



Implementation of measures to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke, and the protection of such measures from commercial and other vested interests of the tobacco industry in light of the tobacco industry's narrative on "harm reduction" (Articles 5.2(b) and 5.3 of the WHO FCTC)

This document relates to item 4.5 of the provisional COP agenda and corresponds to document FCTC/COP/11/10

Eleventh Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control,
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Key recommendations

- GATC supports the efforts made by Parties to reaffirm their obligations under Articles 5.2(b) and 5.3 to prevent and reduce nicotine addiction and to protect tobacco control policies from commercial and vested interests of the tobacco industry and those working to further its interests.
- GATC urges Parties to fully implement Article 5.2(b) by adopting measures to prevent and reduce nicotine addiction through their regulation of novel and emerging nicotine products, recognizing that Parties' approaches may vary as appropriate to their national laws and public health objectives.
- In the context of the WHO FCTC, the GATC urges Parties to understand harm reduction as implementing the full set of evidence-based measures already contained in the WHO FCTC, its treaty instruments and decisions adopted by the COP, and any draft decision should reflect this.
- Parties must reject the tobacco industry's 'harm reduction' narrative that is being used to make unproven health claims about novel and emerging nicotine and tobacco products in order to further commercialization of its addictive products and avoid or weaken the regulation of these products. This is a form of policy interference inconsistent with Article 5.3 and its Guidelines for implementation.
- We welcome the emphasis for cooperation and information-sharing among Parties on how to counter industry narratives.
- GATC opposes the establishment of any subsidiary bodies of the COP relating to harm reduction strategies given that such strategies are already reflected within the WHO FCTC, its Guidelines for implementation, and previous decisions adopted by the COP. We urge Parties to focus on their implementation efforts to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke.

Key messages

- The COP has already recognized that restricting or prohibiting commercialization of e-cigarettes is a legitimate form of regulation for Parties. This will be the first time that Parties will have the opportunity to share their experiences, including challenges, in

preventing and reducing nicotine addiction at COP through their regulation of novel and emerging nicotine products.

- Harm reduction in the context of Agenda Item 4.5, as proposed in the COP11 background document, correctly situates the term as an industry interference concern, not a definitional debate.

What to expect

Discussions under this agenda item are expected to focus on strengthening implementation of Articles 5.2(b) and 5.3 of the WHO FCTC, including measures to prevent and reduce nicotine addiction and to protect public health policies from commercial and other vested interests. Parties may consider options to address the use of harm reduction narratives by the tobacco industry and its allies, as well as proposals to examine these issues.

Why this is important

While adult tobacco users can benefit from long-term cessation support via Nicotine Replacement Therapy products that have been proven to be safe and effective for cessation, novel and emerging products like e-cigarettes and nicotine pouches are increasingly marketed to attract new users, especially youth, and to *perpetuate* addiction.

Tobacco companies are also using synthetic nicotine and/or nicotine analogs in their manufacturing of novel and emerging nicotine products, which poses new challenges to Parties as those products may not be covered by existing legislation.

In the context of the WHO FCTC, harm reduction strategies should be understood as the full set of evidence-based measures already contained in the treaty, its guidelines to support implementation and the decisions adopted by the COP. Therefore, the COP must avoid endless definitional debates and redirect its focus on full implementation of the WHO FCTC, including preventing and reducing nicotine addiction, and protection of Parties policies from commercial interests.

The draft decision aligns with prior COP decisions (6(9), 7(9), 8(18), 10(11), 10(23)) that address industry interference and regulation of ENDS/ENNDs. This new discussion offers an opportunity for the COP to continually recognize Parties' efforts to regulate these products under the WHO FCTC and the decisions adopted by the COP. In acknowledging the varying regulatory and enforcement approaches taken by Parties, COP can also better understand differing national contexts.

Background

- Since COP4, WHO has provided evidence on novel and emerging nicotine products¹²³⁴ and decisions adopted by COP7⁵ and COP8⁶ have already guided Parties to consider regulating or prohibiting ENDS/ENNDs as appropriate to their national laws and public health objectives.

¹World Health Organization (2021) WHO study group on tobacco product regulation: Report on the scientific basis of tobacco product regulation: eighth report of a WHO study group, accessible at <https://www.who.int/publications/i/item/9789240022720>

² Litigation relevant to regulation of novel and emerging nicotine and tobacco products: case summaries, accessible at <https://www.who.int/publications/i/item/9789240024182>

³ World Health Organization (2025), WHO global report on trends in prevalence of tobacco use 2000–2024 and projections 2025–2030, accessible at <https://www.who.int/publications/i/item/9789240116276>

⁴ World Health Organization (2025), WHO report on the global tobacco epidemic, 2025: warning about the dangers of tobacco, accessible at <https://www.who.int/publications/i/item/9789240112063>

⁵ FCTC/COP7(9) Electronic nicotine delivery systems and electronic non nicotine delivery systems, accessible at [https://fctc.who.int/resources/publications/m/item/fctc-cop7\(9\)-electronic-nicotine-delivery-systems-and-electronic-nicotine-delivery-systems](https://fctc.who.int/resources/publications/m/item/fctc-cop7(9)-electronic-nicotine-delivery-systems-and-electronic-nicotine-delivery-systems)

⁶FCTC/COP8(22) Novel and emerging tobacco products, accessible at [https://fctc.who.int/docs/librariesprovider12/meeting-reports/fctc_cop8\(22\).pdf](https://fctc.who.int/docs/librariesprovider12/meeting-reports/fctc_cop8(22).pdf)

- The WHO Study Group on Tobacco Product Regulation found that companies are aware that some tobacco control laws do not cover synthetic nicotine products and have sought to take advantage of such regulatory gaps and that even if synthetic nicotine products are restricted, companies may use analogues to replace nicotine in marketed products⁷.
- COP10 reiterated concern with the continuous interference by the tobacco industry and those working to further its interests, including in the context of novel and emerging nicotine and tobacco products that are increasingly popular among youth, as one of greatest barriers to effective implementation of tobacco control and urged Parties to strengthen their efforts to increase public awareness by providing accurate information on the nicotine addiction and health risks and consequences associated with the use of novel and emerging nicotine and tobacco products, in particular among children and youth.⁸
- The growing accessibility of novel and emerging nicotine products poses public health threats. These include driving nicotine initiation and addiction among youth and non-users of tobacco, and perpetuating addiction in tobacco users.
- Of concern is the substantial association that youth who use e-cigarettes are more likely to later begin smoking conventional cigarettes.^{9,10,11 12} These products also create opportunities for public health policy interference and complicate progress in global and national tobacco control efforts.
- Youth use of nicotine in any form is unsafe. Multinational tobacco companies have increasingly marketed nicotine products like e-cigarettes and nicotine pouches as a means of offsetting declining tobacco sales. Despite their risks, these companies are marketing these products in a way that drives commercial profit by appealing to non-users and youth.
- The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health reported to the Seventy-ninth session of the United Nations General Assembly on “Harm reduction for sustainable peace and development”. The report noted that *“corporations exert their power by co-opting the harm reduction narrative or by seeking to position themselves as part of the solution to problems they have largely created, including through alleged harm reduction efforts.”*

⁷ World Health Organization (2024), Comprehensive report on research and evidence on novel and emerging tobacco products, in particular heated tobacco products <https://fctc.who.int/resources/publications/m/item/comprehensive-report-on-research-and-evidence-on-novel-and-emerging-tobacco-products-in-particular-heated-tobacco-products>

⁸ FCTC/COP10(11) Panama Declaration, accessible at <https://storage.googleapis.com/who-fctc-cop10-source/Decisions/fctc-cop-10-11-en.pdf>

⁹ Banks E, Yazidjoglou A, Brown S, Nguyen M, Martin M, Beckwith K, Daluwatta A, Campbell S, Joshy G. Electronic cigarettes and health outcomes: systematic review of global evidence. National Centre for Epidemiology and Population Health: Canberra, Australia, 2022. Available from: https://nceph.anu.edu.au/research/projects/health-impacts-electronic-cigarettes#health_outcomes.

¹⁰ O'Brien, D., Long, J., Quigley, J. et al. Association between electronic cigarette use and tobacco cigarette smoking initiation in adolescents: a systematic review and meta-analysis. BMC Public Health 21, 954 (2021). <https://doi.org/10.1186/s12889-021-10935-1>

¹¹ Kim, M.M., Steffensen, I., Miguel, R.T.D. et al. A systematic review and meta-analysis of the association between e-cigarette use among non-tobacco users and initiating smoking of combustible cigarettes. Harm Reduct J 21, 99 (2024). <https://doi.org/10.1186/s12954-024-01013-x>

¹² Golder S, Hartwell G, Barnett LM, et al. Tob Control Epub 2024, doi:10.1136/tc-2024-059219