

**FCTC**WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

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### Novel and emerging nicotine and tobacco products

The Secretariat of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) presents its compliments to the Parties to the WHO FCTC and to the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol) and has the honour to provide them with information on novel and emerging nicotine and tobacco products.

In the recent weeks and months, there has been increased attention from the scientific community and media to novel and emerging nicotine and tobacco products, such as electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS) and heated tobacco products (HTPs). The scientific community and media have addressed cases of diseases and deaths in several countries, especially among healthy young people, that could be attributed to the use of ENDS/ENNDS.

In order to facilitate the reporting of cases of “vaping related disorder” internationally in a uniform way, a new ICD-10 code U07.0 was introduced by WHO, for immediate use. The corresponding code in ICD-11 is RA00.0. Several Parties have recently introduced or expressed their intention to apply specific regulatory measures, including prohibitions on ENDS/ENNDS.

Following these developments, the Convention Secretariat published on its website a call for Parties to increase vigilance towards new and emerging nicotine and tobacco products, including recommendations on how to regulate them in line with decisions of the Conference of the Parties (COP) to the WHO FCTC.<sup>1</sup>

Previous sessions of the COP have considered the emergence in the global market of novel nicotine products, adopting several decisions in this regard. The Sixth Session of the Conference of the Parties<sup>2</sup> invited Parties to consider prohibiting or regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer products or other categories, as appropriate. The Seventh Session of the Conference of the Parties<sup>3</sup> invited Parties to consider applying measures to prohibit or restrict the manufacture, importation, distribution, presentation, sale and use of ENDS/ENNDS, as appropriate.

Additionally, and in line with COP8 decisions, HTPs are defined as tobacco products, and are therefore subject to the provisions of the WHO FCTC.

The most recent COP decision, from the Eighth Session of the Conference of the Parties (COP8),<sup>4</sup> reminded Parties of their commitment under the WHO FCTC when addressing the challenges posed by

<sup>1</sup> <https://www.who.int/fctc/mediacentre/news/2019/remain-vigilant-towards-novel-new-nicotine-tobacco-products/en/>

<sup>2</sup> [http://apps.who.int/gb/fctc/PDF/cop6/FCTC\\_COP6\(9\)-en.pdf?ua=1](http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6(9)-en.pdf?ua=1)

<sup>3</sup> [https://www.who.int/fctc/cop/cop7/FCTC\\_COP7\\_9\\_EN.pdf?ua=1](https://www.who.int/fctc/cop/cop7/FCTC_COP7_9_EN.pdf?ua=1)

<sup>4</sup> [https://www.who.int/fctc/cop/sessions/cop8/FCTC\\_\\_COP8\(22\).pdf?ua=1](https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8(22).pdf?ua=1)

novel and emerging tobacco products, such as HTPs and devices designed for consuming such products. The decision also urged Parties to consider prioritizing measures in accordance with the WHO FCTC, including Article 5.3, Article 8, Articles 9 and 10, and Article 13, to prevent the initiation of these products and prevent health claims from being made about novel and emerging tobacco products.

The Convention Secretariat reminds Parties about their legally binding commitments under the WHO FCTC and invites them to consider prohibiting or further regulating these products by aligning their policies with COP decisions, in order to improve the implementation of the Convention as a tool to address the threat posed by the new and emerging nicotine and tobacco products.

The Convention Secretariat avails itself of this opportunity to renew to the Parties to the WHO FCTC and to the Protocol the assurances of its highest consideration.



Geneva, 30 September 2019