

Summary report on the  
**Regional meeting on  
the implementation  
of Articles 9 and 10 of  
the WHO Framework  
Convention on Tobacco  
Control**

Cairo, Egypt  
12–14 March 2023



**World Health  
Organization**

REGIONAL OFFICE FOR THE **Eastern Mediterranean**

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## Contents

1.	Introduction.....	1
2.	Summary of discussions .....	2
3.	Conclusions.....	14
4.	Recommendations.....	15

## **1. Introduction**

The tobacco epidemic kills more than 8 million people a year around the world. The latest WHO global report on trends in the prevalence of tobacco use (2000–2025) shows that 19% of adults (approximately 92 million people) in the WHO Eastern Mediterranean Region are current tobacco users. Articles 9 and 10 of the WHO Framework Convention on Tobacco Control (FCTC), and their partial guidelines, focus on assisting States Parties to strengthen their tobacco control policies by regulating the contents and emissions of tobacco products and tobacco product disclosures.

Understanding the importance of these Articles and evaluating their implementation at a national level in the Region, particularly as they relate to the use of flavours in different nicotine and tobacco products, is critical. Therefore, the WHO Regional Office for the Eastern Mediterranean, in collaboration with WHO headquarters and with technical support from the Secretariat of the WHO FCTC, held a regional meeting to share the latest evidence on regulation of nicotine and tobacco products, country experiences, challenges and lessons learned, WHO and Conference of Parties (COP) recommendations with respect to Articles 9 and 10, and policy gaps and opportunities.

The objectives of the meeting were to:

- identify challenges in implementing Articles 9 and 10 of the FCTC in accordance with their partial guidelines in the Region;
- review and discuss the use of flavours in tobacco products and its regulation in the Region;
- recognize and understand best regulatory practices in using flavours in different tobacco products globally; and
- agree on the next steps in implementing Articles 9 and 10 regarding the use of flavours in nicotine and tobacco products and other aspects of these Articles.

Dr Asmus Hammerich, Director, UHC/Noncommunicable Diseases and Mental Health, WHO Regional Office, opened the meeting by welcoming all attendees to the first in-person regional meeting of tobacco control focal points since the COVID-19 pandemic. He highlighted the importance of regional, multisectoral collaboration as a catalyst for achievements in the tobacco control agenda.

The second day of the meeting was opened by Dr Ahmed Al-Mandhari, WHO Regional Director for the Eastern Mediterranean, who stressed the importance of regulating all types of tobacco product, especially in light of the growing popularity of novel and emerging products, and expressed his wish for a successful and productive meeting.

## **2. Summary of discussions**

### *Tobacco control activities and developments in the WHO Eastern Mediterranean Region in 2020–2023*

The achievements of the Tobacco Free Initiative (TFI) in the Region to maintain tobacco control efforts during the COVID-19 pandemic include connecting tobacco use and COVID-19, maintaining support to countries, creating new linkages and partnerships with other areas of work and strengthening old ones, and capacity-building in industry monitoring.

### *Key developments in tobacco control globally*

Of the 60 countries around the world that are on track to reach the 30% relative reduction target by 2030, only one is in the Region. Global challenges to achieving tobacco use reduction include tobacco industry interference, novel and emerging tobacco products, COVID-19 disruptions and competing priorities. Despite regulatory challenges, there is a need to regulate novel and emerging tobacco products by applying traditional tobacco control measures. Countries should continue to focus

on the evidence-based measures outlined in the FCTC and avoid being distracted by the tobacco industry promotion of novel products.

*Key developments for the FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products*

There have been increasing requests from Parties for assistance in implementing Article 6 (price and tax increases on tobacco products) and regarding novel and emerging nicotine and tobacco products, specifically regarding their taxation and regulation. The Protocol is essential to strengthening the FCTC, and currently has seven Parties in the Region. Support is available from the FCTC Secretariat for Parties for implementing both the FCTC and the Protocol. Recent developments around both treaties include improvements to the reporting instrument for each. Preparations are ongoing for the upcoming COP10 and Meeting of Parties (MOP) in November 2023. Several agenda items were deferred from the COP9 to COP10, including on novel and emerging tobacco products.

*New challenges posed by the tobacco industry in the Region*

Big tobacco companies have an extensive history of deception, and their profits have only increased during the COVID-19 pandemic. To ensure continued revenue increases, the industry is heavily marketing its new, smokeless products. The Region is an especially appealing market for the tobacco industry, where it is actively expanding its business. Regulatory challenges for new tobacco products include uncertainty around product definitions, flavours and nicotine content, tobacco advertising, promotion and sponsorship (TAPS), health warnings and taxation. To ensure FCTC implementation is not compromised, TAPS must be applied equally to novel and emerging tobacco products through a multisectoral approach.

### *Changes expected in the upcoming WHO Global Report on the Tobacco Epidemic*

WHO has worked with ministries of health and finance to obtain the needed information, namely data from national surveys and on updated tobacco control legislation, including product regulation of cigarettes, other smoked tobacco, smokeless tobacco, and novel and emerging products. Information on cessation services is taken from COP reports, while data on tobacco taxation is obtained from ministries of finance. Expected developments in the upcoming global report (July 2023) include changes in smoke-free laws and TAPS bans. Updates on cessation services, tobacco taxation and mass media campaigns are still under analysis.

### *Interactive Smoking Projection and Target Setting Tool (ISPT)*

The ISPT has been applied in countries of the Region. It helps calculate the projected number of lives lost under business-as-usual tobacco control policies and the projected number of deaths averted if MPOWER measures are implemented at higher levels. It thereby helps identify the best demand reduction options for tobacco control in the specific context of each country, which can then be used to develop a tailored action plan. In 2021–2022, WHO held 12 country-specific virtual ISPT missions and a regional ISPT report and country factsheets are currently being developed for publication.

### *Country experiences*

In its work on tobacco taxation, the Islamic Republic of Iran has focused on an evidence-based response, specifically targeting authorities to build public demand for raising tobacco taxes. To improve cessation services, a national quitline and cessation clinics have been initiated, along with public campaigns to raise awareness on the availability of cost-covered



counselling services. Continuous monitoring and evaluation to measure the effectiveness of national cessation services is in place.

Oman's experience of implementing plain packaging was a nearly decade-long process involving WHO, the Gulf Cooperation Council and relevant ministries. The implementation of plain packaging by Saudi Arabia was an influential precedent in facilitating the policy in the rest of the Region.

In Pakistan, achievements include an increase in the size of graphic health warnings to 75%, banning the sale of single stick cigarettes, expansion of the smoke free places policy, strengthening of TAPS bans and monitoring, and a tobacco tax increase. Challenges faced were tobacco industry pressure, budgetary constraints, weakened legislation and novel and emerging tobacco products. Pakistan aims to prioritize tackling tobacco use through the implementation of the National Tobacco Control Strategy 2022–2030, strengthening graphic health warnings, establishing a national tobacco testing laboratory, potentially implementing plain packaging, and banning waterpipe and e-cigarettes.

Qatar has recently strengthened its tobacco control laws and regulations, implemented a tracking and tracing system, and hosted a smoke-free FIFA World Cup (2022). The country aims to prioritize the implementation of tobacco control legislation, including banning new and emerging tobacco products, awareness campaigns on tobacco use, tobacco surveillance, cessation services and potentially implementing plain packaging in 2023. Challenges include tobacco industry interference, bureaucratic delays and discrepancies in regional tobacco regulation.

Saudi Arabia has recently conducted youth and adult tobacco use surveys, prohibited smoking in government facilities and public places, expanded its national cessation services, implemented plain packaging, enforced

TAPS legislation, raised tobacco taxes and implemented a tobacco tracking and tracing system. This comprehensive tobacco control agenda is reflected in high achievement levels for all MPOWER policy areas.

In Sudan, despite political commitment, strong civil society and national tobacco control legislation, challenges include weak enforcement of laws, tobacco industry interference, lack of funding for tobacco control, tobacco farming, illicit trade and lack of national-level research. In future, the focus will be on the ratification of the Protocol, updating tobacco control legislation, applying larger graphic health warnings, integrating cessation services into primary health care and training health care staff to give brief advice on cessation.

Challenges for tobacco control in Tunisia include an alarmingly high prevalence of tobacco and nicotine products, affordable tobacco products, the emergence of new tobacco products and the lack of proper enforcement mechanisms. However, recent successes include enlarged graphic health warnings, strengthened smoke-free public places laws, the establishment of a high-level national antismoking committee (the Tunisian Alliance against Tobacco), a national strategy and action plan for tobacco control and the release of a tobacco control investment case.

### *Implementation of Articles 9 and 10 of the FCTC in the Region*

While cessation services are essential, preventing the initiation of new users, especially among young people, is crucial to ending the tobacco epidemic. The tobacco industry recognizes the impact of product design and flavours on initiation and often resists flavour bans. The Region has great potential for improvement in tobacco control. To facilitate comprehensive regulation, governments should receive regular updates on contents, emissions, design features, laboratory tests and market characteristics.

Understanding the highly engineered nature of tobacco products and their impact on tobacco use, especially among younger people, is very important. Tobacco product regulation is essential to reduce demand, and countries should focus on their capacities in legislation and policy development. Learning from countries progressing in product regulation is useful for understanding the required investment and resources. Generally, countries with robust regulation generate more revenue and have empowered trade, commerce and health ministries. Ministry colleagues should embrace the importance of product regulation, as it can lead to positive economic outcomes for their countries.

However, knowledge of Articles 9 and 10 is limited and their implementation is not entirely in the hands of the ministries of health. Multisectoral participation, networking and awareness of the tobacco industry's influence on these Articles are important. While this meeting represents a first step for the Region, more work will be needed at regional and national levels to improve the understanding and implementation of Articles 9 and 10.

*The history of the working group of Articles 9 and 10 and expected future directions*

The development of Articles 9 and 10 partial guidelines over the past two decades and the establishment of a working group were described. Due to the pandemic, COP9 was held virtually, and several agenda items were deferred to COP10, including the report on the possible future of the working group. Potential future scenarios for the working group at COP10 are that its mandate could either be ended, renewed or continue to be suspended. Another scenario would be to create a new expert group with a different mandate. Working groups and expert groups are different, with working groups being political bodies

representing countries while expert groups focus on personal expertise in specific areas.

*Tobacco product regulation and its importance and relevance*

The importance of tobacco product regulation in reducing tobacco use and its impact on public health was described. The implementation of Articles 9 and 10 is still challenging in the Region; however, these Articles are imperative for the control of novel and emerging tobacco and nicotine products. There is a need for comprehensive tobacco control measures, as product regulation is a powerful tool to make tobacco products less appealing. Parties must consider their regulatory goals, authority and context while developing and implementing regulations.

*The status and challenges of legislation and disclosure requirements in the Region*

Existing legislation mostly focuses on disclosing and testing the contents of cigarettes but does not cover other tobacco products or electronic systems. Countries in the Region generally do not have strong tobacco product regulations in place, particularly regarding flavours and packaging requirements, and need to improve them. It is important to extend regulation to all tobacco products, prohibiting flavours and determining minimum age requirements for purchasing such products.

*Regulating the attractiveness, addictiveness and toxicity of tobacco products*

The primary goal of regulation is to reduce the appeal of tobacco products, particularly to young people, and tobacco product regulation plays a complementary role to other tobacco control interventions. Challenges in implementing product regulation exist, including

understanding the requirements of FCTC Articles 9 and 10, technical capacity, human resources, financial needs, legal and political challenges, and tobacco industry interference. Resources are available through WHO, including from the Tobacco Laboratory Network, the Study Group on Tobacco Product Regulation, the Global Tobacco Regulators Forum and WHO Collaborating Centres.

*The experience of the Netherlands in regulating the attractiveness, addictiveness and toxicity of tobacco products*

Cigarettes need to be made less attractive and addictive. A flavour ban has been implemented in the Netherlands, which approves only 15 flavours for tobacco-flavoured e-liquids. There has been an increase in the use of flavour accessories and regulators should be cautious about these products. The Government of the Netherlands continues to broaden nicotine regulatory law to cover nicotine pouches and other nicotine products.

*Testing the content and emissions of nicotine and tobacco products*

Tobacco product testing can play a significant role in bolstering tobacco control regulatory efforts and public health. There is a need to avoid affiliation with the tobacco industry and it is desirable to collaborate with other countries' regulatory agencies and leverage regional laboratories for swift implementation of testing capabilities. TobLabNet is an independent laboratory network aiming to develop a global tobacco testing research capacity independent from the industry, focusing on testing conventional and newer products.

Advanced techniques, equipment and capacity-building are important in tobacco testing. Despite procurement difficulties, India has made progress with strong political will and technical support. Global

partnerships are of great value and the willingness of India to collaborate with networks such as TobLabNet to enhance tobacco control is ultimately improving public health and contributing to sustainable development goals.

*Group discussion on national legislation*

Three country groups were formed to discuss national legislation. Groups were requested to answer the following questions:

1. Are you familiar with your national legislation's requirements for Articles 9 and 10?
2. How can we strengthen the coordination between the specification national authority/committee and tobacco control?
3. What challenges is your country facing in implementing Articles 9 and 10?

The group of participants from Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Pakistan and the Syrian Arab Republic indicated that they were familiar with their national legislation for Articles 9 and 10. However, in many of these countries, the national specification committee is under a different authority than the ministry of health (such as the ministry of trade). This allows for more tobacco industry interference in product regulation. To strengthen coordination, the countries requested WHO to provide concrete recommendations and guidelines on how to regulate the various tobacco and nicotine products. They also suggested the specification authority be under the ministry of health and highlighted the need to limit industry interference and prioritize public health.

The group of participants from Libya, Oman, Qatar, Saudi Arabia, Tunisia and Yemen stated that, overall, Article 9 is included in their national legislation in a limited way, while Article 10 is not included in

the national legislation of most Parties. The major challenges were identified as being an absence of comprehensive legislation and its implementation and a lack of access to tobacco and nicotine testing laboratories. To strengthen coordination, national legislation should cover comprehensive recommendations for Articles 9 and 10. Establishing a multisectoral committee that regularly meets to enforce cooperation is also important.

The group of participants from Bahrain, Djibouti, Egypt and Sudan were familiar with legislation for Article 10 but not for Article 9. Most countries disclosed information about the tar content of cigarettes and tobacco used in waterpipes. To strengthen coordination, the group suggested: holding joint meetings and training between national authorities to apply the concept of multistakeholder involvement in tobacco control; sharing data between entities; and encouraging communication with capacity-building providers such as academia and international organizations. The challenges identified included the lack of proper training and awareness of decision-makers, stifling their ability to enforce the law or start the process of measurement, and the lack of certified laboratories in countries, as well as the pace of tobacco industry interference, and its influence on the public and government, which is always faster than control efforts.

### *The way forward in regulating flavours*

The regulation of flavours across laws on labelling, sales bans on certain addictive flavours, or tobacco and nicotine product design regulations, is currently varied in its nature and continued collaboration is needed to close regulatory gaps. Industry must not be allowed to create loopholes and it is important to include heated tobacco products in regulations. More research is needed to understand how best to implement and enforce regulations regarding flavour additives in tobacco products.

*Novel and emerging nicotine and tobacco products within the wider context of tobacco control*

Common challenges around these types of products include industry challenges, such as intimidation and interference in tobacco control policies, along with product diversity and manipulation; regulatory challenges, including regulations not being comprehensive and lack of capacity; and marketing and promotion challenges, such as aggressive promotion of attractive products and inadequate mechanisms to control this. These challenges are largely fuelled by knowledge gaps due to a lack of evidence on long-term health effects because of unknown risks associated with product contents, and taking a cautious approach until more evidence becomes available is advisable.

*Reporting on product regulation*

The disclosure of information to regulatory agencies by tobacco companies is important for tobacco control. Different approaches have been taken by countries when requiring information from manufacturers and there are challenges in making this information public. The disclosure of this information is a low-cost measure that helps control the illicit trade of tobacco products and monitor the different forms of nicotine.

*Tobacco industry interference in implementation of Articles 9 and 10*

Industry tactics include funding research and projects, lobbying, using flavours and finding credible allies. Article 5.3 should be used to prevent industry interference. The challenges in regulating e-cigarettes and flavoured products were described and it was recommended to reduce the number of tobacco retailers. Industry activities are likely to escalate during COP10 and it is recommended to apply Article 2.1 of the FCTC to go



beyond the Convention's measures to combat industry interference and to use resources such as the Global Tobacco Industry Interference Index.

*Group discussion on implementation of Articles 9 and 10*

Participants reconvened in their previous working groups to discuss:

1. How can the FCTC Secretariat and WHO help you implement Articles 9 and 10?
2. What tools can support implementation of Articles 9 and 10?
3. How can the tobacco industry's role in this discussion be eliminated?

The group of participants from Bahrain, Djibouti, Egypt and Sudan suggested establishing new laboratories to test tobacco products, along with facilitating current ones. They requested technical support through skills and knowledge transfer, along with capacity-building. To support this, the group highlighted the need for concrete guidelines and frameworks for implementation, along with increased collaboration and follow-up with stakeholders. Collaboration between nongovernmental organizations, government and other stakeholders in monitoring and exposing tobacco industry activities is critical, such as through creating tobacco industry observatories.

The group of participants Iraq, Jordan, Lebanon, Pakistan and the Syrian Arab Republic highlighted the need for technical support, country-specific data and advocacy guidelines to engage high-level decision-makers in implementing Articles 9 and 10. They suggested including emerging tobacco control issues in the World Health Assembly agenda to bring these to a high-level stage. To control the role of the tobacco industry, the group suggested excluding them from any specification committee due to a conflict of interest.

The group of participants from Libya, Oman, Qatar, Saudi Arabia and Yemen specified the need for knowledge transfer and capacity-building on Articles 9 and 10, particularly in countries with a less developed tobacco control agenda. The group recommended that the FCTC Secretariat and WHO present Articles 9 and 10 in simpler language, taking the form of a toolkit or guidelines. The group requested a specified list of substances and additives that should be banned or controlled and asked the Secretariat and WHO to provide technical support to countries. To limit tobacco industry interference, the group suggested comprehensively activating Article 5.3. of the FCTC.

### **3. Conclusions**

Participants agreed that the meeting was an important first step in improving the understanding and implementation of Articles 9 and 10 of the FCTC in the Region. Knowledge on the Articles is limited in the Region, and technical capacity-building using a multisectoral approach with relevant government entities (such as ministries of health, finance, commerce and trade) is needed to promote their implementation. The need for WHO and the FCTC Secretariat support to Parties in the implementation of the Articles was highlighted.

The expert presentations emphasized the timely importance of Articles 9 and 10, with the rising popularity of novel and emerging tobacco and nicotine products. Due to their novelty, uncertainty in their regulation has led to inconsistent tobacco control policy enforcement for these products. The first step in closing this gap is to strengthen tobacco product legislation by regularly updating laws to include novel and emerging products. Not only does this help avoid loopholes, but it also ensures that all types of tobacco product are covered by national tobacco control policies, including TAPS laws.

The importance of regulating tobacco product ingredients, such as additives and flavours, was highlighted, since these are powerful tools used by the tobacco industry to make their products more appealing and addictive, especially for younger people. To effectively regulate these additives, the testing and required disclosure of contents is a key first step. There is need for capacity-building in establishing tobacco and nicotine testing laboratories and support from WHO and other expert agencies.

The meeting also raised awareness of the upcoming COP and MOP that will feature discussions and decisions on the regulation of novel and emerging tobacco and nicotine products.

#### **4. Recommendations**

##### *Recommendations for Parties*


1. Strengthen tobacco product regulation legislation through the integration of Articles 9 and 10 in national legislation for tobacco control, extending regulation to all tobacco products, avoiding and addressing legal loopholes, and regularly updating tobacco control legislation to include emerging types of tobacco products and flavours.
2. Apply TAPS bans to all types of tobacco and nicotine products.
3. Include all novel products in a product testing scheme at the national level.
4. Require tobacco companies to provide regular updates on contents, emissions, design features and laboratory tests, and make the information available to the public.
5. Coordinate and engage on a regular basis with the specifications committee at the national level for better understating and reflection of tobacco control commitments.
6. Implement Article 5.3 to limit tobacco industry interference in tobacco and novel product regulation.

*Recommendations for WHO*

7. Continue providing technical support for Articles 9 and 10 by sharing the latest knowledge, research and available resources with all Parties.
8. Develop concrete recommendations and guidelines on how to regulate the various types of tobacco and nicotine products through a step-by-step approach with a list of priorities.
9. Help strengthen the capacity for tobacco and nicotine testing in laboratories in the Region.
10. Develop lists for circulation to all countries of experts in Articles 9 and 10 whom Parties can use to support their efforts, substances and additives that should be banned in tobacco and nicotine products, and accredited laboratories.
11. Continue regional capacity-building and training for Articles 9 and 10 in a multisectoral fashion.
12. Engage high-level decision-makers in implementing Articles 9 and 10.

*Recommendations for the FCTC Secretariat*

13. Prepare and disseminate information on the upcoming COP and MOP as soon as possible.
14. Develop a step-by-step, user-friendly document on how best to implement Articles 9 and 10.



World Health Organization  
Regional Office for the Eastern Mediterranean  
Monazamet El Seha El Alamia Street,  
Extension of Abdel Razak El Sanhoury Street  
P.O. Box 7608, Nasr City  
Cairo 11371, Egypt  
[www.emro.who.int](http://www.emro.who.int)