



**World Health
Organization**



FCTC
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
S E C R E T A R I A T

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In reply please
refer to:

Your reference:

Dr Nino Berdzuli
Deputy Minister
Ministry of Labour, Health and Social
Affairs
144, Ak. Tsereteli Ave.
Tbilisi 0119
Georgia

10 August 2017

Dear Dr Berdzuli,

Technical Workshop on Tobacco Plain Packaging
Geneva, 4-6 October 2017

We have the honour to inform you that the WHO Prevention of Noncommunicable Diseases Department (WHO/PND) and the WHO Framework Convention on Tobacco Control Secretariat (WHO FCTC) will jointly host a technical workshop on tobacco plain packaging in Geneva, Switzerland from 4-6 October 2017. A draft agenda is enclosed.

The workshop is targeted primarily at low- and middle-income countries that are interested in developing tobacco plain packaging laws. The workshop will focus on legal issues in policy design and is most relevant to national tobacco control focal points and government lawyers involved in the design or legal defence of plain packaging laws.

The workshop, which will be conducted in English, aims to support domestic policy development by:

- sharing information on policy design and tobacco industry opposition;
- sharing information on legal challenges concerning plain packaging and on how Member States can strengthen their legal positions; and
- facilitating networking and information sharing among Member States.

WHO/PND and the WHO FCTC Secretariat jointly have the pleasure to invite up to two representatives from your government to participate. Through the Bloomberg Initiative to Reduce Tobacco Use and the FCTC 2030 project the United Kingdom of Great Britain and Northern Ireland government, WHO/PND and the WHO FCTC Secretariat can fund participation in the event by low and middle-income countries. This includes two economy class airfares and per diem to cover accommodation and meals during the workshop.

ENCL: (1)

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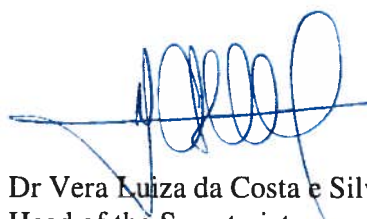
For this 2 ½ day workshop, we advise that participants arrive no later than the morning of 4 October 2017 and depart no earlier than the evening of 6 October 2017. Kindly check the travel requirements with the Swiss consulate in your area. We urge all participants to contact the Swiss Consulate well in advance and if a visa support letter to facilitate the application to Switzerland is needed, please let us know.

Please contact Miriamjoy Aryee-Quansah (aryeequansahm@who.int) to indicate whether your government will attend the workshop and for any other administrative issues. Please contact Benn McGrady, WHO/PND (mcgradyb@who.int) and Andrew Black, the WHO FCTC Secretariat (blacka@who.int) for substantive issues.

Yours sincerely,



Dr Douglas Bettcher
Director
Prevention of Noncommunicable Diseases
World Health Organization



Dr Vera Lúiza da Costa e Silva
Head of the Secretariat
WHO Framework Convention on
Tobacco Control

Plain (Standardized) Packaging

Legal Challenges in Policy Design and Implementation

4 – 6 October 2017

Objectives

To support tobacco plain packaging policy design by:

- sharing information on policy design and tobacco industry opposition;
- sharing information on legal challenges concerning plain packaging and on how Member States can strengthen their legal positions; and
- facilitating networking and information sharing.

Agenda

4 October 2017

1.15	Arrival and registration
1.15 – 2.45	Welcome • Words of welcome from WHO and the WHO FCTC Secretariat • Introduction of participants, facilitators and objectives of the meeting • Status of plain packaging in your country / updates from participants Relevance of the WHO Framework Convention on Tobacco Control • The defining features of plain packaging (standardization of packaging and products) • Relevance of the WHO FCTC • Objectives of plain packaging as envisaged in the WHO FCTC Guidelines • Relationship with other tobacco control measures in the WHO FCTC Discussion
2.45 – 3.00	Coffee break
3.00 – 4.30	Exercise • Touch and feel plain packs and plain products from Australia, France and the United Kingdom • Compare these with packs and products from your country Comparing plain packaging in different countries • Comparing approaches to plain packaging across different countries • Comparing the policy processes in different countries Discussion
4.30 – 4.45	Day 1 wrap up

5 October 2017

9.00 – 10.30	The evidence base • Marketing theory and industry documents • Experimental evidence, surveys and focus group studies on plain packaging • Pre-market testing in Australia • Post-implementation evidence from Australia Discussion
10.30 - 10.45	Coffee break
10.45 – 12.15	Industry opposition • Industry arguments on illicit trade, product prices and effects on retailers • Industry tactics including mass media campaigns, co-opting retailers and growers Exercise • The Minister of Health has asked “what evidence is there that plain packaging works and to what extent is that evidence relevant to your country”. Report back and discussion
12.15 – 1.15	Lunch
1.15 – 2.45	Overview of legal claims so far and lessons learned • Brief overview of legal claims against Australia, France, Norway and the United Kingdom • Common industry arguments in the claims ○ Plain packaging is not “effective” / the government cannot prove that plain packaging reduces tobacco use ○ Trademark and associated property rights have been taken / can no longer be used ○ Plain packaging is arbitrary / unreasonable / disproportionate ○ The Australian approach has failed Claims against Australia under domestic law and World Trade Organization law • The Australian constitutional law claim and trademark protection under Australian law • The WTO claims in <i>Australia – Tobacco Plain Packaging</i> ○ The right to regulate under WTO law ○ Protection of trademarks under WTO law Discussion
2.45 – 3.15	Coffee break
3.15 – 4.45	Investment treaty claims • Introduction to investment treaties • The investment treaty claim against Australia in <i>Philip Morris vs Australia</i> • Treatment of a similar claim in <i>Philip Morris vs Uruguay</i> Exercise • Mapping the risk of an investment treaty claim ○ Who are the foreign investors in your country? ○ What investment treaties are in place? • What rights do trademark owners have under domestic law?
4.45 – 5.00	Day 2 wrap up

6 October 2017

9.00 – 10.30	The 'European' claims • Claims against the United Kingdom under domestic law, European Union law and European Human Rights law • Claims against France on substantially the same grounds • The Swedish Match claim against Norway concerning plain packaging of snus and the European Economic Area Agreement Discussion
10.30 - 1045	Coffee break
10.45 – 12.15	Exercise • What experience do you have with tobacco litigation in your country? • Based on that, and claims against plain packaging in other countries, what arguments do you anticipate? Report back and discussion Including reference to the assistance available
12.15 – 1.15	Lunch
1.15 – 2.45	The policy process • The pros and cons of public consultations • The pros and cons of pre-market testing • Industry tactics to interfere with and delay policy processes • Engaging across government Discussion
2.45 – 3.15	Coffee break
3.15 – 4.45	Conclusion and strengthening your legal position • Unanswered questions • Summary of recommendations to strengthen your legal position • Survey and feedback
4.45 – 5.00	Wrap up