

Rio de Janeiro, July 13th, 2011

To the Head of the Convention Secretariat
WHO Framework Convention on Tobacco Control
World Health Organization
Avenue Appia 20, 1211 Geneva 27, Switzerland

Dear Mr. Nikogosian,

The Alliance for the Control of Tobacco Use - ACT, is a Brazilian not for profit organization whose mission is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by contributing to the effective implementation of the FCTC and its protocols in Brazil. It is comprised by more than 500 civil society members (site <http://actbr.org.br>). ACT is also a member organization of the Framework Convention Alliance (www.fctc.org).

The Parties to the Convention, recognize, in its Preamble:

(...) the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts;

For this reason, Article 5.3 of the Convention determines:

3. 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.

Article 5.3 guidelines, applicable to all government officials, recommends that any government branch responsible for setting and implementing tobacco control policies against tobacco industry interests should be accountable. In order to address tobacco interference in public health policies the guidelines recommend Parties to avoid conflict of interest for government officials and employees (recommendation 4) and not to give preferential treatment to the tobacco industry (recommendation 7).

ACT has received documents that demonstrate that the Brazilian delegate representing the Ministry of Industry, Commerce and Foreign Trade (MDIC), **Ms. Rita de Cássia Milagres Teixeira Vieira**, who also represents this Ministry in the National Commission for the Implementation of the FCTC (CONICQ), while part of the Brazilian delegation in the fourth session of the Conference of the Parties (COP4), held in Uruguay in November 2010, has requested the service of international roaming for its service cell phone with the objective of "assist the tobacco industry, impeded to participate in the meeting. The rationale submitted to the SPD [a Secretariat within the Ministry of Industry], was that its representative would maintain the representatives of the sector [tobacco industry] informed throughout the meeting" (in accordance with the enclosed document dated 28/3/2011).

The documents, signed by Ms. Rita de Cássia Milagres Teixeira Vieira herself, are an explicit confession of violation of article 5.3 of the FCTC and its guidelines.

Therefore ACT requests the Secretariat to take the measures at its disposal to encourage Parties to abide by Article 5.3 and Article 5.3 guidelines, in particular by reminding them of the need to "interact with the tobacco industry only when and to the extent strictly necessary" of the need to "conduct such interactions transparently" and of the importance of recommendation 4.9: **"Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties."**

Sincerely,



Paula Johns – Executive director

ACT – Alliance for the Control of Tobacco Use