26 November, 2017

Leo Varadkar TD
Taoiseach and Minister for Defence
Government Buildings
Upper Merrion Street
Dublin 2

Reminder of obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC) in relation to the Tobacco Industry

A Thaoisigh,

Tobacco use is the leading cause of preventable death in Ireland. Each year, approximately 6,000 people die as a direct result of diseases caused by tobacco use. The greatest burden of disease, disability and premature death falls on the most disadvantaged groups in society. It has been estimated that the expenditure attributable to the effects of smoking in the health care system is in excess of €500m, which includes hospital, primary care and domiciliary care costs to the State.

Ireland has ratified and is a party to the WHO Framework Convention on Tobacco Control (FCTC). The FCTC is the first global public health treaty and is legally binding. It is an evidence-based treaty that reaffirms the right of all people to the highest standard of health and was developed by countries in response to the globalisation of the tobacco epidemic.

As Ireland is a party to the Convention, there is an onus on the State to take all necessary and appropriate steps to ensure that we protect the public health of our citizens in accordance with the FCTC.

Article 5.3 of the Convention states the following:

"In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law".

Ireland, having ratified the treaty, has obligations under Article 5.3 of the FCTC. These obligations relate to members of Government, all Government Departments and state agencies which have any interactions with the tobacco industry.
I enclose a copy of guidelines which have been developed to assist parties in meeting their obligations under Article 5.3 of the FCTC. I would be grateful if these guidelines could be circulated to officials in your Department and to agencies which come under the aegis of your Department for their attention.

The guidelines “are applicable to government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf. Any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests should be accountable”.

I draw your attention to a number of specific recommendations in these guidelines which may be applicable to Government Departments and their agencies, as follows:

**Interactions with the Tobacco Industry**

“2.1 Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.

2.2 Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.”

**Partnerships with the Tobacco Industry**

“3.1 Parties should not accept, support or endorse partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.

3.2 Parties should not accept, support or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.

3.3 Parties should not accept, support or endorse any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control measures.

3.4 Parties should not accept, support or endorse any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.”

**Conflicts of Interest**

“4.6 Parties should require government officials to declare and divest themselves of direct interests in the tobacco industry.”
Conflicts of Interest

“4.6 Parties should require government officials to declare and divest themselves of direct interests in the tobacco industry.

4.7 Government institutions and their bodies should not have any financial interest in the tobacco industry, unless they are responsible for managing a Party’s ownership interest in a State-owned tobacco industry.

4.8 Parties should not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.”

Preferential Treatment

“7.1 Parties should not grant incentives, privileges or benefits to the tobacco industry to establish or run their businesses.

7.2 Parties that do not have a State-owned tobacco industry should not invest in the tobacco industry and related ventures. Parties with a State-owned tobacco industry should ensure that any investment in the tobacco industry does not prevent them from fully implementing the WHO Framework Convention on Tobacco Control.

7.3 Parties should not provide any preferential tax exemption to the tobacco industry.”

Please do not hesitate to contact officials in the Tobacco and Alcohol Control Unit if you have any queries on this matter. Contact e-mail is Tobacco@health.gov.ie or contact phone number is (01) 6354395.

Yours sincerely

Ms Catherine Byrne, T.D.
Minister of State

Dr Tony Holohan
Chief Medical Officer