



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Conference of the Parties to the WHO Framework Convention on Tobacco Control

Sixth session
Moscow, Russian Federation, 13–18 October 2014

FCTC/COP/6/B/R/1
18 October 2014

First report of Committee B

(Draft)

At its first plenary meeting on 13 October 2014, the Conference of the Parties elected the following officers to Committee B: Mr Andrew Black (United Kingdom of Great Britain and Northern Ireland), as Chairperson, and Dr Ivanhoe Escartin (Philippines) and Dr Welani Chilengwe (Zambia), as Vice-Chairpersons.

Committee B recommends to the Conference of the Parties the adoption of the following decisions:

- Item 5.1 Reporting arrangements under the WHO FCTC
- Item 5.2 Towards a stronger contribution of the Conference of the Parties to achieving the noncommunicable disease global target on reduction of tobacco use
- Item 5.3 Sustainable measures to strengthen implementation of the WHO FCTC
- Item 5.4 Issues related to implementation of the WHO FCTC and settlement of disputes concerning the implementation or application of the Convention
- Item 5.4 Trade and investment issues, including international agreements, and legal challenges in relation to implementation of the WHO FCTC
- Item 6.2 Amendment to the workplan and budget for the financial period 2014–2015
- Item 6.3 Voluntary assessed contributions
- Item 6.5 Process for appointment and renewal of the term of office of the Head of the Convention Secretariat
- Item 6.6 Accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties
- Item 6.8 Amendments to the Rules of Procedure of the Conference of the Parties to the WHO FCTC

Item 5.1

Reporting arrangements under the WHO FCTC

The Conference of the Parties (COP),

Recalling Article 21 of the Convention, which stipulates that “each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of the Convention”;

Further recalling Article 23.5 of the Convention, which stipulates that the COP shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation;

Recalling also decision FCTC/COP1(14), which called for an independent assessment of the reporting arrangements;

Having considered the report of the Convention Secretariat contained in document FCTC/COP/6/17 and reflecting upon the views expressed by the Parties during the sixth session of the Conference of the Parties;

Recognizing the need to further advance the utilization of information received through Parties’ reports, *inter alia*, for establishing implementation trends and to further strengthen the implementation of the Convention by individual Parties,

DECIDES:

- (1) to establish an expert group to review reporting arrangements under the WHO FCTC comprising of three experts per WHO region; in addition, one representative from civil society per region and one representative from WHO, with specific expertise in the area of the expert group may be invited by the Convention Secretariat;
- (2) to invite Parties to nominate members to the expert group, in a manner to be decided by the Bureau of the Conference of the Parties, taking into account appropriate technical representation. Representatives of this expert group shall have one or more of the areas of expertise listed in the Annex to document FCTC/COP/6/17;
- (3) to mandate the Bureau, based on an initial screening by the Secretariat, to establish the expert group;
- (4) to request the participation of one representative of, and agreed by, the working group on sustainable measures to strengthen the implementation of WHO FCTC in the expert group, bearing in mind the mandate of the working group on sustainable measures, with a view to fostering complementarity between the groups;
- (5) to mandate the expert group to:
 - (a) examine the reporting process and the utilization of data collected, including the global progress report;

- (b) propose ways to simplify and streamline the reporting process, with a view to decreasing reporting burdens on Parties, to increase the accuracy and reliability of information received and to further improve user-friendliness of the reporting instrument;
 - (c) identify additional sources of information and promote the use of such information to further assess the level of implementation of the Convention by the Parties;
 - (d) identify opportunities for the reporting mechanism to better contribute to identifying and addressing the needs of the Parties and promoting WHO FCTC implementation at country level as well as promoting visibility of the WHO FCTC;
 - (e) provide recommendations on how the reporting mechanism can further contribute to building understanding of the level of implementation of the Convention and on how the reporting mechanism can serve as a tool to promote compliance by the Parties;
 - (f) examine various reporting mechanisms of other international treaties, including those that utilize an intergovernmental peer review process, and make recommendations on strengthening the reporting arrangements and on the development of a reporting and implementation review mechanism under the WHO FCTC;
- (6) to invite WHO to provide technical support to the expert group;
 - (7) to request the Secretariat to:
 - (a) make the necessary arrangements, including budgetary provisions, for the expert group to complete its work, using, as much as possible, electronic means of communication;
 - (b) allocate funds in the work area (4) to carry out, upon request of a Party, an implementation review and inform the Party of its findings in order to improve compliance to the WHO FCTC;
 - (8) to request the expert group to report on the outcome of its work, and make possible recommendations, as appropriate, to the seventh session of the COP.

Item 5.2

Towards a stronger contribution of the Conference of the Parties to achieving the noncommunicable disease global target on reduction of tobacco use

The Conference of the Parties (COP),

Deeply concerned about the rising toll of the global tobacco epidemic and its impact on health, health systems, and socioeconomic development;

Recalling the Political Declaration of the High-level Meeting of the United Nations General Assembly on the Prevention and Control of Noncommunicable Diseases (NCDs),¹ which stressed the need to scale up action on tobacco control through implementing the WHO FCTC;

Further recalling resolution WHA66.10 of the World Health Assembly adopting the global monitoring framework for NCDs, which includes a global voluntary target of 30% relative reduction in the prevalence of current tobacco use in persons aged 15 years and over, by the year 2025;

Mindful of United Nations General Assembly resolution A/RES/68/300 adopting the outcome document of the high-level meeting on the comprehensive review and assessment of the progress achieved in the prevention and control of NCDs, which noted that progress has been slow, insufficient and highly uneven, called for accelerated implementation of the WHO FCTC, and included a time-bound commitment to implementing relevant interventions to address risk factors such as tobacco and their underlying social determinants by 2016;

Welcoming the establishment of a WHO Global Coordination Mechanism on the Prevention and Control of Noncommunicable Diseases and a United Nations Interagency Task Force on the Prevention and Control of NCDs, which provide platforms to coordinate the activities of relevant United Nations organizations and other international organizations, as well as non-State actors;

Welcoming the inclusion of a target to strengthen implementation of the WHO FCTC in all countries in the Report of the Open Working Group of the United Nations General Assembly on Sustainable Development Goals² which shall be the main basis for integrating sustainable development goals into the post-2015 development agenda, while recognizing that other inputs will also be considered in this intergovernmental negotiation process at the sixty-ninth session of the General Assembly;³

Affirming these commitments and stressing the role of the COP as the global governing body that addresses tobacco control within the mandate of the WHO FCTC;

¹ Resolution A/RES/66/2.

² As per document A/68/970.

³ In accordance with resolution A/RES/68/309.

Emphasizing the importance of solidarity, international cooperation and joint work to achieve the global voluntary target of 30% relative reduction in prevalence of current tobacco use in persons aged 15 years and over, which is in line with the objectives and aims of the WHO FCTC,

1. CALLS ON Parties to:

- (a) by 2015, consider setting a national targets for 2025 for relative reduction of current tobacco use in persons aged 15 years and over, taking into account the voluntary global target of a 30% relative reduction in prevalence of current tobacco use in persons aged 15+ years, building on guidance provided by the World Health Organization;
- (b) by 2015, consider developing or strengthening national multisectoral policies and plans to achieve national targets on reduction of current tobacco use by 2025, taking into account the WHO Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013–2020;
- (c) accelerate the implementation of the WHO FCTC by Parties and encourage countries to consider becoming Parties to the Convention to contribute to achieving the voluntary global target of 30% relative reduction in the prevalence of current tobacco use in persons aged 15 years and over;

2. REQUESTS the Convention Secretariat to:

- (a) strengthen collaboration and ensure better coordination in relation to the work on tobacco control with WHO and other United Nations agencies, development banks and other regional and international organizations including the work within the terms of reference of the Global Coordination Mechanism on the Prevention and Control of Noncommunicable Diseases and the United Nations Interagency Task Force on the Prevention and Control of NCDs, in promoting and monitoring action at global, regional and national levels to contribute towards achieving the reduction in the prevalence of current tobacco use;
- (b) develop a technical paper in collaboration with WHO on the contribution and impact of implementing the WHO FCTC on achieving the reduction in the prevalence of current tobacco use, taking into account Parties' current situation;
- (c) report to each regular session of the COP until the twelfth session of the COP on the contribution that the Parties are making in the area of the reduction in the prevalence of current tobacco use;
- (d) promote the WHO FCTC, wherever possible, in ongoing discussions on the post-2015 development agenda.

Item 5.3

Sustainable measures to strengthen implementation of the WHO FCTC

The Conference of the Parties (COP),

Recalling decisions FCTC/COP1(13), FCTC/COP2(10), FCTC/COP4(17) and FCTC/COP5(14) on financial resources, mechanisms of assistance and international cooperation;

Recalling that decision FCTC/COP5(14) established a working group on sustainable measures to strengthen implementation of the WHO FCTC;

Having considered the report of the working group (document FCTC/COP/6/19 and its Annex);

Noting also the reports of the Convention Secretariat on global progress in, and international cooperation for, implementation of the WHO FCTC as submitted to the sixth session of the COP (documents FCTC/COP/6/5 and FCTC/COP/6/18);

Welcoming the progress made, yet concerned that Parties continue to confront multiple challenges in implementing the WHO FCTC, including in accessing and adapting existing mechanisms of assistance to their specific needs and in obtaining resources for implementation at country level;

Recalling FCTC Article 4.2(d) that calls for the need to take measures to address gender-specific risks when developing tobacco control strategies; and noting the need to develop sustainable implementation measures in relation to tobacco use and tobacco control in the lives of women and girls;

Encouraging accelerated implementation of the WHO FCTC,

1. DECIDES to urge Parties to take action in line with the suggested actions and recommendations set out in the Annex to the report of the working group, including:

- (a) ensuring retention of trained personnel for tobacco control at country level;
- (b) actively working with civil society in promoting and mobilizing multisectoral coordination for effective implementation of the WHO FCTC and including civil society actors, as appropriate, in the definition and formulation of national strategies, plans and projects;
- (c) encouraging increased engagement of United Nations country teams and leadership by United Nations resident coordinators and WHO country representatives in providing and promoting multisectoral assistance for implementation of the WHO FCTC and integration of the Convention into United Nations Development Assistance Frameworks and WHO country cooperation strategies;
- (d) contacting WHO country and/or regional offices and the Convention Secretariat in order to be connected with relevant experts or organizations on issues of technical assistance;

- (e) exploring possibilities for technical assistance at bilateral, regional and subregional levels, and cooperating with other Parties across relevant sectors;
- (f) increasing awareness and promotion of the WHO FCTC in relevant international forums, making use of factual information and data on the negative impacts of tobacco consumption;
- (g) giving due consideration to the inclusion of WHO FCTC implementation in the post-2015 agenda in all relevant international forums;
- (h) promoting joint campaigns championed by relevant stakeholders, including suitable personalities, groups and civil society organizations, to raise the profile of the WHO FCTC and tobacco control as a health and development priority;
- (i) using World No Tobacco Day events to raise awareness of the importance of tobacco control and the WHO FCTC;

2. FURTHER DECIDES to extend the mandate of the working group, requesting the working group to undertake the following tasks and to provide a report and recommendations for consideration by the COP at its seventh session:

- (a) complete the review of existing mechanisms of assistance and identify additional mechanisms of assistance with a view to ensuring that they meet the needs of the Parties. This review should include a strategic prioritization, while avoiding duplication with other work;
- (b) develop options for the establishment of functioning national multisectoral coordination mechanisms in line with Article 5.2(a) of the WHO FCTC;
- (c) develop options for a coordination platform to support accelerated implementation of the WHO FCTC by bringing together and strengthening collaboration between Parties, international, intergovernmental and nongovernmental organizations and other organizations that provide or could provide resources and technical assistance;
- (d) provide guidance to the Secretariat to carry out the suggested actions and recommendations set out in the Annex to the report of the working group, in particular those contained in paragraphs 14, 15 and 16);
- (e) prepare and present for discussion at COP7 a report with strategic directions and an action plan for implementation assistance, in line with the recommendations proposed by the working group;

3. INVITES Parties, by 31 January 2015, to confirm to the Convention Secretariat their intention to continue as members of the working group or their intention to join the working group;

4. REQUESTS the Convention Secretariat to:

- (a) provide support and make the necessary arrangements, including budgetary arrangements, for the continued performance of the work of the working group;

- (b) invite observers under rules 29, 30, and 31 of the Rules of Procedure of the COP with relevant expertise to actively participate in the work of the working group;
- (c) undertake the actions set out in paragraphs 17, 18, 19, 28, 29, 31, 42, 43, 61, 65, 66, 77, 78, 79, 81 and 82 of the Annex to the report of the working group;
- (d) to seek the views of relevant international, intergovernmental and non-governmental organizations that are or could be instrumental for the implementation of the WHO FCTC about the coordination platform as mentioned in 2 (c) and share these views with the working group in due time in order to support and prepare its work;
- (e) invite WHO, the World Bank, the United Nations Development Programme and other relevant organizations to cooperate and contribute actively to the actions set out in the Annex to the report of the working group, including:
 - (i) to continue to develop comprehensive tools to cost WHO FCTC implementation and make them available to Parties to be used at country level, adapted to the national context;
 - (ii) to develop and make available a methodological tool to assess the economic impact of tobacco use on the disease burden and health systems, as well as other related social, environmental and economic costs affecting poverty and development, including the health and economic costs of not controlling tobacco consumption;
 - (iii) to support the development of options for the establishment of functioning national multisectoral coordination mechanisms in line with Article 5.2(a) of the WHO FCTC;
- (f) continue to prepare and present, at every session of the COP, an implementation report on activities undertaken to strengthen implementation of the WHO FCTC in line with this decision and decisions FCTC/COP1(13), FCTC/COP2(10), FCTC/COP4(17) and FCTC/COP5(14).

Item 5.4

Issues related to implementation of the WHO FCTC and settlement of disputes concerning the implementation or application of the Convention

The Conference of the Parties (COP),

Reiterating its determination to give priority to the right to protect public health;

Recalling that the Conference of the Parties adopted the Punta del Este and Seoul declarations at its fourth and fifth sessions respectively, in which the Parties expressed their commitment to implementing health measures designed to control tobacco consumption in their respective jurisdictions and to prevent tobacco industry interference from hindering or slowing the implementation of tobacco control measures provided in accordance with the FCTC;

Recalling that the WHO FCTC is the first international and multilateral instrument on tobacco control which is legally binding for all States Party;

Taking into account that the frequent interference of the tobacco industry in respect of the WHO FCTC and its Protocol to regulate the supply and demand of tobacco products, is a serious problem for tobacco control;

Recognizing that it is essential that the Conference of the Parties demonstrate its commitment to undertaking joint action in terms of implementation of Article 27 of the Convention;

Recalling the decision of the COP at its fifth session, during which the Convention Secretariat was requested to continue cooperating with the WHO Secretariat, the World Trade Organization (WTO) Secretariat and the United Nations Conference on Trade and Development (UNCTAD) Secretariat in order to exchange information and provide technical support to Parties;

Referring to the general obligations established in Article 5 and the provisions of Article 22 of the FCTC regarding cooperation in the formulation of proposed measures, procedures and guidelines aimed at strengthening the capacity of States Parties to implement and fully comply with the Convention, including suggestions on the transfer of legal expertise and ad hoc coordination with intergovernmental, international and regional organizations;

Noting the Secretariat's report FCTC/COP/6/20: Trade and investment issues relevant to implementation of the WHO FCTC;

Recalling decision FCTC/COP4(18), Cooperation between the Convention Secretariat and the WTO, as well as FCTC/COP5(15), Cooperation between the Convention Secretariat, the WHO, the WTO and UNCTAD,

1. DECIDES to request the Convention Secretariat to prepare a report for consideration at the seventh session of the Conference of the Parties examining:

(a) possible procedures for settling disputes concerning the interpretation or application of the Convention, through negotiations, diplomatic channels, or ad hoc arbitration in accordance with Article 27;

- (b) the kind of disputes that may be subject to such procedures;
- (c) the interaction of such procedures with other disputes settlement mechanisms; and

2. FURTHER REQUESTS the Convention Secretariat:

- (a) to facilitate the provision of technical support, training and capacity building activities if necessary, in respect of legal challenges to implementation of the Convention;
- (b) in coordination with the WHO Secretariat and the relevant knowledge hubs, to continue facilitating information sharing and cooperation among the Parties with regard to legal challenges against their tobacco control measures in domestic courts or through international dispute settlement mechanisms;

3. ALSO DECIDES to invite Parties, through the Convention Secretariat Information Platform, to share information relating to legal disputes faced by States with respect to tobacco control measures in domestic courts or international dispute settlement mechanisms. The Platform shall also contain a database of public institutions and legal experts nominated by the Parties with experience in tobacco litigation, that could promote information exchange and assistance to other Parties in this domain.

Item 5.4

**Trade and investment issues, including international agreements,
and legal challenges in relation to implementation of the WHO FCTC**

The Conference of the Parties,

Reiterating its determination to give priority to the right of Parties to protect public health;

Noting the increasing number of free-trade agreements and investment agreements that are designed to further foster international trade and investment;

Conscious that the tobacco industry has used and might use international trade and investment rules to challenge tobacco control measures taken to implement the WHO FCTC;

Taking note of the burden in terms of time and resources caused by the tobacco industry's challenges to government efforts in tobacco control through the use of international trade or investment rules;

Recognizing that measures to protect public health, including measures implementing the WHO FCTC and its guidelines fall within the power of sovereign States;

1. ENCOURAGES Parties to cooperate in exploring possible legal options to minimize the risk of the tobacco industry making undue use of international trade and investment instruments to target tobacco control measures;
2. URGES Parties to promote multisectoral collaboration in the area of trade and investment to take the public health dimension of tobacco consumption into account, in accordance with the WHO FCTC and other international obligations, while in the course of trade negotiations;
3. In the context of the WHO FCTC REMINDS Parties of the possibility to take into account their public health objectives in their negotiation of trade and investment agreements;
4. REQUESTS the Convention Secretariat to continue to strengthen its efforts to cooperate with the relevant international organizations, and to encourage communication and information sharing on trade and investment related issues;
5. FURTHER REQUESTS the Convention Secretariat to prepare a report on the potential impact of new trade and investment provisions on WHO FCTC implementation in developing countries.

Item 6.2

Amendment to the workplan and budget for the financial period 2014-2015

The Conference of the Parties (COP),

Recalling the workplan and budget for the financial period 2014-2015 adopted by the COP at its fifth session in decision FCTC/COP5(19);

Recognizing that the Protocol to Eliminate Illicit Trade in Tobacco Products requires 40 Parties to enter into force and that, as of the close of the sixth session of COP, there are four Parties;

Acknowledging, therefore, that the first session of the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products will not take place during the current budget cycle;

DECIDES:

(1) to amend section 2.1(ii) of the workplan and budget for the financial period 2014-2015 to reflect no allocation of funds to the first session of the MOP; and

(2) to add new sections 2.1(iii) and 2.1(iv) below section 2.1(ii) that reflect the following distribution of funds in the amount of US\$ 345 000 received through Voluntary Assessed Contributions:

(3)

Area of work*		Activity cost (in US\$ thousand) Staff cost (in FTE)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
2.	Protocols, guidelines and other possible instruments for implementation of the Convention¹				
2.1	(iii) Promoting entry into force of the Protocol	180		Hold two multisectoral, subregional, Protocol-specific workshops, with participation of 4 representatives, each from a relevant Ministry, from each of the Parties participating	Participation of at least 12 WHO FCTC Parties in subregional workshops

¹ In line with Article 7, Article 23.5(f) and (h), Article 24.3(a) and (g) and Article 33, and relevant decisions of the COP.

Area of work*		Activity cost (in US\$ thousand) Staff cost (in FTE)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
	(iv) Supporting the work of the panel of experts in matters relevant to the Protocol	165		Establishment of the expert panel Facilitating the panel's provision of technical support to Parties	Identification of relevant experts Arrangements for meetings, missions, research and other activities of the expert panel, in accord with the mandate from the COP

Item 6.3

Voluntary assessed contributions

The Conference of the Parties (COP),

Taking note of the report contained in FCTC/COP/6/23;

Recalling Decision FCTC/COP1 (11) that stipulates that Parties make their contributions on the basis of Voluntary Assessed Contributions;

Welcoming with appreciation the overall spirit of commitment by Parties to the Framework Convention on Tobacco Control;

Taking note with concern that nearly one third of the Parties have arrears for one or more biennium and that 21 of these have never paid their contributions;

Concerned that in the last reporting cycle more than a quarter of the Parties did not submit their implementation reports, and that some of them have never reported since the Convention entered into force;

Recognizing that the voluntary nature of the contributions can constitute a challenge for some countries in fulfilling their financial commitments to the Convention;

Mindful of the need to identify the reasons related to the lack of reporting and lack of payment in order to strengthen the commitment to the Convention,

REQUESTS the Convention Secretariat:

- (a) to identify the main reasons or barriers for those Parties to be in any of the abovementioned concerns;
- (b) to make an appraisal of the Party based on tailor-made bilateral actions between the FCTC Secretariat, under the guidance of the Bureau as appropriate, and each of the Parties identified;
- (c) submit to the Bureau the appraisal, with any additional comments or information from the Party, with a recommendation for action;
- (d) to prepare, under the guidance of the Bureau, a report on the actions taken on this regard and the results achieved for the consideration of COP7.

Item 6.5

Process for appointment and renewal of the term of office of the Head of the Convention Secretariat

The Conference of the Parties (COP),

Recalling decisions FCTC/COP1(10) on the establishment of a permanent secretariat of the Convention, FCTC/COP4(6) on the Head of the Convention Secretariat, FCTC/COP5(20) on the role of the Bureau of the COP, and FCTC/COP5(21) on the appointment and renewal of the term of office of the Head of the Convention Secretariat;

Taking note of the recommendations by the Bureau of the COP contained in document FCTC/COP/6/25,

1. DECIDES to establish the following process for the appointment of the Head of the Convention Secretariat, term of office and possible renewal of the terms of office:

(1) The Bureau of the COP, in consultation with participation of the Regional coordinators, shall prepare a job description for the Head of the Secretariat, in consultation with the WHO Secretariat, on the basis of the existing job description, Article 24.3 and other relevant Articles of the WHO FCTC, and taking into account deliberations made by the COP at its sixth session; the job description shall be submitted to the Director-General of WHO no later than eight months before the contract of the incumbent ends;

(2) The COP shall invite the Director-General of WHO to advertise the post of Head of the Secretariat, as submitted by the Bureau, no later than 30 days after submission; to ensure wide circulation of the advertised post, including by informing and inviting Parties to the WHO FCTC to encourage qualified candidates to apply; and to utilize the WHO Secretariat services to screen applications;

(3) The WHO Secretariat services shall forward to the Bureau a complete list of all applications received along with recommendations as to which candidates should be shortlisted and brief reasons for the recommendations;

(4) The Bureau, with the support of one representative of the Director-General of WHO, shall decide on an initial shortlist of no more than six candidates to be interviewed, whom it considers to be the most qualified, taking into account the job description, and following the interviews, the Bureau shall select the suitable candidate and will recommend to the Director-General of WHO a single candidate. The regional coordinator, as referred to in Rule XX of the Rules of Procedure of the Conference of the Parties, will be invited to observe along the complete selection process and will facilitate the two-way communication with the Parties in their respective regions;

(5) The WHO Secretariat services shall communicate the list of candidates and the shortlist of candidates to be interviewed to the Parties of the WHO FCTC, through a dedicated and protected website;

(6) The appointment of the Head of the Secretariat shall be made by the Director-General of WHO in consultation with the President of the COP;

(7) The term of office of the third and subsequent Heads of the Secretariat shall be for a period of four years, with the possibility of being selected for a single period of four years following the process described above in subparagraphs 1(1) to 1(6);

2. DECIDES also:

(1) To mandate its Bureau, with the support of the regional coordinators and in consultation with the Parties, to prepare proposals for consideration by the COP on the process and methodology by which the performance evaluation of the current and subsequent Head of the Secretariat should be conducted, and to report thereon to the COP at its seventh session.

Item 6.6

Accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

The Conference of the Parties,

Recalling 17th and 18th preambular paragraphs and Article 5.3 of the Convention;

Recalling decision FCTC/COP5(22), and decisions FCTC/COP2(6) and FCTC/COP4(23);

Having considered the proposals contained in document FCTC/COP/6/26,

1. DECIDES, in accordance with Rule 31.3 of its Rules of Procedure:

(a) to maintain the observer status of the following organizations:

Corporate Accountability International; European Network for Smoking and Tobacco Prevention; FDI World Dental Federation; Framework Convention Alliance on Tobacco Control; International Alliance of Women; International Council of Nurses; International Federation of Pharmaceutical Manufacturers & Associations; International Network of Women Against Tobacco; International Pharmaceutical Federation; International Union Against Tuberculosis and Lung Disease; Medical Women's International Association; Union for International Cancer Control; World Federation of Public Health Associations; World Heart Federation; World Medical Association; World Self-Medication Industry;

(b) to discontinue the observer status of the following organizations:

Council for International Organizations of Medical Sciences; International Association of Rural Medicine and Health; International Association of Logopedics and Phoniatrics; International Commission on Occupational Health; International Federation of Medical Students Associations; International Organization for Standardization; International Society of Nurses in Cancer Care; World Organization of Family Doctors;

(c) to defer a decision on whether to maintain observer status of the following organizations pending receipt of clarification of the reasons for the non submission of a report, and submission of a report during the next NGO reporting cycle, which will precede the seventh session of the COP; observer status should be automatically discontinued should no such report be submitted in that period:

Consumer International; International Pharmaceutical Students' Federation

2. FURTHER DECIDES to adopt the standard reporting questionnaire contained in the Annex of document FCTC/COP/6/26 to be used by nongovernmental organizations for future reporting and to request the Convention Secretariat to make this questionnaire available on the website of the WHO FCTC for the use of organizations to submit their reports;

3. ENCOURAGES nongovernmental organizations to participate in the sessions of the COP as a key means of exercising their rights as observers.

Item 6.8

**Amendments to the Rules of Procedure of the Conference of the Parties
to the WHO FCTC**

The Conference of the Parties (COP),

Recalling that its Rules of Procedure have been adopted at its first session held in 2006;

Having considered the proposals contained in document FCTC/COP/6/28,

1. ADOPTS the proposals for amendments to the Rules of Procedure of the COP contained in the Annex to this decision;
2. DECIDES:
 - (a) to request its Bureau, with the support of the regional coordinator from each region or one representative designated by him/her who should preferably be based in Geneva, the Convention Secretariat and the WHO Office of the Legal Counsel, to conduct a review of its Rules of Procedure and to identify, in consultation with Parties, rules to which amendments could be made and other areas requiring further clarification;
 - (b) to draft proposals and to submit them for its consideration at its seventh session.

ANNEX

**AMENDMENTS TO THE RULES OF PROCEDURE OF THE CONFERENCE OF
THE PARTIES TO THE WHO FCTC**

Line No.	Provision in the current Rules of Procedure	Proposed amendment
1	Rule 2: Definitions	Add a new definition under Rule 2: “open sessions or meetings” means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations that have observer status pursuant to Rules 30 and 31, respectively.
2	Rule 4	Insert a new paragraph in Rule 4, between paragraphs 2 and 3: 3. To the extent possible, regular sessions of the Conference of the Parties shall be held in the second half of a financial biennium.

Line No.	Provision in the current Rules of Procedure	Proposed amendment
3	Rule 15	<p>Insert a new paragraph in Rule 15:</p> <p>(g) prepare formal agendas, papers and summary records of intersessional meetings of the Bureau, to be made available to the Parties, in a timely manner.</p>
4	None – Intersessional meetings of the Bureau	<p>Insert a new Rule 24 bis:</p> <p>1. The intersessional meetings of the Bureau shall be attended by its members and essential staff of the Secretariat, unless the Conference of the Parties or the Bureau decides otherwise. <u>Regional coordinators shall be allowed to observe the meetings of the Bureau.</u></p> <p>2. Each officer of the Bureau may be accompanied during meetings of the Bureau by not more than one adviser; the President may be accompanied by additional advisers as necessary to support the exercise of his or her function.</p> <p>3. Where an officer of the Bureau is unable to attend a meeting of the Bureau, an alternate of the same Party shall be designated by the Party concerned.</p> <p>4. Should an officer of the Bureau fail to attend two consecutive meetings of the Bureau, that fact shall be reported by the Head of the Secretariat to the next session of the Conference of the Parties. Unless the Conference of the Parties decides otherwise, that Party shall be deemed to have forfeited its right to have a representative serve on the Bureau.</p>
5	None – Intersessional role of the Bureau	<p>Insert a new Rule 24ter</p> <p>1. In addition to the functions that the Conference of the Parties may assign to it from time to time, and in addition to those described in Rules 6, 9, 19 and 21–24, the functions of the Bureau shall include the following :</p> <p>(a) to make a recommendation to the Director-General of WHO regarding the appointment of the Head of the Secretariat, and undertake the performance evaluation on matters related to delivery of treaty and technical activities for possible renewal of the Head of the Secretariat’s term of office, in accordance with arrangements that may be decided by the Conference of the Parties;</p> <p>(b) to facilitate the process for nominations to subsidiary bodies of the Conference of the Parties;</p> <p>(c) to provide guidance to the Convention Secretariat on implementation of the workplans and budgets adopted by the Conference of the Parties;</p> <p>(d) to provide guidance to the Secretariat, as necessary, in the preparation of reports, recommendations and draft decisions to be submitted to the Conference of the Parties;</p>

Line No.	Provision in the current Rules of Procedure	Proposed amendment
		<p>(e) to propose the date and venue of sessions of the Conference of the Parties and its subsidiary bodies;</p> <p>(f) to review the applications of nongovernmental organizations that apply for the status of observer to the Conference of the Parties and make recommendations in that regard to the Conference of the Parties;</p> <p>(g) to review the applications of international intergovernmental organizations that apply for the status of observer to the Conference of the Parties and make recommendations in that regard to the Conference of the Parties; and</p> <p>(h) to provide other guidance to the Secretariat as requested by the Conference of the Parties.</p> <p>2. Officers of the Bureau, in collaboration with their respective regional coordinators, shall liaise and consult with the Parties of their respective regions between the sessions of the Conference of the Parties with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work.</p>
6	None – Role of the regional coordinator	<p>Insert a new Rule 24quater</p> <p>1. At each regular session of the Conference of the Parties, the Parties in each WHO region shall elect a regional coordinator, whose term will extend to the closing of the next session of the COP.</p> <p>2. The regional coordinator shall perform the following functions:</p> <p>(a) liaise with the officer of the Bureau representing the region and facilitate consultations with the Parties in the region between the sessions of the Conference of the Parties with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work;</p> <p>(b) receive working documents or proposals of the Bureau and ensure that they are circulated to the Parties in the region;</p> <p>(c) collect and send comments on such documents or proposals to the officer of the Bureau; and</p> <p>(d) act as a channel for the exchange of information, including a copy of invitations to the meetings for the implementation of the Convention, and coordination of activities with other regional coordinators.</p>
7	Rule 29	<p>Amend the text of Rule 29 as follows:</p> <p>1. Any Member State of WHO which is not a Party to the Convention, any Associate Member of WHO, or any other State which is not a Party to the Convention but which is a Member of the United Nations, or its specialized agencies or of the International Atomic Energy Agency, and any regional economic integration organization, as defined in Article 1(b) of the Convention, which is not a Party to the Convention, may attend the public <u>or open</u> sessions of the Conference of the Parties or meetings of its subsidiary bodies as an observer.</p>

Line No.	Provision in the current Rules of Procedure	Proposed amendment
		2. Observers under this Rule may participate without the right to vote in the public <u>or open</u> meetings of the Conference of the Parties and its subsidiary bodies and may speak only after the Parties. Regional economic integration organizations may speak only on matters within their competency.
8	Rule 30, par. 1	<p>Amend the text of Rule 30, paragraph 1, as follows:</p> <p>1. Any international intergovernmental organization may apply, in accordance with its internal rules, to the Secretariat for observer status, which may be granted by the Conference of the Parties, <u>based on the report from the Secretariat</u>, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. <u>Such applications, duly endorsed by the governing body of the organization concerned, should be submitted to the Secretariat not later than ninety days before the opening of the session.</u></p>
9	Rule 30, par. 2	<p>Amend the text of Rule 30, paragraph 2, as follows:</p> <p>2. Observers under this Rule may participate without the right to vote in public <u>or open</u> meetings of the Conference of the Parties and its subsidiary bodies and may speak after the observers referred to in Rule 29.</p>
10	Rule 31, par. 4	<p>Amend the text of Rule 31, paragraph 4, as follows:</p> <p>4. Observers under this Rule may participate without the right to vote in public <u>or open</u> meetings of the Conference of the Parties and of its subsidiary bodies and may speak after the observers referred to in Rules 29 and 30.</p>

= = =