



WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

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

Fifth session  
Seoul, Republic of Korea, 12–17 November 2012

**17 November 2012**

---

## **DECISION**

**FCTC/COP5(6) Further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC (*Regulation of the contents of tobacco products and Regulation of tobacco product disclosures*)**

The Conference of the Parties,

Taking into account Article 7 (*Non-price measures to reduce the demand for tobacco*), Article 9 (*Regulation of the contents of tobacco products*) and Article 10 (*Regulation of tobacco product disclosures*) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling its decision FCTC/COP1(15) to establish a working group to elaborate guidelines for implementation of Article 9 and Article 10 of the WHO FCTC, and its decision FCTC/COP2(14) to extend the work of the working group to include product characteristics, such as design features, to the extent that they affect the objectives of the WHO FCTC;

Recalling its decision FCTC/COP4(10) to adopt partial guidelines for implementation of Article 9 and Article 10 of the WHO FCTC and to mandate the working group to continue its work in elaborating guidelines in a step-by-step process, to submit draft guidelines on addictiveness and toxicity to future sessions of the Conference of the Parties for consideration, to continue to monitor areas such as dependence liability and toxicology, and to examine the regulation of cigarette ignition propensity, as a product characteristic;

Noting Annex 3 of the report of the working group to the Conference of the Parties at its fifth session (document FCTC/COP/5/9) entitled *Background paper on tobacco addictiveness reduction*,

1. ADOPTS the further partial guidelines for implementation of Article 9 and Article 10 of the WHO FCTC contained in the Annex to this decision;
2. WELCOMES the report of WHO's Tobacco Free Initiative to the Conference of the Parties on the work in progress in relation to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/5/INF.DOC./1);

3. REQUESTS the Convention Secretariat:

(a) to make accessible, via a web site, the studies, research and other reference material used in the development of the further partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC;

(b) to invite WHO to:

(i) continue the validation of the analytical chemical methods for testing and measuring cigarette contents and emissions in accordance with the progress report (document FCTC/COP/3/6) and to inform the Conference of the Parties through the Convention Secretariat on a regular basis of the progress made;

(ii) prepare a comprehensive report that, based on a review of the scientific and medical literature, identifies measures that would be likely to reduce the toxicity of both smoked and smokeless tobacco products and describes the evidence supporting the effectiveness of such measures, and that examines the experience of Parties on the matter for consideration at the sixth session of the Conference of the Parties;

(iii) monitor and follow closely the evolution of new tobacco products, including products with potentially “modified risks” and to report to the Conference of the Parties on any relevant development;

(iv) direct some of its activities towards section 12 of the background paper (Annex 3 of document document FCTC/COP/5/9), which outlines aspects of addictiveness (or dependence liability) of both smoked and smokeless tobacco products that remain to be studied;

(v) develop draft fact sheets on measures recommended in the *Partial guidelines on the implementation of Articles 9 and 10 of the WHO FCTC* to provide support to effective implementation and raise awareness of their benefits among Parties;

(vi) monitor and research the country experience and scientific development with respect to reduced ignition propensity cigarettes; and

(vii) compile, make available for Parties and update a non-exhaustive list of toxic contents and emissions of tobacco products, and advise about how such information could be best used by Parties;

4. INVITES Parties, international, regional and subregional organizations, international financial institutions and/or other development partners to assign resources to the conduct of research that would support Parties in implementing Articles 9 and 10 of the WHO FCTC;

5. DECIDES to mandate the working group to:

(a) continue to monitor areas such as dependence liability and toxicology;

(b) continue its work in elaborating guidelines in a step-by-step process, and to submit draft partial guidelines or a progress report on the testing and measuring of contents and

emissions using the analytical chemical methods validated by WHO to the next session of the Conference of the Parties;

- (c) identify which other analytical chemical methods for the testing and measuring of cigarette contents and emissions, or ingredients, need to be validated and/or to identify the methods for which validation should be extended to include tobacco products other than cigarettes;
- (d) continue work on definitions in the area of product regulation;
- (e) examine how Parties may address possible false, misleading or deceptive conduct and/or representations with respect to tobacco products contents, characteristics and/or performance, and possibly produce text on this matter to be included in the partial guidelines;

6. ALSO DECIDES, in accordance with decision FCTC/COP4(10):

- (a) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to continue its work, and to ensure, in consultation with the Bureau of the Conference of the Parties, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the draft guidelines to the Conference of the Parties;
- (b) to adopt the timeline set out below:

Draft report made available by the Secretariat for comments by the Parties	At least six months before the opening day of the sixth session of the Conference of the Parties
Submission of the final report by the working group to the Secretariat	At least three months before the opening day of the sixth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the sixth session of the Conference of the Parties in accordance with Rule 8 of the Rules of Procedure of the Conference of the Parties



## ANNEX

**PUBLIC DISCLOSURE – TOXIC CONSTITUENTS AND EMISSIONS****TEXT TO BE INSERTED INTO THE PARTIAL GUIDELINES FOR IMPLEMENTATION  
OF ARTICLES 9 AND 10 OF THE WHO FCTC AS ADOPTED  
BY THE COP AT ITS FOURTH SESSION***INSERT after heading “1.2.3 Disclosure to the public”*

Pursuant to Article 10, the primary objective of public disclosure of information about the toxic constituents and emissions of tobacco products is to inform the public of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke. This information may also assist the public in contributing to the development and implementation of relevant policies, activities and regulations.

*INSERT after heading “2.7 Confidentiality in relation to disclosure to the public”*

Parties should disclose information about the toxic constituents and emissions of tobacco products to the public in a meaningful way. Parties may determine in accordance with their national laws the information about the toxic constituents and emissions of tobacco products that should not be disclosed to the public.

*INSERT after heading “3.5 Disclosure to the public”*

## 3.5.1 Background

Many people are not fully aware of, misunderstand or underestimate the risks for morbidity and premature mortality attributable to tobacco use and exposure to tobacco smoke. Complementing other measures relating to the reduction of demand for tobacco, Article 10 of the WHO FCTC requires that each Party shall adopt and implement effective measures for public disclosure of information about the toxic constituents of tobacco products and the emissions that they may produce. As stated in Article 4.1 of the WHO FCTC, Parties shall be guided by the principle that every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke.

## 3.5.2 Scope and means of public disclosure

## 3.5.2.1 Public access to information disclosed to governmental authorities

Detailed information about the toxic constituents and emissions of tobacco products is difficult to comprehend, and public disclosure of such information might not directly promote or protect public health. However, such information may assist other members of civil society, particularly academic institutions and nongovernmental organizations, in contributing to tobacco control policy.

In addition, other information disclosed to governmental authorities in accordance with these guidelines, such as information on ingredients, product characteristics and the market, may also contribute to raising public awareness and advancing tobacco control policy.

*Recommendation:*

Parties should consider, in accordance with their national laws, making information about the toxic constituents and emissions of tobacco products and other information disclosed to governmental authorities in accordance with these guidelines publicly accessible (e.g. via the Internet, or by request to a governmental authority) in a meaningful way.

### 3.5.2.2 Public disclosure of constituents and emissions in the context of Articles 11 and 12 of the WHO FCTC

Information on how public disclosure is linked to Articles 11 and 12 of the WHO FCTC can be found in section 7, "LINKS TO OTHER ARTICLES OF THE WHO FCTC".

***INSERT after heading "7 LINKS TO OTHER ARTICLES OF THE WHO FCTC"***

#### **7.1 Packaging suggesting the presence of a prohibited or, where appropriate, restricted ingredient**

***INSERT after paragraph "7.1 Packaging suggesting the presence of a prohibited ingredient"***

#### **7.2 Information on relevant constituents and emissions on tobacco packaging**

Tobacco product packaging and labelling are an effective means of public communication about constituents and emissions of tobacco products, as recognized in Article 11 of the WHO FCTC. Parties should refer to Article 11 and the guidelines for its implementation.

#### **7.3 Information on relevant constituents and emissions in education, communication, training and other public awareness programmes**

Parties should consider including messages about constituents and emissions of tobacco products in education, communication, training and other public awareness programmes. Such messages may reinforce efforts to inform the public of the health consequences, addictive nature and mortal threat posed by tobacco use and exposure to tobacco smoke in programmes established in accordance with Article 12 of the WHO FCTC and the guidelines for its implementation.

**PRODUCT CHARACTERISTICS IN RELATION TO FIRE-RISK  
(REDUCED IGNITION PROPENSITY)**

**TEXT TO BE INSERTED INTO THE PARTIAL GUIDELINES FOR IMPLEMENTATION  
OF ARTICLES 9 AND 10 OF THE WHO FCTC AS ADOPTED  
BY THE COP AT ITS FOURTH SESSION**

*INSERT after heading “3.3.2 Regulation”*

3.3.2.1 Cigarettes – Regulation in relation to fire-risk (reduced ignition propensity)

(i) Background

Lit cigarettes that are laid down and left unattended smoulder and can ignite upholstery, other furniture, bedding and other textiles, or other material. This has been observed most often in cases of smoking in bed or smoking while under the influence of alcohol, illicit drugs or medication. Every year a considerable number of people around the world are injured or die (e.g. from burns or smoke gas poisonings) as a result of fires caused by cigarettes.

In order to prevent a significant number of such injuries and deaths, cigarettes can be designed in a way that the cigarette self extinguishes when not puffed or left unattended and thereby has a reduced risk of starting fires. These cigarettes are known as reduced ignition propensity cigarettes (RIP cigarettes).

Reductions in the number of cigarette fires and related victims have been observed in some jurisdictions that have mandated the replacement of conventional cigarettes with RIP cigarettes. Although RIP cigarettes do not self-extinguish in every case, they are expected to reduce the risk of a fire being ignited, and thus the risk of injuries and deaths. It is important to note that mandating an RIP standard is aimed at reducing the number of fires caused by lit cigarettes; it will not eliminate them.

There have been claims that RIP cigarettes may have a different toxicity than conventional cigarettes. Research suggests that RIP cigarettes are just as toxic as conventional cigarettes and equally dangerous to human health.

(ii) Regulating the ignition propensity of cigarettes

In regulating the ignition propensity of cigarettes, governmental authorities usually take a performance-based approach by adopting provisions that prescribe the test method to be used, and then provisions that set the pass/fail criteria (performance standard) applicable to the results obtained after conduct of the test (see Appendix 4).

In a number of cases, governmental authorities have also laid down requirements related to a specific technique for achieving RIP, namely banded paper technology, and requirements related to certification (see Appendix 5).

(iii) Recommendations

(i) Parties should require that cigarettes comply with an RIP standard, taking into account their national circumstances and priorities.

(ii) When implementing recommendation (i) of this paragraph, Parties should consider setting a performance standard that corresponds at a minimum to the current international practice, regarding the percentage of cigarettes that may not burn their full length when tested according to the method described in Appendix 4.

(iii) Parties should not allow any claims to be made suggesting that RIP cigarettes would be unable to ignite fires.

***INSERT instead of “4.4 Deadline – prohibited or restricted ingredients”***

**4.4 Deadlines**

4.4.1 Prohibited or restricted ingredients

(Text remains the same as in the current paragraph 4.4)

4.4.2 Reduced ignition propensity

Parties should specify a deadline following which the tobacco industry and retailers must only supply cigarettes that comply with the required RIP standard.

***INSERT instead of “4.6 Sampling and testing – prohibited or restricted ingredients”***

**4.6 Sampling and testing**

4.6.1 Prohibited or restricted ingredients

(Text remains the same as in the current paragraph 4.6)

4.6.2 Reduced ignition propensity

Parties should consider having samples of cigarettes collected from manufacturers, importers or retailers. These samples should then be tested to ascertain whether they comply with the required RIP performance standard. Both sampling and testing should be carried out according to the method described in Appendix 4.



## Appendix 4

### **Performance standard for reduced ignition propensity (RIP) cigarettes and related standard test methods**

The performance standard for RIP cigarettes has been expressed as the percentage of cigarettes that, when ignited and laid down on a pre-determined substrate, do not burn through their whole length.

As of 2012, international practice is to require a not-burn-through rate of no less than 75% by testing on 10 layers of filter paper.

As of 2012, available standard test methods for sampling and verifying the conformity of cigarettes with the required not-burn-through rate include: ISO 12863:2010 “Standard test method for assessing the ignition propensity of cigarettes”; EN ISO 12863:2010 “Standard test method for assessing the ignition propensity of cigarettes”; AS 4830-2007 “Determination of the extinction propensity of cigarettes”; NZS/AS 4830:2007 “Determination of the extinction propensity of cigarettes”; and ASTM E2187-09 “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

## Appendix 5

**Reduced ignition propensity cigarettes – additional information**

## (a) Design of the cigarette paper

Where Parties have required banded paper technology, one of the practices with respect to both filter and non-filter cigarettes is for one band surrounding the tobacco column to be located not less than 15 mm from the lighting end of the cigarette, and for a second such band to be located not less than 10 mm from the filter end or, in the case of non-filter cigarettes, not less than 10 mm from the labelled end of the tobacco column.

The above-mentioned approach should not be understood as precluding the future use of other technologies at least as effective in reducing the ignition propensity of cigarettes.

## (b) Certification approach

Where a self-certification approach has been adopted, the practice is to require the tobacco industry to file with the appropriate governmental authority a statement of conformity and/or declaration of truth, with the required RIP standard. An alternative approach would be to mandate third-party certification.

(Fourth plenary meeting, 17 November 2012)

= = =