



This document relates to item 5.5.2 of the provisional agenda

Seventh Session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control,  
7-12 November 2016, New Delhi

**FCA Policy Briefing**  
**Electronic nicotine delivery systems and electronic non-nicotine  
delivery systems**

**Key recommendations**

- Recognising that current evidence on the potential risks and harms of ENDS/ENNDS is inconclusive and Parties have divergent views on their potential role in tobacco control, we urge the COP not to engage in lengthy debate on this topic;
- Parties should note the non-exhaustive list of options provided in the WHO report, which they might consider in order to achieve the ENDS/ENNDS objectives set out in the COP6 decision (FCTC/COP6(9));
- Parties should request the WHO to prepare an expert report for COP8 with an update on scientific evidence and on national regulatory developments.

**Background**

Electronic nicotine delivery systems (ENDS), more commonly known as e-cigarettes,<sup>1</sup> have been discussed by COP on three previous occasions – at COP4, 5 and 6. On all three occasions, Parties requested further reports (see FCTC/COP/5/13, FCTC/COP/6/10 and FCTC/COP/7/11) – an indication that this is an area where products and marketing strategies are changing rapidly and Parties are trying a variety of approaches to regulate them.

This is borne out by an analysis by Johns Hopkins University,<sup>2</sup> building on the WHO report to the last COP which found:

- 71 countries have national/federal laws regulating the sale, advertisement, promotion, sponsorship, taxation, use and classification of e-cigarettes;
- 56 countries have bans or laws that prohibit or restrict the sale of e-cigarettes;
- 18 countries regulate e-cigarettes as medicinal products, 26 countries regulate e-cigarettes as tobacco products (or imitation/derivative/substitute products) and 4 countries regulate nicotine-containing e-cigarettes as poisons.

<sup>1</sup>The term “ENDS”, while broader and more accurate than “e-cigarettes”, is very rarely used outside the public health community. Users and manufacturers typically refer to the products as e-cigarettes or “vapourisers”.

<sup>2</sup>Institute for Global Tobacco Control. [Country Laws Regulating E-cigarettes: A Policy Scan](#). Baltimore, MD: Johns Hopkins Bloomberg School of Public Health. January 2016.

It is clear that Parties have very different regulatory systems in place and that ENDS is not an issue on which there is global consensus on the appropriate regulatory approach. In consequence, we do not believe that attempting to achieve such a consensus would be time and effort well spent by COP7.

The global market for ENDS/ENNDS in 2015 was estimated at almost US\$10 billion, less than 1.5 percent of the cigarette market, which in 2014 was estimated to be worth \$744 billion.<sup>3</sup> The WHO report noted that the market is highly concentrated, with 56 percent of sales accounted for by the US (not a Party to the FCTC), 12 percent by the UK and another 21 percent of the market divided between China, France, Germany, Italy and Poland (3-5 percent each). Furthermore, as the WHO pointed out, “it is unclear whether the sales of ENDS/ENNDS will continue to increase”.

Tobacco use causes 1 in 10 deaths among adults worldwide – more than five million people a year. By 2030, unless urgent action is taken, tobacco’s annual death toll will rise to more than eight million, 80 percent of which will be in low- and middle-income countries (LMICs).

### **Actions for COP7**

As mentioned in the WHO report to COP6 (FCTC/COP/6/10 Rev. 1), “*ENDS are the subject of a public health dispute among bona fide tobacco-control advocates.*” This is still the case, with some seeing e-cigarettes as a potential technological response to the problem of tobacco use, some seeing them as a tobacco industry manoeuvre to re-invent themselves as partners of public health and re-normalize smoking, some seeing them as both, and some taking a variety of positions in between.

Until more definitive research on the risks and benefits of ENDS and ENNDS becomes available, COP should set aside lengthy discussion on this matter. The COP should instead focus its efforts on establishing measures to support implementation of the core provisions of the WHO FCTC, particularly in LMICs, in order to most effectively tackle the growing tobacco epidemic.

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<sup>3</sup> Campaign for Tobacco Free Kids. [The Global Cigarette Industry](#). September 2015.