

WHO Public Hearings on the Framework Convention on Tobacco Control, 12-13 October 2000 - Geneva, Switzerland

Submission from the German Coalition against Smoking

Identification

In 1992, the German Coalition against Smoking was founded within the framework of the Europe Against Cancer program as an alliance of action comprising non-governmental health institutions and organisations in Germany. At the moment there are 80 major non-governmental health institutions represented in the German Coalition against Smoking. Members of the steering committee are: the Federal Association for Health, the German Cancer League, the German Cancer Research Centre, the German Cancer Society, the German Centre Against Addiction, the German Heart Foundation, the German Lung Foundation, the German Medical Association, and the Medical Working Group Smoking or Health.

The German Coalition against Smoking, financed by member fees and donations, has currently its headquarters at the Federal Association for Health, which is also in charge of administration.

Being active mainly in the political domain the German Coalition against Smoking sees its major objective in initiating and promoting legislation to curb the health dangers of smoking. It therefore has until now promoted and supported:

- the national draft bill on the protection of non-smokers against passive smoking in public and in the workplace,
- the EU-Directive on a ban on tobacco advertising,
- the EU-Directive on the regulation of tobacco products.

Besides, the German Coalition against Smoking considers itself as a link between scientific and political institutions and the public. In 1999, the WHO Regional Office for Europe and the German ministry for health empowered the German Coalition against Smoking to co-ordinate the German activities within the framework of the WHO European Partnership Project to reduce Tobacco Dependence. Since then, the German Coalition against Smoking, initiating national steps to achieve the objectives of the Partnership Project, has also been communicating first results to the public.

Interest in the Framework Convention process

In Germany, there has been a tobacco growing and manufacturing industry since a long time. As a result, questions of tobacco control have always been treated against the background of economic interests and demands, rendering initiatives from non-governmental health institutions rather unsuccessful. The German Coalition against Smoking hopes that the international WHO initiative will encourage the national discussion on a comprehensive tobacco control policy.

Demands on the Framework Convention on Tobacco Control

Ban on tobacco advertising

In Germany, 110.000 people die annually from the consequences of smoking. To cover the loss of consumers the tobacco industry has to encourage 300 young people - children and minors - per day to smoke regularly. Tobacco advertising campaigns therefore aim mainly at this target group. Placards are still - in spite of voluntary self-regulations by the tobacco industry – very often to be found in the surroundings of schools and youth centres.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to outlaw any kind of tobacco advertising which in open or concealed way aims at children and minors and ban it. This ban should also include sponsoring and product placement.

Ban on sale of tobacco products to children and minors

The sale of tobacco products to children and minors has not been subject to regulations in Germany. Children and young people can legally provide themselves with cigarettes. There are more than 800.000 cigarette vending machines all over the country - one cigarette vending machine for 100 persons - offering cigarettes seven days a week around the clock. It is proven that minors (age 11 – 13 years) particularly buy more often from cigarette vending machines than young people at the age of 16. Cigarette vending machines and the unrestricted sale of tobacco products therefore play a vital role when distributing cigarettes to children and minors. This problem has been a point of political discussion since 15 years in Germany. And although the tobacco industry is not getting tired to proclaim its sense of responsibility, it has not changed its marketing strategy.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to outlaw and ban any kind of sale of tobacco products to children and minors.

Financing campaigns on smoking prevention

The advertising budget of the German tobacco industry is one of the largest of one single industry. In fact, the tobacco industry spends annually DM 150 millions for advertising. This sum meets a budget of only DM 1,5 million spent by state authorities for smoking prevention campaigns nation wide. The advertising campaigns and strategies of the tobacco industry becoming more and more cunning, the state investments in smoking prevention programs and measures in support of tobacco control policy are not much of a success.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to spend part of the tobacco tax revenue for efficient and comprehensive information campaigns and smoking prevention programs. These financial resources to fight the epidemic should at least equal the tobacco advertising budget of DM 150 millions annually.

Financing the consequences of smoking

The economic damage of smoking in Germany amounts to DM 34 thousands of millions per year, the tobacco tax revenue to only DM 21 thousands of millions. Thus, the economic burden caused by smoking could not be covered even if the tobacco tax revenue was completely used for only this purpose.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to call the tobacco industry to account following the principle that the party responsible is liable for the damages. The economic damage caused by the consumption of tobacco should be the basis when fixing the minimum tax rate for tobacco products.

Countering tobacco smuggling

In Germany, the financial loss in unpaid tobacco tax amounts to DM 1 thousand of millions annually. This sum does however not cover the costs of permanent boarder controls and police investigations of organised smuggling rings. Furthermore, public safety is endangered

when rivaling groups of dealers sell smuggled cigarettes to the consumers. There are indications that the tobacco companies bring a significant part of their cigarette production intentionally on the black market.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to agree on efficient measures against international tobacco smuggling. These measures should include:

- the codification of tobacco products in order to identify producer and place and date of production of smuggled merchandise,
- the unification of tobacco taxation in order to minimize the interest of "legal" smuggling among countries with different rates of taxation,
- the ban on sale of duty-free tobacco products in order to make illegal sales of untaxed cigarettes more difficult.

Protection of non-smokers

In Germany, employees and workers can put into effect their rights and obtain a smoke-free workplace by court decision. Currently, a group of 200 parliamentarians in the German Bundestag is trying to push through the legal right to a smoke-free workplace. But - as globalisation persists - a steadily increasing number of employees has to work in countries all over the world. Yet, regulations on the protection of non-smokers in the workplace differ from country to country. As a result employees and workers might lose their rights to protection.

The International Civil Aviation Organisation ICAO has already been developing an agreement on international regulations on the protection of non-smokers on international flights. Correspondingly, the International Labour Organisation ILO should treat the question of the protection of non-smokers in the workplace at an international level.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to establish a standard of protection of non-smokers on international flights, in public buildings and in the workplace.

Regulation of tobacco products

Although tobacco products differ very much in taste, mixture and additives depending on the blend, place of production and regional preferences, they are still being sold with one and the same brand world wide. That is why the consumer needs precise information about the actual contents of a tobacco product. In 1992, the tobacco industry in the EU was committed to indicate the nicotine and tar content on the cigarette packing.

Results of the latest research show that tobacco products contain numerous additives. While consuming, smokers inhale about 40 carcinogenic combinations. A better consumer protection requires the exact indication of contents and additives to tobacco products and chemical combinations which are being produced during consumption.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to establish a standard of indication identifying precisely the nicotine and tar content and all additives on the packaging. There should also be an information on the health risks of smoking. Misleading labels like "light", "ultralight" or "mild" should be forbidden by law. A clear warning (p.ex. Smoking kills) in black letters on white background taking up 30 % of the front of the packet should be introduced.

Deregulation of nicotine replacement products

Treatment works. Many studies prove that a treatment of tobacco dependence with nicotine replacement products doubles the chances of a successful smoking cessation. But, while cigarettes can be purchased in shops and from cigarette vending machines, nicotine replacement products as OTC-products are subject to the strict regulations of the law governing the manufacture and prescription of drugs. National law obviously treats nicotine in cigarettes differently from nicotine as an active substance in pharmacological products for smoking cessation.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to abolish the discriminating legislation on the distribution of nicotine replacement products and tobacco products. Nicotine replacement products are to be made available where tobacco products can be purchased or else, tobacco products have to be regulated in the same way as nicotine replacement products. Furthermore, the German Coalition against Smoking calls on the international community to make the newly developed guidelines on smoking cessation available in each country and to have them integrated in existing national tobacco control policy.

Documentation and standardisation of data capture

The states signing the WHO Framework Convention on Tobacco Control should agree on necessary steps implementing the aims of the FCTC. The level of implementation should be subject of an annual report and evaluation. Standardised questions and timetables for data capture - as already elaborated in a first draft by the WHO-Partnership Project to reduce Tobacco Dependence - are necessary for that.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to have the WHO built a commission of experts which should take responsibility for the documentation of measures and the co-ordination of methodical questions.

Fade out subventions

In the European Union subsidies to tobacco growers amount to approximately DM 2 billions annually, including subsidies to German tobacco growers. The German tobacco production, though, is not intended for German consumers: on account of its inferior quality it is exported to poorer regions. At the same time fine tobacco produced in developing countries is imported for manufacturing.

The German Coalition against Smoking and with it all institutions and organisations joining this declaration call on the international community of states to abolish subsidies to tobacco growers. As a compensation, agricultural diversification should be stimulated and supported financially. Direct or indirect financial support of tobacco growers paid by the tobacco industry has to be disclosed.

The German Coalition against smoking has been following the negotiations on the Framework Convention on Tobacco Control attentively and will also in the future support them to the best of its ability, especially in Germany.