

**Response of WHO to the Report of the Committee of Experts on Tobacco Industry Documents
6-10-2000**

Recommendations	Response
1. WHO should release and publish this report no later than the public hearings on the Framework Convention on Tobacco Control in October 2000	The report was published on 2 August 2000 and placed on WHO Website.
2. This report and its findings should be distributed and publicized widely, especially in scientific journals of note. WHO should develop a public relations plan for release of the report and effective communication about it, anticipating the likely responses of tobacco companies.	There was extensive worldwide media coverage of the report, including for example an editorial in the British Medical Journal on 4 August 2000.
3. WHO should make strategic public relations efforts an integral part of its tobacco prevention activities. WHO should strengthen the resources available to Regional Offices and Collaborating Centers for public communication and dealing with the media.	Advocacy work is an important existing arm of WHO's Tobacco Free Initiative. More extensive work will require further resources.
4. WHO should encourage additional investigation of tobacco industry behaviour by independent researchers and by institutions whose decisions may have been compromised.	Donors are already funding such work; additional support is anticipated. Better access to the Guildford depository of documents is important to the work required and is likely to be improved by new foundation support.
5. WHO should encourage and support efforts to identify and publicize the roles of third-party front groups and surrogates acting under the influence of tobacco companies.	WHO will do this.

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6. WHO should urge other UN organizations to investigate possible tobacco company influence on their decisions and programs, and to report their findings publicly.	The report will be discussed at the next meeting of the Ad Hoc Interagency Task Force on Tobacco which brings together UN agencies (and WTO).
7. WHO should advocate implementation and consistent enforcement of effective conflict of interest and ethics policies throughout UN agencies.	As regards tobacco, this will be discussed at the Interagency Task Force.
8. WHO should urge Member States to conduct their own investigations of possible tobacco company influence on national decisions and policies, and to publish reports on their findings.	Under way in a few countries; WHO is available to advise others. A meeting is planned for 2001 with the Eastern Mediterranean Region to explore options for obtaining information for developing countries about the possible role of the tobacco industry in adversely influencing their policies.
9. WHO should seek to provide or identify external sources of funding for such investigations on behalf of Member States unable to fund them.	Discussions with potential donors being pursued.
10. WHO should develop a sophisticated communications campaign to support the Framework Convention on Tobacco Control and counter any campaign of opposition by tobacco companies.	The Tobacco Free Initiative will expand its work to do this. The "Don't be Duped" campaign supported by the UN Foundation already plays a key role in this respect. Substantially increased resources will however need to be raised. A clear distinction is being made between this advocacy work and WHO's role as Secretariat of the Intergovernmental Negotiating Body for the Convention.

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11. Appoint an ombudsman or other independent officer, outside the standard lines of reporting authority, with autonomy and clear authority for enforcing ethical rules.	WHO's ethical rules are included in its Staff Regulations and Rules. Issues of enforcement are currently dealt with by line managers, personnel officers and - where necessary - by the Director-General, in her capacity as WHO's Chief Technical and Administrative Officer. WHO is currently developing, as part of its human resources reform, an Ethics Framework which will both provide additional guidance on complex ethical issues and promote ethical conduct. We will consider whether further measures are necessary to ensure compliance with these.
12. Disseminate conflict of interest rules more broadly.	The Ethics Framework will be disseminated to all staff.
13. Introduce formal training for all new employees, consultants, advisers, and committee members, regarding the applicable ethics rules, and require periodic re-training. Use the ethical lapses identified in this report as case studies to reinforce to employees the seriousness of the rules and the potential for deliberate efforts by outside interests to subvert WHO's decision.	The case studies in the Report will be used in training for new staff (employees). As regards consultants, advisers and committee members, those serving as experts (i.e. providing advice to the Organization on technical issues) will be made aware of the issues as they complete the new declaration of interests form (see 14 below).
14. Introduce a formal process for vetting prospective employees, consultants, advisers, and committee members, to identify conflicts of interest.	This has been done insofar as it concerns experts serving the Organization, including consultants or advisers. A new procedure for declaration of interests for experts was introduced in mid-September 2000. As regards prospective employees, their previous employment record is provided in their Personal History form. This is reviewed by supervisors. We will review whether further steps are necessary.

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15. Clarify the consequences for violations of ethics rules, by specifying and publicizing significant consequences for serious violations.	In determining what constitutes unethical conduct, WHO relies on existing Staff Regulations and Rules pertaining to the standards of conduct required of staff, together with guidance from other documents, such as the WHO guidelines on collaboration with the private sector. A staff member who fails to observe WHO's standards of conduct is subject to disciplinary measures. As with all instances of misconduct, a case by case approach is required to determine a proportionate disciplinary sanction. Dismissal could be possible in the most serious cases. The new Ethics Framework will increase understanding of the issues.
16. Provide for the possibility of termination of employees, consultants, advisers and committee members who conceal relationships with the tobacco industry or commit other serious and intentional offences.	Such possibility exists where a conflict of interest is involved.
17. Disqualify those guilty of serious offences from re-employment or re-appointment as consultants, advisers or committee members for a specified period of time. The length of such a disqualification should be determined by WHO, but should be consistent with the seriousness of the offence.	Agreed.
18. Clarify the consequences for violation of the current rule against disclosure of non-public information related to WHO activities.	The disclosure by staff members of non-public information could constitute misconduct, the consequence of which would be a disciplinary sanction. The sanction would depend on the severity of the offence. (See 15.)

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<p>19. Prohibit employees, consultants, advisers, and committee members from holding any substantial financial affiliation with the tobacco industry, including any employment or consulting relationship. Prohibit any applicant who has such a conflict, or who has had one in the recent past, from appointment as an employee, consultant, adviser or committee member, except where there is a showing that the individual's contribution is essential. WHO should determine a reasonable period of time prior to employment or appointment during which the person must have been free of such conflicts. This result may be implicit in a current prohibition against employees and consultants éholding offices "incompatible" with their duties to WHO. This rule should be clarified and extended to advisers and committee members.</p>	<p>For senior staff (those currently filing a declaration of financial interests), it is agreed that they should not have any financial affiliation with the tobacco industry. For other staff, this will be treated as coming within the responsibility for staff to inform the Director-General when they have official dealings with a business in which they have a financial interest. Consideration will now be given to widening the scope of this responsibility . Any form of outside employment or consulting relationship for staff is strictly controlled and in any event is prohibited for the tobacco industry. For non-staff members, this will be considered, except when the Organization itself does not have the right to determine membership of the committees (for example, when a Member State has that right). The declaration of interest form for experts, as noted in 14. above, contains a request for information about affiliation with the tobacco industry. Other issues mentioned will be reviewed.</p>
<p>20. Disqualify any professional services firm from performing work on behalf of WHO if the firm also provides a tobacco company with services likely to be adverse to the interest of public health. Specifically disqualify any law firm, advertising or public relations agency from simultaneously representing WHO and a tobacco company.</p>	<p>Agreed, in so far as law firm, advertising or public relations agency is concerned, but there may have to be exceptions in specific geographical locations, if alternatives are not available. We will rely on information provided by the firm concerning any relationship with the tobacco industry.</p>

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<p>21. Prohibit employees, consultants, advisers and committee members from accepting any item of value from a tobacco company or its affiliates. This result may be implicit in a current rule against employees and consultants accepting any "gift or remuneration" from external sources "incompatible" with their duties to WHO. This rule should be clarified and extended to advisers and committee members.</p>	<p>Gifts cannot be accepted if acceptance is incompatible with a staff member's status as an International Civil Servant. It will be specifically clarified that gifts and hospitality from tobacco companies would be incompatible on all occasions. As regards committee members, when they are representing a Member State, national legislation would apply.</p>
<p>22. Place before the WHA, for discussion by Member States, the question whether Member States have in place adequate mechanisms to ensure the transparency of affiliations between delegates to the WHA and tobacco companies. Member States should be encouraged to take any additional steps necessary to avoid inappropriate affiliations.</p>	<p>The issue will be placed before the Executive Board for its consideration.</p>
<p>23. Place before the WHA, for discussion by member States, the question whether current procedures for recognizing organizations as NGOs include adequate mechanisms to make transparent any affiliations between an NGO and tobacco companies.</p>	<p>As 22.</p>

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<p>24. Require contractors proposing to provide professional services to WHO, including law firms, advertising agencies and public relations agencies, to disclose past relationships with tobacco companies and to terminate any current relationships.</p>	<p>See 20.</p>
<p>25. Require prospective employees, consultants, advisers and committee members to disclose all past and current financial and other affiliations with tobacco companies, and to terminate any substantial current affiliations, except where there is a showing that an individual's contribution is essential.</p>	<p>See 19.</p>
<p>26. Extend the requirement to file an annual declaration of financial interests (currently applicable only to Cabinet members, Regional Directors and advisers to the Director-General) to all staff, consultants, advisers, and committee members who are in a position to influence WHO policies, programmes or research.</p>	<p>Consideration of extending the declaration of financial interests to other staff members is currently under way as part of a general review. The cost/benefit of an extension to all staff compared to an extension to specific staff is an important consideration. In the case of experts serving the Organization, such as consultants and advisers, they are required to fill out a declaration of interests form (see 14). It is not practical to extend the scheme to those not under contract (such as Committee members representing Member States).</p>
<p>27. Clarify the annual "declaration of financial interests" disclosure form, to ensure that annual disclosures include all sources of income, including gifts, grants, and honoraria; and all assets or items of value, such as real estate.</p>	<p>The declaration of all assets is not considered justified, although it will be clarified that the onus is on the staff member to declare any information which may place him or her in a situation of conflict of interest with respect to his or her work.</p>

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<p>28. Clarify current staff regulations, which require employees to disclose to the Director-General any offer of an "honour", decoration or gift" from external sources, to ensure that this requirement covers any offer of future employment, remuneration or financial benefit.</p>	<p>We cannot restrict the right of WHO staff to privacy in their discussions with any future employer. Nevertheless, Staff Regulation 1.6 makes it clear that they shall not use to private advantage information known to them by reasons of their official position. In cases where offers of employment are from a company with which the staff member has dealings in his/her WHO work, consideration will be given to clarifying that this will have to be declared. Briefing will be given on such issues.</p>
<p>29. Consider using formal contact logs to record all external contacts with senior officials concerning decisions related to tobacco policies and programmes, and consider making such logs public.</p>	<p>Any contacts with tobacco industry are already communicated to the Tobacco Free Initiative.</p>
<p>30. Require all WHO employees, consultants, advisers, and committee members to disclose any arrangements or negotiations concerning prospective employment with any organization substantially controlled or funded by the tobacco industry.</p>	<p>See 28 in respect of staff. Will be reviewed for non-staff.</p>
<p>31. Require all WHO employees to agree, as a condition of employment, that in any post-employment contacts with the WHO they will identify any tobacco company or tobacco-affiliated organization directing them to make the contact, or on whose behalf the contact is made.</p>	<p>The issue of binding WHO staff as to their future conduct when they leave WHO will require further study and discussions. At present, the obligation not to use information for private advantage known to them by reason of their official position does not cease with separation of service.</p>

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<p>32. Require WHO employees to agree, as a condition of employment, that they will not contact WHO on behalf of any tobacco company or tobacco-affiliated organization for a period of two years after leaving WHO employment.</p>	<p>See 31.</p>
<p>33. Require WHO employees to agree, as a condition of employment, that they will not accept any subsequent tobacco industry employment involving a specific issue in dispute in which they had substantial personal involvement at WHO.</p>	<p>See 31.</p>
<p>34. Adopt a policy against the acceptance of "seconded" staff sponsored or funded by the tobacco industry.</p>	<p>This is current policy.</p>
<p>35. WHO and IARC should take steps to educate their scientific investigators and collaborators about tobacco company efforts to undermine research and the need for special vigilance in protecting the integrity of tobacco-related research.</p>	<p>Seminars have been held to educate staff. The study published by E. Ong and S. Glantz in <i>The Lancet</i> as well as the report of the Committee of Experts will be required reading for any staff at the Agency involved in tobacco-related studies. Similarly, we will make available these documents to external collaborators in future projects on tobacco-related projects.</p>

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<p>36. WHO and IARC should develop affirmative communications plans to anticipate and counter tobacco company misrepresentation of important new research findings.</p>	<p>Following the interference of the tobacco industry with the ETS study, IARC took a proactive stand in another publication on the effects of smoking on breast cancer incidence in women with inherited mutations of breast cancer susceptibility genes. A public relations company in Washington was hired and closely coordinated the respective press releases with headquarters. This was very successful and reports on this study in the international press were very reasonable and well considered; there is no record of the tobacco industry attempting to distort the results of the study. In future cases that carry the risk of interference by the tobacco industry, IARC will similarly be proactive to avoid intentional mis-representation by the industry.</p>
<p>37. IARC should develop written guidelines for IARC investigators and collaborators about handling contacts by tobacco companies or organizations substantially controlled by tobacco companies, and for disclosing information about ongoing trials. IARC should consider including in the guidelines prospective rules about what information from ongoing studies is publicly available and what is confidential.</p>	<p>IARC has drafted Guidelines for IARC staff and collaborators regarding contacts with tobacco companies or associated institutions. These Guidelines are based on past experiences at the Agency and pay attention to the strategies that the tobacco industry has used in recent years, as documented in the Experts' report. The draft Guidelines are currently under review with respect to their compliance with Staff Rules and will take into account the similar Guidelines issued by WHO headquarters on collaboration with the private sector. IARC staff and external collaborators will be regularly informed about the possible interference from the tobacco industry and the Guidelines mentioned above will contain clear advice on what information is in the public domain and can thus be communicated, and data which must remain confidential during the course of the study.</p>
<p>38. IARC should develop written guidelines on whether it is appropriate for investigators and collaborators to accept research grants or offers of employment from tobacco companies or organizations they control.</p>	<p>It has been a long-standing practice at the Agency and of its staff not to accept under any circumstances funds from the tobacco industry or related institutions. Every acceptance of extrabudgetary funds is reported to the IARC Governing Council at its annual meeting. Participating States would definitely not agree to accept any funds even remotely associated with the tobacco industry. In addition, IARC will instruct outside collaborators that any acceptance of funding, directly or indirectly linked to the tobacco industry, is incompatible with participation in a study coordinated or conducted by IARC. This will be part of the Guidelines currently being developed at the Agency.</p>

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39. IARC investigators and collaborators involved in trials related to tobacco should be made aware of the possibility that they will be contacted by scientists whose tobacco company ties will not be disclosed, and given guidance about how to handle requests for information about the study. Investigators and collaborators should also be informed of the need to ask whether those who offer them grants or other employment during a tobacco-related study have tobacco company affiliations.	See 37.
40. IARC and WHO should consider a policy of embargoing information about the results of tobacco-related studies, e.g., through annual reports and bulletins, until the full report is ready for release.	IARC will ensure that in the future, any publication from the Agency dealing with tobacco and other important public health issues will be coordinated with the relevant Cluster or the Press Office at headquarters.
41. IARC and WHO should maintain communications about tobacco-related studies.	Exchange of information and strategic plans in the domain of tobacco control has recently been considerably improved. We will continue to strengthen this important interaction in the future.
42. If study results are released before the publications of the full report, IARC and WHO should be prepared to brief the media on those results to ensure that they are accurately represented.	Whenever possible, IARC will continue its policy of not releasing information on scientific studies before the date of publication in a peer-reviewed journal. However, if the public health interest is overwhelming and a early release appears unavoidable, it will discuss the appropriate strategies with WHO headquarters.
43. Prospective investigators and collaborators in WHO sponsored research should be required to disclose past and current associations with the tobacco industry.	Where expert advice to the Organization is concerned, this will be covered by the new declaration of interests procedures referred to in the response to recommendation 14. Possible action in other cases is under review

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44. Standard-setting bodies should maintain minutes of their deliberations and decisions, to increase the visibility of any tobacco industry influence.	Much documentation already exists in published format; a review will be conducted.
45. WHO should review the use of extra-budgetary funds for standard setting activities, to ensure that acceptance of funding or personnel from tobacco companies, or organizations under their control, does not compromise the integrity of WHO decision-making.	Funding from tobacco companies, or personnel seconded by them is not permitted.
46. Journals and other publications sponsored by IARC or WHO should require researchers submitting articles or letters to the editor for publication to disclose all sources of funding for the research, including underlying sources of funding (e.g., an industry grant to an academic institution by which the researcher is employed).	Those submitting articles for the WHO Bulletin are currently requested to supply full details of any conflict of interest there may be on the part of the authors in relation to results, conclusions or recommendations contained in the paper. We will review adding further precision to this request.
47. WHO should support the practice of World Conferences on Tobacco OR Health of requiring financial disclosures by those submitting presentations, and should encourage the expansion of these disclosures to identify the underlying sources of any significant funding originating outside the submitter's sponsoring organization.	see 43.

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48. Where WHO or IARC learn of research that has been published, or submitted for publication, without disclosure of tobacco industry funding, the committee of experts encourages WHO and IARC to make the industry involvement known to the journals or publications involved.	Under review.
49. A researcher who conceals or misrepresents the sources of his or her funding should be barred for an appropriate period of time from participation in WHO and IARC-sponsored research and from publication in WHO or IARC-sponsored journals. WHO should determine the length of such a disqualification, which should be proportionate to the seriousness of the misrepresentation.	Agreed .
50. IARC should consider initiating a monograph on ETS.	ETS has been added to the list of subjects proposed for future Monographs evaluations during the period 2002-2005.
51. If IARC initiates a monograph on ETS, it should ask all potential participants and observers to disclose any ties to the tobacco industry. Individuals who are, or have recently been, employed by the tobacco industry, as consultants or otherwise, should not be included as voting members of the monograph working group.	Since 1997, invitations to join an IARC Monographs Working Group as a voting member have included the following paragraph: <i>The IARC Monographs have earned a reputation for objective and unbiased evaluation. To assure the highest ethical standards in the production of the Monographs, you are requested to bring to our attention, in confidence and before agreeing to join the Working Group, any aspect of your personal or professional relationship to the subject under discussion that might appear to a reasonable person to constitute a possible conflict of interest.</i> This voluntary procedure has worked well; numerous possible conflicts have been brought to our attention. Many of these have been insignificant, but some have resulted in our excusing an expert from participation on the grounds of apparent conflict of interest. For the ETS Monograph IARC shall, in addition, require that members of this working group must specifically have no links whatever with the tobacco industry.

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52. WHO should develop a policy on the acceptance of contributions from, or the creation of partnerships with, tobacco companies and their affiliates.	These are prohibited.
53. WHO should undertake or commission an independent technical review to determine whether pesticide safety determinations made under the possible influence of tobacco company consultant Gaston Vettorazzi should be re-opened.	The report, and in particular the section dealing with EBDC pesticides, was discussed at the session of the Joint Meeting On Pesticide Residues in September 2000. Next steps are under consideration.
54. WHO should develop a strategy to counter the tactics employed by the tobacco industry to gain opposition to tobacco control in the developing world. This strategy must address the legitimate economic issues raised by the loss of tobacco as a cash crop.	WHO will indeed need to work with partners to ensure adequate development funding for studies of alternatives as demand declines.
55. WHO should undertake a concerted campaign to better communicate its continuing commitment to meeting urgent health needs of special importance in developing countries, including problems of sanitation, nutrition, immunization and communicable diseases.	Being done as part of WHO's Corporate Strategy and wider advocacy initiatives.
56. WHO should provide technical advice and support to member states in assessing the option of restitution or other legal redress for harm caused by tobacco company actions.	Such advice is available to Member States.

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<p>57. WHO should work to involve other UN agencies more actively in the formulation and promotion of tobacco control initiatives, and, to the extent possible, should take responsibility for actively promoting more united and consistent positions among all UN agencies on issues related to tobacco control.</p>	<p>WHO is the Chair of the Interagency Task Force on Tobacco Control and will work with other agencies to do this.</p>
<p>58. WHO should conduct ongoing monitoring of tobacco industry activities, and should make regular public reports on any continuing misconduct. WHO should consider whether monitoring of tobacco industry conduct could be proposed as an element of the Framework Convention on Tobacco Control.</p>	<p>Information on the activities of the tobacco industry is gathered from publicly available material to the extent that resources allow. WHO will consider how best to systematically and routinely obtain the information about tobacco industry actions, behaviour and plans that it needs to guide public health policy. The content of the Framework Convention will be for the intergovernmental Negotiating Body to decide.</p>