

Item 4.4.2

Electronic nicotine delivery systems¹ and electronic non-nicotine delivery systems²

The Conference of the Parties (COP),

Recalling its decision FCTC/COP4(14) to request the Convention Secretariat to prepare jointly with WHO's Tobacco Free Initiative a comprehensive report based on the experience of Parties on the matter of electronic nicotine delivery systems (ENDS), of which electronic cigarettes are the most common prototype, are devices that vaporize a solution, which may include nicotine, or not, the user then inhales, for consideration at the fifth session of the COP;

Recalling its decision FCTC/COP5(10) to request the Convention Secretariat to invite WHO to identify options for the prevention and control of ENDS and examine emerging evidence on the health impacts of the use of such electronic systems; and report on the outcome to the sixth session of the COP;

Recognizing that the Parties have adopted various regulatory strategies with respect to ENDS, such as an outright ban on their sale, the adoption of regulation similar to that applicable to the marketing of medicines, their control as tobacco products, or no control at all;

Noting that the report by WHO to the COP at its sixth session (document FCTC/COP/6/10) summarizes the public health debate and limited nature of the evidence on ENDS and presents both general objectives and specific regulatory options for consideration by Parties,

1. WELCOMES the report contained in document FCTC/COP/6/10 and invites Parties to take careful note of it;
2. INVITES Parties, when addressing the challenge posed by ENDS/ENNDS, to consider taking measures such as those referred to in document FCTC/COP/6/10 in order to achieve at least the following objectives, in accordance with national law:
 - (a) prevent the initiation of ENDS/ENNDS by non-smokers and youth with special attention to vulnerable groups;
 - (b) minimize as far as possible potential health risks to ENDS/ENNDS users and protect non-users from exposure to their emissions;
 - (c) prevent unproven health claims from being made about ENDS/ENNDS; and
 - (d) protect tobacco-control activities from all commercial and other vested interests related to ENDS/ENNDS, including interests of the tobacco industry;

¹ Electronic nicotine delivery systems (ENDS), of which electronic cigarettes are the most common prototype, are devices that vaporize a solution.

² Electronic non-nicotine delivery systems (ENNDS).

3. INVITES Parties to consider prohibiting or regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer products, or other categories, as appropriate, taking into account a high level of protection for human health;
4. URGES Parties to consider banning or restricting advertising, promotion and sponsorship of ENDS;
5. INVITES Parties and WHO to comprehensively monitor the use of ENDS/ENNDS, including the relevant questions in all appropriate surveys;
6. REQUESTS the Convention Secretariat to invite WHO to prepare an expert report, with independent scientists and concerned regulators, for the seventh session of the Conference of the Parties with an update on the evidence of the health impacts of ENDS/ENNDS, potential role in quitting tobacco usage, impact on tobacco control efforts and to subsequently assess policy options to achieve the objectives outlined in paragraph 2 of this decision and to consider the methods to measure contents and emissions of these products.