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FILE TITLE: <i>TOBACCO.</i>		SERIES <i>NATIONAL HEALTH</i>
PART BEGINS: <i>2 APRIL 2001</i>		PART: <i>10</i>
PART ENDS: <i>3 May 2001</i> <i>7 JUNE 2001</i>		CAB ONE:

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PART

CLOSED

DATE CLOSED	7 JUNE 2001
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Series : NATIONAL HEALTH
File Title : TOBACCO
Part : 10

Date	From	To	Subject	Class	Secret
02/04/2001	MS/MAFF	PUS/DoH	WHO Framework convention on tobacco control : agreement on a U	U	0
09/04/2001	LP	MS/DTI	Tobacco advertising and promotion bill - amendment	C	0
11/04/2001	PUS/DETR	LP	10MRB: Tues 24 April: Protection from Smoking (Employees and Yo	U	0
03/05/2001	DPM	PUS/DoH	WHO Framework convention on tobacco control: Agreement on a UK	U	0
03/05/2001	LP	PUS/DETR	PMB : Smoking (Employees and Young Persons	U	0



The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

2 CARLTON GARDENS LONDON SW1Y 5AA

- 3 MAY 2001

Dear Larry,

CS
C:PU

PRIVATE MEMBERS' BILL: SMOKING (EMPLOYEES AND YOUNG PERSONS)

Thank you for your letter of 11th April regarding the handling of David Taylor's Private Member's Bill.

The Bill would require employers to protect staff from the effects of passive smoking, and to bring in measures to protect young people from such smoke in public places.

You argued that the Government should oppose the Bill. You said that existing health and safety legislation already applies to health risks caused by passive smoking, and there is specific guidance from the HSE on the issue. In addition, the Health and Safety Commission is currently working on a code of practice on passive smoking, which would extend to public places such as hospitality venues.

You may take it that you have LP agreement to oppose the Bill. Arrangements will be made to block it at Second Reading.

I am copying this letter to the Prime Minister, members of LP Committee, Sir Richard Wilson and First Parliamentary Counsel.

Regards

MARGARET BECKETT

The Lord Whitty
Parliamentary Under-Secretary of State
Department of the Environment, Transport and the Regions



FROM THE DEPUTY PRIME MINISTER

DEPARTMENT OF THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 0207 944 3011
FAX: 0207 944 4399

OUR REF: IDC 01/89

Yvette Cooper MP
Parliamentary under Secretary of State
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NL

3 May 2001

**WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL:
AGREEMENT ON A UK NEGOTIATING POSITION**

This letter gives you HS clearance to proceed as proposed in your letter to me of 26 March, subject to the views of colleagues recorded below.

You sought agreement to a proposed UK negotiating strategy for the second negotiating meeting of the World Health Organisation's (WHO's) Framework Convention on Tobacco Control (FCTC). You received replies from Larry Whitty, Chris Smith, Stephen Byers, Joyce Quin and Mo Mowlam. The Prime Minister also wrote to you on this subject.

Larry was content. He said that he had already registered, in his letter of 5 October, his Department's wish to understand in due course any implications for local authority enforcement activity arising from the Convention. He also said he wanted to be assured that your Department would secure any resources needed to meet increased local authority costs. He noted that his Department had asked the Health and Safety Commission (HSC) to consider further the implications of their proposed Approved Code of Practice on passive smoking in the workplace for the hospitality sector and small businesses generally. He said that, in the meantime, he could confirm that the UK negotiating brief accurately

reflected the current Government position in respect of the new obligations relating to passive smoking.

Chris was content. He said that he would not want the FCTC to go beyond what was currently happening domestically in the UK on sports and arts sponsorship and any issues that may impact on the hospitality industry. He said he would therefore be grateful if your officials would continue to keep him informed of any future developments concerning these issues.

Joyce was content. She said that no community position had been given against the item of financial assistance to tobacco growers that might be displaced as a consequence of successful tobacco control programmes. However, she noted, when the EU negotiating position would be discussed at the Health Working Group, the Commission should be pressed to agree that, for any financial assistance given to move out of tobacco growing, there must be a corresponding reduction in the quota on which premia were paid.

Mo said she was broadly content. She said she would emphasise the need to remove any reference to legislative protection from passive smoking from the Framework text. She said that this was particularly important given the Government's recent decision to ask the HSC to carry out further work before coming forward with proposals for an Approved Code of Practice. Mo also said it would be important to bear in mind the potential regulatory impact of some of these proposals. She said that the Government must ensure that in negotiating it did not commit the UK to any legislative measures over and above those already agreed as Government policy.

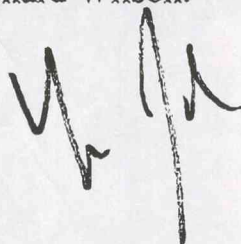
Stephen was content. He did, though, have a number of comments on areas that fell within his Department's remit. He noted that you were seeking further comments on the UK's response to the proposal to adopt legislative, executive and administrative measures covering the export of tobacco products that did not conform to the exporting country's own domestic standards. He said that, in this respect, he understood that the position of the World Trade Organisation (WTO) compatibility of an export ban on domestic prohibited goods was far from clear and was an area where on-going work would be undertaken by the WTO. Whilst in practice the WTO tended to focus on import restrictions and other barriers to market access it was not correct to state that export restrictions were outside WTO rules – both Article XI and XIII GATT explicitly referred to exports. He said that if a country did impose export controls,

such controls would be subject to WTO rules and the reasons for introducing them would be subject to close scrutiny.

Stephen said that he believed the export restrictions, from the WTO point of view, should only apply to tobacco products that did not comply, or were not based, on the standards laid down in accordance with the Convention. He said that this should not pose too many difficulties for the Community provided the standards in the Convention mirrored those being proposed in the EC's Directive on the manufacture, presentation and sale of tobacco products. He said that the UK should consider consulting the WTO Secretariat for a view on how this provision might be crafted so as to remove, as possible, any WTO incompatibilities.

The Prime Minister said he was broadly content with the proposed negotiating position. As a fundamental point, he believed that the primary purpose of this Convention should be to tackle tobacco control in those countries that currently had minimal or no measures in place, and not to add to the regulatory framework in countries like the UK, where controls were now strong. Accordingly, he said, the Government must ensure that the Convention did not commit the UK to any measures over and above those that were already agreed as domestic policy. He said that the Government must ensure, in particular, that any reference to legislative protection from the effects of passive smoking were removed from the text, and that any proposals in this area were consistent with current domestic policy. He noted that the Government might wish to support the sharing of best practice in this context, with the UK pointing to the Public Places Charter. The Prime Minister noted that the text also currently proposed that smoking be prohibited to those aged under 18, and used this as a definition of young person throughout. He said that this must firmly be rejected, and the text amended to reflect domestic policy, where the age limit is 16. He also noted that, in negotiating the text, it would be important to have a robust strategy for ensuring the Government achieved its objectives.

I am copying this letter to the Prime Minister, members of the HS Committee, and to Sir Richard Wilson.



JOHN PRESCOTT

FROM LORD WHITTY
PARLIAMENTARY UNDER SECRETARY OF STATE



The Rt Hon Margaret Beckett MP
President of the Council and Leader of
the House of Commons
Privy Council Office
2 Carlton Gardens
LONDON
SW1Y 5AA

DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 020 7944 3000
FAX: 020 7944 4455
E-Mail: larry_whitty@detr.gsi.gov.uk

WEB SITE: www.detr.gov.uk

11 APR 2001

Dear Margaret

**10 MINUTE RULE BILL: TUESDAY 24 APRIL
PROTECTION FROM SMOKING (EMPLOYEES AND YOUNG PERSONS) BILL
MR DAVID TAYLOR MP**

Mr David Taylor MP has given notice that he intends to introduce a Bill on Tuesday, 24 April under the 10 Minute Rule procedure entitled "Protection from Smoking (Employees and Young Persons)". The long title of the Bill is "to require employers to reduce or eliminate the exposure of their employees to passive smoking in the workplace; to protect children and young persons from such exposure in public places and for connected purposes."

The Government does not consider that such a Bill is necessary and I recommend that it is blocked at Second Reading. There is already primary legislation in this area, which provides protection for all people at work including young persons.

Under the Health and Safety at Work etc. Act 1974, all employers have a duty to ensure, so far as is reasonably practicable, the welfare of their employees at work. Section 21(2) of the Act requires them to provide a working environment for staff which is "adequate as regards facilities and arrangements for their welfare at work." Guidance on passive smoking at work is issued by the HSE in its booklet "Passive Smoking at Work".

The 1998 White Paper on Tobacco "Smoking Kills" committed the Health and Safety commission (HSC) to consult on whether to introduce an Approved Code of Practice (ACoP) on passive smoking in the workplace. That consultation has taken place, and following a general positive response the HSC has drawn up proposals for an ACoP. The Government is carefully considering those proposals, and has asked the HSC to undertake further work to ensure that the proposals are proportionate and practical, in particular for the hospitality sector and small businesses.



INVESTOR IN PEOPLE

The Government is keen to see progress in this area but believes that any proposed action should be proportionate, practical and build on other initiatives in this area. A legislative approach would not be appropriate.

The proposed ACoP is primarily targeted at reducing the impact of smoking by staff in the workplace. The White Paper also set out the Government's commitment to the Public Places Charter (PPC), the voluntary code drawn up between the hospitality industry and the Department of Health which aims to provide practical solutions to smoking issues in hospitality venues.

The PPC offers a range of options for operators in the hospitality industry depending on the different requirements of individual premises:

1. Prohibit smoking in any part of the premises
2. Designate Smoking and non-Smoking areas
3. Allow smoking throughout the premises with ventilation to an agreed standard
4. Provide designated areas and ventilation
5. Allow smoking throughout the premises.

External and internal signage (for doors, windows and walls) for each type of policy should be added and the appropriate written smoking policy devised and displayed.

In December 1999, the PPC Charter group, which now comprises of 11 hospitality bodies, and the Department of Health, agreed to the following three-year targets:

100% Industry awareness of the PPC
50% Sign-up – Smoking Policy and Signage
35% Designated areas/Ventilation

As promised in the White Paper, the government is implementing a comprehensive programme of health education. Launched in December 1999 the three-year campaign will cost up to £50m. Designed to address a general 25-44 age group, particular approaches are being developed to focus on the paper's priority groups, disadvantaged adults, pregnant women, ethnic minorities and young people.

The programme is supported by a system of telephone helplines, which besides offering information, advice and support to smokers wishing to give up, can direct callers to services in their local areas.

I am copying this letter to other members of the LP Committee and Sir Richard Wilson



LORD WHITTY



The Rt Hon Margaret Beckett MP

PRIVY COUNCIL OFFICE

2 CARLTON GARDENS LONDON SW1Y 5AA

Dear Patricia,

9 April 2001

TOBACCO ADVERTISING AND PROMOTION BILL – AMENDMENT

I am writing in response to your letter of 2 March that sought approval to amend the Tobacco Advertising and Promotion Bill. I can give you LP and HS clearance to proceed.

You wished to amend the Tobacco Bill to delete Clause 5 (5). This clause provides a defence for Internet Service Providers (ISPs) who publish tobacco advertisements in cases where they were not aware of the advertisement.

You wished to delete the clause as ISPs argue that they are not publishers, and wish to avoid any reference in legislation that implies that they are. They are willing to take the risk that if the clause is deleted they will have no defence if a court were to rule that they should be seen as publishers.

Replies were received from Yvette Cooper, Mo Mowlam and Chris Smith. Mo and Chris were content with the change. Yvette said that she was content as long as the Business Managers felt that making the change was the best way to ease the passage of the Bill.

As the ISPs have already mobilised considerable opposition to the Bill in the Lords and without the amendment will cause serious handling problems, I can give you approval to proceed as you propose. You and Yvette Cooper should liaise with the Lords Business Managers about when you should table the amendment and any other difficult issues that arise while the Bill is going through the Upper House.

I am copying this letter to the Prime Minister, members of HS and LP, Yvette Cooper, and to Sir Richard Wilson, First Parliamentary Counsel and the e-Envoy.

Regards
Margaret

MARGARET BECKETT

Patricia Hewitt MP
Minister for Small Businesses and E-Commerce
Department of Trade and Industry

0207 238 6465



Ministry of Agriculture, Fisheries and Food,
Nobel House, 17 Smith Square, London SW1P 3JR

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E:PU
(f)

From the Minister of State
The Rt. Hon Joyce Quin MP

Yvette Cooper MP
Minister for Public Health
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

2 April 2001

Dear Minister,

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC): AGREEMENT ON A UK NEGOTIATING POSITION

Your letter of 26 March to John Prescott asks for comments on the UK negotiating position on the WHO framework convention on tobacco control. MAFF has responsibility for the tobacco CAP regime which covers the production of raw tobacco, and I am replying on behalf of Nick Brown.

Item 4, on page 2 of the negotiating position, covers financial assistance to tobacco growers that may be displaced as a consequence of successful tobacco control programmes. We can agree to the UK position. It should be noted that under the quota buy back scheme you refer to, the first option to buy the quota must be given to other producers.

I note that no Community position has been given against this item. However, when the EU negotiating position is discussed at the Health Working Group, the Commission should be pressed to agree that, for any financial assistance given to move out of tobacco growing, there must be a corresponding reduction in the quota on which premia are paid.

I am copying this letter to the Prime Minister, members of HS Committee, Sir Richard Wilson and Robert Hill in the No 10 Policy Unit.

Yours sincerely

Teresa Hart

PP
JOYCE QUIN

(Approved by the Minister of State
and signed in her absence)



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