

**2013-2014: „Tobacco control measures in international law: finding a balance between competing interests”; principal investigator: prof. dr Łukasz Gruszczyński**

**Description of the project**

The aim of the project is to determine whether international law (in particular WTO, WHO and investment law) constrains and/or supports countries in their choice of specific tobacco control measures and to analyse the relationship between different sets of international norms.

This aim will be accomplished through in-depth analysis of selected problems against rules of international trade and investment law: (i) existence of the regulatory chilling effect resulting from current legal proceedings against Australian plan packaging law; (ii) related problem of legality of this measure; (iii) legality of various national regulatory measures prohibiting use of certain substances in tobacco products; (iv) legality of domestic measures regulating sales of electronic cigarettes; (v) impact of international obligations on a new EU tobacco directive.

This analysis will form a basis for more general conclusions on the relationship between international trade and investment norms and regulatory freedom of states. The project assumes, as a research hypothesis, that international law has a significant impact on regulatory freedom of states in the field of tobacco control (both by constraining it but also expanding its scope). The project, apart from testing validity of this hypothesis, will also analyse relations between different set of rules (those which constrain and those which support national regulatory initiatives) and available mechanisms for resolving normative conflicts.

The main effect of the research will be to produce new knowledge on the relationship between international trade and investment obligations of countries and their regulatory freedom with respect to tobacco control policies. Since this relation is determined by various processes that are currently taking place (e.g. litigations, generation of new international norms), many aspects remain unaddressed in existing literature. The project intends to fill up those gaps in knowledge. This knowledge in particular is lacking in Poland where no research, which would investigate into the problems that form the core of this project, is conducted. As a consequence, proposed research, apart from generating new knowledge, can also contribute to its dissemination among Polish academics and policy makers (through publications and organization of conference/expert meeting). This may also provide an impulse for the further research at the national level (e.g. in the context of the new tobacco directive which, if eventually adopted, will need to be implemented in Poland).