



ಆರೋಗ್ಯ ಮತ್ತು ಕುಟುಂಬ ಕಲ್ಯಾಣ ಸೇವೆಗಳು Health and Family Welfare Services



ರಾಷ್ಟ್ರೀಯ ತಂಬಾಕು ನಿಯಂತ್ರಣ ಕಾರ್ಯಕ್ರಮ
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FAQs for WHO FCTC Article 5.3



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FAQs for WHO-FCTC Article 5.3

► What is WHO-FCTC Article 5.3?

Article 5.3 of the WHO-FCTC requires all Parties, when setting and implementing their public health policies with respect to tobacco control, to “... act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”.

► What are the objectives of the guidelines for implementation WHO-FCTC Article 5.3?

The purpose of this Article 5.3 policy is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective. Parties (country) should implement measures in all branches of government that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control. The aim

of the guidelines under Article 5.3 is to assist Parties in meeting their legal obligations under Article 5.3 of the Convention. The guidelines draw on the best available scientific evidence and the experience of Parties in addressing tobacco industry interference.

► Who implements the guidelines?

The guidelines emphasize that Parties should implement measures to prevent tobacco industry interference in all branches of government that may have an interest in, or the capacity to affect, public health policies with respect to tobacco control.

► To whom do the guidelines apply?

The guidelines are applicable to all officials, representatives and employees at all levels of government and to public or semi-/quasi-public institutions or bodies within the jurisdiction of a Party to the WHO-FCTC. All those working on public health policies related to tobacco control should be subject to the guidelines. These include individuals working for the government on the broad range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke. This includes those working in areas such as the setting of taxation, price and

illicit-trade-related policies and programmes.

► What did the parties agree should be implemented under the guidelines?

The Article 5.3 guidelines present a series of eight recommendations. These are broad ranging, but the key steps Parties are encouraged to take include:

- Raise awareness about tobacco industry interference among all those working within all branches of government and among the public.
- Avoid any interaction with the tobacco industry except where necessary to enable them to effectively regulate tobacco products and the tobacco industry. Where interactions do take place, they must be conducted transparently.
- Reject partnerships, non-binding or non-enforceable agreements with the industry, including voluntary codes of conduct, industry-sponsored tobacco control initiatives or industry offers to assist with the development of tobacco control legislation or policy.

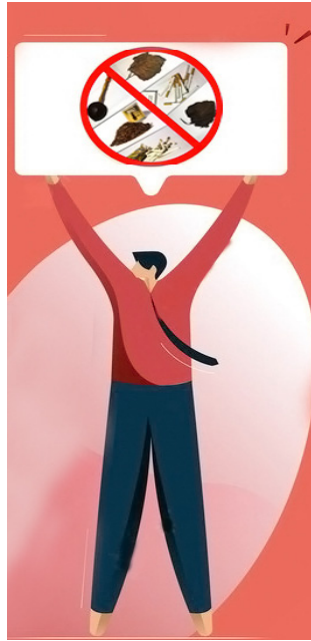


- Develop clear policies on avoidance of conflicts of interest for government officials, employees, consultants and contractors. A wide range of specific steps are recommended within the guidelines.
- Require disclosure of information by the tobacco industry to promote transparency. This must include tobacco production, manufacture, sales and content, as well as industry lobbying, philanthropy, political donations, etc.
- Denormalise and regulate activities described by the industry as “socially responsible” and expose the real intent – such as making the industry seem benevolent towards the



population – behind these activities.

- Do not give any benefits, tax exemptions or other incentives to the tobacco industry.
- Treat any state-owned tobacco industry no differently from privately-owned tobacco companies.



► **What makes the tobacco industry different from other industries?**

- Tobacco industry is aware that their products are harmful and kills their users;
- Tobacco industry is aware that nicotine is highly addictive;
- Hides this knowledge while publicly denying the dangers of tobacco use and exposure to second-hand smoke and the addictiveness of tobacco;
- Constantly targets young people with advertising and promotions to perpetuate the use of their products;
- Despite this, decades of evidence show that the tobacco industry actively and consistently acts to delay, dilute and defeat domestic tobacco control measures.
- Rely on the illegal sales of cigarettes in Africa, Asia, Europe, the Middle East, South and Central America, and North America as part of their business strategy to increase their market shares.

► **Where can I find out more about implementation guidelines for WHO-FCTC Article 5.3?**

Scan here to access the article or visit <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-5.3>



► **Whether Article 5.3 applies to an individual or an entity (department)?**

It applies to persons, bodies or entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of public health policies with respect to tobacco control.

► **Whether Article 5.3 applies to peoples representatives elected or not elected?**

Yes. The guidelines apply 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 country, and to any person acting on their behalf. Any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and protecting those policies against tobacco industry interests should be accountable. Public representatives are responsible for setting policies in place.

► **If a person violates the guidelines outlined in the state level WHO FCTC Article 5.3 policy, would there be any consequences or penalties?**

There are no penalties expressly provided for violation of the state level policy. However, non-compliance with the guidelines by government agencies, and entities, including local governments will vitiate the process and may result in invalidation of such actions taken in violation of the guidelines..

Further, within the state of Karnataka, the Commissioner, HFW Services is the Designated officer of the Empowered Committee, constituted by P.S., HFW Department, (Chairman, E.C.). S/ he may take a decision on necessity of meeting with the industry representative and may consult with other committee members, if required.

► **I am a member of District Level Coordination Committee (DLCC). My relative (Wife/husband/son/sister etc.) works for a tobacco company. Is there a potential conflict of interest?**

Yes. Complying with the transparency measures under the guideline, you must inform your department about your relationship and involvement of your relative with the tobacco business.

► **My friend owns a beedi company/firm, and he invited me to his daughter's wedding. Can I attend?**

Yes. You may attend on the grounds of friendship.

But you should restrain yourself from discussing any matters pertaining to tobacco control.

► **Before working for the government, I worked in a tobacco company. Is it going to be viewed as a conflict of interest?**

It will be considered as a conflict of interest if you do not disclose that fact to your department while joining. Hence it is advised to maintain transparency by disclosing your past and current relationship with the tobacco industry or personnel.

► **Can I join a tobacco company after my retirement?**

At present there is no such provision within the state-level Article 5.3 policy, however, it may be considered conflict of interest, if there is material evidence to suggest that this position in tobacco industry is in lieu of any help/benefits/advantage/concessions etc. extended to that tobacco company while working as a government official.

► **A tobacco company is ready to sponsor a school under its CSR program. They agree not to advertise or take their name in any correspondence. Can the government department(s) accept such sponsorship?**

No. Activities that are described as “socially responsible” by the tobacco industry, aiming at the promotion of tobacco consumption, is a marketing as well as a public relations strategy that falls within the Convention’s definition of advertising, promotion and sponsorship.

► **One of our old student (Alumni) owns a beedi firm/company and wants to donate money from his personal account (not from his beedi firm). Can the government department(s) accept such sponsorship?**

No. The tobacco industry consists of huge multinational corporations, state-owned enterprises, domestic tobacco farmers, producers, importers, distributors, retailers and a wide range of supporting consultancies that specialise in marketing, legal services, lobbying, or any person directly or indirectly associated with tobacco industry.

► **A tobacco company has invited me as a chief guest for their program. Can I attend?**

No. You should interact with the tobacco industry

only when and to the extent strictly necessary to effectively regulate the tobacco industry and products.

► **We are signing an MoU with an NGO for solid-waste management. But that NGO receives funding from a tobacco company. Can we enter into an agreement?**

No. ‘Tobacco industry’ means: tobacco manufacturers, wholesale distributors, and importers of tobacco products. In addition, the term ‘tobacco industry’ includes tobacco growers’ associations or other entities representing any of the above and industry lobbyists. Any person directly or indirectly associated with tobacco industry. In this scenario the source of funding is clearly known. Further if there is no clarity of funding but clear evidence on non-financial ties with the industry, one should avoid any kind of agreement

► **Can a government department accept sponsorship from Classmate, Aashirwad aata, Savlon or Sunfeast etc? These belong to ITC but are not cigarette brands.**

No. Associations or other entities representing a tobacco company are also considered tobacco companies. Refer to Q16 for the definition of industry.

► **I was working in Karnataka government, earlier but recently got transferred to a state not having Article 5.3 policy (such as Hyderabad); whether Article 5.3 will be applicable to non-notified states?**

Yes. Although the Karnataka state WHO-FCTC 5.3 Policy may not apply, but by virtue of India being a Party to the WHO FCTC, the WHO FCTC 5.3 guidelines as part of the Treaty obligation apply to all public officials in India..

► **Tobacco industry claim that they do have other businesses like FMCG, Food , Hotels, Stationary, Paperboards, agri business etc while doing CSR activities. Do all these business fall under WHO-FCTC article 5.3?**

Yes. Unless all these diversified industries/sectors are registered under the umbrella of a single entity, they all fall under the WHO-FCTC Article 5.3.