



**WHO Framework Convention
on Tobacco Control**

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

Second session

BANGKOK, 30 JUNE–6 JULY 2007

**DECISIONS AND
ANCILLARY DOCUMENTS**

**GENEVA
2008**

PREFACE

This section of the proceedings of the Second session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control contains the decisions, list of participants and ancillary documents.

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¹ Article 5 (*General obligations*), Articles 9 and 10 (*Regulation of the contents of tobacco products and Regulation of tobacco product disclosures*), Article 11 (*Packaging and labelling of tobacco products*), Article 12 (*Education, communication, training and public awareness*) and Article 14 (*Demand reduction measures concerning tobacco dependence and cessation*).

AGENDA¹

1. Opening of the session
 - 1.1 Adoption of the agenda and organization of work
 - 1.2 Credentials of participants
 - 1.3 Participation of intergovernmental and nongovernmental organizations
2. Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control
3. Report of the interim secretariat
4. Report of the United Nations Ad Hoc Interagency Task Force on Tobacco Control in accordance with decision FCTC/COP1(13)
5. Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions
 - 5.1 Financial resources and mechanisms of assistance (decision FCTC/COP1(13))
 - 5.2 Reporting and exchange of information (decision FCTC/COP1(14))
 - 5.3 Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15))
 - 5.3.1 Article 8: Protection from exposure to tobacco smoke
 - 5.3.2 Article 9: Product regulation
 - 5.4 Elaboration of protocols (decision FCTC/COP1(16))
 - 5.4.1 Elaboration of a template for a protocol on illicit trade in tobacco products
 - 5.4.2 Elaboration of a template for a protocol on cross-border tobacco advertising, promotion and sponsorship
 - 5.5 Establishment of a study group on alternative crops (decision FCTC/COP1(17))
6. Additional matters identified in the decisions of the Conference of the Parties
 - 6.1 Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15))

¹ Adopted at the first plenary meeting.

6.1.1 Article 11: Packaging and labelling of tobacco products

6.1.2 Article 12: Education, communication, training and public awareness

6.1.3 Article 13: Regulating cross-border advertising

7. Consideration of a budget and programme of work for the Conference of the Parties for the financial period 2008–2009
 8. Date and venue of the third session of the Conference of the Parties
 9. Election of officers
 10. Closure of the session
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LIST OF DOCUMENTS

A/FCTC/COP/2/1 Rev.1	Agenda ¹
A/FCTC/COP/2/1(annotated)	Provisional agenda (annotated)
A/FCTC/COP/2/2 and A/FCTC/COP/2/2 Add.1	Report of the Convention Secretariat and status of the WHO Framework Convention on Tobacco Control
A/FCTC/COP/2/3	Report of the interim secretariat
A/FCTC/COP/2/4	Report of the United Nations Ad Hoc Interagency Task Force on Tobacco Control, in accordance with decision FCTC/COP1(13)
A/FCTC/COP/2/5	Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions Financial resources and mechanisms of assistance (decision FCTC/COP1(13))
A/FCTC/COP/2/6	Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions. Reporting and exchange of information (decision FCTC/COP1(14)) Synthesis of reports on implementation of the WHO Framework Convention on Tobacco Control received from Parties (before 27 February 2007)
A/FCTC/COP/2/7	Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15)) Article 8: Protection from exposure to tobacco smoke
A/FCTC/COP/2/8	Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15)). Article 9: Product regulation

¹ See page vii.

A/FCTC/COP/2/9	Elaboration of protocols (decision FCTC/COP1(16)) Elaboration of a template for a protocol on illicit trade in tobacco products
A/FCTC/COP/2/10	Elaboration of protocols (decision FCTC/COP1(16)). Elaboration of a template for a protocol on cross-boarder tobacco advertising, promotion and sponsorship
A/FCTC/COP/2/11	Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions Establishment of a study group on alternative crops (decision FCTC/COP1(17))
A/FCTC/COP/2/12	Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15)). Article 11: Packaging and labelling of tobacco products Article 12: Education, communication, training and public awareness Article 13: Regulating cross-boarder advertising
A/FCTC/COP/2/13, A/FCTC/COP/2/13 Corr 1 and A/FCTC/COP/2/13 Add.1	Consideration of a budget and programme of work for the Conference of the Parties for the financial period 2008–2009
A/FCTC/COP/2/15	Application of international intergovernmental organizations for the status of observer to the Conference of the Parties to the WHO Framework Convention on Tobacco Control
A/FCTC/COP/2/16	[Draft] Report on credentials
A/FCTC/COP/2/17	First report of Committee A (Draft)
A/FCTC/COP/2/18	Second report of Committee A (Draft)
A/FCTC/COP/2/19	First report of Committee B
A/FCTC/COP/2/20	Second report of Committee B
A/FCTC/COP/2/21	Third report of Committee B
A/FCTC/COP/2/22	Third report of Committee A

Information documents

A/FCTC/COP/2/INF.DOC./1	Participation of intergovernmental and nongovernmental organizations
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A/FCTC/COP/2/INF.DOC./2	Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions. Reporting and exchange of information (decision FCTC/COP1(14))
A/FCTC/COP/2/INF.DOC./3	Report on the public hearing on agricultural diversification and alternative crops to tobacco for the WHO Framework Convention on Tobacco Control 26 February 2007, Brasília
Diverse documents	
A/FCTC/COP/2/DIV/1	Matters identified in decisions taken by the Conference of the Parties that call for action in the period between its first and second sessions. Reporting and exchange of information
A/FCTC/COP/2/DIV/2 and A/FCTC/COP/2/DIV/2 Add.1	Guide for delegates to the Conference of the Parties
A/FCTC/COP/2/DIV/3 and A/FCTC/COP/2/DIV/3 Corr.1	Information note for nongovernmental organizations accredited as observers to the Conference of the Parties to the WHO Framework Convention on Tobacco Control
A/FCTC/COP/2/DIV/4 Rev.1	List of participants
A/FCTC/COP/2/DIV/5	Statement by Ambassador Juan Martabit, President of the second session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control
A/FCTC/COP/2/DIV/6	Opening remarks by the Deputy Director-General
A/FCTC/COP/2/DIV/7	Opening remarks by Dr Samlee Plianbangchang, Regional Director, WHO South-East Asia Region
A/FCTC/COP/2/DIV/8	Opening remarks by Mr Paiboon Wattanasiritham, Deputy Prime Minister of Thailand
A/FCTC/COP/2/DIV/9	Decisions
A/FCTC/COP/2/DIV/10	Officers of the Conference of the Parties to the WHO Framework Convention on Tobacco Control
A/FCTC/COP/2/DIV/11	List of documents

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

President

Ambassador J. MARTABIT (Chile)

Vice-Presidents

Ambassador C. LASSMANN (Austria)
Mr R. BAYAT MOKHTARI (Islamic Republic of Iran)
Ms N. DLADLA (South Africa)
Ambassador SHA Zukang (China)
Dr HATAI CHITANONDH (Thailand)

Committee A

Chair: Dr F. NIGGEMEIER (Germany)
Vice-Chairs: Mr J.A. AL-LAWATI (Oman)
Dr M. ASQUETA SÓÑORA (Uruguay)

Committee B

Chair: Dr J.K. AMANKWA (Ghana)
Vice-Chairs: Mr V. JNAWALI (Nepal)
Dr ZAINAL ARIFFIN BIN OMAR (Malaysia)

DECISIONS

FCTC/COP2(1) Adoption of the agenda and organization of work

The Conference of the Parties

1. ADOPTED the provisional agenda prepared by the interim secretariat;
2. AGREED that, following the practice of the first session of the Conference of the Parties, the Conference of the Parties will establish two committees to work in parallel;
3. DECIDED that, following the precedent of the first session of the Conference of the Parties and in order to ensure regional representation, each Committee would elect a Chairperson and two Vice-Chairpersons.

(First plenary meeting, 30 June 2007)

FCTC/COP2(2) Credentials of the Parties

The Conference of the Parties RECOGNIZED the validity of the credentials of the following representatives of the Parties: Albania; Algeria; Armenia; Australia; Austria; Azerbaijan; Bangladesh; Barbados; Belgium; Benin; Bhutan; Brazil; Brunei Darussalam; Bulgaria; Burkina Faso; Burundi; Cambodia; Cameroon; Canada; Cape Verde; Central African Republic; Chad; Chile; China; Comoros; Congo; Cook Islands; Democratic People's Republic of Korea; Democratic Republic of the Congo; Denmark; Djibouti; Ecuador; Egypt; Estonia; Fiji; Finland; France; Georgia; Germany; Ghana; Greece; Guatemala; Guyana; Honduras; Hungary; India; Iran (Islamic Republic of); Ireland; Israel; Jamaica; Japan; Jordan; Kenya; Kiribati; Kuwait; Lao People's Democratic Republic; Latvia; Lebanon; Lesotho; Libyan Arab Jamahiriya; Lithuania; Luxembourg; Madagascar; Malaysia; Maldives; Mali; Marshall Islands; Mauritania; Mauritius; Micronesia (Federated States of); Mongolia; Myanmar; Namibia; Nauru; Nepal; Netherlands; Niger; Nigeria; Niue; Norway; Oman; Palau; Papua New Guinea; Pakistan; Paraguay; Peru; Philippines; Poland; Portugal; Qatar; Republic of Korea; Romania; Rwanda; Samoa; Saint Lucia; Saudi Arabia; Senegal; Singapore; Slovakia; Slovenia; Solomon Islands; South Africa; Spain; Sri Lanka; Swaziland; Sweden; Syrian Arab Republic; Thailand; The former Yugoslav Republic of Macedonia; Togo; Tonga; Trinidad and Tobago; Turkey; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uruguay; Vanuatu; Venezuela (Bolivarian Republic of); Viet Nam; Yemen.

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

Bahrain; Bolivia; European Community; Mexico; Panama; Sao Tome and Principe; Sudan; United Arab Emirates.

(First, third and fourth plenary meetings, 30 June 2007)

FCTC/COP2(3) Application of international intergovernmental organizations for the status of observer to the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties DECIDED to approve the applications for observer status submitted to the Secretariat from the following international intergovernmental organizations pursuant to Rule 30 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control:

- the World Customs Organization
- the Secretariat of the Pacific Community.

(First plenary meeting, 30 June 2007)

FCTC/COP2(4) Election of the officers of Committees A and B

The following officers were elected to Committees A and B:

Committee A:	Chairperson	Dr F. Niggemeier (Germany)
	Vice-Chairpersons	Mr J.A. Al-Lawati (Oman)
		Dr M. Asqueta Sónora (Uruguay)
Committee B:	Chairperson	Dr J.K. Amankwa (Ghana)
	Vice-Chairpersons	Mr V. Jnawali (Nepal)
		Dr Zainal Ariffin bin Omar (Malaysia)

(First meetings of Committees A and B, 2 July 2007)

FCTC/COP2(5) Accreditation as observers to the Conference of the Parties to the WHO Framework Convention on Tobacco Control of international intergovernmental organizations that participated in sessions of the Intergovernmental Negotiating Body on the WHO Framework Convention on Tobacco Control, the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control, and/or the first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

With reference to Rule 30(1) of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, the Conference of the Parties DECIDED to accredit as observers to the Conference of the Parties the following international intergovernmental organizations and bodies that participated in the Intergovernmental Negotiating Body on the WHO Framework Convention on Tobacco Control, the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control and/or the first session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control:

African Union
Food and Agriculture Organization of the United Nations

International Atomic Energy Agency
International Civil Defence Organisation
International Labour Organization
International Organization for Migration
League of Arab States
Organisation Internationale de la Francophonie
Organization of the Islamic Conference
United Nations
United Nations Children's Fund
United Nations Conference on Trade and Development
United Nations Educational, Scientific and Cultural Organization
United Nations Environment Programme
United Nations Human Settlements Programme
United Nations Industrial Development Organization
United Nations Institute for Training and Research
United Nations Population Fund
United Nations Relief and Works Agency for Palestine Refugees in the Near East
World Bank
World Customs Organization
World Trade Organization

(Third plenary meeting, 3 July 2007)

FCTC/COP2(6) Accreditation of nongovernmental organizations as observers to the Conference of the Parties to the WHO Framework Convention on Tobacco Control

With reference to Rule 31(2) of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, the Conference of the Parties DECIDED that:

- (1) the Convention Secretariat, in preparing reports pursuant to Rule 31(2) on nongovernmental organizations applying for observer status to the Conference of the Parties to the WHO Framework Convention on Tobacco Control, shall address, in an appropriate manner and taking into account the seventeenth and eighteenth preambular paragraphs as well as Article 5.3 of the Convention, the nature and geographical scope of activities, as well as the financing, membership and governance of each such organization;
- (2) before applications of such organizations are submitted to the Conference of the Parties for its consideration, they shall be reviewed by the Bureau, along with the relevant reports of the Convention Secretariat, with a view to the Bureau preparing a recommendation regarding the granting of observer status by the Conference of the Parties;
- (3) the Convention Secretariat shall provide any such recommendation of the Bureau to the Conference of the Parties, along with its report made in accordance with Rule 31(2).

(Third plenary meeting, 3 July 2007)

**FCTC/COP2(7) Adoption of the guidelines for implementation of Article 8
(Protection from exposure to tobacco smoke)**

The Conference of the Parties ADOPTED the guidelines on protection from exposure to tobacco smoke, annexed to the present decision (Annex 1).

The Conference of the Parties, noting that these are the first guidelines it has adopted and that the Conference, in so doing, did not need to engage in substantive discussion of the draft guidelines produced by the working group, agreed that the absence of substantive discussion did not create a precedent for its future consideration of guidelines produced by its subsidiary bodies.

ANNEX 1

Guidelines on protection from exposure to tobacco smoke, as elaborated by the working group convened in accordance with decision FCTC/COP1(15) of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

PURPOSE, OBJECTIVES AND KEY CONSIDERATIONS

Purpose of the guidelines

1. Consistent with other provisions of the WHO Framework Convention on Tobacco Control and the intentions of the Conference of the Parties, these guidelines are intended to assist Parties in meeting their obligations under Article 8 of the Convention. They draw on the best available evidence and the experience of Parties that have successfully implemented effective measures to reduce exposure to tobacco smoke.
2. The guidelines contain agreed upon statements of principles and definitions of relevant terms, as well as agreed upon recommendations for the steps required to satisfy the obligations of the Convention. In addition, the guidelines identify the measures necessary to achieve effective protection from the hazards of second-hand tobacco smoke. Parties are encouraged to use these guidelines not only to fulfil their legal duties under the Convention, but also to follow best practices in protecting public health.

Objectives of the guidelines

3. These guidelines have two related objectives. The first is to assist Parties in meeting their obligations under Article 8 of the WHO Framework Convention, in a manner consistent with the scientific evidence regarding exposure to second-hand tobacco smoke and the best practice worldwide in the implementation of smoke-free measures, in order to establish a high standard of accountability for treaty compliance and to assist the Parties in promoting the highest attainable standard of health. The second objective is to identify the key elements of legislation necessary to effectively protect people from exposure to tobacco smoke, as required by Article 8.

Underlying considerations

4. The development of these guidelines has been influenced by the following fundamental considerations.

(a) The duty to protect from tobacco smoke, embodied in the text of Article 8, is grounded in fundamental human rights and freedoms. Given the dangers of breathing second-hand tobacco smoke, the duty to protect from tobacco smoke is implicit in, inter alia, the right to life and the right to the highest attainable standard of health, as recognized in many international legal instruments (including the Constitution of the World Health Organization, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women and the Covenant on Economic, Social and Cultural Rights), as formally incorporated into the preamble of the WHO Framework Convention and as recognized in the constitutions of many nations.

(b) The duty to protect individuals from tobacco smoke corresponds to an obligation by governments to enact legislation to protect individuals against threats to their fundamental rights and freedoms. This obligation extends to all persons, and not merely to certain populations.

(c) Several authoritative scientific bodies have determined that second-hand tobacco smoke is a carcinogen. Some Parties to the WHO Framework Convention (for example, Finland and Germany) have classified second-hand tobacco smoke as a carcinogen and included the prevention of exposure to it at work in their health and safety legislation. In addition to the requirements of Article 8, therefore, Parties may be obligated to address the hazard of exposure to tobacco smoke in accordance with their existing workplace laws or other laws governing exposure to harmful substances, including carcinogens.

STATEMENT OF PRINCIPLES AND RELEVANT DEFINITIONS UNDERLYING PROTECTION FROM EXPOSURE TO TOBACCO SMOKE

Principles

5. As noted in Article 4 of the WHO Framework Convention, strong political commitment is necessary to take measures to protect all persons from exposure to tobacco smoke. The following agreed upon principles should guide the implementation of Article 8 of the Convention.

Principle 1

6. Effective measures to provide protection from exposure to tobacco smoke, as envisioned by Article 8 of the WHO Framework Convention, require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke-free environment. There is no safe level of exposure to tobacco smoke, and notions such as a threshold value for toxicity from second-hand smoke should be rejected, as they are contradicted by scientific evidence. Approaches other than 100% smoke-free environments, including ventilation, air filtration and the use of designated smoking areas (whether with separate ventilation systems or not), have repeatedly been shown to be ineffective and there is conclusive evidence, scientific and otherwise, that engineering approaches do not protect against exposure to tobacco smoke.

Principle 2

7. All people should be protected from exposure to tobacco smoke. All indoor workplaces and indoor public places should be smoke-free.

Principle 3

8. Legislation is necessary to protect people from exposure to tobacco smoke. Voluntary smoke-free policies have repeatedly been shown to be ineffective and do not provide adequate protection. In order to be effective, legislation should be simple, clear and enforceable.

Principle 4

9. Good planning and adequate resources are essential for successful implementation and enforcement of smoke-free legislation.

Principle 5

10. Civil society has a central role in building support for and ensuring compliance with smoke-free measures, and should be included as an active partner in the process of developing, implementing and enforcing legislation.

Principle 6

11. The implementation of smoke-free legislation, its enforcement and its impact should all be monitored and evaluated. This should include monitoring and responding to tobacco industry activities that undermine the implementation and enforcement of the legislation, as specified in Article 20.4 of the WHO Framework Convention.

Principle 7

12. The protection of people from exposure to tobacco smoke should be strengthened and expanded, if necessary; such action may include new or amended legislation, improved enforcement and other measures to reflect new scientific evidence and case-study experiences.

Definitions

13. In developing legislation, it is important to use care in defining key terms. Several recommendations as to appropriate definitions, based on experiences in many countries, are set out here. The definitions in this section supplement those already included in the WHO Framework Convention.

“Second-hand tobacco smoke” or “environmental tobacco smoke”

14. Several alternative terms are commonly used to describe the type of smoke addressed by Article 8 of the WHO Framework Convention. These include “second-hand smoke”, “environmental tobacco smoke”, and “other people’s smoke”. Terms such as “passive smoking” and “involuntary exposure to tobacco smoke” should be avoided, as experience in France and elsewhere suggests that the tobacco industry may use these terms to support a position that “voluntary” exposure is acceptable. “Second-hand tobacco smoke”, sometimes abbreviated as “SHS”, and “environmental tobacco smoke”, sometimes abbreviated “ETS”, are the preferable terms; these guidelines use “second-hand tobacco smoke”.

15. Second-hand tobacco smoke can be defined as “the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker”.

16. “Smoke-free air” is air that is 100% smoke-free. This definition includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured.¹

“Smoking”

17. This term should be defined to include being in possession or control of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled.

“Public places”

18. While the precise definition of “public places” will vary between jurisdictions, it is important that legislation define this term as broadly as possible. The definition used should cover all places accessible to the general public or places for collective use, regardless of ownership or right to access.

“Indoor” or “enclosed”

19. Article 8 requires protection from tobacco smoke in “indoor” workplaces and public places. Because there are potential pitfalls in defining “indoor” areas, the experiences of various countries in defining this term should be specifically examined. The definition should be as inclusive and as clear as possible, and care should be taken in the definition to avoid creating lists that may be interpreted as excluding potentially relevant “indoor” areas. It is recommended that “indoor” (or “enclosed”) areas be defined to include any space covered by a roof or enclosed by one or more walls or sides, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary.

“Workplace”

20. A “workplace” should be defined broadly as “any place used by people during their employment or work”. This should include not only work done for compensation, but also voluntary work, if it is of the type for which compensation is normally paid. In addition, “workplaces” include not only those places at which work is performed, but also all attached or associated places commonly used by the workers in the course of their employment, including, for example, corridors, lifts, stairwells, lobbies, joint facilities, cafeterias, toilets, lounges, lunchrooms and also outbuildings such as sheds and huts. Vehicles used in the course of work are workplaces and should be specifically identified as such.

21. Careful consideration should be given to workplaces that are also individuals’ homes or dwelling places, for example, prisons, mental health institutions or nursing homes. These places also constitute workplaces for others, who should be protected from exposure to tobacco smoke.

¹ It is possible that constituent elements of tobacco smoke may exist in air in amounts too small to be measured. Attention should be given to the possibility that the tobacco industry or the hospitality sector may attempt to exploit the limitations of this definition.

“Public transport”

22. Public transport should be defined to include any vehicle used for the carriage of members of the public, usually for reward or commercial gain. This would include taxis.

THE SCOPE OF EFFECTIVE LEGISLATION

23. Article 8 requires the adoption of effective measures to protect people from exposure to tobacco smoke in (1) indoor workplaces, (2) indoor public places, (3) public transport, and (4) “as appropriate” in “other public places”.

24. This creates an *obligation to provide universal protection* by ensuring that all indoor public places, all indoor workplaces, all public transport and possibly other (outdoor or quasi-outdoor) public places are free from exposure to second-hand tobacco smoke. No exemptions are justified on the basis of health or law arguments. If exemptions must be considered on the basis of other arguments, these should be minimal. In addition, if a Party is unable to achieve universal coverage immediately, Article 8 creates a continuing obligation to move as quickly as possible to remove any exemptions and make the protection universal. Each Party should strive to provide universal protection within five years of the WHO Framework Convention’s entry into force for that Party.

25. No safe levels of exposure to second-hand smoke exist, and, as previously acknowledged by the Conference of the Parties in decision FCTC/COP1(15), engineering approaches, such as ventilation, air exchange and the use of designated smoking areas, do not protect against exposure to tobacco smoke.

26. Protection should be provided in all indoor or enclosed workplaces, including motor vehicles used as places of work (for example, taxis, ambulances or delivery vehicles).

27. The language of the treaty requires protective measures not only in all “indoor” public places, but also in those “other” (that is, outdoor or quasi-outdoor) public places where “appropriate”. In identifying those outdoor and quasi-outdoor public places where legislation is appropriate, Parties should consider the evidence as to the possible health hazards in various settings and should act to adopt the most effective protection against exposure wherever the evidence shows that a hazard exists.

INFORM, CONSULT AND INVOLVE THE PUBLIC TO ENSURE SUPPORT AND SMOOTH IMPLEMENTATION

28. Raising awareness among the public and opinion leaders about the risks of second-hand tobacco smoke exposure through ongoing information campaigns is an important role for government agencies, in partnership with civil society, to ensure that the public understands and supports legislative action. Key stakeholders include businesses, restaurant and hospitality associations, employer groups, trade unions, the media, health professionals, organizations representing children and young people, institutions of learning or faith, the research community and the general public. Awareness-raising efforts should include consultation with affected businesses and other organizations and institutions in the course of developing the legislation.

29. Key messages should focus on the harm caused by second-hand tobacco smoke exposure, the fact that elimination of smoke indoors is the only science-based solution to ensure complete protection from exposure, the right of all workers to be equally protected by law and the fact that there is no

trade-off between health and economics, because experience in an increasing number of jurisdictions shows that smoke-free environments benefit both. Public education campaigns should also target settings for which legislation may not be feasible or appropriate, such as private homes.

30. Broad consultation with stakeholders is also essential to educate and mobilize the community and to facilitate support for legislation after its enactment. Once legislation is adopted, there should be an education campaign leading up to implementation of the law, the provision of information for business owners and building managers outlining the law and their responsibilities and the production of resources, such as signage. These measures will increase the likelihood of smooth implementation and high levels of voluntary compliance. Messages to empower non-smokers and to thank smokers for complying with the law will promote public involvement in enforcement and smooth implementation.

ENFORCEMENT

Duty of compliance

31. Effective legislation should impose legal responsibilities for compliance on both affected business establishments and individual smokers, and should provide penalties for violations, which should apply to businesses and, possibly, smokers. Enforcement should ordinarily focus on business establishments. The legislation should place the responsibility for compliance on the owner, manager or other person in charge of the premises, and should clearly identify the actions he or she is required to take. These duties should include:

- (a) a duty to post clear signs at entrances and other appropriate locations indicating that smoking is not permitted. The format and content of these signs should be determined by health authorities or other agencies of the government and may identify a telephone number or other mechanisms for the public to report violations and the name of the person within the premises to whom complaints should be directed;
- (b) a duty to remove any ashtrays from the premises;
- (c) a duty to supervise the observance of rules;
- (d) a duty to take reasonable specified steps to discourage individuals from smoking on the premises. These steps could include asking the person not to smoke, discontinuing service, asking the person to leave the premises and contacting a law enforcement agency or other authority.

Penalties

32. The legislation should specify fines or other monetary penalties for violations. While the size of these penalties will necessarily reflect the specific practices and customs of each country, several principles should guide the decision. Most importantly, penalties should be sufficiently large to deter violations or else they may be ignored by violators or treated as mere costs of doing business. Larger penalties are required to deter business violators than to deter violations by individual smokers, who usually have fewer resources. Penalties should increase for repeated violations and should be consistent with a country's treatment of other, equally serious offences.

33. In addition to monetary penalties, the legislation may also allow for administrative sanctions, such as the suspension of business licences, consistent with the country's practice and legal system.

These “sanctions of last resort” are rarely used, but are very important for enforcing the law against any businesses that choose to defy the law repeatedly.

34. Criminal penalties for violations may be considered for inclusion, if appropriate within a country’s legal and cultural context.

Enforcement infrastructure

35. Legislation should identify the authority or authorities responsible for enforcement, and should include a system both for monitoring compliance and for prosecuting violators.

36. Monitoring should include a process for inspection of businesses for compliance. It is seldom necessary to create a new inspection system for enforcement of smoke-free legislation. Instead, compliance can ordinarily be monitored using one or more of the mechanisms already in place for inspecting business premises and workplaces. A variety of options usually exists for this purpose. In many countries, compliance inspections may be integrated into business licensing inspections, health and sanitation inspections, inspections for workplace health and safety, fire safety inspections or similar programmes. It may be valuable to use several such sources of information gathering simultaneously.

37. Where possible, the use of inspectors or enforcement agents at the local level is recommended; this is likely to increase the enforcement resources available and the level of compliance. This approach requires the establishment of a national coordinating mechanism to ensure a consistent approach nationwide.

38. Regardless of the mechanism used, monitoring should be based on an overall enforcement plan, and should include a process for effective training of inspectors. Effective monitoring may combine regular inspections with unscheduled, surprise inspections, as well as visits made in response to complaints. Such visits may well be educative in the early period after the law takes effect, as most breaches are likely to be inadvertent. The legislation should authorize inspectors to enter premises subject to the law and to collect samples and gather evidence, if these powers are not already established by existing law. Similarly, the legislation should prohibit businesses from obstructing the inspectors in their work.

39. The cost of effective monitoring is not excessive. It is not necessary to hire large numbers of inspectors, because inspections can be accomplished using existing programmes and personnel, and because experience shows that smoke-free legislation quickly becomes self-enforcing (that is, predominantly enforced by the public). Only a few prosecutions may be necessary if the legislation is implemented carefully and active efforts are made to educate businesses and the public.

40. Although these programmes are not expensive, resources are needed to educate businesses, train inspectors, coordinate the inspection process and compensate personnel for inspections of businesses outside of normal working hours. A funding mechanism should be identified for this purpose. Effective monitoring programmes have used a variety of funding sources, including dedicated tax revenues, business licensing fees and dedicated revenues from fines paid by violators.

Enforcement strategies

41. Strategic approaches to enforcement can maximize compliance, simplify the implementation of legislation and reduce the level of enforcement resources needed.

42. In particular, enforcement activities in the period immediately following the law's entrance into force are critical to the law's success and to the success of future monitoring and enforcement. Many jurisdictions recommend an initial period of soft enforcement, during which violators are cautioned but not penalized. This approach should be combined with an active campaign to educate business owners about their responsibilities under the law, and businesses should understand that the initial grace period or phase-in period will be followed by more rigorous enforcement.

43. When active enforcement begins, many jurisdictions recommend the use of high-profile prosecutions to enhance deterrence. By identifying prominent violators who have actively defied the law or who are well known in the community, by taking firm and swift action and by seeking maximum public awareness of these activities, authorities are able to demonstrate their resolve and the seriousness of the law. This increases voluntary compliance and reduces the resources needed for future monitoring and enforcement.

44. While smoke-free laws quickly become self-enforcing, it is nevertheless essential that authorities be prepared to respond swiftly and decisively to any isolated instances of outright defiance. Particularly when a law first comes into force, there may be an occasional violator who makes a public display of contempt for the law. Strong responses in these cases set an expectation of compliance that will ease future efforts, while indecisiveness can rapidly lead to widespread violations.

Mobilize and involve the community

45. The effectiveness of a monitoring-and-enforcement programme is enhanced by involving the community in the programme. Engaging the support of the community and encouraging members of the community to monitor compliance and report violations greatly extends the reach of enforcement agencies and reduces the resources needed to achieve compliance. In fact, in many jurisdictions, community complaints are the primary means of ensuring compliance. For this reason, smoke-free legislation should specify that members of the public may initiate complaints and should authorize any person or nongovernmental organization to initiate action to compel compliance with measures regulating exposure to second-hand smoke. The enforcement programme should include a toll-free telephone complaint hotline or a similar system to encourage the public to report violations.

MONITORING AND EVALUATION OF MEASURES

46. Monitoring and evaluation of measures to reduce exposure to tobacco smoke are important for several reasons, for example:

- (a) to increase political and public support for strengthening and extending legislative provisions;
- (b) to document successes that will inform and assist the efforts of other countries;
- (c) to identify and publicize the efforts made by the tobacco industry to undermine the implementation measures.

47. The extent and complexity of monitoring and evaluation will vary among jurisdictions, depending on available expertise and resources. However, it is important to evaluate the outcome of the measures implemented, in particular, on the key indicator of exposure to second-hand smoke in workplaces and public places. There may be cost-effective ways to achieve this, for example through the use of data or information collected through routine activities such as workplace inspections.

48. There are eight key process and outcome indicators that should be considered:¹

Processes

- (a) knowledge, attitudes and support for smoke-free policies among the general population and possibly specific groups, for example, bar workers;
- (b) enforcement of and compliance with smoke-free policies;

Outcomes

- (c) reduction in exposure of employees to second-hand tobacco smoke in workplaces and public places;
- (d) reduction in content of second-hand tobacco smoke in the air in workplaces (particularly in restaurants) and public places;
- (e) reduction in mortality and morbidity from exposure to second-hand tobacco smoke;
- (f) reduction in exposure to second-hand tobacco smoke in private homes;
- (g) changes in smoking prevalence and smoking-related behaviours;
- (h) economic impacts.

ANNEX 2

Links to sample legislation and resource documents

1. References to the national and sub-national legislations currently in force that most closely conform to these best practice guidelines are provided below:

- (a) United Kingdom of Great Britain and Northern Ireland, Health Act 2006,
<http://www.opsi.gov.uk/acts/acts2006/20060028.htm>
- (b) New Zealand, Smoke-free Environments Amendment Act 2003,
http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes
- (c) Norway, Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco,
<http://odin.dep.no/hod/engelsk/regelverk/p20042245/042041-990030/dok-bn.html>
(It should be noted, however, that the option of smoking sections is not recommended under these guidelines.)

¹ The publication WHO policy recommendations: *protection from exposure to second-hand tobacco smoke* (Geneva, World Health Organization, 2007) provides references and links to monitoring studies conducted elsewhere on all of these indicators.

- (d) Scotland, Smoking, Health and Social Care (Scotland) Act 2005,
<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050013.htm>
Regulations: <http://www.opsi.gov.uk/si/si2006/20061115.htm>
- (e) Uruguay, Decreto 40/006, <http://www.globalSmokefreePartnership.org/files/132.doc>
- (f) Ireland, Public Health (Tobacco) (Amendment) Act 2004,
<http://193.178.1.79/2004/en/act/pub/0006/index.html>
- (g) Bermuda, Tobacco Products (Public Health) Amendment Act 2005,
<http://www.globalSmokefreePartnership.org/files/139.DOC>

Resource documents

1. WHO policy recommendations: *protection from exposure to second-hand tobacco smoke*. Geneva, World Health Organization, 2007.
Available at:
http://www.who.int/tobacco/resources/publications/wntd/2007/who_protection_exposure_final_25June2007.pdf
2. *Tobacco smoke and involuntary smoking*. IARC Monographs on the Evolution of Carcinogenic Risks to Humans, Vol. 83, Lyon, France, World Health Organization and International Agency for Research on Cancer, 2004.
Available at: <http://monographs.iarc.fr/ENG/Monographs/vol83/volume83.pdf>
3. *The health consequences of involuntary exposure to tobacco smoke: a report of the Surgeon General*. Washington, DC, United States Department of Health and Human Services, 2006.
Available at: <http://www.surgeongeneral.gov/library/secondhandsmoke/>
4. Proposed identification of environmental tobacco smoke as a toxic air contaminant. San Francisco, United States of America, California Environmental Protection Agency: Air Resources Board, 2005.
Available at: <http://repositories.cdlib.org/tc/surveys/CALEPA2005/>
5. Joint briefing paper: Proposed guidelines for the implementation of Article 8 of the WHO Framework Convention on Tobacco Control. Framework Convention Alliance and the Global Smokefree Partnership, 2007.
Available at: http://www.fctc.org/x/documents/Article8_COP2_Briefing_English.pdf
6. Global Smokefree Partnership web site. A resource on smoke-free success stories and challenges, this link includes perspectives on smoke-free policies, links to evaluation reports, legislation and public information campaigns, as well as implementation guidelines.
Available at: www.globalSmokefreePartnership.org
7. After the smoke has cleared: evaluation of the impact of a new smoke-free law. Wellington, New Zealand Ministry of Health, 2006.
Available at:
<http://www.moh.govt.nz/moh.nsf/by+unid/A9D3734516F6757ECC25723D00752D50?Open>

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(8) Elaboration of guidelines for implementation of Article 13
(Tobacco advertising, promotion and sponsorship)

The Conference of the Parties,

Noting that Article 13.5 of the WHO Framework Convention on Tobacco Control encourages Parties to implement measures beyond the obligations set out in Article 13.4,

DECIDED:

- (1) to establish a working group mandated:
 - (a) to elaborate comprehensive draft guidelines on the implementation of both the domestic and cross-border elements of Article 13 of the WHO Framework Convention on Tobacco Control;
 - (b) to present recommendations on key elements of a protocol on cross-border advertising, promotion and sponsorship, which would be complementary to these guidelines, and on any other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship,

for consideration by the Conference of the Parties at its third session;

- (2) to request the working group:
 - (a) to take into account the report of the expert group on cross-border advertising, promotion and sponsorship presented to the Conference of the Parties at its second session;¹
 - (b) to invite the officers of the expert group on cross-border advertising, promotion and sponsorship established pursuant to decision FCTC/COPI(16), and other experts as necessary, to participate in the work of the working group;
- (3) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise in the matters to actively participate and contribute to the work of the working group, as per request from the Convention Secretariat;
- (4) to request the Convention Secretariat to make the necessary arrangements, including budgetary arrangements, for the working group to complete its work and to ensure that Parties have access, for example, via a protected web site, to the draft texts sent to the partners and can provide comments;
- (5) to adopt the process and timelines set out in the Annex.

¹ Document A/FCTC/COP/2/10.

ANNEX

Process:	
Implementing entity (mandated by the Conference of the Parties)	Convention Secretariat, in consultation with WHO's Tobacco Free Initiative and the office holders of the expert group on cross-border advertising, promotion and sponsorship established pursuant to decision FCTC/COP1(16) (<i>Elaboration of protocols</i>), and with the assistance of Parties willing to participate to ensure regional representation
Parties who offer to act as key facilitators (either via resource mobilization or technical work)	European Community, Finland, India
Other Parties who offer to partner in the development of guidelines ¹	Australia, Brazil, Canada, China, Djibouti, France, Israel, Madagascar, Malaysia, Mauritania, New Zealand, Netherlands, Republic of Korea, Sweden, Turkey
Timeline:	
<i>To have the draft accessible by the Parties for their comments</i>	At least six months before the third session of the Conference of the Parties
<i>For submission to the Bureau</i>	At least four months before the third session of the Conference of the Parties
<i>For submission to the Convention Secretariat for editing and translation</i>	At least three months before the third session of the Conference of the Parties
<i>For circulation to the Conference of the Parties</i>	At least 60 days before the first day of the third session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(9) Reporting and exchange of information

The Conference of the Parties,

Recalling its decision FCTC/COP1(14), by which it provisionally approved the format for submission of national reports, pending further consideration at its next session;

¹ Deadline for Parties to announce to the Convention Secretariat their participation as a partner: 31 July 2007.

Considering the synthesis of reports on implementation of the WHO Framework Convention on Tobacco Control,¹ in particular, the challenges relating to reporting identified therein;

Considering also that in order to fulfil its objectives, the reporting process should ensure that data provided are relevant, comprehensive and internationally comparable;

Considering, in addition, that gender-related issues should be taken into account when gathering and providing data;

Taking into account that protocols and guidelines are currently under development, which may make it difficult to consider Group 3 questions at the third session of the Conference of the Parties,

DECIDED:

(1) to mandate the Convention Secretariat, with technical support from WHO's Tobacco Free Initiative, and under the guidance of the Bureau, to revise the format of the questionnaire for Group 1 questions while maintaining the content; this may include, inter alia, resolving technical problems related to the completion of the questionnaire, creating additional data-entry boxes where necessary, standardizing the reporting format throughout the questionnaire and providing the instructions to assist Parties in a separate document;

(2) to request the Convention Secretariat to complete this work as soon as possible after the second session of the Conference of the Parties;

(3) to request the Bureau to review the revised questionnaire for Group 1 questions, and, as appropriate, to decide on its provisional use by Parties, pending a decision of the Conference of the Parties at its third session;

(4) to mandate the Convention Secretariat, under the guidance of the Bureau and with the assistance of competent entities within WHO, in particular, WHO's Tobacco Free Initiative, and, as appropriate, experts in the relevant fields, to elaborate a draft of the Group 2 questions, and to revise the format of the questionnaire; in particular, the following issues should be addressed:

- (a) increasing comparability of national data over time;
- (b) provision of data in a standardized way;
- (c) clear definitions and standards;
- (d) level of detail and comprehensiveness of documentation to be provided;
- (e) data entry formats (for example, replacement of textual answers with quantitative/multiple choice/yes-no questions, supported by documentation);
- (f) harmonization, synergies and avoidance of duplication with other data collection initiatives (for example, prevalence or demographics);
- (g) development of indicators to measure gender-sensitive policies;

¹ Document A/FCTC/COP/2/6.

- (5) to request the Convention Secretariat to complete this work before the third session of the Conference of the Parties;
- (6) to consider the draft Group 2 questions and the revised format of the questionnaire at its third session;
- (7) to consider Group 3 questions at the fourth session of the Conference of the Parties.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(10) Financial resources and mechanisms of assistance

The Conference of the Parties,

Recalling its decision FCTC/COP1(13) on financial resources and mechanisms of assistance;

Noting the information provided in document A/FCTC/COP/2/5 and the additional information provided by the interim secretariat on its activities since the first session of the Conference of the Parties;

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

Noting that some Parties require support to undertake needs assessments and develop their project and programme proposals for seeking financial assistance from all available funding sources;

Aware of the difficulties that Parties encounter in accessing such financial assistance and the resulting impact on their capacity to meet their obligations under the WHO Framework Convention on Tobacco Control;

Further recognizing the need for taking immediate action to provide all necessary assistance to Parties to ensure sustained and predictable availability of funds;

Noting with satisfaction the increase in funding in support of tobacco control in WHO's Programme budget 2008–2009 and the proposed increase for the following years contained in the Medium-term strategic plan 2008–2013;¹

Aware of the need for synergy, complementarity and cooperation between WHO's Tobacco Free Initiative and the Convention Secretariat,

DECIDED:

- (1) to ask the Convention Secretariat to actively seek extrabudgetary contributions from Parties and other international donors, including intergovernmental organizations, specifically for the purpose of helping Parties in need to carry out needs assessments and develop project and programme proposals for financial assistance from all available funding sources;

¹ Documents A/MTSP/2008–2013/PB/2008–2009, A/MTSP/2008–2013/PB/2008–2009 Corr.1 and A/MTSP/2008–2013/PB/2008–2009 Corr.2.

- (2) to invite the Director-General of WHO to support the Convention Secretariat in assisting Parties in need to develop project and programme proposals for financial assistance from all available funding sources, including, inter alia, through bringing this aspect of the work of the Convention Secretariat to the attention of potential donors during funding negotiations and actively encouraging contributions from these donors towards this work;
- (3) to urge donor Parties to provide voluntary extrabudgetary contributions, specifically for the purpose identified in paragraphs 1 and 2;
- (4) to request the Convention Secretariat to prepare and present, at every session of the Conference of the Parties, an implementation report on activities undertaken to implement decisions FCTC/COP1(13) and FCTC/COP2(10), including an update of the financial mechanisms for assistance to Parties in need;
- (5) to invite WHO's Tobacco Free Initiative to present, at the next session of the Conference of the Parties, a report on its activities undertaken specifically on the implementation of the WHO Framework Convention on Tobacco Control.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(11) Budget and workplan 2008–2009

The Conference of the Parties,

Reaffirming decision FCTC/COP1(9) of the Conference of the Parties to the WHO Framework Convention on Tobacco Control on the use of the Financial Regulations and Financial Rules of the World Health Organization for the Conference of the Parties;

Recalling decision FCTC/COP1(11) of the Conference of the Parties to the WHO Framework Convention on Tobacco Control on its budget and workplan for 2006–2007,

DECIDED:

- (1) to adopt the total budget of US\$ 8 010 000 for the financial period 2008–2009 as follows:

	US\$
I. Third session of the Conference of the Parties (Article 24.3(a))	1 800 000
II. Reporting system under the Convention and support to Parties in fulfilling this obligation (Article 24.3(b) and (c))	1 200 000
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))	980 000
V. Elaboration of guidelines and protocols and other activities (Article 24.3(g))	3 365 000
Total	8 010 000

- (2) to adopt the workplan for the financial period 2008–2009 as indicated at Annex 1, taking into account the decisions taken by the Conference of the Parties at its second session;

- (3) to adopt the budget for the intergovernmental negotiating body on the protocol on illicit trade in tobacco products contained in Annex 2;
- (4) to adopt the table showing the distribution of voluntary assessed contributions for financial period 2008–2009 as indicated in Annex 3 to this decision;
- (5) to request the Head of the Convention Secretariat to implement the Conference of the Parties budget and submit to the Conference of the Parties at its third session an interim performance report based on the budget structure annexed to this decision (Annex 1) along with a final performance report for the 2006–2007 budget, and a final report on the 2008–2009 budget to the Conference of the Parties at its fourth session in 2010 in line with the model used by WHO in its performance reports to Member States;
- (6) to authorize the Convention Secretariat to receive voluntary extra budgetary contributions for activities in line with the workplan.

ANNEX 1

Workplan and budget by Conference of the Parties-wide expected result (COPER) for 2008-2009

COPER 1 Sessions of the Conference of the Parties (Article 24.3(a))	INDICATORS			
	1.1 Third session of the Conference of the Parties			
	TARGETS TO BE ACHIEVED BY 2009			
	Convening the third session of Conference of the Parties in 2008			
	Budget (US\$)			TOTAL
				1 800 000
COPER 2 Reporting system under the Convention and support to Parties in fulfilling this obligation (Article 24.3(b) and (c))	INDICATORS			
	2.1 Revising the reporting instrument and developing Group 2 questions	2.2 Number of Parties, in particular developing country Parties and Parties with economies in transition, substantially assisted in reporting on treaty-specific tobacco control measures	2.3 Summary of Party reports submitted 60 days in advance of the relevant session of the Conference of the Parties in accordance with Article 21	
	TARGETS TO BE ACHIEVED BY 2009			
	Revised reporting instrument, including Group 2 questions submitted to the Conference of the Parties at its third session	Technical assistance provided to 25 Parties requiring substantial assistance	Two summary reports issued on time	
	Budget (US\$)			TOTAL
	500 000	500 000	200 000	1 200 000

COPER 3	INDICATORS				
Report of the Convention Secretariat (Article 24.3(d))	3.1 Report on the activities of the Convention Secretariat submitted 60 days in advance of the third session of the Conference of the Parties	3.2 Report on the work for the elaboration of guidelines on Articles 5.3, 9 and 10, and 12 submitted 60 days in advance of the third session of the Conference of the Parties	3.3 Report on the work for the elaboration of guidelines on Articles 11 and 13 submitted 60 days in advance of the third session of the Conference of the Parties	3.4 Report on the work of the study group on alternative crops submitted 60 days in advance of the third session of the Conference of the Parties	
	TARGETS TO BE ACHIEVED BY 2009				
	One report to be submitted on time	Three progress reports to be submitted on time	Two reports including a set of guidelines to be submitted on time	One report to be submitted on time	
	Budget (US\$)				TOTAL
	335 000	165 000	110 000	55 000	665 000
COPER 4	INDICATORS				
Coordination with other relevant bodies and administrative arrangements (Article 24.3(e) and (f))	4.1 Process established to identify and initiate cooperation with relevant bodies and competent organizations to coordinate with the Conference of the Parties	4.2 Number of agreements concluded with relevant bodies and established competent organizations	4.3 Bureau meetings convened in order to address intersessional issues	4.4 Number of developing country Parties or Parties with economies in transition provided with assistance regarding sources of funding to assist in implementation of the Convention (for example, needs assessment and supporting development and submissions of proposals for funding)	
	TARGETS TO BE ACHIEVED BY 2009				
	Written process established and implemented	Three agreements concluded with relevant bodies and established competent organizations	Intersessional Bureau meetings convened, on average, quarterly	18 Parties assisted	
	Budget (US\$)				TOTAL
	130 000	250 000	200 000	400 000	980 000

COPER 5 Elaboration of guidelines and protocols and other activities (Article 24.3(g))	INDICATORS				
	5.1 Meetings on the elaboration of guidelines for Articles 11 and 13 for consideration by the Conference of the Parties at its third session	5.2 Meetings for the elaboration of guidelines for Articles 5.3, 9 and 10, and 12 for consideration of progress report by the Conference of the Parties at its third session	5.3 Meeting of the ad hoc study group on alternative crops	5.4 Technical assistance provided to Parties, for example, in subregional and country-specific workshops for the implementation of the Convention's measures that require definite deadlines	5.5 Session of the intergovernmental negotiating body for the elaboration of a protocol on illicit trade in tobacco products
	TARGETS TO BE ACHIEVED BY 2009				
	Three meetings convened for Article 13 and two meetings convened for Article 11	Two meetings convened for Article 9 and 10, one meeting convened for Article 12, and one meeting convened for Article 5.3	Meeting of the study group convened	Assistance to 15 countries	One session convened
	Budget (US\$)				
750 000	600 000	200 000	265 000	1 550 000	TOTAL 3 365 000
Total budget for financial period 2008-2009					8 010 000

ANNEX 2

**Budget for the intergovernmental negotiating body on the protocol
on illicit trade in tobacco products for biennium 2008–2009**

	US\$
First session of the intergovernmental negotiating body	1 800 000
Third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control and second session of the intergovernmental negotiating body	2 700 000
Third session of the intergovernmental negotiating body	1 800 000
Additional staff support (2 years)	1 100 000
Total	<u>7 400 000</u>
Expected available resources:	
From line item I of the budget	1 800 000
From line item V of the budget	1 550 000
Expected savings from 2006–2007 budget	1 500 000
Expected voluntary assessed contribution from new Parties (net of programme support costs)	175 000
Expected extrabudgetary contribution from Australia (net of programme support costs)	175 000
Total available	<u>5 200 000</u>
Net required for three sessions of the intergovernmental negotiating body	<u>2 200 000¹</u>

¹ In the case that the second session of the intergovernmental negotiating body is not held consecutively with the third session of the Conference of the Parties, an additional US\$ 900 000 will be required for the convening of the former.

ANNEX 3

**Voluntary assessed contributions to the WHO Framework Convention
on Tobacco Control for the financial period 2008–2009¹**

Parties to the WHO Framework Convention (as of 4 July 2007)	%	US\$
Albania	0.00849	680
Algeria	0.12026	9 633
Antigua and Barbuda	0.00283	227
Armenia	0.00283	227
Australia	2.52852	202 534
Austria	1.25513	100 536
Azerbaijan	0.00707	567
Bahrain	0.04669	3 740
Bangladesh	0.01415	1 133
Barbados	0.01273	1 020
Belarus	0.0283	2 267
Belgium	1.55933	124 903
Belize	0.00141	113
Benin	0.00141	113
Bhutan	0.00141	113
Bolivia	0.00849	680
Botswana	0.01981	1 587
Brazil	1.23957	99 290
Brunei Darussalam	0.03679	2 947
Bulgaria	0.0283	2 267
Burkina Faso	0.00283	227
Burundi	0.00141	113
Cambodia	0.00141	113
Cameroon	0.01273	1 020
Canada	4.21236	337 410
Cape Verde	0.00141	113
Central African Republic	0.00141	113
Chad	0.00141	113
Chile	0.22779	18 246
China	3.77375	302 277
Congo	0.00141	113
Cook Islands	0.00141	113
Comoros	0.00141	113
Cyprus	0.06225	4 987
Democratic People's Republic of Korea	0.0099	793

¹ The distribution of voluntary assessed contribution is based on WHO's scale of assessments for 2008–2009 and is adjusted to accommodate the number of Parties to the Convention as of 4 July 2007.

Parties to the WHO Framework Convention (as of 4 July 2007)	%	US\$
Democratic Republic of the Congo	0.00424	340
Denmark	1.04573	83 763
Djibouti	0.00141	113
Dominica	0.00141	113
Ecuador	0.02971	2 380
Egypt	0.12451	9 973
Equatorial Guinea	0.00283	227
Estonia	0.02264	1 813
European Community	3.53718	283 328
Fiji	0.00424	340
Finland	0.79799	63 919
France	8.91583	714 158
Georgia	0.00424	340
Germany	12.13636	972 123
Ghana	0.00566	453
Greece	0.84326	67 545
Guatemala	0.04528	3 627
Guyana	0.00141	113
Honduras	0.00707	567
Hungary	0.34523	27 653
Iceland	0.05235	4 193
India	0.63669	50 999
Iran (Islamic Republic of)	0.25468	20 400
Ireland	0.62962	50 432
Israel	0.59283	47 486
Jamaica	0.01415	1 133
Japan	22.00000	1 762 200
Jordan	0.01698	1 360
Kazakhstan	0.04103	3 287
Kenya	0.01415	1 133
Kiribati	0.00141	113
Kuwait	0.25751	20 626
Kyrgyzstan	0.00141	113
Lao People's Democratic Republic	0.00141	113
Latvia	0.02547	2 040
Lebanon	0.04811	3 853
Lesotho	0.00141	113
Libyan Arab Jamahiriya	0.08772	7 027
Lithuania	0.04386	3 513
Luxembourg	0.12026	9 633
Madagascar	0.00283	227
Malaysia	0.26883	21 533
Maldives	0.00141	113

Parties to the WHO Framework Convention (as of 4 July 2007)	%	US\$
Mali	0.00141	113
Malta	0.02405	1 927
Marshall Islands	0.00141	113
Mauritania	0.00141	113
Mauritius	0.01556	1 247
Mexico	3.19365	255 812
Micronesia	0.00141	113
Mongolia	0.00141	113
Montenegro	0.00141	113
Myanmar	0.00707	567
Namibia	0.00849	680
Nauru	0.00141	113
Nepal	0.00424	340
Netherlands	2.6502	212 281
New Zealand	0.36221	29 013
Niger	0.00141	113
Nigeria	0.06791	5 440
Niue	0.00141	113
Norway	1.10657	88 636
Oman	0.10329	8 273
Pakistan	0.08348	6 687
Palau	0.00141	113
Panama	0.03254	2 607
Papua New Guinea	0.00283	227
Paraguay	0.00707	567
Peru	0.11036	8 840
Philippines	0.11036	8 840
Poland	0.70885	56 779
Portugal	0.74564	59 726
Qatar	0.12026	9 633
Republic of Korea	3.0748	246 292
Romania	0.09904	7 933
Rwanda	0.00141	113
Saint Lucia	0.00141	113
Samoa	0.00141	113
San Marino	0.00424	340
Sao Tome and Principe	0.00141	113
Saudi Arabia	1.05847	84 783
Senegal	0.00566	453
Serbia	0.02971	2 380
Seychelles	0.00283	227
Singapore	0.49096	39 326
Slovakia	0.08914	7 140

Parties to the WHO Framework Convention (as of 4 July 2007)	%	US\$
Slovenia	0.13583	10 880
Solomon Islands	0.00141	113
South Africa	0.41031	32 866
Spain	4.19963	336 390
Sri Lanka	0.02264	1 813
Sudan	0.01415	1 133
Swaziland	0.00283	227
Sweden	1.51547	121 389
Syrian Arab Republic	0.02264	1 813
Thailand	0.26317	21 080
The former Yugoslav Republic of Macedonia	0.00707	567
Timor-Leste	0.00141	113
Togo	0.00141	113
Tonga	0.00141	113
Trinidad and Tobago	0.0382	3 060
Turkey	0.53907	43 179
Tuvalu	0.00141	113
Ukraine	0.06367	5 100
United Arab Emirates	0.42729	34 226
United Kingdom of Great Britain and Northern Ireland	9.3983	752 804
Uruguay	0.0382	3 060
Vanuatu	0.00141	113
Venezuela (Bolivarian Republic of)	0.28297	22 666
Viet Nam	0.03396	2 720
Yemen	0.0099	793
Total	100	8 010 000

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(12) Elaboration of a protocol on illicit trade in tobacco products

The Conference of the Parties,

Reaffirming that cooperative action is necessary to eliminate all forms of illicit trade in cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting;

Taking into account Article 15 of the WHO Framework Convention on Tobacco Control, in which Parties recognize, inter alia, that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, is an essential component of tobacco control;

Taking also into account Article 23.5(f) of the WHO Framework Convention on Tobacco Control, pursuant to which the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objectives of the Convention;

Reaffirming the importance of Article 5.3 of the WHO Framework Convention on Tobacco Control, which requires the Parties to act to protect their public health policies from commercial and other vested interests of the tobacco industry in accordance with national law,

1. DECIDED, in accordance with Rule 25 of its Rules of Procedure, to establish an intergovernmental negotiating body open to all Parties to draft and negotiate a protocol on illicit trade in tobacco products which will build upon and complement the provisions of Article 15 of the WHO Framework Convention on Tobacco Control;
2. RECOGNIZED that the template for a protocol on illicit trade, as proposed by the expert group convened in accordance with decision FCTC/COP1(16) of the Conference of the Parties contained in the annex to document A/FCTC/COP/2/9, establishes a basis for initiating the negotiations by the intergovernmental negotiating body;
3. DECIDED that the intergovernmental negotiating body shall hold its first session in Geneva in early 2008 and a second session preferably immediately before the third session of the Conference of the Parties, or at another time to be decided by the Bureau in accordance with paragraph 5 below, and that the intergovernmental negotiating body shall report to the third session of the Conference of the Parties on the progress of its work;
4. ALSO DECIDED that the intergovernmental negotiating body shall hold at least one further session in the period between the third and fourth sessions of the Conference of the Parties and shall submit the text of a draft protocol on illicit trade in tobacco products to the fourth session of the Conference of the Parties for its consideration, in accordance with Article 33.3 of the WHO Framework Convention, unless this timeline is revised by the Conference of the Parties at its third session;
5. FURTHER DECIDED, in accordance with Rule 27.1 of the Rules of Procedure of the Conference of the Parties, that the intergovernmental negotiating body shall hold its sessions at venues and on dates to be decided by the Bureau of the Conference of the Parties;
6. REQUESTED the intergovernmental negotiating body:
 - (1) to proceed with its work on the basis of a chairperson's text that will be elaborated after the first session of the intergovernmental negotiating body by its chairperson with the support of the Convention Secretariat and relevant experts, and submitted to the second session of the intergovernmental negotiating body;
 - (2) to explore all available procedures and mechanisms in order to increase the efficiency and effectiveness of its methods of work;
 - (3) to take into account existing agreements and arrangements relevant to the objective of the intergovernmental negotiating body in order to maximize synergy and complementarity, and to avoid duplication, between the protocol and such agreements and arrangements;

7. REQUESTED the Convention Secretariat:

- (1) to make the necessary arrangements, including budgetary arrangements, for the performance of the work of the intergovernmental negotiating body;
- (2) to report to the first session of the intergovernmental negotiating body on existing agreements and arrangements relevant to the objective of the intergovernmental negotiating body;
- (3) to invite Parties and the observers referred to in Rules 29 to 31 of the Rules of Procedure of the Conference of the Parties to provide, at the latest three months before the first session of the intergovernmental negotiating body, comments on the template for a protocol on illicit trade as set out in document A/FCTC/COP/2/9 and to ensure that Parties and observers have access, for example, via a protected web site, to those comments;
- (4) to facilitate the participation of low-income and low-middle-income Parties in the intergovernmental negotiating body;
- (5) to invite the observers referred to in Rules 29 to 31 of the Rules of Procedure of the Conference of the Parties to participate in the work of the intergovernmental negotiating body in accordance with the above-mentioned Rules.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(13) Study group on economically sustainable alternatives to tobacco growing

The Conference of the Parties,

Taking into account Articles 17 and 18 of the WHO Framework Convention on Tobacco Control;

Reaffirming preambular paragraph 18 of the Convention, which underlines the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts;

Recalling its decision FCTC/COP1(17) on the establishment of a study group on alternative crops,

DECIDED:

- (1) to mandate the study group to continue its work and submit a report to the Conference of the Parties at its third session that would address, in particular, scientific evidence, tobacco growing-specific aspects, the time span in view of demand trend, aspects of economically sustainable alternatives in crop diversification measures as an alternative to tobacco crops, and possibilities of alternative livelihoods;
- (2) to invite the relevant intergovernmental organizations accredited as observers to the Conference of the Parties under Rule 30 of the Rules of Procedure of the Conference of the Parties, in particular, the members of the United Nations Ad Hoc Interagency Task Force on Tobacco Control, such as the Food and Agriculture Organization of the United Nations, the

International Labour Organization and the World Bank, and the relevant nongovernmental organizations accredited as observers to the Conference of the Parties under Rule 31 of the Rules of Procedure of the Conference of the Parties with specific expertise in the matters to actively participate and contribute to the work of the study group, as per request from the Convention Secretariat;

- (3) to request the Convention Secretariat, in accordance with the preamble and paragraphs 1 and 2 of decision FCTC/COP1(17), to make the necessary arrangements, including budgetary arrangements, for the study group to continue its work.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(14) Elaboration of guidelines for implementation Articles 5.3, 9 and 10, 11, 12 and 14¹

The Conference of the Parties, regarding the following Articles of the WHO Framework Convention on Tobacco Control (Articles dealt with in numerical order),

DECIDED as follows:

- (1) concerning **Article 5.3**, to establish a working group to elaborate guidelines for the implementation of this Article, the working group shall present a progress report, if possible draft guidelines, to the Conference of the Parties at its third session,

Key facilitators: Brazil, Ecuador, Netherlands, Palau, Thailand

Partners: Benin, Djibouti, France, Iran, Jamaica, Kenya, Malaysia, Namibia, Nigeria, Philippines, Turkey, Uruguay, Viet Nam;

- (2) concerning **Articles 9 and 10**, to request the working group established by decision FCTC/COP1(15):

(a) to continue its work, extending its mandate to Article 10 and including product characteristics, such as design features, to the extent that they affect the objectives of the Convention, and

(b) to provide a progress report to the Conference of the Parties at its third session.

The Conference of the Parties regards the guidelines template presented in document A/FCTC/COP/2/8 as a basis for further work. Further, the Conference of the Parties encourages WHO's Tobacco Free Initiative to continue its work concerning product regulation, including information exchanges mediated by third parties, and requests that WHO's Tobacco Free Initiative reports back through the Convention Secretariat to the Conference of the Parties at its

¹ Article 5 (*General obligations*), Articles 9 and 10 (*Regulation of the contents of tobacco products and Regulation of tobacco product disclosures*), Article 11 (*Packaging and labelling of tobacco products*), Article 12 (*Education, communication, training and public awareness*) and Article 14 (*Demand reduction measures concerning tobacco dependence and cessation*).

third session about possible mechanisms for validation of methods for the testing and measuring of contents and emissions of tobacco products;

Key facilitators: Canada, European Community, Norway

Partners: Algeria, Brazil, China, Congo, Denmark, Finland, Ghana, Hungary, Jordan, Kenya, Mali, Mexico, Netherlands, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland;

(3) concerning **Article 11**, to establish a working group to elaborate guidelines on the implementation of this Article, the working group shall present draft guidelines to the Conference of the Parties at its third session,

Key facilitators: Australia, Brazil, Canada, Peru

Partners: Bahrain, Cape Verde, China, Djibouti, European Community, France, Guatemala, Honduras, Iran, Jamaica, Japan, Malaysia, Mauritius, Philippines, Republic of Korea, South Africa, Sudan, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam;

(4) concerning **Article 12**, to establish a working group to elaborate guidelines for the implementation of this Article, the working group shall present a progress report to the Conference of the Parties at its third session,

Key facilitators: Germany, Palau, Turkey

Partners: Algeria, Bahrain, Barbados, Benin, Estonia, Guatemala, Honduras, India, Ireland, Kenya, Malaysia, Mauritius, Namibia, Sri Lanka, Sweden, Thailand, Togo, Uruguay;

(5) to request all working groups:

(a) to take into account existing resources and expertise from governmental, intergovernmental and nongovernmental organizations, as well as from scientific studies and best practices;

(b) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise in the matters to actively participate and contribute to the work of the working group, as per request from the Convention Secretariat;

(6) concerning **Article 14**, to request the Convention Secretariat to elaborate, in consultation with Parties particularly interested in the issue, a first report on tobacco dependence and cessation, to be submitted to the Conference of the Parties at its third session,

Partners: Mexico, Uruguay;

(7) to request the Convention Secretariat to make the necessary arrangements, including budgetary arrangements, for the above-mentioned working groups to undertake their work and to ensure that Parties have access, for example, via a protected web site, to draft texts sent to the partners and can provide comments;

(8) concerning all of these proposed guidelines, to adopt the timeline set out below:

Timeline:	
<i>To make the progress report or draft guidelines, as requested, accessible by the Parties for their comments</i>	At least six months before the third session of the Conference of the Parties
<i>For submission to the Bureau</i>	At least four months before the third session of the Conference of the Parties
<i>For submission to the Convention Secretariat for editing and translation</i>	At least three months before the third session of the Conference of the Parties
<i>For circulation to the Conference of the Parties</i>	At least 60 days before the third session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

(9) to set 31 July 2007 as the deadline for Parties to announce to the Convention Secretariat their participation as a partner in the development of any of these guidelines.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(15) Date and venue of the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties, in accordance with Rules 3 and 4 of its Rules of Procedure, DECIDED that its third session will be held in South Africa in the last quarter of 2008. The exact date and venue of the third session will be confirmed by the Bureau, in view of consultations and the calendar of international conferences.

(Fourth plenary meeting, 6 July 2007)

FCTC/COP2(16) Election of officers

The Conference of the Parties, after informal consultations and pursuant to Rule 21 of its Rules of Procedure, ELECTED as officers to constitute the Bureau for the third session of the Conference of the Parties the following:

President:	Dr Hatai Chitanondh (Thailand)
Vice-Presidents:¹	Dr A. Bloomfield (New Zealand) Ambassador C. Lassmann (Austria) Dr H.A. Qotba (Qatar) Ambassador A. Artucio (Uruguay) Ms N. Dladla (South Africa)

The Conference of the Parties also 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 H.A. Qotba (Qatar)
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(Fourth plenary meeting, 6 July 2007)

¹ In accordance with Rule 24 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, lots were drawn to determine the order in which the Vice-Presidents will serve in the place of the President. The order represented in this list is the order in which the lots were drawn.

**LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS**

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REPRESENTANTS DES PARTIES**

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