



Draft decision:
**Implementation of measures to prevent and reduce
tobacco consumption, nicotine addiction and exposure to
tobacco smoke, and the protection of such measures
from commercial and other vested interests
of the tobacco industry in light of the
tobacco industry's narrative on "harm reduction"
(Articles 5.2(b) and 5.3 of the WHO FCTC)**

(Proposed by Brazil, Maldives, Panama and Thailand)

The Conference of the Parties (COP),

Recalling that Article 5.2(b) of the WHO Framework Convention on Tobacco Control (WHO FCTC) provides that each Party shall adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke;

Recalling also that Article 5.3 of the WHO FCTC requires Parties to protect their public health policies with respect to tobacco control from the commercial and other vested interests of the tobacco industry in accordance with national law;

Recognizing that "harm reduction" (or "reduced risk") narratives are being used by the tobacco industry and its allies to further the marketing and commercialization of novel and emerging nicotine and tobacco products, and to avoid or reduce regulation of these products;

Recalling decisions FCTC/COP6(9) and FCTC/COP7(9), inviting Parties to apply measures such as those contained in documents FCTC/COP/6/10 Rev.1 and FCTC/COP/7/11, and noting with satisfaction that many Parties have implemented measures to prohibit or otherwise regulate electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDs);

Reaffirming decision FCTC/COP10(23) calling on Parties to exchange information to assist other Parties, including by collaborating to monitor marketing strategies relating to all tobacco products (including novel and emerging tobacco products) and to ENDS/ENNDS;

Reaffirming further decision FCTC/COP10(11) urging Parties to strengthen implementation of measures and further enhance policy coherence within governments to prevent tobacco industry interference in public health policies, in accordance with Article 5.3 and its Guidelines for implementation, and to continue to monitor technological developments in respect of novel and emerging nicotine and tobacco products;

Recalling decision FCTC/COP8(18), which requested the Convention Secretariat to work with the Knowledge Hub for Article 5.3 and observers to the COP on raising awareness and providing resources on tactics used by the tobacco industry and those working to further its interests;

Recognizing that nicotine is highly addictive and harmful to health, including adversely affecting the brain development of children and adolescents and fetus development in pregnant women;

Concerned by the fact that WHO reports that youth uptake of e-cigarettes is increasing at an alarming rate, and acknowledging WHO's call to action for urgent measures to prevent uptake of e-cigarettes and counter nicotine addiction as part of a comprehensive approach to tobacco control, considering national circumstances;

Noting with concern that while at least 47 countries or territories have implemented bans on ENDS, as reported in document FCTC/COP/10/7, the tobacco industry is increasingly using "harm reduction" narratives to challenge or seek to reverse these bans;

Reaffirming that the participation of civil society not affiliated with the tobacco industry or those furthering its interests is essential in achieving the objective of the Convention;

Noting the updated information provided by the Convention Secretariat and WHO on ENDS/ENNDS and other nicotine products (including nicotine pouches and disposable ENDS) in reports FCTC/COP/8/10, FCTC/COP/9/8 and FCTC/COP/10/7;

Recognizing the report of the United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to the United Nations General Assembly on "Harm reduction for sustainable peace and development" (A/79/177), stating that "the scepticism towards the tobacco industry's harm reduction initiatives stems from their long and well-documented history of duplicitous behaviour, concealing and downplaying the health risks of their products, while deceptively marketing alternatives as harm reduction or quitting alternatives as ascertained in judicial proceedings";

Alarmed by the fact that, as noted by the Special Rapporteur, corporations that manufacture and commercialize inherently harmful products, including tobacco, "exert their power by co-opting the harm reduction narrative or by seeking to position themselves as part of the solution to problems they have largely created, including through alleged harm reduction efforts";

Noting the report of the Convention Secretariat contained in document FCTC/COP/11/10,

1. REMINDS Parties:

(a) of their obligations under Article 5.2(b) to adopt and implement effective legislative, executive, administrative and/or other measures, and to cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke; and

(b) of their obligations under Article 5.3 to protect public health policies from commercial and other vested interests of the tobacco industry in accordance with national law;

2. URGES Parties:

(a) to implement Article 5.2(b) fully by adopting measures to prevent and reduce nicotine addiction, including:

- (i) by taking measures such as prohibiting or restricting the manufacture, importation, distribution, presentation, sale and use of all novel and emerging nicotine products, including ENDS, ENNDS and nicotine pouches;
- (ii) by ensuring that such measures apply to all novel and emerging nicotine products in any of its naturally or synthetically derived forms, including nicotine analogues; and
- (iii) by ensuring that all relevant provisions of the WHO FCTC are implemented in respect of novel and emerging nicotine products in a manner that is consistent with the regulatory approach adopted;

(b) in light of Article 5.3 and its Guidelines for implementation, to apply measures to monitor, prevent and firmly reject “harm reduction” (or “reduced risk”) narratives used by the tobacco industry and those working to further its interests to promote the marketing and commercialization of novel and emerging nicotine and tobacco products and to avoid or reduce regulation of these products; and to share their experience regarding how they have protected their implementation of measures under Article 5.2(b) from such “harm reduction” narratives;

(c) to ensure that “harm reduction” strategies are public health-led, free from industry involvement, and not used to justify deregulation or industry expansion;

(d) to implement Article 5.3 and its Guidelines for implementation when evaluating any policy proposal or regulatory engagement involving “harm reduction” narratives or novel or emerging nicotine and tobacco products or non-nicotine tobacco products such as by excluding tobacco industry research and contributions as a basis for policy decisions;

3. REQUESTS the Convention Secretariat:

(a) in cooperation with the WHO FCTC Knowledge Hubs, in particular the Knowledge Hub for Article 5.3, and observers to the COP, to raise Party and public awareness, including through tools developed pursuant to decision FCTC/COP8(18), about the tactics used by tobacco industry and those working to further its interests, including “harm reduction” narratives, to promote the marketing and commercialization of novel and emerging nicotine and tobacco products;

- (b) to facilitate technical cooperation and information exchange among Parties, with support from the WHO FCTC Knowledge Hubs, in particular the Knowledge Hub for Article 5.3, and observers to the COP, to share their experience regarding how they have protected their implementation of measures under Article 5.2(b) from “harm reduction” narratives to further the marketing and commercialization of novel and emerging nicotine and tobacco products;
- (c) to invite Parties, as part of their reporting obligations on their implementation of the Convention, to report on implementation of measures to prevent or reduce nicotine addiction under Article 5.2(b), and report on the matter at the Twelfth and subsequent sessions of the COP; and
- (d) to invite WHO, and its Study Groups, to continue to report on technical matters related to novel and emerging nicotine products at future sessions of the COP.

(XXX plenary meeting, XX November 2025)
