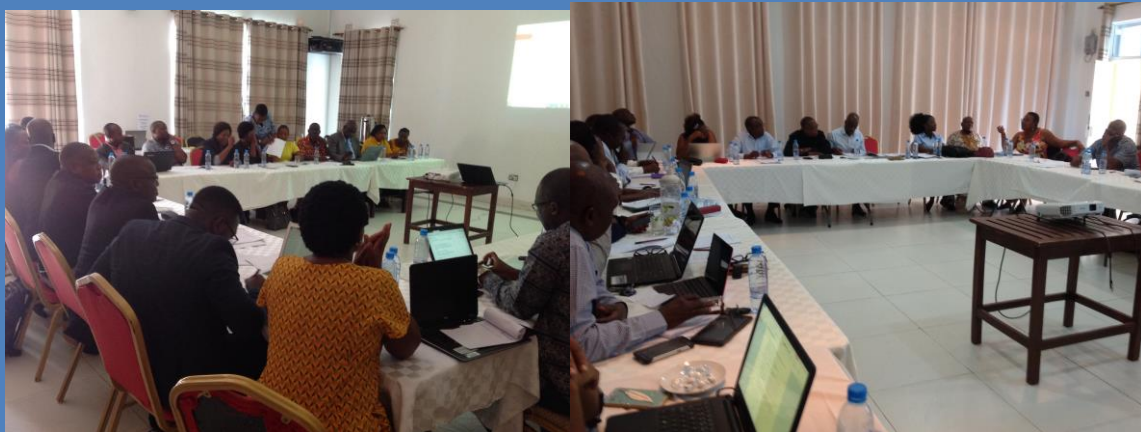




**REPUBLIC OF ZAMBIA**  
**MINISTRY OF HEALTH**



**REPORT ON THE EXPANDED CONSULTATIVE MEETING HELD WITH THE TOBACCO  
INDUSTRY ON THE PROPOSED TOBACCO PRODUCTS AND NICOTINE PRODUCTS  
CONTROL BILL**

16- 23 DECEMBER, 2019

WATERFALLS HOTEL

CHONGWE



**World Health  
Organization**



**FCTC**  
WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
SECRETARIAT



**Funded by  
UK Government**

## **Introduction**

A regulatory impact assessment (RIA); a process that prepares evidence for decision-makers on the advantages and disadvantages of possible policy options by assessing their potential impacts was recommended to be undertaken by the Business Regulatory Review Agency (BRRA) of the Ministry of Commerce, Trade and Industry (MCTI) for the proposed Tobacco Products and Nicotine Products Control Bill. The main purpose of conducting the RIA is to have a fair understanding of the likely impact of a proposed bill before enactment into law. Consultation is a critical component of the RIA Process. As it plays an important role beyond validating regulatory proposals but also ensures the widest possible input into regulatory decision-making and transparency of the process. Hence, the consultative process was extended to the tobacco industry (TI) as guided by the BRRA in order to complete the consultative process.

## **Work Objective**

To complete the consultative process with key stakeholders on the proposed tobacco control law including the tobacco industry and finalize the RIA report

## **Workshop Methodology**

Methodology of the workshop included presentations, review of the bill and plenary

## **Workshop Participants**

Participants for the workshop included representatives from the Tobacco industry comprising British American Tobacco (BAT), Japan Tobacco International (JTI), Roland Imperial Tobacco (RIT), Zambia Chamber of Commerce and Industry (ZACCI), Tobacco Board of Zambia (TBZ), Tobacco Association of Zambia (TAZ), Ministry of Health (MOH), Ministry of Works and Supply (MWSS), Ministry of General Education (MoGE), Ministry of Commerce, Trade and Industry (MCTI), Ministry of Justice (MoJ), Drug Enforcement Commission (DEC), Business Regulatory Review Authority (BRRA), Civil Society Organizations (CSOs), Cancer Registry University of Zambia School of Medicine (UNZASOM) representing Academia and World Health Organization (WHO).

## **Opening remarks**

Director Health Policy and Planning Dr. Chrispin Sichone gave opening remarks emphasizing the need to have a holistic approach to effectively address the tobacco epidemic which was a development problem affecting all sectors.

## **Day One**

The meeting with the tobacco industry started at 9: 30am. The Ministry of Health Chief Mental Health Officer who also is the tobacco control focal point Mr. John Mayeya introduced the meeting. Prior to introduction and objectives of the meeting, the Tobacco Industry pointed out that they were not given enough notice with regard to the meeting and review of the proposed tobacco control law. TI further requested for clarity on the target audience for the meeting. The Industry requested to provide written feedback on the provisions of the bill and this feedback would be submitted mid-January, 2020. Mr. Mayeya gave a presentation on the overview of tobacco control program in Zambia. After comments from the stakeholders, Zambia Chamber of Commerce (ZACCI) also gave a presentation of the overall performance of the tobacco industry in Zambia. The draft report was also presented for comments from the stakeholders.

Review of the Bill commenced in the afternoon. The process of reviewing the Bill included reading part by part and getting feedback on each part.

## **Observations from the Presentations**

- The tobacco industry agreed on the proposal to regulate the tobacco product with particular focus on eliminating illicit trade in tobacco products
- Comprehensive feedback on the bill would be provided in writing after thorough review of the bill
- It was emphasized by TI that to the best of their knowledge, MOH during the last meeting with Secretary to Cabinet held in June 2019, indicated there was “no draft bill”
- TI requested for authentication of 7,142 tobacco related deaths in Zambia
- There was emphasis from TI that there was need for the problem warranting a Bill to be enacted to be clearly defined through an informed process.
- Tobacco industry to engage with academia on current evidence regarding tobacco
- There is already poor enforcement of current legislation, what approach will be used to ensure effective enforcement of the Bill?

## **Day Two**

On day two, review of the Bill continued with comments from the tobacco industry on each part of the provisions of the Bill.

## **Findings/Observations**

- It was pointed out that there was need to validate data sources for the tobacco control investment case report
- The Tobacco industry contested all provisions of the bill exception Part XI on taxation and prevention and control of Illicit Trade.

## **Concluding Remarks from the Tobacco Industry on the meeting**

The TI thanked the MOH for the opportunity to engage and information shared. The industry re-echoed that tobacco industry was not against regulation but emphasized the need to ensure that discussions are transparent. The industry further stated that in the past, interaction with the Ministry of Health had been very minimal and appreciated the engagement after a period of about eight years. It was emphatically stated that TI would coordinate their written submission in one document instead of individual submissions from different entities.

The MOH requested TI to make written submissions in form of a matrix and these should be accompanied by an annex of signatures by all Tobacco Industry Entities (members of ZACCI) as requested by the Principal State Advocate (PSA) of the Ministry of Health. The MOH Advocate further submitted that MOH had its position and justifications with regard to the provisions of the Bill and therefore, it was not compulsory to accept every proposal. However, each stakeholder was required to submit justifications for every submission which would be taken into consideration where deemed necessary.

The MOH through Directors Health Promotion and Health Care Financing appreciated the engagement that had taken place which provided more insight into the positions of both parties. Director Health Policy Dr. Kaluba appreciated the healthy deliberations undertaken and pointed out the need to consider that health affected all participants.

## **Comments from BARRA on the Consultative Meeting with the Tobacco Industry and next steps on RIA Activity**

The BARRA discussed the importance of the stakeholder component of the RIA activity. The BARRA indicated that key submissions from stakeholder consultative meetings would be included in the report. BARRA further emphasized the need to keep in mind the objectives of the interventions/regulations being proposed which should be reflected in the regulations. Important questions posed were;

1. Are submissions from stakeholders important to the finalization of the RIA report?

2. Do regulations that are under development address all issues discussed in the RIA report.
3. Is the regulation consistent with Government policy?

### **Observations from BARRA on the consultative meeting with the tobacco industry**

- Additional insight was provided in the definition of the problem creating an opportunity for the RIA report to be strengthened.
- Emphasized the legality of the tobacco product but acknowledged the need for regulation which should be well quoted during the drafting process of the proposed law bearing in mind the need to achieve set objectives with proposed regulations.
- The BARRA indicated that Government had certain policies in place that promote tobacco and therefore the need to be cautious on the finalization of the RIA report to prevent unnecessary delay as finalization of the RIA report and draft regulations was underway.
- Clarity was sought on whether the WHO FCTC prohibited tobacco growing? In response, the MOH clearly stated that the FCTC focused on tobacco consumption and not tobacco production.

In conclusion, BARRA guided the MOH that it was important to target achieving above 50 percentage points on the RIA report.

### **Day Three**

The MOH proceeded to discuss highlights of the expanded tobacco industry consultative meeting with its key partners including the BARRA. A recap on the expanded consultative meeting with the TI was done. Participants agreed to review comments from the tobacco industry on the proposed law and MOH would respond to comments and provide justifications on the counter narratives pointed out on the provisions of the bill.

### **Observations**

- Cost benefit analysis must clearly be outlined with figures- comparison between tobacco treatment cost and tobacco contribution to gross domestic product (GDP)
- Include benefits of implementing the FCTC in the report

- Committee should be changed to an agency in the bill to be able to counter TI influence
- Refer to tribunals where there are lawsuits that have ruled in favor of public health and not tobacco
- Responses on frequently asked questions on the bill should be prepared in form of a matrix
- Title will be changed to “Tobacco Control Bill”
- The Bill should indicate when the World Health Organization Framework Convention on Tobacco Control (WHOFCTC) was ratified.

### **Day Four**

Having completed the review of the comments from TI on the provisions of the bill, the meeting proceeded to review the statement of the problem section of the draft RIA report.

### **Observations**

- MOH to begin the process of preparing Cabinet memorandum in support of the proposed tobacco control law
- Defining the problem statement should be in cognizant with Government policy

### **Day Five**

Participants focused on the content and flow of the defined problem. It was emphasized that the statement of the problem would only focus on the local context and will be supported by evidence. For the purposes of data verification, a representative from the cancer registry was coopted to participate in drafting the RIA report

### **Key Observations**

- Inadequate statistics/ studies relating tobacco related diseases in Zambia
- Data collected on tobacco variables are inconsistent ( ZDHS variation in variable definition and composition of variables (not exhaustive in 2014)
- Data sources were not readily available

### **Day Six**

Participants discussed the contents and flow of the baseline section of the draft RIA report. Participants agreed to focus on lung cancer diseases among other

cancers and deaths. Participants resolved to collect data on lung cancer deaths from the Cancer Registry through the Ministry of Health. The team went further to review the draft objectives

### **Key Observations**

- Ministry of Health has only in recent past initiated investment in addressing the impact of NCDs. Therefore, data pertaining to evidence on NCDs is still in its infancy
- Agreed to review data sources and provide projections on the consequences of inaction;
- Graphs to be included in the baseline depicting projections and to be accompanied by evidence

### **Day Seven**

Participants proceeded to review the section on options considered for addressing the problem. An explanation for selecting options was provided and the team proceeded to strengthen the options

### **Findings/Observations**

- Selected best option requires political will for effective implementation
- Cost Effectiveness Analysis was the selected method used
- A team was constituted to obtain raw data required to support the Cost Effectiveness selected method that would be computed for each of the options
- It was recommended that a matrix on stakeholder consultation is provided and this should include a summary of the comments and concerns from the stakeholders
- Further input into the RIA report requires obtaining specific information to support selected options

### **Next Steps**

1. Finalize the RIA report ( 2<sup>nd</sup> week of February, 2020)
2. Submit the RIA report and consultation report to the BRRRA (3<sup>rd</sup> Week of February, 2020)
3. Submission to Cabinet Memorandum request for approval in principal ( 2<sup>nd</sup> week of March, 2020)
4. Review and finalize the Bill for submission to MoJ (3<sup>rd</sup> Week of April, 2020)
5. Retreat with MoJ to review the final draft of the Bill (1 week of May, 2020)
6. Submission to MoJ (4<sup>th</sup> Week of May, 2020)

7. Validation meeting (3<sup>rd</sup> week of June, 2020)
8. Submit to Cabinet for publication and introduction into parliament ( 2<sup>nd</sup> week of July, 2020)

### **Day Eight**

A comprehensive review of the draft RIA report was done with a focus on the Baseline and the options selected. It was agreed that the baseline section will consist of trends, costs and benefits of each of the options.

### **Observations**

- Interpretation of ROI needs clarification
- Need to consider including indicators for the interventions in the baseline

### **Sections requiring cleanup**

- Need to incorporate the options with computed total costs in relation to benefits
- A summary and matrix of the consultative process
- Graphs to strengthen the baseline

### **Closing Remarks**

MOH and partners to comprehensively finalize the RIA report while waiting to incorporate comments from the tobacco industry. All assigned sections to be completed within the set timelines. Dr. Sichone thanked all participants for their active participation during the meeting.





**REPUBLIC OF ZAMBIA**

**Expanded Consultative Meeting with the Tobacco Industry and Finalization of  
RIA Report with Business Regulatory Review Agency**

**16-23 December, 2019**

**The Waterfalls Hotel**

**Lusaka**

- **General description:** An expanded consultative meeting on the proposed tobacco control law will be held with participation of senior Staff from Ministry of Health, Line Ministries, Tobacco Industry, Civil Society and Academia. The workshop methodology will include presentations, review of the proposed draft tobacco control law and draft RIA report, and plenary sessions.
  - **Objective of the meeting:** The purpose of the meeting is to finalize the consultative process on the proposed tobacco control law with all key stakeholders as guided by the Business Regulatory Review Authority
  - **Audience:** Ministry of Health, Line Ministries, Tobacco Industry, Civil Society Organizations, Academia and WHO Country Office staff

**Venue:** Waterfalls Hotel Lusaka

<b>DAY ONE</b>		
<b>Time</b>	<b>Activity</b>	<b>Responsible</b>
08:30 – 09:00	Registration	
09:00 -09:15	Welcome Remarks	MOH
09:15 – 09:30	Introductions /remarks	MOH
09.30-10.00	Overview of the Tobacco burden in Zambia	MOH

10:00-10:15	Plenary discussions	MOH/WHO FCTC
10:15-10:30	Overview of the tobacco industry in Zambia	Zambia Chamber of Commerce and Industry
10.30-10:45	Discussions	WHO FCTC
<b>10.45-11.00</b>	<b>Health Break</b>	<b>ALL</b>
11:00-11:45	Draft Regulatory Impact Assessment (RIA) Report	MOH/WHO FCTC 2030
11:45-13:00	Plenary Discussion on RIA	MOH
<b>13:00-14:00</b>	<b>Lunch Break</b>	<b>All</b>
<b>14:00 – 16:30</b>	Review of the Draft Tobacco Products & Nicotine Products (TP&NP) Control (Bill	MOH
<b>16:30-17:00</b>	Wrap Up	MOH
<b>DAY TWO</b>		
<b>9:00 -11:00</b>	Review of the proposed draft Law	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Review of the proposed draft Law continued .....	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Finalization of review and final comments	MOH
	Wrap up	MOH
<b>DAY THREE</b>		
<b>09:00 -11:00</b>	Review of comments from the tobacco industry on the proposed law	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Review of the comments on the proposed draft Law continued .....	MOH
<b>13:00 -14:00</b>	Lunch Break	

<b>14:00- 16:30</b>	Finalization of review and final comments	MOH
	Wrap up	MOH
<b>DAY FOUR</b>		
<b>09:00 -11:00</b>	Review of the draft RIA report	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Review of the problem statement of the RIA report	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Review of the problem statement continued	MOH
	Wrap up	MOH
<b>DAY FIVE</b>		
<b>09:00 -11:00</b>	Review of Baseline and data sources	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Review of Baseline and data sources continued	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Development of objectives	MOH
	Wrap up	MOH
<b>DAY SIX</b>		
<b>09:00 -11:00</b>	Development of Objectives	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Review of options	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Review of options	MOH
	Wrap up	MOH
<b>DAY SEVEN</b>		

<b>09:00 -11:00</b>	Review of stakeholder mapping and consultative process	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Analysis of options	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Finalization of analysis of options	MOH
	Wrap up	MOH
<b>DAY EIGHT</b>		
<b>09:00 -11:00</b>	Report Writing	MOH
<b>11:00 -11:15</b>	Health Break	
<b>11:15 -13:00</b>	Report writing continued .....	MOH
<b>13:00 -14:00</b>	Lunch Break	
<b>14:00- 16:30</b>	Final comments and next steps	MOH
	Wrap up	MOH

**PARTICIPANTS LIST FOR THE EXPANDED CONSULTATIVE MEETING WITH THE TOBACCO  
STAKEHOLDERS/BRRA CONSULTATIVE EXERCISE FOR THE RIA ON THE TOBACCO CONTROL BILL**

**Date: 16-23 December, 2019 - Venue: Chongwe /Waterfalls**

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