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Article 5.3: The Cornerstone of Tobacco Control

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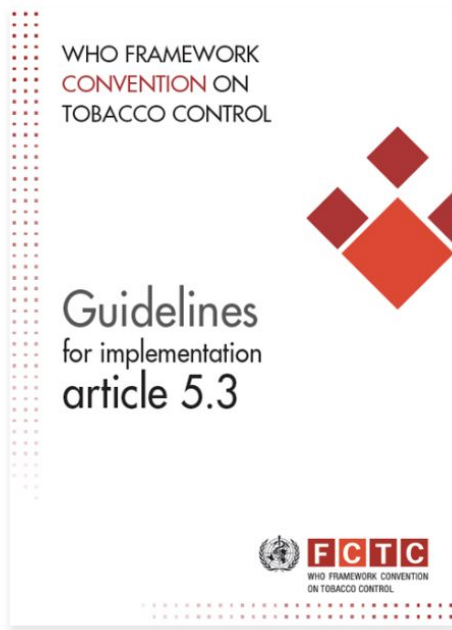
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- I have received no funding from the tobacco or vaping industry, directly or indirectly, or any of their allies or partners
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Article 5.3 of the WHO FCTC

“In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.”



Guidelines to support implementation approved at COP in 2008

"... [w]e fully agree that the manufacture, distribution and sale of tobacco products should be regulated. But these 'guidelines' [Article 5.3 guidelines] raise serious questions about real best practice in policy making. They are a potential recipe to vilify and marginalise legitimate, tax-paying, regulated businesses, employing thousands of people, and risk forcing tobacco products 'underground' where the illicit, non-taxpaying, unregulated trade is already flourishing ... despite the clamour for 'denormalisation,' exclusion and extremism being promoted by many anti-tobacco activists, many governments seek balanced regulation that is transparent, accountable, proportionate and properly targeted."

Paul Adams, then BAT chief executive, January 2009

“Philip Morris International (PMI) respects and supports Article 5.3. The duty of regulators to act with impartiality and transparency, as well as to protect policymaking from commercial and other vested interests, is not unique to tobacco control. It is a principle of good governance and regulatory decision-making.

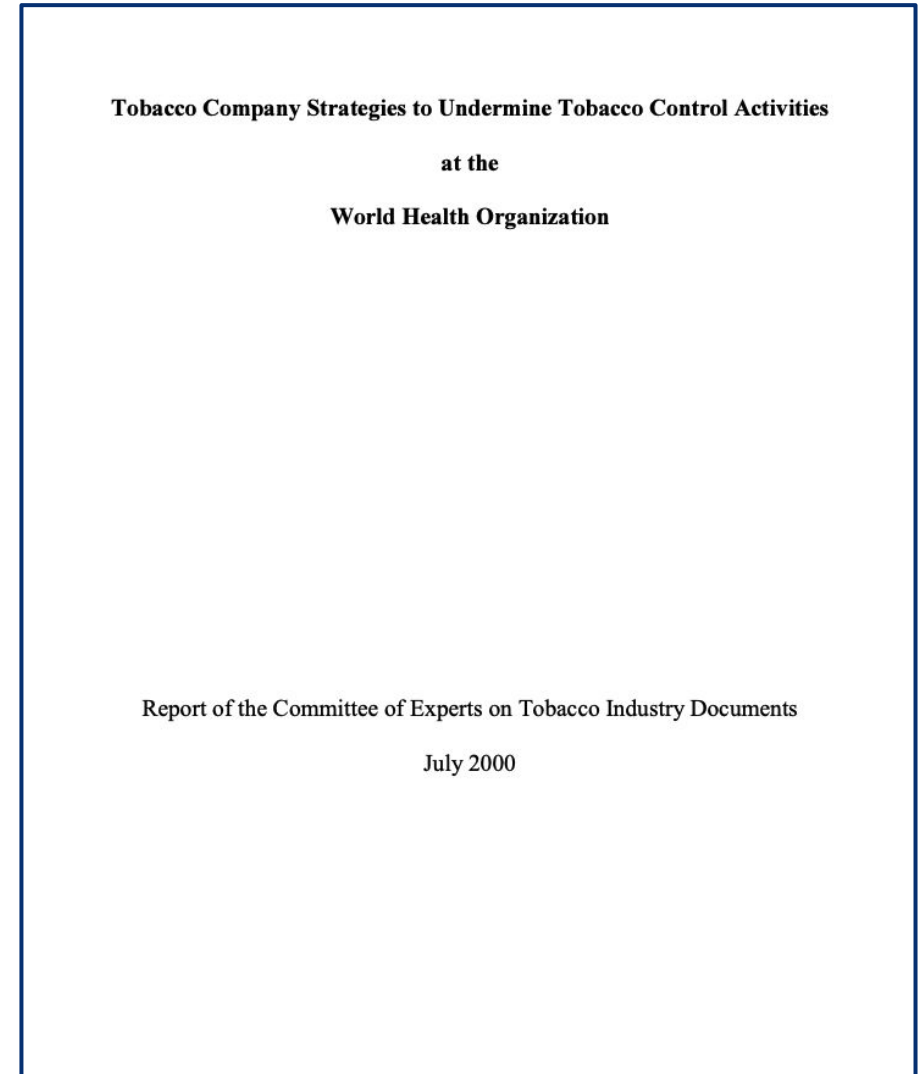
PMI operates transparently, and discloses its lobbying, political contributions, and participation in business and trade associations. But such interactions are often prevented by an overwhelmingly anti-tobacco agenda.

Due to this misreading of Article 5.3, many other stakeholders not associated with the tobacco industry are also being denied access to relevant FCTC meetings.”

Source: Philip Morris International Website. Accessed May 20 2025. From “Opening the door to progress: What can tobacco regulators learn from the climate change debate?” 30 September 2021. Available at <https://www.pmi.com/realprogress/what-can-tobacco-regulators-learn-from-the-climate-change-debate>

Why is Article 5.3 a cornerstone?

- It creates a mechanism for Governments to denormalize the tobacco industry access to decision making
- It singles out an industry (broadly defined) as a threat to achieving agreed upon public health goals
- Informed by evidence of interference and a roadmap of evidence measures to counter interference



https://iris.who.int/bitstream/handle/10665/67429/67429_eng.pdf

Are we making progress in implementation?

- Increase in process: addressing tobacco industry interference reflected in COP discussions and decisions
- Several countries address tobacco industry interference, especially rules of engagement, in their legislation and policies
- However, widespread acknowledgement of the tobacco industry as the greatest barrier to fully achieving the goals of the treaty

Ongoing Industry Response

- Seeking dialogue and partnerships
 - “Harm Reduction”
 - Illicit Trade
- Interpreting Article 5.3
- Claiming Article 5.3 is “censorship”

Going forward

- Continue to strengthen commitment to Article 5.3 and its Implementation Guidelines
- Support countries in utilizing and or establishing implementation mechanisms
- Continue to include in the implementation database
 - Encourage Parties to answer optional questions
- Develop case studies demonstrating best practices in implementation and enforcement
 - Moving beyond monitoring to addressing industry interference