



WORLD HEALTH ORGANIZATION

CONFERENCE OF THE PARTIES TO THE
WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
First session
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DECISIONS

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DECISIONS

FCTC/COP1(1) Election of officers of the first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, after informal consultations, ELECTED the following officers:

President:	Ambassador J. Martabit (Chile)
Vice-Presidents:	Ms D. Mafubelu (South Africa) Mr R. Bayat Mokhtari (Islamic Republic of Iran) Dr C. Lassmann (Austria) Dr Hatai Chitanondh (Thailand) Ambassador Sha Zukang (China)

(First plenary meeting, 6 February 2006)

The session subsequently DECIDED which of the five Vice-Presidents should act as Rapporteur, in accordance with Rule 21 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, as follows:

Rapporteur:	Dr C. Lassmann (Austria)
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(Fourth plenary meeting, 15 February 2006)

FCTC/COP1(2) Establishment of the main committees

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, after considering the proposal of the interim secretariat on method and distribution of work, established two committees to meet in parallel. Committee A was entrusted with substantive issues and Committee B with procedural and institutional issues. It was DECIDED, for the first session of the Conference of the Parties, that each Committee would elect a Chair and two Vice-Chairs.

(First plenary meeting, 6 February 2006)

FCTC/COP1(3) Election of officers of the main committees

The main committees ELECTED the following officers:

Committee A:	Chairman	Dr K.S. Reddy (India)
	Vice-Chairmen	Mr E. Corcoran (Ireland)
		Dr C.T.O. Otto (Palau)
Committee B:	Chairman	Mr M. Seck (Senegal)
	Vice-Chairmen	Mr P. Oldham (Canada)
		Mr H. Al Hussein (Jordan)

(First meetings of Committees A and B, 7 February 2006)

FCTC/COP1(4) Adoption of the agenda

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control ADOPTED the provisional agenda prepared by the interim secretariat.

(First plenary meeting, 6 February 2006)

FCTC/COP1(5) Provisional application of the draft rules of procedure

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control DECIDED on the provisional application of the draft rules of procedure submitted by the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control as follows:

to provisionally apply those draft rules that did not contain any brackets;

with regard to draft rules 2.10, 2.11 and 2.12 on the definitions of the terms “public”, “open” and “restricted” sessions or meetings, to provisionally apply the relevant provisions of Rule 7 of the Rules of Procedure of the Executive Board of the World Health Organization from which the language in brackets was adapted;

with regard to draft rules 61 to 64 on production and distribution of records of meetings, to provisionally apply the relevant provisions of Rules 93 to 96 of the Rules of Procedure of the World Health Assembly from which the language in brackets was adapted;

with regard to draft rules 7 and 9 on provisional agenda items for regular sessions of the Conference of the Parties, to provisionally apply only those parts of rules 7 and 9 that were not in square brackets;

with regard to draft rules 27.2 and 31 on the holding of sessions or meetings of subsidiary bodies and the Conference of the Parties, to provisionally apply the relevant rules and practice of the Rules of Procedure of the Executive Board of the World Health Organization;

to hold plenary meetings of the Conference of the Parties and meetings of the Committees as “public” meetings for the purpose of facilitating full observer participation, unless the Conference or a Committee decided otherwise for particular reasons;

with regard to draft rule 28.2 on whether the Chair of a subsidiary body may exercise the right to vote, to provisionally apply, *mutatis mutandis*, Rule 38 of the Rules of Procedure of the World Health Assembly;

with regard to draft rules 29 and 30 on the invitation, attendance and participation of observers, to provisionally apply the relevant rules and practice of the World Health Assembly on participation of States non-Parties, intergovernmental and nongovernmental organizations and other observers;

with regard to draft rule 49 on the modalities of decision-making, to adopt all decisions by consensus pending finalization of draft rule 49.

(Second plenary meeting, 7 February 2006)

FCTC/COP1(6) Duration of the terms of office of the officers of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, after considering rule 21 of the draft rules of procedure, DECIDED that the officers elected at the first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control should remain in office until the end of the second regular session of the Conference of the Parties.

(Third plenary meeting, 7 February 2006)

FCTC/COP1(7) Credentials of Parties

The first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control RECOGNIZED the validity of the credentials of the following representatives of the Parties: Armenia; Australia; Austria; Azerbaijan; Bangladesh; Barbados; Belgium; Benin; Bhutan; Bolivia; Botswana; Brazil; Brunei Darussalam; Bulgaria; Cambodia; Canada; Cape Verde; Central African Republic; Chile; China; Cook Islands; Cyprus; Democratic People's Republic of Korea; Democratic Republic of the Congo; Denmark; Djibouti; Egypt; Estonia; European Community; Fiji; Finland; France; Germany; Ghana; Guatemala; Honduras; Hungary; Iceland; India; Iran (Islamic Republic of); Ireland; Israel; Jamaica; Japan; Jordan; Kenya; Kiribati; Latvia; Lesotho; Lithuania; Luxembourg; Madagascar; Malaysia; Malta; Marshall Islands; Mauritania; Mauritius; Mexico; Micronesia (Federated States of); Mongolia; Myanmar; Namibia; Nauru; Netherlands; New Zealand; Niger; Nigeria; Niue; Norway; Oman; Pakistan; Palau; Peru; Philippines; Portugal; Qatar; Republic of Korea; Rwanda; Saint Lucia; Samoa; Saudi Arabia; Senegal; Seychelles; Singapore; Slovakia; Slovenia; Solomon Islands; South Africa; Spain; Sri Lanka; Sudan; Sweden; Thailand; Togo; Tonga; Turkey; Tuvalu; United Kingdom of Great Britain and Northern Ireland; Uruguay; Vanuatu; Viet Nam.

The following representatives of the Parties were entitled to participate provisionally in the session with all rights in the Conference, pending the arrival of their formal credentials:

Belarus; Libyan Arab Jamahiriya; Maldives; Mali; Panama; Syrian Arab Republic; United Arab Emirates.

(Third and fifth plenary meetings, 7 February 2006)

FCTC/COP1(8) Adoption of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties ADOPTED the Rules of Procedure set out in the Annex.

ANNEX

**RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES
TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

APPLICABILITY

Rule 1

The sessions of the Conference of the Parties shall be governed by these Rules of Procedure.

DEFINITIONS

Rule 2

For the purposes of these Rules:

1. “Convention” means the WHO Framework Convention on Tobacco Control, adopted at Geneva on 21 May 2003;
2. “Parties” means Parties to the Convention;
3. “Conference of the Parties” means the Conference of the Parties established by Article 23 of the Convention;
4. “session” means any regular or extraordinary session of the Conference of the Parties convened in accordance with Article 23 of the Convention and these Rules;
5. “regional economic integration organization” means an organization as defined in Article 1(b) of the Convention;
6. “President” means the President of the Conference of the Parties elected in accordance with Rule 21, paragraph 1 of these Rules;
7. “Secretariat” means the Secretariat established by Article 24, paragraph 1, of the Convention;
8. “subsidiary body” means any body established pursuant to Article 23, paragraph 5(f) of the Convention;
9. “Parties present and voting” means Parties present at the meeting in which voting takes place and casting a valid affirmative or negative vote. Parties abstaining from voting shall be considered as not voting;

10. “public” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rule 31 and members of the public;

11. “restricted” sessions or meetings means sessions or meetings held for a specific purpose and under exceptional circumstances that are open to attendance by Parties and essential Secretariat staff.

SESSIONS

Rule 3

The sessions of the Conference of the Parties shall be held at the seat of the Secretariat, unless the Conference of the Parties decides otherwise.

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second and third regular sessions of the Conference of the Parties shall be held yearly; thereafter, regular sessions shall be held every two years.

2. At each regular session, the Conference of the Parties shall decide on the date and duration of the next regular session. The Conference of the Parties should endeavour not to hold such a session at a time which would make the attendance of a significant number of delegations difficult.

3. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one third of the Parties.

4. Extraordinary sessions held at the written request of a Party, shall take place not more than sixty days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 above.

Rule 5

The Secretariat shall notify all Parties of the dates and venue at least sixty days in advance of a regular session, and at least thirty days in advance of an extraordinary session.

AGENDA

Rule 6

In consultation with the Bureau, the Secretariat shall prepare the provisional agenda for each session.

Rule 7

The provisional agenda for each regular session shall include, as appropriate:

- (a) items arising from the Articles of the Convention, including those specified in its Article 23;
- (b) items the inclusion of which has been decided at a previous session;
- (c) items referred to in Rule 13;
- (d) the proposed budget and all questions pertaining to the accounts and financial arrangements;
- (e) the reports of the Parties, which shall be presented in accordance with the modalities approved by the Conference of the Parties;
- (f) reports from the subsidiary bodies; and
- (g) any other item relevant to the implementation of the Convention proposed by a Party and received by the Secretariat prior to circulation of the provisional agenda.

Rule 8

For each regular session, the provisional agenda, together with other conference documents, shall be distributed in the official languages by the Secretariat to the Parties, and to observers invited to attend the session in accordance with Rules 29, 30 and 31, at least sixty days before the opening day of the session.

Rule 9

The Secretariat shall, in consultation with the Bureau, include in a supplementary provisional agenda any item proposed by a Party which reaches the Secretariat between the dispatch of the provisional agenda for a regular session and ten days before the opening day of the session, provided that it falls within the scope of Rule 7 of the Rules of Procedure.

Rule 10

The Conference of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda for a regular session, the Conference of the Parties may decide to add, delete, defer or amend items.

Rule 11

The provisional agenda for each extraordinary session shall include only those items proposed for consideration by the Conference of the Parties at a regular session or in a Party's written request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the notification of the extraordinary session.

Rule 12

1. The Secretariat shall report to the Conference of the Parties on the administrative, financial and budgetary implications of all substantive agenda items submitted to the session, before they are considered by the Conference.
2. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report from the Secretariat on its administrative, financial and budgetary implications.

Rule 13

Any item on the agenda of a regular session, that has not been considered or completed at the session, shall automatically be included in the provisional agenda of the next regular session, unless otherwise decided by the Conference of the Parties.

SECRETARIAT

Rule 14

1. The Head of the Secretariat, or the representative of the Head of the Secretariat, shall act in that capacity in all sessions of the Conference of the Parties and of its subsidiary bodies.
2. The Head of the Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources, and shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Rule 15

In addition to the functions specified in the Convention, in particular in Article 24, the Secretariat shall, in accordance with these Rules:

- (a) arrange for interpretation at the session;
- (b) collect, translate, reproduce and distribute the documents of the session;
- (c) publish and distribute the official documents of the session;
- (d) prepare and keep the records of the session;
- (e) arrange for the custody and safekeeping of the documents of the session; and
- (f) perform all other tasks that may be required by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 16

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives, as well as the names of alternates and advisers shall be submitted to the Secretariat if possible no later than twenty-four hours after the opening of the session. Any subsequent change in the composition of the delegation shall also be submitted to the Secretariat. Credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs, the Minister of Health, or any other competent government authority or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The Bureau shall examine the credentials and report thereon to the Conference of the Parties.

Rule 20

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

OFFICERS

Rule 21

1. At the first regular session of the Conference of the Parties, a President and five Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the session. These officers shall constitute the Bureau of the Conference of the Parties. Each of the WHO regions shall be represented by one Bureau member. The President and Vice-Presidents shall remain in office until the closure of the second regular session of the Conference of the Parties, including for any intervening extraordinary session.

2. Before the end of the second and subsequent regular sessions of the Conference of the Parties, officers shall be elected from among the Parties to constitute the Bureau for the following session. These officers shall commence their term of office at the closure of the session and shall serve until the closure of the following regular session of the Conference of the Parties, including for any intervening extraordinary session.

3. The offices of the President and Rapporteur shall be subject to rotation among the WHO regions.

4. The President shall participate in sessions of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative to represent the Party in the sessions and to exercise its right to vote.
5. The Chairperson of a subsidiary body may be invited by the Bureau for a specific purpose.

Rule 22

1. In addition to exercising the powers which are conferred upon him or her elsewhere by these Rules, the President shall declare the opening and closing of the session, preside over the meetings, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He or she shall rule on points of order and, subject to these Rules, shall control the proceedings and maintain order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation of the time to be allowed to each speaker and of the number of times a representative may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a meeting.
3. The President, in exercising the functions of that office, remains subject to the authority of the Conference of the Parties.

Rule 23

1. The President, if temporarily absent from a session or any part thereof, shall designate a Vice-President to act as President in his or her place. A Vice-President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24

1. If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or perform the functions of that office, a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office.
2. If the President is unable to act during the intersessional period, one of the Vice-Presidents shall act in his or her place. The order in which the Vice-Presidents shall be requested to serve shall be determined by lot at the session at which the election takes place.

SUBSIDIARY BODIES

Rule 25

1. In accordance with Article 23.5(f) of the Convention, the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objective of the Convention.
2. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body, including its mandate, objectives, duration and budget, and may authorize the

President, upon the request of the Chairperson of a subsidiary body, to make appropriate adjustments in the allocation of work.

3. Except as provided in Rules 26-28, these Rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Rule 26

When a subsidiary body is not open ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum. When the subsidiary body is open ended, one quarter of the Parties shall constitute a quorum.

Rule 27

1. The Conference of the Parties shall decide the dates and venue of the sessions of the subsidiary bodies, with due regard for the desirability of holding such sessions in parallel with the sessions of the Conference of the Parties.

2. Sessions or meetings of subsidiary bodies shall be held in public, unless the Conference of the Parties or the subsidiary body concerned decides that they shall be restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.

Rule 28

1. Unless the Conference of the Parties decides otherwise, the Chairperson of a subsidiary body shall be elected by that subsidiary body. Each subsidiary body shall elect its own officers with due regard for the principle of equitable geographical representation, balanced representation of developing and developed countries and gender balance. Officers shall not serve for more than two consecutive terms.

2. Neither the Chairperson of the subsidiary body, nor the Vice-Chairperson while chairing, shall vote, unless they are the only members of their respective delegations. In that case, they may exercise the right to vote in accordance with Rule 49.1.

OBSERVERS

Rule 29

1. Any Member State of WHO which is not a Party to the Convention, any Associate Member of WHO, or any other State which is not a Party to the Convention but which is a Member of the United Nations, or its specialized agencies or of the International Atomic Energy Agency, and any regional economic integration organization, as defined in Article 1(b) of the Convention, which is not a Party to the Convention, may attend the public sessions of the Conference of the Parties or meetings of its subsidiary bodies as an observer.

2. Observers under this Rule may participate without the right to vote in the public meetings of the Conference of the Parties and its subsidiary bodies and may speak only after the Parties. Regional economic integration organizations may speak only on matters within their competency.

Rule 30

1. Any international intergovernmental organization may apply to the Secretariat for observer status, which may be granted by the Conference of the Parties, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention.
2. Observers under this Rule may participate without the right to vote in public meetings of the Conference of the Parties and its subsidiary bodies and may speak after the observers referred to in Rule 29.

Rule 31

1. Nongovernmental organizations which participated in the Intergovernmental Negotiating Body on the WHO Framework Convention on Tobacco Control and in the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control are accredited as observers to the Conference of the Parties.
2. Other international and regional nongovernmental organizations whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status, which may be granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. Such applications should be submitted to the Secretariat not later than ninety days before the opening of the session.
3. The Conference of the Parties shall review the accreditation of each nongovernmental organization at any of its regular sessions and thus determine the desirability of maintaining its observer status.
4. Observers under this Rule may participate without the right to vote in public meetings of the Conference of the Parties and of its subsidiary bodies and may speak after the observers referred to in Rules 29 and 30.

CONDUCT OF BUSINESS

Rule 32

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides that they shall be restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.

Rule 33

Proposals and amendments to proposals shall normally be introduced by the Parties in writing, in one of the official languages, and handed to the Secretariat, which shall circulate copies to delegations. Proposals and amendments shall not be considered if they have been circulated less than twenty-four hours before the meeting. The Conference of the Parties may, however, permit the discussion and consideration of proposals, amendments to proposals or procedural motions, even though such proposals, amendments to proposals or motions have not been circulated, or have been circulated only the same day.

Rule 34

1. A majority of the States Parties shall constitute a quorum for the conduct of business at plenary meetings of the Conference of the Parties. The presence of two thirds of the States Parties shall be required for any decision to be taken.
2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with Article 32.2 of the Convention.

Rule 35

1. No representative may address a session without having previously obtained the permission of the President. Subject to Rules 36, 38 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
2. During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. The President may, however, accord the right of reply to any representative if a speech delivered after the list has been closed makes this desirable.
3. The Conference of the Parties may, on a proposal by the President or by any Party, limit the time allowed to each speaker and the number of times a representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against the proposal to set such limits. When a limit has been set, and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 36

1. The Chairperson or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.
2. The Head of the Secretariat or any member of the Secretariat designated by him or her may upon the invitation of the President make either oral or written statements concerning any question under consideration in order to provide information and clarification or explanation.

Rule 37

The right of reply shall be accorded by the President to any representative who requests it. Representatives should in exercising this right attempt to be as brief as possible and preferably deliver their statements at the end of the meeting at which this right is requested.

Rule 38

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with these Rules. A representative may appeal against the ruling of the President. Such appeal shall immediately be put to the vote and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative raising a point of order may not speak on the substance of the matter under discussion.

Rule 39

1. During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall immediately be put to the vote.
2. For the purpose of these Rules, “suspension of the meeting” means the temporary postponement of the business of the meeting and “adjournment of the meeting” the termination of all business until another meeting is convened.

Rule 40

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two speakers may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote.

Rule 41

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified the wish to speak. If request is made for permission to speak against closure, it may be accorded to not more than two speakers, after which the motion shall immediately be put to the vote. If the Conference of the Parties decides in favour of closure, the President shall declare the debate closed. The Conference of the Parties shall thereafter vote only on proposals moved before the closure.

Rule 42

The following motions shall have precedence in the order indicated below over all other proposals or motions, except a point of order:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the question under discussion;
- (d) to close the debate on the question under discussion.

Rule 43

Subject to Rule 42, any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

Rule 44

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 45

When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal, and then on the amendment next removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote.

If one or more amendments are adopted, the amended proposal shall then be voted upon. If an amendment to a proposal has been accepted by the original proposer, such an amendment shall be deemed to be an integral part of the original proposal and no separate vote shall be required thereon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

A motion which constitutes a substitution for a proposal shall be considered as a proposal.

Rule 46

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 47

A proposal or motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any Party.

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two thirds majority of the Parties present and voting, so

decides. Permission to speak on a motion to reconsider shall be accorded only to the proposer, to one speaker in favour of and two speakers opposing the motion, after which it shall immediately be put to a vote. The correction of a clerical or arithmetical error in any document concerning a proposal which has already been adopted shall not be considered as requiring the reopening of the debate on such a proposal by a two thirds majority vote.

VOTING

Rule 49

1. Each Party shall have one vote, except as provided for in paragraph 2.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Rule 50

1. Decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 23.4 of the Convention.
2. For all other decisions, the Conference of the Parties shall make every effort to reach agreement by consensus.
3. If all efforts to reach consensus on decisions referred to in paragraph 2 have been exhausted and no agreement has been reached, the Conference of the Parties shall proceed as a last resort as follows:
 - (a) decisions on substantive matters shall be taken by a three fourths majority vote of the Parties present and voting, unless otherwise provided by the Convention, or by these Rules;
 - (b) decisions on procedural matters shall be taken by a majority vote of the Parties present and voting.
4. The President shall rule on any question of whether a matter is procedural or substantive. Any appeal against this ruling shall immediately be put to the vote. The President's ruling shall stand unless overruled by a majority of the Parties present and voting.

Rule 51

1. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken at the request of any Party. The roll-call shall be taken in the English alphabetical order of the names of the Parties. The name of the Party to vote first shall be determined by lot.
2. The Conference of the Parties may vote on any matter by secret ballot if it has previously so decided by a majority of the Parties present and voting, provided that no secret ballot may be taken on budgetary questions. A decision under this Rule whether or not to vote by secret ballot may only be taken by a show of hands; if the Conference of the Parties has decided to vote on a particular question by secret ballot, no other mode of voting may be requested or decided upon.

3. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call.
4. The vote of each Party participating in a roll-call or recorded vote shall be included in the records of the session.

Rule 52

1. After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.
2. After the voting has been completed, the President may permit Parties to make a brief statement, consisting solely of an explanation of vote. A sponsor of a proposal shall not speak in explanation of vote thereon, except if it has been amended. The President may limit the time to be allowed for such explanations.

Rule 53

Elections shall be held by secret ballot, except that, in the absence of any objection, the Conference of the Parties may decide to proceed without taking a ballot on an agreed candidate or list of candidates. Where a ballot is required, two tellers appointed by the President from among the delegations present shall assist in the counting of votes.

Rule 54

1. When only one person or one Party is to be elected and no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be elected.
3. If the number of candidates obtaining such majority is less than the number of persons or Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Party.
4. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 55

In an election each representative, unless he or she abstains, shall vote for that number of candidates equal to the number of elective places to be filled. Any ballot paper on which there are more or fewer names than there are elective places to be filled shall be null and void.

Rule 56

If during an election one or more elective places cannot be filled by reason of an equal number of votes having been obtained by two or more candidates, a ballot shall be held among such candidates to determine which of them will be elected. This procedure may be repeated if necessary.

LANGUAGES AND RECORDS

Rule 57

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Conference of the Parties.

Rule 58

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 59

All official documents of the Conference of the Parties shall be made available in all the working languages.

Rule 60

Verbatim records of the sessions of the Conference of the Parties and summary records of the sessions of subsidiary bodies shall be made in the six working languages by the Secretariat.

Rule 61

Recordings of the meetings of the Conference of the Parties, and, whenever possible, of the subsidiary bodies, shall be kept by the Secretariat.

Rule 62

The provisional version of the summary records referred to in Rule 60 shall be sent as soon as possible to delegations, who shall inform the Secretariat in writing not later than fifteen days after the date of receipt of any corrections they wish to have made.

Rule 63

As soon as possible after the close of each session, copies of all verbatim and summary records, resolutions, recommendations and other formal decisions adopted by the Conference of the Parties shall be transmitted by the Head of the Secretariat to Parties and to States and regional economic integration organizations invited to attend the sessions. The records of restricted meetings shall be transmitted to the participants only.

Rule 64

Verbatim and summary records of public meetings and the reports of all subsidiary bodies shall be published.

Rule 65

The Head of the Secretariat shall issue in the working languages for the convenience of participating delegations, in the form of a daily *Journal* of the session, a summary account of the proceedings of plenary meetings, and of public meetings of committees and subcommittees.

AMENDMENT OF RULES OF PROCEDURE

Rule 66

These Rules of Procedure may be amended by consensus by the Conference of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 67

In the event of any conflict between any provision of these Rules and any provision of the Convention, the Convention shall prevail.

(Fourth plenary meeting, 15 February 2006)

FCTC/COP1(9) Adoption of Financial Rules of the Conference of the Parties

The Conference of the Parties DECIDED to use the Financial Regulations and Rules of the World Health Organization¹ as the financial rules referred to in Article 23.4 of the Convention.

(Fourth plenary meeting, 15 February 2006)

FCTC/COP1(10) Establishment of a permanent secretariat of the Convention

Reaffirming the objective of the WHO Framework Convention on Tobacco Control as described in Article 3 thereof:

The Conference of the Parties DECIDED:

1. To establish a permanent secretariat of the Convention, within the World Health Organization and located in Geneva (hereafter “the Convention Secretariat”).
2. The Bureau, in consultation with the WHO Secretariat, shall prepare a job description for the head of the Convention Secretariat, taking account of the desirable experience and

¹ Financial Regulations of the World Health Organization, *Basic documents*, 45th edition, Geneva, World Health Organization, 2005; Financial Rules effective 2001.

characteristics identified in the report of Committee B of the first session of the Conference of the Parties.¹

3. To invite the Director-General of WHO to advertise the post of head of the Convention Secretariat as submitted by the Bureau at the earliest opportunity, and to utilize WHO Secretariat support services to screen applications, to compile an initial shortlist of no more than 10 candidates and to forward those applications to the Bureau.

4. The WHO Secretariat support services shall forward to the Bureau a complete list of all applicants screened, together with brief reasons for its recommendations.

5. The initial shortlist of no more than 10 candidates for the head of the Convention Secretariat shall be considered by the Bureau of the Conference of the Parties in consultation with the WHO Secretariat, with a view to recommending, after consultations with the Director-General of WHO, a single candidate for final decision.

6. The appointment of the head of the Convention Secretariat shall be made by the Director-General of WHO.

7. The term of office of the head of the Convention Secretariat shall be for a period of four years, with the possibility of a single renewal for a further three years.

8. The head of the Convention Secretariat shall be responsible and accountable to the Conference of the Parties for the delivery of treaty and technical activities as specified in paragraph 12 and shall submit reports on its activities to the Conference of the Parties, copied to the Director-General of WHO, as appropriate.

9. The head of the Convention Secretariat shall be responsible and accountable to the Director-General of WHO on administrative and staff management matters and also on technical activities where appropriate.

10. The Convention Secretariat shall cooperate and coordinate with the Tobacco Free Initiative and other relevant WHO departments on implementation of the Convention, with a view to ensuring transparency, efficiency, cost-effectiveness, and avoidance of duplication.

11. The head of the Convention Secretariat shall recruit all staff in accordance with and subject to the staff regulations and rules of WHO taking account of the desirable characteristics identified in the report of Committee B of the first session of the Conference of the Parties.¹

12. The Convention Secretariat shall conduct a work programme based on Article 24.3 of the Convention, as well as Articles 21.3, 22.2, and 23.5 thereof, and any additional tasks assigned to it by the Conference of the Parties, according to priorities and within budgetary allocations agreed by the Conference of the Parties.

13. The Convention Secretariat shall request that WHO open and maintain financial accounts to support the Convention Secretariat operations and activities, in accordance with the Financial Rules.

¹ Summary record of the proceedings of Committee B.

14. Until the first head of the Convention Secretariat is appointed and until the Convention Secretariat is operational, the interim secretariat will continue to assist in its current capacity as provided in Article 24.2 of the Convention.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(11) Budget and workplan 2006-2007

The Conference of the Parties DECIDED:

(1) to adopt the budget for the financial period 2006-2007 as follows:

	US\$
I. Sessions of the Conference of the Parties (Article 24.3(a))	2 100 000
II. Reporting system under the Convention and support to Parties in fulfilling this obligation (Article 24.3(b) and (c))	2 500 000
III. Report of the Convention Secretariat (Article 24.3(d))	665 000
IV. Coordination with other relevant bodies and administrative arrangements (Article 24.3(e) and (f))	1 180 000
V. Elaboration of guidelines and protocols and other activities (Article 24.3(g))	1 565 000
Total	8 010 000

(2) to adopt the workplan for the financial period 2006-2007 as indicated in document A/FCTC/COP/1/5 as revised by the decisions taken by the first session of the Conference of the Parties;

(3) to adopt the table showing the distribution of voluntary assessed contributions for the financial period 2006-2007 as indicated in the Annex to this decision; and

(4) to authorize the Convention Secretariat to receive voluntary extrabudgetary contributions for activities under items II and V of paragraph (1) above.

ANNEX

**DISTRIBUTION OF VOLUNTARY ASSESSED CONTRIBUTIONS TO THE WHO
FRAMEWORK CONVENTION ON TOBACCO CONTROL FOR THE FINANCIAL
PERIOD 2006-2007¹**

Parties to the WHO Framework Convention (as of 20 November 2005)	%	US \$
Armenia	0.00310	248
Australia	2.46579	197 509
Austria	1.33047	106 571
Azerbaijan	0.00774	620
Bangladesh	0.01549	1 241
Barbados	0.01549	1 241
Belarus	0.02788	2 233
Belgium	1.65573	132 624
Benin	0.00310	248
Bhutan	0.00155	124
Bolivia	0.01394	1 117
Botswana	0.01859	1 489
Brazil	2.35891	188 949
Brunei Darussalam	0.05266	4 218
Bulgaria	0.02633	2 109
Cambodia	0.00310	248
Canada	4.35694	348 991
Cape Verde	0.00155	124
Central African Republic	0.00155	124
Chile	0.34540	27 666
China	3.17981	254 703
Cook Islands	0.00155	124
Cyprus	0.06041	4 838
Democratic People's Republic of Korea	0.01549	1 241
Democratic Republic of the Congo	0.00465	372
Denmark	1.11208	89 078
Djibouti	0.00155	124
Egypt	0.18586	14 888
Equatorial Guinea	0.00310	248
Estonia	0.01859	1 489
European Community	3.87215	310 159
Fiji	0.00620	496
Finland	0.82554	66 126
France	9.33978	748 117
Germany	13.41670	1 074 677
Ghana	0.00620	496
Guatemala	0.04647	3 722
Guyana	0.00155	124
Honduras	0.00774	620
Hungary	0.19516	15 632

¹ This Annex does not pre-judge the distribution of voluntary assessed contributions for the financial period 2008-2009.

Parties to the WHO Framework Convention (as of 20 November 2005)	%	US \$
Iceland	0.05266	4 218
India	0.65207	52 231
Iran (Islamic Republic of)	0.24317	19 478
Ireland	0.54210	43 422
Israel	0.72332	57 938
Jamaica	0.01239	993
Japan	22.00000	1 762 200
Jordan	0.01704	1 365
Kenya	0.01394	1 117
Kiribati	0.00155	124
Latvia	0.02323	1 861
Lesotho	0.00155	124
Libyan Arab Jamahiriya	0.20445	16 376
Lithuania	0.03717	2 978
Luxembourg	0.11926	9 553
Madagascar	0.00465	372
Malaysia	0.31442	25 185
Maldives	0.00155	124
Mali	0.00310	248
Malta	0.02168	1 737
Marshall Islands	0.00155	124
Mauritania	0.00155	124
Mauritius	0.01704	1 365
Mexico	2.91650	233 612
Micronesia (Federated States of)	0.00155	124
Mongolia	0.00155	124
Myanmar	0.01549	1 241
Namibia	0.00929	744
Nauru	0.00155	124
Netherlands	2.61757	209 668
New Zealand	0.34230	27 418
Niger	0.00155	124
Nigeria	0.06505	5 211
Niue	0.00155	124
Norway	1.05168	84 239
Oman	0.10842	8 684
Pakistan	0.08519	6 824
Palau	0.00155	124
Panama	0.02943	2 357
Peru	0.14250	11 414
Philippines	0.14714	11 786
Portugal	0.72796	58 310
Qatar	0.09913	7 940
Republic of Korea	2.78175	222 818
Rwanda	0.00155	124
Saint Lucia	0.00310	248
Samoa	0.00155	124
San Marino	0.00465	372
Saudi Arabia	1.10434	88 457
Senegal	0.00774	620
Seychelles	0.00310	248
Singapore	0.60096	48 137
Slovakia	0.07899	6 327
Slovenia	0.12701	10 173

Parties to the WHO Framework Convention (as of 20 November 2005)	%	US \$
Solomon Islands	0.00155	124
South Africa	0.45227	36 227
Spain	3.90313	312 641
Sri Lanka	0.02633	2 109
Sudan	0.01239	993
Sweden	1.54576	123 816
Syrian Arab Republic	0.05886	4 714
Thailand	0.32371	25 929
Timor-Leste	0.00155	124
Togo	0.00155	124
Tonga	0.00155	124
Trinidad and Tobago	0.03407	2 729
Turkey	0.57618	46 152
Tuvalu	0.00155	124
United Arab Emirates	0.36398	29 155
United Kingdom of Great Britain and Northern Ireland	9.49018	760 163
Uruguay	0.07435	5 955
Vanuatu	0.00155	124
Viet Nam	0.03253	2 605
Total	100.00000	8 010 000

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(12) Recommendation to the Health Assembly

The Conference of the Parties DECIDED to recommend to the Health Assembly to continue to support and, where appropriate, to strengthen the Tobacco Free Initiative in 2008-2009 in order to assist the Convention Secretariat in the implementation of the Convention.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(13) Financial resources and mechanisms of assistance

The Conference of the Parties,

Recognizing the urgent need for all Contracting Parties to implement the Convention to the maximum level;

Recognizing the urgent need for assistance to developing country Parties and Parties with economies in transition to support them in their implementation of the WHO Framework Convention on Tobacco Control;

Recognizing also that the level and nature of dedicated funds for tobacco control implementation activities have been difficult to assess, since the amount of resources required and the time when resources are required is currently unknown, and recognizing that these needs require better assessment;

Considering that the mobilization of funding requires detailed needs assessment at country level;

Recognizing also that the provision of resources is contingent on countries actively requesting support in this area and finding donors willing to provide assistance to tobacco control programmes;

Recognizing that existing funding arrangements are in many countries already tied up to other health programmes;

Considering also that Article 26.5(b) of the Convention requires the Convention Secretariat to advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;

Considering that Article 26.5(c) requests the Conference of the Parties at its first session to review existing and potential sources and mechanisms of assistance based on a study conducted by the Convention Secretariat and other relevant information, and consider their adequacy;

Considering that Article 26.5(d) requests the Conference of the Parties to take into account the results of the study in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition, to assist them in meeting the objectives of the Convention;

Considering that mainstreaming tobacco control into such mechanisms as country strategies is a medium- to long-term objective, and that there is a need to utilize all appropriate mechanisms to meet immediate objectives and needs;

Considering that these mechanisms of international assistance will supplement increased national resource mobilization by developing country Parties and Parties with economies in transition,

DECIDED:

- (1) to call upon the World Health Assembly to give full support to the prioritization of resource mobilization for tobacco control at the national and international levels;
- (2) to invite the United Nations Secretary-General to provide a report to the United Nations Economic and Social Council, with the aim of adoption of a resolution, on tobacco control and related resource mobilization, by the Economic and Social Council;
- (3) to invite the United Nations Ad Hoc Interagency Task Force on Tobacco Control to provide to the Conference of the Parties, at its second session, a report on their activities and possible relevance to increasing accessibility to funding for tobacco control, and an outline of their work in intensifying the United Nations response to tobacco control;
- (4) to strongly encourage all international and regional organizations to support activities related to tobacco control and to acknowledge its role in the achievement of the Millennium Development Goals, especially those related to poverty reduction, gender empowerment, reduction of child mortality, environmental sustainability and global partnership for development;

- (5) to call upon developed country Parties, in accordance with their obligations under the Convention, to provide technical and financial support to developing country Parties and Parties with economies in transition for this purpose, through bilateral, regional, international or nongovernmental channels;
- (6) to strongly encourage relevant international, regional and subregional organizations, international financial institutions and other partners in development to identify tobacco control as eligible for financial support, technical assistance, and advice in the area of tax measures to reduce the demand for tobacco, which can be provided to developing country Parties and Parties with economies in transition, to help them meet their obligations related to the Convention;
- (7) to call upon developing country Parties and Parties with economies in transition to conduct needs assessments in the light of their total obligations related to the implementation of all provisions of the Convention and to communicate their prioritized needs to development partners;
- (8) to call upon developing country Parties and Parties with economies in transition to work on the development of sustainable in-country financing mechanisms for tobacco control;
- (9) to request the Convention Secretariat to further develop and continuously update the database on available funding established in the course of the study carried out for the Conference of the Parties at its first session, taking into account the country reports to the Conference of the Parties on these items, and to make it available to Parties to assist them in identifying sources of funding and other resources;
- (10) to request the Convention Secretariat to assist developing country Parties and Parties with economies in transition, upon request, with the conduct of needs assessments, to advise them on existing mechanisms of funding and technical assistance, and to provide information to development partners on the needs identified;
- (11) to request the Convention Secretariat to receive project proposals from developing country Parties and Parties with economies in transition, related to the implementation of the Convention, and directing these proposals to potential funding sources;
- (12) to request the Convention Secretariat to promote South to South cooperation in the exchange of scientific, technical and legal expertise, as relevant to the implementation of the Convention;
- (13) to urge developed countries, international financial institutions, international organizations and other development partners to channel resources, based on specific requests, to developing country Parties and Parties with economies in transition for the implementation of the Convention, without which full implementation of the Convention will not be achieved;
- (14) to request the Convention Secretariat to launch an awareness-raising campaign among potential development partners to mobilize financial and technical support for developing country Parties and Parties with economies in transition, to assist them in implementing the Convention.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(14) Reporting and exchange of information

The Conference of the Parties,

Considering Article 21.1 of the WHO Framework Convention on Tobacco Control, which requires Parties to submit periodic reports on specified issues to the Conference of the Parties;

Considering also that Article 21.2 mandates the Conference of the Parties to determine the frequency and format of the reports, and requires each Party to make its initial report within two years of the entry into force of the Convention for that Party;

Mindful that in accordance with Article 21.2, a number of Parties will be required to submit their initial reports prior to the second meeting of the Conference of the Parties;

Considering that national reporting should, in light of limited experience and resources, not be unduly burdensome;

Considering also that national reports should enable Parties to benefit from each others' experience through an effective feedback mechanism,

DECIDED:

- (1) to provisionally adopt the format for the submission of national reports as set out in the reporting instrument of the Annex, pending further consideration at its next session;
- (2) to require national reports to be submitted in a graduated/progressive manner, as set out in the Annex;
- (3) to request those Parties that are required to submit their initial report in 2007, under the provision of Article 21.2, to use the provisional format in completing their initial reports;
- (4) to define three groups of issues on which national reports must be submitted, as specified under "frequency and timing of reports" in the Annex;
- (5) to request each Party to submit its initial report on Group 1, and optional questions if desired, within two years of entry into force for it;
- (6) to elaborate formats for Groups 2 and 3 at its second session;
- (7) to request each Party to submit its second report on Group 2 within five years of entry into force for it;
- (8) to request each Party to submit its third report on Group 3 within eight years of entry into force for it;
- (9) to conduct an independent assessment of the reporting arrangements in 2009;
- (10) to further consider the matter of reporting in 2010.

ANNEX

SCOPE

This annex outlines a proposed approach to reporting by Parties to the Conference of the Parties on progress in implementing the WHO Framework Convention on Tobacco Control. It covers broadly the first five years and it is expected that this will be reviewed by the Conference of the Parties prior to 2010.

Article 21

Reporting and exchange of information

1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, which should include the following:
 - (a) information on legislative, executive, administrative or other measures taken to implement the Convention;
 - (b) information, as appropriate, on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;
 - (c) information, as appropriate, on financial and technical assistance provided or received for tobacco control activities;
 - (d) information on surveillance and research as specified in Article 20; and
 - (e) information specified in Articles 6.3, 13.2, 13.3, 13.4(d), 15.5 and 19.2.
2. The frequency and format of such reports by all Parties shall be determined by the Conference of the Parties. Each Party shall make its initial report within two years of the entry into force of the Convention for that Party.
3. The Conference of the Parties, pursuant to Articles 22 and 26, shall consider arrangements to assist Parties, at their request, in meeting their obligations under this Article.
4. The reporting and exchange of information under the Convention shall be subject to national law regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged.

OBJECTIVE

The objective of reporting is to enable Parties to understand and learn from each others' experience in implementing the WHO Framework Convention on Tobacco Control by providing details of the progress being made by member countries in implementation.

The Parties' reports will form the basis for consideration on implementation of the Convention consistent with Article 23.5(d).

GRADUATED REPORTING ARRANGEMENTS

It is suggested that reporting arrangements be graduated with the first report covering core items of data, legislation, taxation, and funding for implementation activities with more complex questions or more detail included in later reports. To facilitate this, questions could be clustered into three groups.

FREQUENCY AND TIMING OF REPORTS

It is proposed that Parties report initially two years after ratifying the Convention as required by the WHO Framework Convention on Tobacco Control, and then in every subsequent three years as follows:

- Parties report against all core Group 1 questions within two years of entry into force of the Convention for that Party. This would form the minimum reporting arrangements. Parties may also report against selected optional questions if they wish to do so (see the reporting instrument).
- Parties report against all Group 2 questions within five years of entry into force of the Convention for that Party. This would form the minimum reporting requirements. Parties may also report against selected optional questions if they wish to do so. (Yet to be determined.)
- Parties report against all Group 3 questions within eight years of entry into force of the Convention for that country. (Yet to be determined.)

These reports will be complemented by Parties' annual country implementation plans.

This process will allow reports to be received by the Secretariat incrementally, rather than have all Parties' reports due at the same time.

In preparing reports, Parties should be mindful of the opportunities for shared learning and, where appropriate, should include examples of best practice or e-mail contact details for someone who would be able to provide further information on an aspect of implementation.

ASSISTANCE TO DEVELOPING ECONOMY COUNTRIES AND COUNTRIES WITH ECONOMIES IN TRANSITION

In this section of the report, Parties should report on:

- their ability to provide assistance, both financial and technical, in the case of development partners, as well as assistance already provided; or
- their assessed areas of need and the extent to which these are or are not being met, and estimates of assistance, both technical and financial required to enable them to move to the next reporting group, in the case of developing economies and economies in transition. This could also include any constraints or barriers to implementation as well as the assistance already received/provided.

In addition, the Secretariat should consider, in particular, this section of Parties' reports and operate as a clearinghouse seeking to facilitate coordination of available skills and resources with identified needs. In the first instance, the Secretariat should seek to manage this process within regions, to allow more efficient operation and greater understanding within regions.

EXISTING SURVEILLANCE DATA AND RESEARCH

The Secretariat should use its more detailed knowledge and understanding of existing data sets, including the following WHO and Tobacco Free Initiative data and any other relevant data:

- WHO/United States Centers for Disease Control and Prevention (CDC) Global Youth Tobacco Survey
- WHO/United States CDC Global School Personnel Survey
- WHO/United States CDC Global Health Professional Survey
- World Health Survey
- WHO Mortality Database
- the Regional Database on Tobacco Control
- WHO STEPwise (Surveillance)

TRANSLATION

Parties will provide reports in one of the six official languages, and shall not expect the Secretariat to provide translations. However, it is expected that the Secretariat, in considering the reports, will make available summaries or analysis of reports which focus on significant achievements or areas where information sharing could be valuable.

FEEDBACK ARRANGEMENTS

To facilitate access to examples of best practice in specific areas of tobacco control, it is proposed that all Parties' reports are to be available on a web site and arranged under the headings – Two Year Reports, Five Year Reports and Eight Year Reports to enable Parties to understand the progress being made internationally in implementing the WHO Framework Convention on Tobacco Control. It is expected that this web site will allow access by non-ratifying countries which may be seeking information to allow them to take effective steps in tobacco control. This is consistent with the objective to learn from each others' experience.

It is expected that the Secretariat will provide feedback to each reporting Party. It is further expected that the Secretariat will provide an analysis of the progress being made internationally in implementation of the Convention. Such a summary should be provided annually commencing in 2007 and should seek to:

- reflect international and regional progress;
- highlight significant achievements; and
- reflect the spirit of shared learning.

It is further suggested that existing WHO regional group meetings provide an opportunity to share learning and obtain feedback from other Parties on their progress in implementing the WHO Framework Convention on Tobacco Control.

Progress will be assessed by the Conference of the Parties regionally and globally based on reports received and analysed by the Secretariat.

It should be noted that the items identified in the reporting instrument are not exhaustive, but reflect the spirit and intent of the Convention.

FUTURE DIRECTIONS

It is further proposed that an independent assessment of the reporting arrangements be undertaken in 2009 with the matter to be further considered by the Conference of the Parties in 2010.

REPORTING INSTRUMENT

1. Origin of the report

(a) Name of Contracting Party	
(b) Information on National Contact/Focal Point	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	

(c) Information on contact officer submitting the national report if different from the above	
Name and title of contact officer	
Mailing address	
Telephone number	
Fax number	
E-mail	
(d) Signature of the officer responsible for submitting report	
Name and title of officer	
Full name of the institution	
Mailing address	
Telephone number	
Fax number	
E-mail	
Web page	
(e) Period reported	
(f) Date the report was submitted	

2. Demographics

(a) Age and sex:

Year (latest available)					
Age groups					
Percentage of <i>male</i> population					
Percentage of <i>female</i> population					
Percentage of <i>total</i> population					

(b) Ethnicity (optional):

Name of ethnic group					
Percentage of total population					

3. Tobacco use

i. Prevalence (ref. Article 19.2(a), Article 20.2 and Article 20.3(a))

(a) Smoking tobacco:

	Age groups ¹ (adults)	Tobacco products included	Year of data (latest available)	Prevalence (%)
Males				
Daily smokers ²				
Occasional smokers ²				
Females				
Daily smokers ²				
Occasional smokers ²				
Total (males and females)				
Daily smokers ²				
Occasional smokers ²				

If available, please provide the average number of cigarettes smoked per day by the smoking population:

	Age groups ³ (adults)	Tobacco products included	Year of data (latest available)	Average number of cigarettes smoked per day
Male smokers⁴				
Female smokers²				
Total smokers²				

¹ Preferably by 10-year categories; e.g. 25-34, 35-44, etc.

² Definitions to be provided by the Parties.

³ Preferably by 10-year categories, e.g. 25-34, 35-44, etc.

⁴ Definitions to be provided by the Parties.

(b) Smokeless tobacco, including snuff and chewing tobacco (optional):

	Age groups ¹ (adults)	Tobacco products included	Year of data (latest available)	Prevalence (%)
Male				
Daily users				
Occasional users ²				
Female				
Daily users				
Occasional users ²				
Total				
Daily users				
Occasional users ²				

(c) If prevalence data is appropriate and available for ethnic groups, please provide.

	Ethnic group	Tobacco products included	Year of data (latest available)	Prevalence (%)
Daily users				
Occasional users ²				

(d) If prevalence data is appropriate and available for youth groups, please provide.

	Youth groups ¹	Tobacco products included	Year of data (latest available)	Prevalence ² (%)
Males				
Females				

¹ Definitions to be provided by the Parties.

² Parties should provide definition for youth smoking; e.g. at least one cigarette in the past 30 days.

ii. Supply

- (a) Licit supply of tobacco (ref. **Article 20.4(c)** and **Article 15.4(a)** in accordance with **Article 15.5**)

	Domestic production	Exports	Imports
Year (latest available)			
Quantity (specify product and unit; e.g. millions of cigarettes)			

Note: licit supply = domestic production + (imports - exports)

- (b) Please provide information regarding duty-free sales volumes, if available.

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- (c) Seizures of illicit tobacco (ref. **Article 15.4(a)** in accordance with **Article 15.5**)

	Cigarettes	Other tobacco products (optional; please specify product)
Year (latest available)		
Quantity seized (specify unit; e.g. millions of pieces)		

- (d) Please provide information regarding illicit or smuggled tobacco (optional) (ref. **Article 15.4(a)** in accordance with **Article 15.5**).

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4. Taxation

- (a) Please provide your rates of taxation for tobacco products for all levels of government, and be as specific as possible (specify the type of tax: excise, VAT or sales, import duties) (ref. **Article 6.3**).

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- (b) Please attach the relevant documentation (ref. **Article 6.3**). (Please provide documentation in one of the six official languages, if available.)
- (c) Please provide retail prices for the three most popular brands of domestic and imported tobacco products in your jurisdiction, and the relevant year (ref. **Article 6.2(a)**).

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5. Legislative, executive, administrative and other measures

i. Core questions

It should be noted that the measures identified below are not exhaustive, but reflect the spirit and intent of the Convention.

Please check yes or no. For affirmative answers, you are asked to attach a brief summary and the relevant documentation. (Please provide documentation in one of the six official languages, if available.)

Article	Pursuant to Article 21.1(a) , have you adopted and implemented legislative, executive, administrative and/or other measures on:	Yes (please attach a brief summary and relevant documentation)	No
Price and tax measures to reduce the demand for tobacco			
6.2(b)	Prohibiting or restricting sales to and/or importations by international travellers of tax- and duty-free tobacco products?		
Protection from exposure to tobacco smoke		Full/Partial/None	
8.2	in indoor workplaces?		
	- government buildings		
	- health care facilities		
	- educational facilities		
	- private workplaces		
	- other		
	in public transport?		
	in indoor public places?		
	- cultural facilities		
	- bars and night clubs		
	- restaurants		
	- other		

If you responded "Partial" to the measures outlined in Article 8.2, please provide specific details of the partial ban here:			
Regulation of tobacco product disclosures			
10	Requiring manufacturers and/or importers of tobacco products to disclose to governmental authorities information about contents?		
Illicit trade in tobacco products			
15.2(a)	Requiring marking of packaging to assist in determining the origin of the product?		
	and to assist in determining whether the product is legally for sale on the domestic market?		
15.3	Requiring that marking is in legible form and/or appear in its principal language or languages?		
15.4(b)	Enacting or strengthening legislation against illicit trade in tobacco products?		
15.4(e)	Enabling the confiscation of proceeds derived from the illicit trade?		
15.7	Licensing or other actions to control or regulate production and distribution?		
Sales to and by minors			
16.1	Prohibiting the sales of tobacco products to minors?	Specify legal age:	
16.2	Prohibiting or promoting the prohibition of the distribution of free tobacco products to the public and especially minors?		
16.3	Prohibiting the sale of cigarettes individually or in small packets?		
16.6	Providing for penalties against sellers and distributors?		
16.7	Prohibiting the sales of tobacco products by minors?		
Liability			
19.1	Dealing with criminal and civil liability, including compensation where appropriate?		

ii. Optional questions

It should be noted that responses to these questions are not required at the time of Group 1 reports, but may be answered at this time if applicable.

Article	Have you adopted and implemented legislative, executive, administrative and/or other measures on:	Yes (please attach a brief summary and relevant documentation) ¹	No
Regulation of the contents of tobacco products			
9	Testing and measuring the contents of tobacco products?		
	Testing and measuring the emissions of tobacco products?		
	Regulating the contents of tobacco products?		
	Regulating the emissions of tobacco products?		
Packaging and labelling of tobacco products			
11.1(a)	Requiring that packaging and labelling do not promote a product by any means that are false, misleading, deceptive or likely to create an erroneous impression?		
11.1(b)	Requiring that packaging and labelling also carry health warnings describing the harmful effects of tobacco use?		
11.1(b)(i)	Ensuring that the health warnings are approved by the competent national authority?		
11.1(b)(ii)	Ensuring that the health warnings are rotating?		
11.1(b)(iii)	Ensuring that the health warnings are large, clear, visible and legible?		
11.1(b)(iv)	Ensuring that the health warnings occupy no less than 30% of the principal display areas?		
	Ensuring that the health warnings occupy 50% or more of the principal display areas?		
11.1(b)(v)	Ensuring that the health warnings are in the form of, or include, pictures or pictograms?		
11.2	Requiring that packaging and labelling contains information on relevant constituents and emissions of tobacco products?		
11.3	Requiring that the warnings and other textual information appear on each unit package, and on any outside packaging and labelling in your principal language or languages?		

¹ Please provide these documents in one of the six official languages, if available, and please specify sections of your legislation related to each “yes” response.

Tobacco advertising, promotion and sponsorship			
13.2	Instituting a comprehensive ban of all tobacco advertising, promotion and sponsorship?		
	including on cross-border advertising, promotion and sponsorship originating from its territory?		
13.3	Applying restrictions, in the absence of a comprehensive ban, on all tobacco advertising, promotion and sponsorship?		
	Restricting or instituting a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory?		
13.4(a)	Prohibiting all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression?		
13.4(b)	Requiring that health or other appropriate warnings or messages accompany all tobacco advertising and promotion and sponsorship?		
13.4(c)	Restricting the use of direct or indirect incentives that encourage the purchase of tobacco products by the public?		
13.4(d)	Requiring the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited?		
13.4(e)	Restricting tobacco advertising, promotion and sponsorship on radio, television, print media and other media, such as the Internet?		
13.4(f)	Prohibiting or restricting tobacco sponsorship of international events, activities and/or participants therein?		

If you have any additional legislation or other measures not covered in Question 5, you may provide additional details here:

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6. Programmes and plans

i. Core questions

It should be noted that the measures identified below are not exhaustive, but reflect the spirit and intent of the Convention.

	Yes (please attach the relevant documentation) ¹	No
Have you developed and implemented comprehensive multisectoral national tobacco control strategies, plans and programmes? (Article 5.1)		
If no, have some partial strategies, plans and programmes been developed and implemented? (Article 5.1)		

If you responded yes to either of the first two questions, which of the following do these strategies, plans and programmes cover? Please check, and provide a brief summary. (Please provide the summary in one of the six official languages.)

General obligations		
5.2(a)	A national coordinating mechanism or focal point(s) for tobacco control?	
5.3	Protection of policies from the commercial and other vested interests of the tobacco industry?	
Education, communication, training and public awareness		
12(a)	Broad access to effective and comprehensive educational and public awareness programmes on the health risks?	
	... targeted at adults and/or the general public?	
	... targeted at children and youth?	
12(b)	Public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles?	
12(c)	Public access to a wide range of information on the tobacco industry?	
12(e)	Awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control?	

¹ Please provide these documents in one of the six official languages, if possible.

Demand reduction measures concerning tobacco dependence and cessation		
14.1	Comprehensive and integrated guidelines based on scientific evidence and best practices to promote cessation of tobacco use and adequate treatment for tobacco dependence?	
14.2(d)	Facilitation of accessibility and affordability for treatment of tobacco dependence including pharmaceutical products?	
Provision of support for economically viable alternative activities		
17	Promotion of economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers?	
Research, surveillance and exchange of information		
20.1(a)	Research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops?	
20.4(b)	Updated data from national surveillance programmes?	

ii. Optional questions

Education, communication, training and public awareness		
12(d)	Appropriate training or awareness programmes on tobacco control addressed to persons such as health, community and social workers, media professionals, educators, decision-makers, administrators and other concerned persons?	
12(f)	Public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption?	
Demand reduction measures concerning tobacco dependence and cessation		
14.2(a)	Design and implementation of programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments?	
14.2(b)	Diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers?	
14.2(c)	Establishment in health care facilities and rehabilitation centres of programmes for diagnosing, counselling, preventing and treating tobacco dependence?	
Protection of the environment and the health of persons		
18	Due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within its territory?	

Research, surveillance and exchange of information		
20.1(b)	Training and support for all those engaged in tobacco control activities, including research, implementation and evaluation?	
20.2	Programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke?	
20.3(a)	A national system for epidemiological surveillance of tobacco consumption and related social, economic and health indicators?	
20.4	The exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco?	
20.4(a)	An updated database of laws and regulations on tobacco control, and information about their enforcement, as well as pertinent jurisprudence?	

7. Technical and financial assistance

The goal of this section is to assist the Secretariat in facilitating the coordination of available skills and resources with identified needs.

Pursuant to **Article 21.1(c)**, have you either provided or received financial or technical assistance (be it through unilateral, bilateral, regional, subregional or other multilateral channels, including relevant regional and international intergovernmental organizations and financial and development institutions) for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition in any of the following areas:

	Assistance provided (please give details below)	Assistance received (please give details below)
Development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control? (Article 22.1(a))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
Provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes? (Article 22.1(b))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
Appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12? (Article 22.1(e))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
Provision of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes? (Article 22.1(d))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
Identification of methods for tobacco control, including comprehensive treatment of nicotine addiction? (Article 22.1(e))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No

Promotion of research to increase the affordability of comprehensive treatment of nicotine addiction? (Article 22.1(f))	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
Other. Specify:		
<p>Additional details:</p> <p>If you answered no to any of the above, please identify any financial or technical assistance that may be under consideration.</p> <p>If you answered yes to any of the above, please identify the country or countries from/to which assistance was received/provided.</p>		

Pursuant to **Article 21.3**, have you either provided or received financial or technical assistance to support developing country Parties and Parties with economies in transition in meeting reporting obligations?

Assistance provided	<input type="checkbox"/> Yes / <input type="checkbox"/> No (please give details below)	Assistance received	<input type="checkbox"/> Yes / <input type="checkbox"/> No (please give details below)
<p>Additional details:</p> <p>If you answered no to any of the above, please identify any financial or technical assistance that may be under consideration.</p> <p>If you answered yes to any of the above, please identify the country or countries from/to which assistance was received/provided.</p>			

Have you identified any specific gaps between the resources available and the needs assessed, for the financial and technical assistance provided or received?

<input type="checkbox"/> Yes (please give details below)	<input type="checkbox"/> No
<p>Additional details:</p>	

8. Priorities for implementation of the WHO Framework Convention on Tobacco Control

What are the priority areas for implementation of the WHO Framework Convention on Tobacco Control in your jurisdiction? (Ref. **Article 21.1(b)**)

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What, if any, are the constraints or barriers you have encountered in implementing the Convention? (ref. **Article 21.1(b)**)

9. Additional comments

Please provide any relevant information not covered elsewhere that you feel is important.

10. Questionnaire feedback

- (a) Please provide feedback for improvement of the Group 1 questionnaire.

- (b) Please provide input for the future development of the Group 2 questionnaire.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(15) Elaboration of guidelines for implementation of the Convention

The Conference of the Parties,

Considering Articles 7 and 9 of the WHO Framework Convention on Tobacco Control (FCTC), which require the Conference of the Parties (COP) to propose guidelines on the implementation of the provisions of Articles 8 to 13 at the national level;

Recognizing the assistance that such guidelines may provide to Parties in the development and implementation of policies and programmes related to the non-price measures for tobacco control that are set out in Articles 8 to 13;

Recognizing also the need to address issues related to Article 5.3 and Article 14;

Desiring to promote the availability of information on best practices for tobacco control to all Parties for their use, as appropriate, in the context of elaboration and implementation of their national laws and in accordance with national circumstances;

Desiring to achieve maximum effectiveness and efficiency in the elaboration and development of guidelines, and recognizing the role that relevant intergovernmental and nongovernmental organizations could have in this task because of the broad areas of expertise they have in these issues;

DECIDED:

- (1) to adopt the templates for the elaboration of guidelines on Articles 8 and 9, as they appear in Annexes 1 and 2 to this Decision;
- (2) to take note of the templates for the elaboration of guidelines on Article 9 phases 2 and 3, and Articles 10 to 13 as examples for the elaboration of guidelines for these articles, as they appear in Annexes 3 to 5 of this Decision;
- (3) to accord the highest priority to guidelines on Article 8 and the first phase of Article 9, and to request the Convention Secretariat to initiate work on these guidelines, on the basis of the templates, and to present draft guidelines to the second Conference of the Parties, if possible, or progress reports;
- (4) to adopt the following criteria for prioritization of the work related to the guidelines with respect to Articles 9 to 13 which are mandated specifically by the Framework Convention and Articles 5.3 and 14, which have been requested by several Parties:
 1. **Request from Parties:** there is an expressed need for the guidelines to assist Parties in implementing the Framework Convention.
 2. **Existing work on the topic:** there is relevant existing work, e.g. Tobacco Free Initiative guidelines, so guidelines can be developed more quickly and efficiently.
 3. **International value added:** international guidelines may be of particular assistance to Parties to implement some obligations, while involving a number of Parties allows expertise and costs to be shared.
 4. **Potential impact of the measure covered by the guidelines:** measures are known to be effective at reducing the impact of tobacco.
 5. **Ease of implementation:** this includes cost of implementation.
 6. **Willingness of Parties to lead:** Parties have volunteered as key facilitators, partners or reviewers.
 7. **Outcome measurability:** this is relevant to reporting (Article 21) and the potential to measure and analyse data.
 8. **Contribution to maintaining momentum in implementing the Framework Convention:** this is particularly important in the early stages of implementation.
 9. **Cost of guidelines development:** guidelines should be developed efficiently.
 10. **International cooperation and cost sharing** are essential to effectively implement the elements of the guidelines.
- (5) to request the Convention Secretariat to utilize these criteria in preparing a workplan for the elaboration of guidelines on the relevant articles, for consideration by the COP at its second session.

(6) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise in the guideline matters to actively participate and contribute to the further elaboration and development of the guidelines, as per request from the Convention Secretariat.

ANNEX 1: ARTICLE 8: PROTECTION FROM EXPOSURE TO TOBACCO SMOKE

Subject	Article 8: Protection from exposure to tobacco smoke
CONTENTS:	
Objectives and rationale	<p>Rationale: Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability. Protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and other public places is required. From a public health perspective, no “safe” levels of second-hand smoke exist. And there is conclusive evidence that engineering approaches do not protect against exposure to tobacco smoke.</p> <p>Objective: To provide guidelines for protection from exposure to tobacco smoke.</p>
Clear definition of elements of guidelines	<ol style="list-style-type: none"> 1. Clarification and definition of the terms: “exposure to tobacco smoke”, “indoor workplaces”, “public transport”, “indoor public places”, “other public places” 2. Scope and coverage of policies for protection from exposure to tobacco smoke 3. Recommendations for implementation and enforcement of the legislative and administrative measures 4. Recommendations for monitoring and evaluation of legislative and administrative measures 5. Classification of second-hand smoke as a carcinogen
Needs/value-added	<ol style="list-style-type: none"> 1. Provide uniformity in tobacco control measures and activities 2. International cooperation and information sharing of the best practices and lessons learnt 3. Having an international guideline from the COP will facilitate the application/implementation

Existing work to build on	<p><u>Published by WHO:</u></p> <ol style="list-style-type: none"> 1. WHO's Tobacco Free Initiative with the WHO Collaborating Centre on Tobacco Control (Johns Hopkins University, Baltimore, Maryland, United States of America) organized an expert consultation in this area in November 2005. WHO policy recommendations on second-hand smoke and smoke-free environments will be published based on this consultation. 2. The WHO Regional Office for the Americas has a project entitled "Smoke free Americas". This initiative is dedicated to raising awareness of the harm caused by second-hand tobacco smoke, and supporting efforts to achieve more smoke-free environments in the Americas. 3. WHO has published best practices in the area of second-hand tobacco smoke as part of its series "Success stories and lessons learnt". <p><u>Examples of legislation in certain countries</u></p> <ol style="list-style-type: none"> 1. Ireland: Tobacco Smoking (Prohibition) Regulations 2003 2. New Zealand: Smokefree Environments Act, 1990 3. Norway: Tobacco Act, 1973 (revision 2003) 4. Sweden: Law 2003/04:65 on smoke-free eating and drinking establishments 2004 5. Uruguay: Decree 268/05 on banning smoking in all public places 6. India: Legislation in 2003; rules modified in 2004
PROCESS:	
Implementing entity (mandated by the Conference of the Parties)	Convention Secretariat, in consultation with WHO's Tobacco Free Initiative and with the assistance of the Parties willing to participate to ensure regional representation.
Parties who offer to act as key facilitators (either via resource mobilization or technical work)	Finland, Ireland, New Zealand
Other Parties who offer to partner in the development of guidelines	Brazil, China, Djibouti, Fiji, France, Germany, Hungary, Jamaica, Mali, Mexico, Panama, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu
Parties who offer to act as reviewers (in addition to the usual peer experts)	Marshall Islands, Norway, Palau

Resource implications	<p>If the implementing entity is the Tobacco Free Initiative, then the Initiative would need an additional budget.</p> <p>If the Convention Secretariat is the implementing entity, then the COP would need to give the Convention Secretariat the necessary resources.</p> <p>In both cases, additional budget would be needed to ensure that developing country delegates are able to participate.</p>
Time frame:	
<i>for guideline development</i>	<p>One or two meetings necessary</p> <p>For the second session of the COP draft guidelines or progress report, as appropriate, should be presented on the work undertaken so far.</p>
<i>for review</i>	1 September 2006
<i>for submission to the Bureau</i>	sixty days before second session of the COP
<i>for circulation to the Conference of the Parties</i>	thirty days before first day of second session of the COP

ANNEX 2: ARTICLE 9: PRODUCT REGULATION

Subject	Guidelines for the implementation of Articles 9 and 10 on the regulation of the contents of tobacco products and of tobacco product disclosures
Introduction	<p>The overall purpose of guidelines for the implementation of the provisions in Articles 9 and 10 is to assist Parties in strengthening the regulation of the content of tobacco products.</p> <p>The elaboration of these guidelines involves three phases: first phase – the development of a guideline for the testing and measuring of the contents and emissions of tobacco products; phases two and three – to address regulations and/or disclosure (Article 10). The order of the second and third phases shall be considered by the COP at its second session.</p>
CONTENTS:	
Rationale	<ul style="list-style-type: none"> The testing and measuring of the contents and emissions of tobacco products serve as the basis for the regulation
Objective	<ul style="list-style-type: none"> To provide guidelines for testing and measuring the contents and emissions of tobacco products

Clear definition of elements of guidelines	<ul style="list-style-type: none"> • Address testing and measuring of tobacco contents and smoke emissions from a public health perspective • Start with cigarettes (because most commonly used tobacco product) • Focus on a selected set of especially harmful substances or smoke emissions • Include criteria to assess the toxicity, addictiveness and attractiveness of these substances and/or products • Study the design features of these products • A recommendation on further work in order to continue to inform Contracting Parties on how best to adopt new strategies of tobacco product regulation as new scientific evidence is obtained and as new or modified products are introduced into the market
Needs/value-added	<ul style="list-style-type: none"> • Guidelines assist national authorities in implementing this article and thus facilitate regulatory control over tobacco • Leads to the establishment of an independent set of data and testing and measurement methods on tobacco products and their emissions from a public health angle in the medium and long term • International cooperation in this area leads to sharing of costs and expertise (value added of international cooperation)
Existing work to build on	Base guidelines on the work already done by the WHO Study Group on Tobacco Product Regulation and WHO's Tobacco Free Initiative (the latter shall specify in a paper what they can already deliver and continue to work on this subject).
PROCESS:	
Implementing entity (mandated by the Conference of the Parties)	Convention Secretariat to initiate its work with WHO's Tobacco Free Initiative and Study Group on Tobacco Product Regulation in consultation with competent international bodies, as necessary – under the guidance of Contracting Parties identified as key facilitator(s) and with the assistance of the Parties willing to ensure regional representation.
Parties who offer to act as key facilitators	Canada, the European Community, Norway
Other Parties who offer to partner in the development of guidelines	Brazil, China, Denmark, Finland, Hungary, Jordan, Mexico, Netherlands,
Parties who offer to act as reviewers (in addition to the usual peer experts)	Australia, France, Jamaica, United Kingdom of Great Britain and Northern Ireland
Resource implications	Convention Secretariat in consultation with WHO will consider the workplan and budget implications.

Time frame:	
<i>for guideline development</i>	For the second session of the COP a draft of guidelines or a progress report should be presented on the work undertaken so far.
<i>for review</i>	At least sixty days prior to submission to the Bureau
<i>for submission to the Bureau</i>	At least ninety days prior to the first day of the second session of the COP
<i>for circulation to the Conference of the Parties</i>	Minimum of thirty days prior to the first day of the second session of the COP

ANNEX 3: SAMPLE (NOT YET DISCUSSED) WORKPLAN FOR THE DEVELOPMENT OF GUIDELINES ON PACKAGING AND LABELLING OF TOBACCO PRODUCTS

Subject	Article 11: Packaging and labelling of tobacco products
CONTENTS:	
Objectives and rationale	<p>The tobacco industry thrives by disseminating misleading information regarding social acceptability and health effects of their product. In order to curb the epidemic of tobacco use, consumers need to be well informed of the consequences of product use.</p> <p>To provide consumers with better quality information based on human testing of tobacco products and avoid conveying the impression that the product provides a relative health benefit.</p>
Clear definition of elements of guidelines	<p>The tobacco product packaging and labels should bear information on:</p> <ul style="list-style-type: none"> • health warnings • informative smoking cessation messages • statements about toxic emissions or constituents • adverse economic information • official language(s) of the country • size of the packaging label • use of graphic warnings
Needs/value-added	<ul style="list-style-type: none"> • Information sharing on international best practices • Strengthen measures and legislation

Existing work to build on	Existing resources include: <ul style="list-style-type: none"> • Papers and non-papers commissioned by WHO • Government, intergovernmental organizations, nongovernmental organizations and other publications including WHO papers and non-papers
PROCESS:	
Implementing entity (mandated by the Conference of the Parties)	<p>Option 1 – For the Convention Secretariat to be mandated to take this role, working with WHO’s Tobacco Free Initiative.</p> <p>Option 2 – For WHO’s Tobacco Free Initiative to continue its work with the WHO Study Group on Tobacco Product Regulation for the latter to develop the guidelines for review, approval and adoption by the COP.</p> <p>Option 3 – Establishment of an informal group of experts on tobacco product testing and research, design, addiction, harm reduction, and regulation.</p>
Parties who offer to act as key facilitators (either via resource mobilization or technical work)	Brazil, Canada
Other Parties who offer to partner in the development of guidelines	Australia, China, Djibouti, European Community, Hungary, Mexico, Panama, Peru, Singapore, Thailand, Uruguay
Parties who offer to act as reviewers (in addition to the usual peer review by experts)	New Zealand
Resource implications	<p>Option 1 – the COP would have to budget for this or mobilize funds through one or more facilitator Party (from above list).</p> <p>Option 2 – WHO’s Tobacco Free Initiative could be positioned to assist countries to expand capacity, but the Initiative would require further funding from donor countries if more than one meeting were to be convened.</p> <p>Option 3 – the COP would have to budget for this or mobilize funds some other way.</p> <p>In all three cases, additional budget would be needed to ensure that developing country delegates are able to participate.</p>
Time frame:	
<i>for guideline development</i>	One or two meetings necessary
<i>for review</i>	1 September 2006

<i>for submission to the Bureau</i>	sixty days before the second session of the COP
<i>for circulation to the Conference of the Parties</i>	thirty days before the first day of the second session of the COP

ANNEX 4: SAMPLE (NOT YET DISCUSSED) WORKPLAN FOR THE DEVELOPMENT OF GUIDELINES ON REGULATING CROSS-BORDER ADVERTISING

Subject	Article 13: Regulating cross-border advertising
CONTENTS:	
Objectives and rationale	<p><u>Objectives:</u></p> <ul style="list-style-type: none"> • To assist Parties in curbing/regulating cross-border advertising. <p><u>Rationale:</u></p> <ul style="list-style-type: none"> • It has been well documented that tobacco advertising, including cross-border advertising, encourages non-smokers to begin smoking, and discourages smokers from quitting. <ul style="list-style-type: none"> ○ Under this template, the term “cross-border advertising” refers to cross-border advertising, promotion and sponsorship. • Therefore, any ban on cross-border advertising would likely have a measurable effect on reducing tobacco consumption, thus reducing morbidity and mortality and increasing quality of life. • Furthermore, bans on domestic advertising can well be undermined by the effects of cross-border advertising, eliminating cross-border advertising can thus strengthen domestic anti-ad measures. • States have a mandate to consider the elaboration of a cross-border advertising protocol as defined by Article 13.8 of the Framework Convention.
Clear definition of elements of guidelines	<ul style="list-style-type: none"> • Develop clear, agreed-upon definition of cross-border advertising, potentially based on existing best practices. <ul style="list-style-type: none"> ○ Definition should include not only traditional media-based forms of advertising (television, radio, print, sports sponsorship) but emergent vehicles as well (satellite-based media, film, Internet). Attention should also be paid to tobacco-labelled consumer goods, such as toys and clothing. • Collaborate in several capacities on several levels, including: <ul style="list-style-type: none"> ○ International cooperation on research into cross-border advertising methods and effects. Potential regulatory measures should be researched as well, as mandated by Article 13.6. <ul style="list-style-type: none"> • Collaborate on effective dissemination of above

	<p>information.</p> <ul style="list-style-type: none"> ○ Collaborate with global, regional and domestic organizations involved in trade, media, advertising and marketing. ○ Cooperation on the development of filtering technologies to regulate media-based advertising, including the Internet. • Describe elements comprehensively banning all forms of cross-border advertising for inclusion in a potential protocol. • Require Parties to act on extra-jurisdictional complaints regarding advertising activities emanating from their own jurisdictions. • Define which domestic entities could be identified as the potential subjects of cross-border advertising bans.
Needs/value-added	<p><u>Needs:</u></p> <ul style="list-style-type: none"> • Further research into cross-border advertising methods and effects, as well as potential regulatory measures. • Collaboration on above research and information sharing. • Consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, pursuant to Article 13.8. <p><u>Value-added:</u></p> <ul style="list-style-type: none"> • Bans on cross-border advertising will reduce tobacco uptake and use, thus reducing morbidity and mortality and increasing quality of life. • Bans on cross-border advertising will strengthen domestic anti-ad measures. • The transnational nature of the problem will encourage further cooperation between concerned States and organizations.
Existing work to build on	<ul style="list-style-type: none"> • Existing resources include: <ul style="list-style-type: none"> ○ Papers and non-papers commissioned by WHO. ○ Government, intergovernmental organizations, nongovernmental organizations and other publications, including WHO papers and non-papers. ○ 2003 European Community Tobacco Advertising Directive¹. ○ Existing laws or practices concerning cross-border regulation of other activities, such as pornography, of the Internet, and of movies.

¹ The subject matter and scope of which relates to “the advertising of tobacco products and their promotion:

(a) in the press and other printed publications;

(b) in radio broadcasting;

(c) in information society services; and

(d) through tobacco related sponsorship, including the free distribution of tobacco products”.

	<ul style="list-style-type: none"> ○ Results of the Global Tobacco Control and Law Conference (New Delhi, 7-9 January 2000), including the publication “Tobacco advertising & promotion: the need for a coordinated global response”.¹
PROCESS:	
Implementing entity (mandated by the Conference of the Parties)	<p>Option 1 – For the Convention Secretariat to be mandated to take this role.</p> <p>Option 2 – Acting in its capacity as a technical adviser, for WHO’s Tobacco Free Initiative to expand on this role and address cross-border advertising.</p> <p>Option 3 – Establishment of an informal group of experts on cross-border advertising.</p>
Parties who offer to act as key facilitators (either via resource mobilization or technical work)	European Community (based on the 2003 Tobacco Advertising Directive), India (regarding regulation of smoking in cinemas), Sweden (could provide assistance based on success in <i>Konsumentombudsmannen v Gourmet International Products</i> , European Court of Justice 2001, arguing that cross-border advertising bans were justified on public health grounds).
Other Parties who offer to partner in the development of guidelines	China, Hungary, Malaysia, Mexico, Thailand
Parties who offer to act as reviewers (in addition to the usual peer experts)	European Community
Resource implications	These guidelines have the potential to be resource intensive (in terms of money, expertise, and responding to industry-engendered challenges) on a scale comparable to that demanded by the guidelines relating to Articles 8-12. Additional budget would be needed to ensure that developing country delegates are able to participate.

¹ <http://www.who.int/tobacco/media/en/ROSS2000X.pdf>

Time frame:	
<i>for guideline development</i>	Although the work of WHO's Tobacco Free Initiative and the WHO Study Group on Tobacco Product Regulation in this area could serve as the basis for guidelines development, it is still foreseen that any group mandated to develop the guideline would need to meet two to three times prior to the second session of the COP.
<i>for review</i>	At least sixty days prior to submission to the Bureau
<i>for submission to the Bureau</i>	At least ninety days prior to the first day of the second session of the COP
<i>for circulation to the Conference of the Parties</i>	Minimum of thirty days prior to the first day of the second session of the COP

ANNEX 5: SAMPLE (NOT YET DISCUSSED) WORKPLAN FOR THE DEVELOPMENT OF GUIDELINES: EDUCATION, COMMUNICATION, TRAINING AND PUBLIC AWARENESS

Subject	Article 12: Education, communication, training and public awareness
CONTENTS:	
Objectives and rationale	<p>Rationale: Parties recognize the need to promote and strengthen public awareness of tobacco control issues, using all available communication tools, as appropriate.</p> <p>Objective: Successful implementation of tobacco control measures requires public awareness/education on tobacco control issues. Therefore, Parties shall promote broad access to effective and comprehensive public awareness programmes on health risks of tobacco use and exposure to tobacco smoke; benefits of cessation of tobacco use, adverse consequences of tobacco production and consumption, and importance of legislative and other tobacco control measures. Similarly, professionals, volunteers and office bearers working in areas that are particularly relevant for tobacco control, such as health planners and health professionals, community workers, media professionals, legislators, customs and police officials, need appropriate training on tobacco control.</p>
Clear definition of elements of guidelines	<p>1. Specify essential components of and strategies for effective and comprehensive public awareness programmes on:</p> <ul style="list-style-type: none"> (a) health risks of tobacco use and exposure to tobacco smoke (b) benefits of cessation of tobacco use (c) adverse consequences of tobacco production and consumption (d) importance of the provisions of the Framework

	<p>Convention, to support implementation.</p> <ol style="list-style-type: none"> 2. Recommendations on training and/or sensitization and awareness programmes on tobacco control, addressed to various professional groups, as enlisted in Article 12(d). 3. Recommendations for allocation of human resources and health systems planning to enable health professionals and other groups to promote education, communication and public awareness on tobacco control. 4. Specify strategies for providing public access to information on tobacco industry activities in the country.
Needs/value-added	<ol style="list-style-type: none"> 1. Provide uniformity in tobacco control measures and activities. 2. International cooperation and information sharing of the best practices and lessons learnt.
Existing work to build on	<p>WHO's Tobacco Free Initiative:</p> <ol style="list-style-type: none"> 1. Building blocks for tobacco control: a handbook. Geneva, WHO, 2004. 2. Policy recommendations on smoking cessation and treatment of tobacco dependence: advancing tobacco control in the XXIst century. Geneva, WHO, 2003. 3. Glossary on WHO Collaborating Centres on Tobacco Control. WHO, 2005 (publications of WHO collaborating centres can be accessed through this glossary available online at http://www.who.int/tobacco/global_interaction/collab_centers/glossary_who_cc_tobacco_control/en/index.html). 4. Tobacco industry and corporate responsibility: an inherent contradiction. Geneva, WHO, 2004. 5. Tobacco industry documents: what they are, what they tell us and how to search them. A practical manual (second edition). Geneva, WHO, 2004. 6. The development of Philip Morris' position on environmental tobacco smoke for its web site. Geneva, WHO, 2004.
PROCESS:	
Implementing entity (mandated by the Conference of the Parties)	<p>Option 1 – For the Convention Secretariat to be mandated to take this role.</p> <p>Option 2 – Acting in its capacity as a technical adviser, for WHO's Tobacco Free Initiative to build upon this role.</p> <p>Option 3 – Convention Secretariat and WHO's Tobacco Free Initiative to establish an informal group of experts to advise Parties.</p>

Parties who offer to act as key facilitators (either via resource mobilization or technical work)	Ireland
Other Parties who offer to partner in the development of guidelines	Armenia, Australia, Chile, China, Djibouti, Egypt, Estonia, Hungary, India, Mali, Mexico, Panama, Peru, Thailand
Parties who offer to act as reviewers (in addition to the usual peer experts)	
Resource implications	If the Convention Secretariat is the implementing entity, then the COP should give the Convention Secretariat the necessary resources. If the implementing entity is WHO, then its Tobacco Free Initiative would need an additional budget.
Time frame:	
<i>for guideline development</i>	One meeting necessary
<i>for review</i>	At least sixty days prior to submission to the Bureau
<i>for submission to the Bureau</i>	At least ninety days prior to the first day of the second session of the COP
<i>for circulation to the Conference of the Parties</i>	Minimum of thirty days prior to the first day of the second session of the COP

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(16) Elaboration of protocols

The Conference of the Parties,

Taking into account Article 13.8 and Article 33 of the Convention;

Taking into account also the need to further develop the obligations set out in Article 15 in an internationally binding legal instrument;

Recognizing that international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship is an important area of tobacco control;

Recognizing also that international collaboration for the control of illicit trade is an important area of tobacco control,

DECIDED:

- (1) to ask the Convention Secretariat, under the direction of the Bureau:
 - (a) to invite each WHO region, in consultation with the Parties from their region, to nominate up to four experts per region to prepare a template for a protocol on illicit trade, on the basis of Article 15 of the Convention, taking into account the work of entities competent in the matter;
 - (b) to invite each WHO region, in consultation with the Parties from their region, to nominate up to four experts per region to prepare a template for a protocol on cross-border advertising, promotion and sponsorship, on the basis of Article 13.8 of the Convention, taking into account the work of entities competent in the matter;
 - (c) if the two expert groups cannot yet come up with complete templates for consideration by the Conference of the Parties at its second session, they should at least prepare a progress report, setting out the scope, the main elements and the structure of the future protocols;
 - (d) if the Bureau judges one or both of the templates to be sufficiently well advanced, the Bureau will present one or both of them to the Conference of the Parties at its second session. Otherwise, the Bureau will present one or two progress reports of the expert groups;
- (2) to request the Convention Secretariat to make the necessary arrangements, including budgetary arrangements, for the expert groups to meet as soon as possible.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(17) Establishment of a study group on alternative crops

The Conference of the Parties,

Taking into account Articles 17, 20.1(a), 22.1(b) and 26.3 of the Convention;

Recognizing the need to promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers;

Recalling the importance of research and scientific assessments that address the determinants and consequences of tobacco consumption and exposure to tobacco smoke, as well as research for identification of economically viable alternatives;

Considering that hundreds of thousands of families, particularly in developing countries, are engaged in tobacco agriculture and that, in a medium to long term, there is likely to be a reduction in demand for tobacco products;

Underlying the need to promote, as appropriate, cooperation in the scientific, technical and legal fields in order to develop policies for appropriate economically and legally viable alternative livelihoods for tobacco workers and tobacco growers;

Noting the important work being undertaken under the umbrella of the United Nations Ad Hoc Inter-Agency Task Force on Tobacco Control, and specially the broad range of agencies that have recognized expertise in this area, including FAO, UNDP, UNEP, the World Bank, among others,

DECIDED:

- (1) to establish an ad hoc study group open to interested Parties to the Convention with the objective of:
 - (a) summarizing the uptake of existing economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers;
 - (b) recommending to the Conference of the Parties mechanisms to assess the impact over time of the tobacco companies practices;
 - (c) report on initiatives that are being taken at national level in accordance with Article 17;
 - (d) recommending cost-effective diversification initiatives;
- (2) to mandate the study group to work closely with competent international organizations, in particular FAO and the World Bank and to cooperate in its work with the United Nations Ad Hoc Inter-Agency Task Force on Tobacco Control;
- (3) to request the Convention Secretariat to consult with interested Parties in order to identify a possible host to hold and finance, in cooperation with the Convention Secretariat, before the end of 2006, the first meeting of the study group; if this proves not to be possible, to request that the meeting be held in conjunction with the Conference of the Parties at its second session;
- (4) to mandate the study group to submit a report to the second session of the Conference of the Parties on the results of the discussions of its first meeting.

(Fifth plenary meeting, 17 February 2006)

FCTC/COP1(18) Date and venue of the second session of the Conference of the Parties

The first session of the Conference of the Parties, in accordance with Rules 3 and 4 of its Rules of Procedures, DECIDED that the second session of the Conference of the Parties would be held, at a date and place to be determined, in the first six months of 2007.

(Fifth plenary meeting, 17 February 2006)

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