

UPDATE ON WHO FCTC AND MPOWER

Date: 18 March 2015

Time: 14:00-15:30

Room: Conference Hall B

Tri-plenary 2 Title: Trade and tobacco issues relevant to the WHO FCTC

Description: In the Conference of the Parties' *Punta del Este* and *Seoul Declarations*, the Parties to the WHO FCTC declared their commitment to prioritize the implementation of health measures designed to control tobacco consumption, and their determination not to allow tobacco industry interference to slow or prevent the development and implementation of tobacco control measures in the interests of public. The session will provide an update of Parties' deliberations at COP6.

In recent years, increasing attention has been paid to the relationship between the WHO FCTC and international trade and investment agreements and the implications of this relationship for effective implementation of the Convention. This occurs against a background of legal challenges to implementation of tobacco-control measures in WTO dispute settlement proceedings and under international investment agreements, as well as in domestic forums. In addition to trade- and investment-related challenges, many governments are being challenged by the tobacco industry in domestic courts in relation to WHO FCTC implementation. Some Parties have already reported successful outcomes of such domestic legal challenges. The WHO FCTC has been an important factor in the positive outcome of some of these decisions. During the plenary, a number of Parties will speak about their experience with litigation brought by the tobacco industry, on the domestic and international levels.

Proposals on how to safeguard domestic policies from legal challenges initiated by the tobacco industry and opportunities for assisting Parties which face such legal challenges will also be discussed.

Objectives of the tri-plenary:

- Objective 1: To inform on the outcome of the deliberations of trade and investment issues relevant to the implementation of the WHO FCTC at COP6;
- Objective 2: To share Parties' experience in tobacco-related litigation, including Australia, Thailand, and Uruguay, focusing on lessons learnt;
- Objective 3: To identify mechanisms to avoid litigation while implementing the WHO FCTC and for addressing tobacco industry-initiated litigation in national and global settings

Chair 1: Matt Myers, Campaign for Tobacco-Free Kids (CTFK), USA

Chair 2: Dr Armando Peruga, World Health Organisation Tobacco Free Initiative, Switzerland

14:00-14:05

Welcome and introductions by Matt Myers and Dr Armando Peruga

14:05-14:20

Presentation 1: How can governments safeguard the measures taken to implement the WHO FCTC, and avoid related litigation?

Speaker 1: Benn McGrady, World Health Organisation, Switzerland

14:20-14:30

Presentation 2: Outcome of discussions at 6th session of Conference of the Parties (COP6)

Speaker 1: Ulrike Schwerdtfeger, WHO FCTC Secretariat, Switzerland

14:30-15:20

Panel discussion: Experiences and challenges faced by Parties in tobacco-related domestic and international litigation

Speakers to be confirmed

15:20-15:30

Summary and conclusions by Matt Myers and Dr Armando Peruga