic of Armenia
Ministry of Health of the Republic of Belarus
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Ministry of Health of the Kyrgyz Republic
Ministry of Health of the Russian Federation
Permanent Mission of the Republic of Armenia to the United Nations Office and other international organizations in Geneva
Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva
Permanent Mission of the Republic of Kazakhstan to the United Nations Office and other international organizations in Geneva
Permanent Mission of the Kyrgyz Republic to the United Nations Office and other international organizations in Geneva
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¹ WHO Framework Convention on Tobacco Control <https://www.who.int/fctc/cop/about/en/>

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The core obligations of the WHO FCTC treaty include price and tax measures; protection from exposure to tobacco emissions; health warnings on tobacco packages; a ban on tobacco advertisement, promotion and sponsorship; treatment of nicotine dependence; and a ban of sales to and by minors.

Implementation of the WHO FCTC is Target 3.a of the Sustainable Development Goals (SDGs) and contributes positively to a wide range of SDGs.²

The Member States of the EAEU – Armenia, Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation – are Parties to the WHO FCTC and therefore committed to implementing the obligations of the Convention.

In light of its mandate in Article 24 of the Convention, the Secretariat of the WHO FCTC wishes to draw the attention of the EAEU to the following concerns arising in relation to the draft EAEU Technical regulations on nicotine products.

Heated tobacco products

Heated tobacco products are tobacco products and should be subject to the full complement of measures contained in the WHO FCTC. This has been expressly articulated by the Parties to the WHO FCTC in decision FCTC/COP8(22) *Novel and emerging tobacco products*.³

“Heated tobacco products” have been inappropriately included within the scope of the draft Technical regulations on “nicotine-containing products”. Instead, appropriate amendments should be made to include “heated tobacco products” in the Technical Regulations of the Customs Union on Tobacco Products (TR CU 035/2014).

Electronic nicotine delivery systems

Member States of the EAEU have implemented strict regulatory measures to prohibit or restrict the manufacture, importation, distribution, presentation, sale and use of electronic nicotine delivery systems (ENDS) in order to:

- (a) prevent the initiation of ENDS by non-smokers and youth with special attention to vulnerable groups;
- (b) minimize as far as possible potential health risks to ENDS users and protect non-users from exposure to their emissions;
- (c) prevent unproven health claims being made about ENDS; and
- (d) protect tobacco control activities from all commercial and other vested interests related to ENDS, including interests of the tobacco industry.

This approach is aligned with the decision of the Parties to the WHO FCTC articulated in FCTC/COP7(9) *Electronic nicotine delivery systems and electronic non-nicotine delivery systems*.⁴

The draft Technical regulations on nicotine products are weaker than the regulatory measures for these products in the Member States of the EAEU and should not undermine regulations developed and implemented by States in alignment with their international obligations.

The draft Technical regulations on nicotine products should not regulate oral nicotine products that have been banned at the national level, such as nicotine pouches.

In addition, the draft Technical regulations on nicotine products should contain stricter regulation of “nicotine-containing products”, including:

- the prohibition of flavourings in nicotine products;

² Secretariat of the WHO FCTC and United Nations Development Programme joint publication <https://fctc.who.int/publications/m/item/the-who-framework-convention-on-tobacco-control-an-accelerator-for-sustainable-development>

³ FCTC/COP8(22) [https://fctc.who.int/publications/m/item/fctc-cop8\(22\)-novel-and-emerging-tobacco-products](https://fctc.who.int/publications/m/item/fctc-cop8(22)-novel-and-emerging-tobacco-products)

⁴ FCTC/COP7(9) [https://fctc.who.int/publications/m/item/fctc-cop7\(9\)-electronic-nicotine-delivery-systems-and-electronic-nicotine-delivery-systems](https://fctc.who.int/publications/m/item/fctc-cop7(9)-electronic-nicotine-delivery-systems-and-electronic-nicotine-delivery-systems)

- stronger requirements for labelling of nicotine products, including mandatory health warnings, equivalent to regulations applied to tobacco products (in TR CU 035/2014) and in line with the Guidelines for implementation of Article 11 of the WHO FCTC,⁵ to be placed on product packaging of nicotine products; and
- mandatory requirements for the inclusion of warnings on the packaging of any devices used for the consumption of nicotine products.

The Secretariat of the WHO FCTC reiterates its strong concern that the draft Technical regulations on nicotine products do not align with the WHO FCTC and that they further conflict with, and may undermine, the regulatory provisions developed and implemented by the EAEU Member States to comply with their obligations under the WHO FCTC.

The Secretariat of the WHO FCTC trusts that this contribution will guide the EAEU in appropriately amending its draft Technical regulations on nicotine products in order to safeguard the progress achieved to date by its Member States in protecting the health of their citizens.

The Secretariat of the WHO FCTC remains available to provide support to the EAEU in its further work on the draft Technical regulations on nicotine products.



Secretariat of the WHO Framework Convention on Tobacco Control

⁵ Guidelines for implementation of Article 11 of the WHO FCTC, <https://fctc.who.int/publications/m/item/packaging-and-labelling-of-tobacco-products>