

**FCTC**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**Conference of the Parties to the
WHO Framework Convention on Tobacco Control**Fourth session
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Provisional agenda item 5.6**FCTC/COP/4/10
15 August 2010****Measures that would contribute to the elimination of
cross-border advertising, promotion and sponsorship
(decision FCTC/COP3(14))****Report of the Convention Secretariat****BACKGROUND**

1. At its third session (Durban, South Africa, 17–22 November 2008), the Conference of the Parties adopted guidelines for the implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control (WHO FCTC),¹ which had been elaborated by the working group established for that purpose by the Conference of the Parties at its second session.² The Conference of the Parties took note of the recommendations of the working group on possible key elements of a protocol on cross-border advertising, promotion and sponsorship of tobacco products, which would be complementary to the guidelines;³ it also requested the Convention Secretariat to assess the implications of the recommendations that the working group presented on other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship, and to propose options for further work in this area to the Conference of the Parties at its fourth session.⁴

2. Under Article 13.2 of the WHO FCTC, Parties have an obligation to undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship, in accordance with their constitution or constitutional principles. Subject to the legal environment within Parties, and the technical means available to them, this includes a comprehensive ban on cross-border advertising, promotion and sponsorship originating from the Party's territory; appropriate measures are to be taken within five years of entry into force.

¹ See decision FCTC/COP3(12).

² See decision FCTC/COP2(8).

³ See decision FCTC/COP3(13).

⁴ See decision FCTC/COP3(14). The decision, including its Annex, is attached at Annex.

3. The Convention Secretariat's 2009 global summary report on implementation of the Convention, based on reports received by Parties to the WHO FCTC,¹ and the further review of more recent reports demonstrates the challenges faced in implementation of Article 13 globally. Out of 135 Parties that reported in 2007–2010 (including 30 Parties that had submitted both first and second implementation reports by 1 July 2010), only 79 Parties (around 60%) reported that they had introduced a comprehensive ban on tobacco advertising, promotion and sponsorship, with only 40 Parties (around 30%) reporting that the ban also extended to cross-border advertising, promotion and sponsorship originating from within their borders.² The situation has recently improved, as demonstrated by the latest reports submitted in 2010, but nevertheless, among the 30 Parties that had submitted their second implementation reports, only 23 (around 75%) had introduced a comprehensive ban on tobacco advertising, promotion and sponsorship, and only 11 (nearly 35%) had also included cross-border advertising in the ban despite reaching the five-year deadline as stipulated in Article 13. The implementation of Article 13 in general, and in relation to measures with cross-border effect in particular, may therefore continue to require promotion through the exchange of information and best practices, analysis and provision of information on emerging technologies and knowledge, and the provision of assistance to Parties when necessary.

4. Against this backdrop and in accordance with the decision of the Conference of the Parties, the Convention Secretariat reviewed and assessed the recommendations of the working group, consulting also relevant WHO departments and other treaty secretariats when necessary. The recommendations were grouped into three categories: provision of expertise and exchange of information; reporting and mechanisms of assistance to Parties; and other tasks to be carried out at the international level.

RECOMMENDATIONS OF THE WORKING GROUP AIMED AT THE PROVISION OF EXPERTISE AND EXCHANGE OF INFORMATION

5. The recommendations in this category aim to facilitate the exchange of information and best practices between Parties, as well as facilitating their access to technical and other assistance. The Convention Secretariat found that two proposals made by the working group, namely the establishment of an expert group and the creation of a dedicated web site, would have a central role to play in achieving the overall objectives of the recommendations in this category. A web site dedicated to the exchange of information on advertising, promotion and sponsorship would enable Parties to share experiences and, by granting access to a wide array of information, would facilitate the implementation of Article 13 internationally. It is likely that the proposed expert group would also play a vital role in providing technical assistance to Parties, by analysing and providing relevant information (including through the web site), such as that on emerging methods and forms of cross-border advertising, promotion and sponsorship. The group would also be able to share its expertise with interested Parties through the Convention Secretariat, contributing substantially to the provision of technical assistance to Parties.

¹ 2009 Summary Report on global progress in implementation of the WHO Framework Convention on Tobacco Control. Geneva, Convention Secretariat to the WHO Framework Convention on Tobacco Control, 2009 (FCTC/2009.1). The report is available on the WHO FCTC web site: <http://www.who.int/fctc/>.

² Of those Parties, 25 are from the WHO European Region.

Expert group on cross-border advertising, promotion and sponsorship

6. The working group recommended that an expert group be established to keep the Conference of the Parties up to date on technological developments and best practices as well as to monitor and review the guidelines for implementation of Article 13 and the arrangements made to facilitate international cooperation between Parties in this area.¹

7. Such an expert group could draw on the experiences of the former expert group established by the Conference of the Parties at its first session, which was given the mandate to prepare a template for a protocol on cross-border advertising, promotion and sponsorship.² The Conference of the Parties would have to define the new expert group's mandate. It would also have to determine the composition of and procedure for establishing the group, including the process for nominating or replacing experts and the intervals at which the group should be convened.

8. One possible mechanism for establishing such a group would be through nominations from regional groups of Parties, with background information provided on nominees along with their curricula vitae. Relevant intergovernmental and nongovernmental organizations could also be invited to nominate experts to the group. The Bureau of the Conference of the Parties could then be given the task of appointing the members of the expert group, on the basis of a review of the nominees by the Convention Secretariat, aiming to ensure the best possible technical and regional balance. Previous experience suggests that the group should have a maximum of 15 members, for budgetary and operational efficiency.

9. The cost of convening two meetings of a group of 15 experts in Geneva per biennium (three days each, one meeting per year) would be approximately US\$ 160 000.³ The Convention Secretariat would be able to provide the secretariat services necessary to support the work of the expert group.

Web site

10. The working group proposed that a web site be established to serve as a knowledge hub and as a means of notifying Parties of instances of cross-border advertising, promotion and sponsorship.

11. According to the recommendations of the working group, such a web site should be used to share information, particularly in relation to persons or entities responsible for the production, placement and/or dissemination of cross-border advertising, promotion and sponsorship; new and emerging methods and forms of cross-border tobacco advertising, promotion and sponsorship; developments in technology; legislation and regulations that have been put in place; lessons learnt and research needs and opportunities. The web site would also allow the sharing of information, when appropriate, on breaches, or suspected breaches, of legislation or regulations and on the origin of notifications or complaints on pending investigations or enforcement action; on the outcomes of any relevant investigations or enforcement action; and on jurisprudence, training or public awareness programmes that have been planned or implemented.⁴

¹ See Annex to decision FCTC/COP3(14), subparagraph 2(7).

² See document FCTC/COP/2/10.

³ This figure consists of US\$ 70 000 travel costs and US\$ 10 000 documentation and logistics costs for each meeting.

⁴ See Annex to decision FCTC/COP3(14), subparagraph 2(3), third bullet point.

12. Before assessing the recommendations for such a web site in detail, the Conference of the Parties may consider several general points regarding the establishment of such a site, including where the web site should be hosted, and who would provide technical support and pay the related costs. These and other points are expanded upon below.

(a) Link to the database of Party reports

13. Under Article 21 of the WHO FCTC, Parties have an obligation to submit periodic reports to the Conference of the Parties on implementation of the Convention. In order to facilitate the exchange of information among Parties and to make data submitted by Parties in their reports more easily accessible, the Convention Secretariat has created a database of Parties' reports on the WHO FCTC web site. The database provides a central platform for the exchange and dissemination of information. The Convention Secretariat recommends that a web site established in relation to Article 13 of the Convention be made an integral, complementary part of the existing database of Parties' reports, rather than a stand-alone web site, so that users of the site can benefit from the information already available and to ensure synergy and efficiency. The Convention Secretariat also recommends this integrated approach for any other web sites established in relation to specific provisions of the Convention, should they be requested by the Conference of the Parties in the future.

(b) Hosting of the web site and resources required

14. Options for the hosting of the web site, deriving from the Convention Secretariat analysis, are as follows:

- If the proposed web site were to be hosted within WHO's domain (like the FCTC web site), technological support could be provided by WHO services against payment. The development of a content management system would not be necessary as the existing system could be used.
- The development of a new content management system outside WHO's domain would allow more flexibility (using the existing WHO system provides a framework and imposes boundaries). However a domain name would have to be purchased, a content management system would have to be developed by an external contractor and technical support would also have to be provided by an external contractor. This would have cost implications. The development of a comparable content management system for the web site of a WHO partnership, for example, cost approximately US\$ 100 000.

15. Staff would be needed for the web site in two areas.

- **Information technology support to develop and maintain the web site.** If the web site were to be hosted by WHO, the Organization's information technology staff could provide such support (the Convention Secretariat would be required to pay approximately US\$ 17 000 annually, equivalent to 10% of one P3 staff member, as a cost-sharing measure). If the web site were to be hosted outside WHO, information technology support costs would amount to approximately US\$ 36 000 per year (with an additional cost of approximately US\$ 6 000 for the hosting of the site).
- **Content management.** Based on the assumption that there would be one generic "entry-point" for the receipt of information on the web site (such as an e-mail address) and that only the Convention Secretariat would be able to upload documents, there would be a need for

one technical professional staff member (at P2 level). On the basis of the recommendations of the working group, this person would be required to carry out several functions. These would include monitoring and updating the list of Party contact points, as well as monitoring incoming information and taking the necessary action as regards storing documents in the correct section of the site and deciding whether, and to whom, documents should be forwarded. If the web site were to be used for transmitting notifications of instances of cross-border tobacco advertising, promotion or sponsorship, this staff member would carry out the relevant duties. The staff member could also assist with other activities and projects, particularly the running of any web sites that may be required in relation to other provisions of the Convention.

16. If the Conference of the Parties decided that the web site should be multilingual, maintenance would become more complex and more expensive owing to the costs of translating posted documents.

(c) Sections of the web site and other related measures recommended by the working group

17. The working group made a number of detailed recommendations with regard to the web site. In particular, it recommended that the site should have three sections; a section accessible only by Parties, a section accessible by Parties and observers, and a section open to the public. The Convention Secretariat found that it would be technically possible to establish and maintain the three sections, and also found the following:

- It would be useful to create a list of Parties' contact points on matters of tobacco advertising, promotion and sponsorship in addition to the existing list of focal points for general communication between the Convention Secretariat and Parties. This would facilitate the exchange of information between Parties because advertising, promotion and sponsorship may fall within the jurisdiction of different entities in different Parties. The list could be maintained by the Secretariat. Parties would have to agree to provide the relevant details to the Secretariat and inform the Secretariat of any changes, so that the site could be updated. The secretariats of several environmental treaties provide lists of Parties' contact points on their web site without restrictions.¹
- Parties and relevant international organizations could be invited to nominate experts to a roster of experts, created and maintained by the Convention Secretariat in consultation with the Bureau.
- Information to be shared only with Parties could include emerging forms of advertising, promotion and sponsorship as well as means used by the tobacco industry to circumvent regulations. This task could be largely linked to and facilitated by the proposed expert group on cross-border advertising, promotion or sponsorship.

18. The working group also proposed that when notified by another Party of cross-border tobacco advertising, promotion and sponsorship that appears to originate, or have originated, from its territory, a Party would be required to acknowledge the notification and inform the notifying party of any investigation or other action taken in response.² Concerning this proposal, it should be noted

¹ For example, the secretariats of the Stockholm Convention on Persistent Organic Pollutants and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

² See Annex to decision FCTC/COP3(14), subparagraph 2(3), second bullet point.

that such a mechanism may require a more formal level of legal commitment than that provided by a decision of the Conference of the Parties, such as a protocol to the WHO FCTC. This would be in line with the decision taken by the Conference of the Parties on possible key elements of a protocol on cross border advertising, promotion and sponsorship, which included such a notification procedure.¹ The inclusion of notification and response procedures in a possible protocol was also proposed by the expert group on cross-border advertising, promotion and sponsorship in their report to the second session of the Conference of the Parties.² For consideration of such notification procedures, the experiences gained in the operation of procedures and mechanisms for determining and handling cases of non-compliance established under several multilateral environmental treaties might be reviewed to learn relevant lessons.³

19. The Secretariat explored the technical feasibility of putting in place such a notification mechanism and was informed that it would be possible to do so through a web site as proposed by the working group. However, further assessment will only be possible if the Conference of the Parties agrees to establish a specific notification procedure.

20. The Conference of the Parties might wish to consider taking a decision to create a legal basis for such a notification mechanism. Alternatively, the Conference of the Parties could encourage Parties to apply such a mechanism bilaterally.

RECOMMENDATIONS OF THE WORKING GROUP IN RELATION TO REPORTING ARRANGEMENTS AND MECHANISMS OF ASSISTANCE

Reporting arrangements under the Convention

21. The recommendations made by the working group on the need to revise the questions contained in the reporting instrument of the WHO FCTC have already been implemented. At the third session of the Conference of the Parties the questions proposed by the working group were discussed and added to the questionnaire so that the instrument reflects the principal provisions of the guidelines for implementation of Article 13. In addition, no further action is required regarding the categorization of the questions on Article 13 since it is obligatory for Parties to reply to all questions in the revised questionnaire; a division between “optional questions” and “core questions” no longer exists.

Mechanisms of assistance to Parties

22. The working group recommended that the Convention Secretariat examine mechanisms for giving Parties effective access to the arrangements discussed in the working group recommendations,⁴ taking into account the particular needs of developing countries and countries with economies in transition, and that it communicate relevant information to the Parties.

¹ See decision FCTC/COP3(13).

² Document FCTC/COP/2/10, paragraph 21.

³ For example, the non-compliance procedure of the Montreal Protocol on Substances that Deplete the Ozone Layer established pursuant to its Article 8 and adopted and updated by the Meeting of the Parties in its decisions.

⁴ See Annex to decision FCTC/COP3(14), paragraphs 2(2), 2(3) and 2(4).

23. The Convention Secretariat recommends that the above proposals be implemented within the existing mechanisms of assistance deriving from the Convention and relevant decisions of the Conference of the Parties, such as: needs assessments (by maintaining Article 13 as one of the key aspects of the joint assessments carried out with interested Parties); promoting the transfer of expertise and technology in line with Article 22 (in particular by utilizing and expanding the relevant experience gained in relation to health warnings); further dissemination and technical advice in relation to implementation of the guidelines adopted by the Conference of the Parties on Article 13 (including by maintaining and further strengthening the focus on Article 13 in the intercountry workshops and seminars); and the feedback mechanism under the reporting system of the Convention (particularly in view of the fact that an increasing number of Parties will be reaching the implementation deadline envisaged in Article 13). New opportunities may also arise within activities to promote South–South and triangular cooperation under the guidance of the Conference of the Parties.

24. The Convention Secretariat will continue to coordinate the provision of assistance with the relevant departments and offices of WHO and other international partners to ensure that the required assistance is provided. WHO's Tobacco Free Initiative will, in particular, elaborate additional technical resource materials for this area to be used in providing assistance to countries.

OTHER TASKS RECOMMENDED BY THE WORKING GROUP

25. The working group recommended that a number of other tasks be carried out at the international level,¹ in a manner to be decided by the Conference of the Parties. Some of the tasks recommended by the working group in this regard have already been addressed above.

26. The following tasks could be carried out by the Convention Secretariat through or supported by the expert group: facilitation of the provision of technical assistance to Parties with regard to cross-border tobacco advertising, promotion and sponsorship; assessment of relevant research needs and communication of those needs to Parties, research funding bodies and interested researchers; provision of regular reports on the progress of Parties in implementing Article 13 of the Convention, which may include recommendations for the review or amendment of the guidelines for implementation of Article 13; provision of regular reports on the effectiveness of the arrangements established to facilitate relevant international cooperation and on ways in which the effectiveness of those arrangements might be enhanced.

27. This work would require the dedication of the principal part of the time of one member of the Convention Secretariat staff (at P3 or P4 level) with specific expertise in this area. Should the above be confirmed by the Conference of the Parties, this staff member would also be able to maintain the content of the proposed web site, and there would therefore be no need for a P2 staff member to maintain the site as described above.

28. These functions should also be reflected in the terms of reference of the expert group, should such a group be established by the Conference of the Parties.

29. Other recommendations made by the working group and the associated activities proposed by the Convention Secretariat are summarized below.

¹ See Annex to decision FCTC/COP3(14), paragraph 2(4).

Recommendation by the working group

Proposed action

Liaison with pertinent bodies, including relevant international and regional intergovernmental organizations and relevant nongovernmental organizations, in respect of implementation of Article 13 of the Convention.

The Convention Secretariat has prepared a report on the potential of cooperation with international organizations and bodies for strengthening the implementation of the Convention, submitted to the Conference of the Parties at its fourth session.¹ On the basis of that report and any other relevant information, the Conference of the Parties may wish to provide guidance on obtaining the support of relevant international organizations for the work being undertaken in this area.

Coordination of efforts by Parties to find new technologies to assist in eliminating cross-border tobacco advertising, promotion and sponsorship.

The Conference of the Parties may wish to encourage the Parties to undertake such coordination, also requesting the Convention Secretariat to promote the sharing of relevant expertise and information in coordination with the proposed expert group.

Promotion of public awareness on matters relating to cross-border tobacco advertising, promotion and sponsorship.

The Conference of the Parties could request or encourage Parties to carry out this task. In addition, the issue is being addressed in the draft guidelines for implementation of Article 12 (*Education, communication, training and public awareness*) to be submitted to the Conference of the Parties at its fourth session.²

Invitation to observers to the Conference of the Parties to provide relevant information to the Convention Secretariat with respect to cross-border tobacco advertising, promotion and sponsorship.

The Conference of the Parties could decide that observers should be invited to provide such information to the Convention Secretariat, which in turn could make the information available on the proposed web site.

ACTION BY THE CONFERENCE OF THE PARTIES

30. The Conference of the Parties is invited to consider the recommendations of the working group, in the light of this report.

¹ Document FCTC/COP/4/17.

² Document FCTC/COP/4/8.

ANNEX

DECISION FCTC/COP3(14)**FCTC/COP3(14) Measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship (in relation to Article 13)**

The Conference of the Parties,

Recalling its decision FCTC/COP2(8) establishing a working group to elaborate guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control and 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;

Taking into account its decisions FCTC/COP3(12) and FCTC/COP3(13),

1. DECIDED:
 - (a) to take note of the recommendations of the working group on measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship, as contained in the Annex to this decision;
 - (b) to further consider the recommendations at its fourth session;
2. REQUESTED the Convention Secretariat to assess the implications of the recommendations and propose options for further work, and to report to the fourth session of the Conference of the Parties.

ANNEX

Recommendations on measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship

1. In its deliberations, the working group noted that international cooperation was essential to the elimination of both domestic and cross-border tobacco advertising, promotion and sponsorship. The working group had been mandated by the Conference of the Parties to provide recommendations on other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship. Those recommendations are provided below.

Recommendations

2. The working group, having taken into account that the effectiveness of efforts to eliminate cross-border tobacco advertising, promotion and sponsorship depends not only on initiatives undertaken by individual Parties but also on the extent to which Parties cooperate in addressing cross-border tobacco advertising, promotion and sponsorship, and that Parties to the Convention have already undertaken commitments with respect to international cooperation, including under Article 13.6 (*Cooperation in the development of technologies and other means necessary to facilitate the elimination*

of cross-border advertising); Article 19 (*Liability*); Article 20 (*Research, surveillance and exchange of information*); particularly Article 20.4 (*Exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding the practices of the tobacco industry*); Article 21 (*Reporting and exchange of information*); Article 22 (*Cooperation in the scientific, technical, and legal fields and provision of related expertise*); and Article 26 (*Financial resources*), recommends:

(1) that the questions on Article 13 of the Convention in the reporting instrument adopted by the Conference of the Parties:¹

- be revised to reflect the principal provisions of the guidelines on Article 13 to be adopted by the Conference of the Parties at its third session;²
- be revised to include the following question: “Are you precluded by your constitution or constitutional principles from undertaking a comprehensive ban on all tobacco advertising, promotion and sponsorship? If yes, please give details”; and
- be moved from the section “Optional questions” to the section “Core questions”;

(2) that a web site be set up and facilitated which could be used as a knowledge hub on matters of cross-border advertising, promotion and sponsorship, and as a means for notifying instances of cross-border advertising, promotion and sponsorship. Relevant material should be regularly uploaded onto the web site. The web site should, while ensuring the protection of personal data and trade secrets, have:

- (i) a section accessible only by Parties including:
 - (a) an up-to-date list of Parties’ contact points;
 - (b) a register of experts who can provide technical assistance and training on relevant matters; and
 - (c) other information provided by Parties or the Convention Secretariat that is to be shared only with Parties;
- (ii) a section accessible by Parties and observers that includes:
 - (a) a facility for reporting instances of cross-border advertising, promotion and sponsorship; and
 - (b) information provided by Parties or the Convention Secretariat that is to be shared only with Parties and observers but not with the public;

¹ Decision FCTC/COP1(14).

² See decision FCTC/COP3(12), Annex.

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- (iii) a section accessible by the public including:
- (a) information provided by Parties or the Convention Secretariat that may be shared with the public;
 - (b) evidence of the impact of cross-border tobacco advertising, promotion and sponsorship and the effectiveness of bans on tobacco advertising, promotion and sponsorship; and
 - (c) links to the web sites of other relevant bodies;
- (3) that Parties, while ensuring the protection of personal data and trade secrets:
- identify a contact point on matters of tobacco advertising, promotion and sponsorship to the Convention Secretariat and notify the Convention Secretariat of any changes in details;
 - when notified by another Party of cross-border tobacco advertising, promotion and sponsorship that appears to originate, or have originated, from its territory, acknowledge the notification and inform the notifying party within a reasonable time of any investigation or other action taken in response to the notification;
 - use the web site to share relevant information with other Parties and, as appropriate, observers and the public, particularly in relation to:
 - persons or entities responsible for the production, placement and/or dissemination of cross-border tobacco advertising, promotion and sponsorship;
 - new and emerging methods and forms of cross-border tobacco advertising promotion and sponsorship;
 - developments in technology;
 - lessons learnt in dealing with cross-border tobacco advertising promotion and sponsorship;
 - research needs and opportunities;
 - legislation or regulations, including links to such legislation or regulations;
 - breaches, or suspected breaches, of legislation or regulations and the origin of notifications or complaints made;
 - where appropriate, pending investigations or enforcement action;
 - where appropriate, the outcomes of any relevant investigations or enforcement action;
 - jurisprudence, including links to such jurisprudence;
 - education, training or public awareness programmes planned or implemented;

- notify the Convention Secretariat about experts, whether governmental or nongovernmental, who can provide technical assistance and training to Parties on relevant matters;

(4) that the following tasks be carried out at the international level in a manner to be decided by the Conference of the Parties:

- transmission of the notification, from a Party or an observer, of an instance of cross-border tobacco advertising, promotion or sponsorship to the relevant contact point in the Party from whose territory the cross-border tobacco advertising, promotion or sponsorship appears to be originating or to have originated;
- identification of experts, whether governmental or nongovernmental, who can provide technical assistance and training to Parties on relevant matters;
- updating Parties on relevant developments, including new and emerging methods and forms of cross-border advertising, promotion and sponsorship and relevant developments in technology, and also communicating such developments, as appropriate, to observers and the public;
- facilitation of the provision of technical assistance to Parties in respect of cross-border tobacco advertising, promotion and sponsorship;
- assessment of research needs in relation to cross-border tobacco advertising, promotion and sponsorship, and communication of those needs to Parties, research funding bodies and interested researchers;
- liaison with pertinent bodies, including relevant international and regional intergovernmental organizations and relevant nongovernmental organizations, in respect of implementation of Article 13 of the Convention;
- coordination of efforts by Parties to find new technologies to assist in eliminating cross-border tobacco advertising, promotion and sponsorship;
- promotion of public awareness on matters relating to cross-border tobacco advertising, promotion and sponsorship;
- provision of regular reports on the progress of Parties in implementing Article 13 of the Convention, which may include recommendations for the review or amendment of the guidelines for implementation of Article 13; and
- provision of regular reports on the effectiveness of the arrangements established to facilitate international cooperation with respect to cross-border tobacco advertising promotion and sponsorship, and on ways in which the effectiveness of those arrangements might be enhanced;

(5) that observers to the Conference of the Parties be invited to provide relevant information to the Convention Secretariat with respect to cross-border tobacco advertising, promotion and sponsorship, including:

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- persons or entities responsible for the production, placement and/or dissemination of cross-border tobacco advertising, promotion and sponsorship;
 - new and emerging methods and forms of cross-border tobacco advertising, promotion and sponsorship;
 - developments in technology;
 - research needs and opportunities; and
 - education, training or public awareness programmes planned or implemented;
- (6) that the Convention Secretariat examine mechanisms for providing any assistance to give Parties effective access to the arrangements of the kind referred to in subparagraphs (2), (3) and (4), taking into account the particular needs of developing countries and countries with economies in transition, and that it communicate relevant information to the Parties;
- (7) that an expert group on cross-border tobacco advertising, promotion and sponsorship be established and mandated with the following functions:
- keeping the Conference of the Parties up-to-date on relevant developments in technology, in cross-border tobacco advertising, promotion and sponsorship and in best practices for responding to cross-border tobacco advertising, promotion and sponsorship;
 - monitoring and reviewing the guidelines for implementation of Article 13 of the Convention and the arrangements established to facilitate international cooperation between Parties with respect to cross-border tobacco advertising, promotion and sponsorship; and
 - reporting to the Conference of the Parties, through the Convention Secretariat, on the performance of its functions.

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