

## 12. Tobacco control and trade: Overview, current challenges and minimising risk

Tuesday, 17 March 2015, 09:00 - 13:00



<b>Type</b>	Workshop
<b>Track</b>	Supply side: FCTC Art. 15,16,17
<b>Topic</b>	Other
<b>Organised by</b>	WHO and WHO FCTC Secretariat
<b>Duration</b>	Half-day
<b>Max attendees</b>	100
<b>Meeting type</b>	Open meeting
<b>Description</b>	<p>Over the past 20 years, trade in tobacco and tobacco products has rapidly expanded with the liberalisation of international trade, leading to a corresponding rise in tobacco consumption, particularly across low and middle-income countries. This highlights the inevitable intersection between international trade agreements and the tobacco control policies enshrined in the WHO Framework Convention on Tobacco Control (FCTC). While most international trade agreements contain provisions allowing governments to regulate to protect human health, the agreements nevertheless do apply to health and other public policies. The tobacco industry and its supporters are taking advantage of this, increasingly relying on international trade agreements to thwart countries' efforts to implement WHO FCTC obligations. Australia and Uruguay are presently defending tobacco control measures against industry-lead legal challenges under international trade and investment agreements. Canada, Brazil, the US and the EU have recently faced opposition to bans on flavourings and other additives in tobacco products, including on grounds relating to their consistency with trade agreements. Thailand is also facing a domestic legal challenge based in part on trade-related claims. Additionally, the industry has taken to using the threat of litigation under trade and investment agreements to deter countries from advancing tobacco control measures. Building capacity to understand international trade and investment laws as they relate to tobacco control and, consequently, how to defend the development and implementation of tobacco control policies from trade-related arguments proffered by the tobacco industry is an essential component of contemporary tobacco control.</p>
<b>Target audience</b>	Governmental tobacco control focal points, policy makers, civil society advocates and tobacco regulators.
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. Raise awareness and build capacity regarding the interactions between global trade and tobacco control</li> <li>2. Examine current obligations under the WTO as well as sample investment agreements to identify strategic approaches to support stronger tobacco control laws, while considering the implementations and vulnerabilities vis-à-vis international trade regimes</li> <li>3. Explore the impact on tobacco control of trade and investment agreements currently being negotiated, including the Trans Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP)</li> <li>4. Share the Australian experience in plain packaging of tobacco products and the resulting legal challenges as a case study</li> <li>5. Promote a "whole-of-government" health-in-all-policies approach</li> </ol>
<b>Expected outcome</b>	This is an intensive workshop on the nexus of tobacco control and trade and investment law, with the overall goals of raising awareness of the key issues, providing clear examinations of existing and evolving trade agreements and their impact on tobacco control and building capacity in harmonizing trade and tobacco control goals at national level.
<b>Keywords</b>	Trade; investment; international law; tobacco control; tobacco industry
<b>Coordinator(s)</b>	Benn McGrady (USA), Ulrike Schwerdfeger (Switzerland)
<b>Chair(s)</b>	Armando Peruga (Switzerland), Matthew Myers (USA)
<b>Presentations</b>	<ul style="list-style-type: none"> <li>» Introductions and scope of the workshop</li> <li>» Tobacco control and international trade and investment law: How do they relate?</li> <li>» The role of the WHO FCTC for international trade and investment issues</li> <li>» Australia's experience in "plain" or standardised packaging</li> <li>» The BIT challenge to Uruguay's warning label and brand presentation regulations</li> <li>» Exercise</li> <li>» Q &amp; A</li> <li>» Summary</li> </ul>