Report of the sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

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1. OPENING OF THE SESSION

1. The sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC COP6) was held at the World Trade Centre (Moscow, Russian Federation) from 13 to 18 October 2014. Representatives of 137 Parties to the Convention took part. Also present were representatives of six States non-Parties, as well as 10 nongovernmental organizations and four intergovernmental organizations accredited as observers. For the agenda of the meeting, see Annex 1 of this report. For the list of documents, see Annex 2.

2. The session was opened by the President of the COP, Professor Chang-jin Moon (Republic of Korea).

3. Ms Veronika Skvortsova, Minister of Health of the Russian Federation, welcomed participants and conveyed a message from the President of the Russian Federation, Vladimir Putin (see Annex 3), in which President Putin commended the role of the Convention in the consolidation of international efforts to curb tobacco use and wished the Conference every success.

4. Minister Skvortsova briefly reviewed the situation of tobacco control in the Russian Federation, including the adoption of the national anti-tobacco policy concept (2010) and the federal law to protect citizens from the effects of second-hand smoke (2013). She reported that the Russian Federation was currently preparing the legislation required for ratification of the Protocol on Illicit Trade in the near future (see Annex 4).

5. The full text of Minister Skvortsova’s address and the message from President Putin are reproduced in Annexes 3 and 4 of this report.

6. Dr Margaret Chan, Director-General of WHO, addressed the COP (see Annex 5), emphasizing the need to resist the attempts of the tobacco industry to undermine tobacco control by means, for example, of litigation and interference in the process of government policy-making. The Convention, as well as bringing immediate and long-term health benefits, provided an important model for collaboration between various sectors of government and United Nations agencies. The full text of the Director-General’s address is reproduced in Annex 5 of this report and was subsequently published as document FCTC/COP/6/DIV/4.

7. The President welcomed the new Head of the Convention Secretariat, Dr Vera Luiza da Costa e Silva, and paid tribute to her predecessor, Dr Haik Nikogosian. Since the previous session of the COP, Ethiopia and Tajikistan had become Parties to the Convention, and for El Salvador the Convention was about to enter into force, which would bring the total number of Parties to 179. Gabon, Mongolia, Nicaragua and Uruguay had acceded to the Protocol on Illicit Trade in Tobacco Products. A number of challenges remained, however: raising awareness of the Protocol, resisting the interference of the tobacco industry and ensuring that appropriate, evidence-based approaches were taken to novel and emerging tobacco products such as electronic cigarettes, smokeless tobacco products and waterpipes.

1 In some cases, representatives of Parties requested that their positions be recorded in this report along with the name of their Party. In other cases, Parties are not mentioned by name.

2 For the list of participants, see document FCTC/COP/6/DIV/1 Rev.1 available at http://www.who.int/fctc/publications.
1.1 Adoption of the agenda and organization of work

Documents FCTC/COP/6/1 Rev.2 and FCTC/COP/6/1 Rev.2 (annotated)

8. The COP adopted the provisional agenda, contained in document FCTC/COP/6/1 Rev.2, without amendment. The agenda is reproduced in Annex 1 of this report.

9. The COP appointed two committees, which worked concurrently from the second day of the session. Committee A considered agenda item 4, and Committee B agenda items 5 and 6. The remaining items were considered in plenary.

10. The following representatives were elected to serve as the officers of Committees A and B, pursuant to Rule 28 of the Rules of Procedure of the COP (decision FCTC/COP6(3)):

   Committee A:
   - Dr Nuntavarn Vichit-Vadakan (Thailand), Chair.
   - Dr David Acurio, (Ecuador) and Mr Behzad Valizadeh (Islamic Republic of Iran), Vice-Chairs.

   Committee B:
   - Mr Andrew Black, (United Kingdom of Great Britain and Northern Ireland), Chair.
   - Dr Ivanhoe Escartin (Philippines) and Dr Welani Chilengwe (Zambia), Vice-Chairs.

1.2 Credentials of participants

   Document FCTC/COP/6/2

11. In accordance with Rule 19 of the Rules of Procedure of the COP, the COP agreed at its first plenary meeting that the Bureau of the COP, with the assistance of the Convention Secretariat, would examine the credentials of the delegates and would report thereon to the COP during the session. The report was duly produced, as document FCTC/COP/6/2, on 15 October. The COP adopted the relevant decision (FCTC/COP6(4)) at its fourth plenary meeting, on 15 October. At its fifth plenary meeting, on 18 October, the COP agreed to accept the credentials of Ecuador, Estonia, Lithuania and United Republic of Tanzania, which had been received in full and due form in the interim.

1.3 Election of a member of the Bureau to represent the Region of the Americas, in replacement of the representative of Canada

12. In accordance with Rules 21.2 and 24.1 of the Rules of Procedure, the Region of the Americas was invited to put forward a new candidate to replace the representative of Canada, Mr Denis Choinière, for the remainder of his term of office. Dr Reina Roa of Panama was elected to replace Mr Choinière until the closure of the session. At its first plenary meeting, on 13 October, the COP adopted decision FCTC/COP6(1) on this matter.
2. APPLICATIONS FOR THE STATUS OF OBSERVER TO THE CONFERENCE OF THE PARTIES

Documents FCTC/COP/6/3, FCTC/COP/6/3 Add.1 and FCTC/COP/6/4

13. The COP considered applications for observer status from one intergovernmental organization, the East African Community (see document FCTC/COP/6/3), and four nongovernmental organizations: the Zimbabwe Framework for Tobacco Control Trust, the World Farmers’ Organization, the Southeast Asia Tobacco Control Alliance (see document FCTC/COP/6/3) and the Campaign for Tobacco-Free Kids (see document FCTC/COP/6/3 Add.1). It further considered the application by the International Criminal Police Organization (INTERPOL) (see document FCTC/COP/6/4).

14. Representatives of Parties in the WHO African Region expressed reservations about the applications by the East African Community and the Zimbabwe Framework for Tobacco Control Trust, noting that the Trust was a recently formed organization whose activities and affiliations were not well known in the Region.

15. Many Parties likewise expressed reservations about the application by the World Farmers’ Organization given that, in the past, many farmers’ associations had been shown to have links with the tobacco industry.

16. Parties of the WHO South-East Asia Region expressed support for the application by the Southeast Asia Tobacco Control Alliance.

17. Many Parties welcomed the application by the Campaign for Tobacco-Free Kids, which had supported many of them in the development of national tobacco control policies and in implementation of the Convention.

18. The COP decided to reject the applications by the Zimbabwe Framework for Tobacco Control Trust and the World Farmers’ Organization, and defer consideration of the application by the East African Community until its next session. It further decided to grant the status of observer to the Southeast Asia Tobacco Control Alliance and the Campaign for Tobacco-Free Kids.

19. Pursuant to decision FCTC/COP5(2), the Bureau had liaised with INTERPOL to seek clarification on considerations relating to its application for observer status, taking into account Rule 30 of the Rules of Procedure of the COP, in particular in relation to Article 5.3 of the Convention. Information about the Bureau’s interactions with INTERPOL was contained in document FCTC/COP/6/4.

20. Participants appreciated INTERPOL’s work on combating international crime and illicit trade. Nonetheless, its acceptance of funding from Philip Morris International Inc. ran counter to the spirit of Article 5.3. The COP therefore did not wish to grant observer status to INTERPOL.

21. At its first plenary meeting, on 13 October, the COP adopted decision FCTC/COP6(2).
3. ADDRESS BY THE HEAD OF THE CONVENTION SECRETARIAT AND REPORT ON GLOBAL PROGRESS IN IMPLEMENTATION OF THE WHO FCTC, FOLLOWED BY A GENERAL DEBATE

Documents FCTC/COP/6/5, FCTC/COP/6/5 Add.1 and FCTC/COP/6/DIV/3

22. In her address (see Annex 6), Dr da Costa e Silva, Head of the Convention Secretariat, paid tribute to her predecessor for his dedicated work over the previous seven years. Since COP5 the Secretariat had conducted 16 needs assessments with Parties’ governments and had received reports from 130 Parties in the 2014 reporting cycle. An open-ended intersessional drafting group had developed guidelines for implementation of Article 6 of the Convention, on price and tax measures, while the Secretariat had also convened two meetings of Party-nominated experts to consider Article 19 on liability. Four Parties to the Convention had acceded to the Protocol to Eliminate Illicit Trade in Tobacco Products, and its entry into force before COP7 would be one of the Secretariat’s priorities.

23. All Parties would need to make concerted efforts to attain the global target (endorsed by the World Health Assembly) of a 30% relative reduction in the prevalence of current tobacco use in persons aged 15 years and older by 2025. The Convention offered Parties the tools to resist interference by the tobacco industry, to promote economically viable alternative activities to growing tobacco, and to protect the most vulnerable populations. The core operating values of the Secretariat would be partnership and coordination, not only with WHO but also with all civil society organizations and entities in the United Nations system that were friends of the Convention.

24. In the debate that followed, widespread appreciation was expressed to the Russian Federation for its hospitality. The outgoing Head of the Convention Secretariat was commended for his efforts to promote tobacco control and his successor was congratulated on her appointment. Parties emphasized the need to continue and further accelerate implementation of the Convention and highlighted the need for partnerships between government and civil society as well as strong collaboration with the Convention Secretariat to that end. A number of Parties outlined measures taken at the national level to implement the Convention since COP5, including drafting legislation and raising awareness among consumers and policy-makers. Although progress had been made in reducing tobacco consumption and the associated health, economic and environmental problems, challenges remained. Several Parties highlighted the need to mobilize resources to assist countries with limited means in implementing the Convention. Many Parties drew attention to the importance of promoting the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products, and a number indicated that the process was under way.

25. Parties emphasized the need to counter the aggressive tactics of the tobacco industry, including, in particular, legal challenges and the promotion of alternative nicotine products, and to resist industry interference in tobacco control activities. Several Parties encouraged further work to ensure that domestic public health policies with respect to tobacco control were protected from commercial and other vested interests of the tobacco industry in accordance with Article 5.3 of the Convention. It was important to promote economically viable alternatives to tobacco growing, as farmers were also under pressure from the industry. At the same time it was pointed out that tobacco growing was a mainstay of the economy in some countries, opportunities for diversification were limited and due consideration must be given to ensuring the livelihood and welfare of farmers. Many Parties outlined the price and

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1 Subsequently published as document FCTC/COP/6/DIV/3.
tax measures they had taken to reduce the demand for tobacco; in that regard, several expressed support for the draft guidelines for implementation of Article 6 of the Convention contained in the Annex to document FCTC/COP/6/7. The need to respect States’ fiscal sovereignty was underlined, however.
4. TREATY INSTRUMENTS AND TECHNICAL MATTERS

4.1 Status of the Protocol to Eliminate Illicit Trade in Tobacco Products

Document FCTC/COP/6/6

26. The Convention Secretariat introduced its report on the status of the Protocol to Eliminate Illicit Trade in Tobacco Products, adopted by COP5 in decision FCTC/COP5(1). The report outlined the activities undertaken to promote the Protocol’s entry into force. Parties were invited to complete an online questionnaire regarding what challenges they faced in ratifying, accepting, approving or acceding to the Protocol and how the Convention Secretariat could best support them in overcoming those challenges.

27. Many Parties said that they expected to accede to the Protocol before COP7. Many also noted their need for capacity-building assistance and support in developing laws and regulations relating to illicit trade in tobacco products. The importance of international coordination and cooperation to combat such trade and the need for regional arrangements to facilitate implementation of the Protocol after its entry into force were highlighted. Parties reported on their efforts to implement the Protocol’s provisions even before its entry into force, including through the introduction of tracking and tracing systems and the enactment of legislation. It was suggested that the Convention Secretariat should work with the WHO regional offices to promote the exchange of information, experience and best practices in that regard. Some Parties called for ongoing capacity-building assistance to be made available through the WHO regional offices.

28. Committee A considered a draft decision on the status of the Protocol, which proposed the establishment of an open-ended intergovernmental working group to prepare a draft budget and workplan for the first financial period following the entry into force of the Protocol, as well as the draft rules of procedure and financial rules of the Meeting of the Parties. The draft decision further requested the Convention Secretariat to provide Parties with technical and legal advice to assist them in their implementation of the Protocol.

29. An amended version of the draft decision was prepared by an informal drafting group to reflect the concerns expressed by Parties, notably about the cost-effectiveness of establishing an intergovernmental working group and how such a group would be financed. Some Parties suggested that the Convention Secretariat might be entrusted with the administrative preparations for the Meeting of the Parties. The revised draft decision was further amended by Committee A to indicate that the panel of experts the Convention Secretariat had been requested to establish should, inter alia, provide Parties with technical and legal advice upon request, including on customs, tax administration and enforcement. One Party said that it wished to reserve the right to comment further on the mandate and financing of the panel of experts.

30. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(6), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).
4.2 Guidelines for implementation of Article 6 of the WHO FCTC: “Price and tax measures to reduce the demand for tobacco”: report by the open-ended intersessional drafting group  

Document FCTC/COP/6/7

31. The representative of a Party, speaking on behalf of the Chair of the open-ended intersessional drafting group established in accordance with decision FCTC/COP5(7), introduced the report and draft guidelines, which were set out in document FCTC/COP/6/7. He briefly summarized the extensive and inclusive process leading to the preparation of the draft guidelines, which had begun at COP4. He drew attention to the position statement submitted by the European Union, and supported by Canada, Guatemala and the Philippines, set out in paragraph 10 of the report. Concerning use of terms, he said that “share of taxes in retail price” should read “... inclusive of all taxes, accounted for by all relevant taxes on that product”. Since the draft guidelines had already been sent to all Parties for comment, he hoped that they could be adopted without change.

32. Parties considered a draft decision on guidelines for implementation of Article 6 of the WHO FCTC. They emphasized that tobacco taxation was one of the most effective tobacco control measures and welcomed the process that had culminated in the development of the draft guidelines. Strong support was expressed for the adoption of the draft guidelines without change, since they did not infringe upon the sovereign right of Parties to establish their own taxation policies and drew on the best available evidence and best practices. Some Parties highlighted the need for further work by the Convention Secretariat concerning data collection and technical assistance, and for additional efforts to prohibit or restrict the sale of tobacco products in tax- and duty-free shops.

33. While there was overwhelming support for the adoption of the draft guidelines without change, several Parties, including Guatemala, the former Yugoslav Republic of Macedonia and Uruguay, expressed reservations about the provisions of section 3.2 of the draft guidelines, which some felt would infringe countries’ sovereign right to determine their own taxation policies. The reference in footnote 1 to a WHO recommendation that tobacco excise taxes account for at least 70% of the retail prices for tobacco products was considered especially problematic, and some Parties recommended its removal. Support was expressed by Japan and several other Parties for the understanding stated by the European Union, namely that a reference to a particular tax or excise rate in a WHO publication should not be understood as being a recommendation by the WHO FCTC to its Parties.

34. The delegation of Guatemala said that it could accept the draft guidelines, provided that its position on section 3.2 of the draft guidelines as well as with regard to the scope of the draft guidelines, as reflected in document FCTC/COP/6/7, were noted in the report of the COP, as stated in paragraph 10 of document FCTC/COP/6/7.

35. Committee A approved the draft decision to be submitted to the COP for adoption. At its fourth plenary meeting, on 15 October, the COP adopted the guidelines, as appended to the first report of Committee A (document FCTC/COP/6/A/R/1), as decision FCTC/COP6(5).

4.3 Implementation of Article 19 of the WHO FCTC: “Liability”: report by the expert group

Document FCTC/COP/6/8

36. At its fifth session, the COP had (in decision FCTC/COP5(9)) established an expert group on liability that was mandated to report on facts, information and options in relation to implementation of
Article 19 of the WHO FCTC to the sixth session of the COP. The group’s report was contained in document FCTC/COP/6/8.

37. Committee A discussed a draft decision on the implementation of Article 19. Introducing the draft decision, the Chairperson of the expert group noted that liability claims were a powerful, but currently underused, way of obtaining compensation from the tobacco industry. Such claims required painstaking preparation and were perceived as being difficult to pursue because of their legal complexity, the superior resources at the disposal of the tobacco industry and the delaying tactics it employed. Parties needed more expert advice and information about current best practices.

38. In the ensuing discussion, Parties stressed the need for generic guidance relevant to different legal systems: a single model law, for instance, might not be suitable for use by all Parties.

39. Many Parties considered that, given the technical nature of the subject, it would be better to continue work on the issue of liability by renewing and expanding the mandate of the existing expert group. Others preferred the proposal in the draft decision to establish a working group of governmental representatives, with technical support from the Convention Secretariat.

40. An amended version of the draft decision was prepared by an informal drafting group. The drafting group had decided that it would be preferable to renew the mandate of the expert group as set out in decision FCTC/COP5(9), but to ask the group to focus mainly on civil liability, not criminal liability, as there had been few tobacco-related criminal cases to date and therefore little information on criminal liability was available; at the same time, much work remained to be done in order for the expert group to complete its mandate in relation to civil liability.

41. Several Parties felt strongly that the expert group’s mandate should continue to include criminal liability. It was pointed out in that regard that the provisions of Article 19 of the Convention relate to both civil and criminal liability and that the expert group had not completed its mandate with regard to criminal liability, either.

42. After further informal consultations a compromise solution was proposed whereby the COP would renew the mandate of the expert group in accordance with decision FCTC/COP5(9) and request the group, prior to COP7, to complete its work and provide a final report on approaches that might assist Parties to strengthen civil liability mechanisms across a variety of legal systems. It was noted that the group would thus retain its original mandate, which encompassed work in respect of both criminal and civil liability.

43. The draft decision was amended to incorporate Parties’ views and discussed further by Committee A. It was agreed that the expert group would comprise three experts and two observers from each of the WHO regions. The members would be nominated only by Parties, and the observers by either Parties or non-Parties: attendance by the observers would have no financial implications for the COP. Equitable representation of all WHO regions would be ensured. The report of the expert group to COP7 should cover all areas of its mandate, including any work done on criminal liability.

44. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(7), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).
4.4.1 Smokeless tobacco products

Document FCTC/COP/6/9

45. At its fifth session, the COP requested the Secretariat (in decision FCTC/COP5(10)) to invite WHO to examine several issues in relation to smokeless tobacco and electronic nicotine delivery systems, and to report on the outcome at COP6. The report contained in document FCTC/COP/6/9 described the outcome of the previous two years’ work, and requested the COP to provide further guidance.

46. Committee A discussed a draft decision on smokeless tobacco products. Parties emphasized the fact that smokeless tobacco products posed a genuine and fast-growing public health problem, not least because the great diversity of products on the market made it difficult to recommend universally applicable countermeasures. Several Parties reasserted their view that Article 4.4 of the WHO FCTC applied to all tobacco products, including smokeless products, and said that the latter should be regulated with the same rigour as traditional tobacco products. Some Parties called for a comprehensive ban on both existing and new smokeless products.

47. Concern was expressed about the growing involvement of the tobacco industry in the marketing of smokeless tobacco products, including its unproven claims that they were less harmful to health. Parties requested technical assistance in their efforts to combat the use of such products, notably the imposition of price and tax measures, and for the creation of a formal mechanism (e.g. a knowledge hub) to promote the collection and sharing of data on their chemical composition, health effects, patterns of use and attractiveness to young people.

48. Some Parties supported a proposal to establish an expert group which would prepare a draft global strategy to counter the involvement of the tobacco industry in the marketing of smokeless tobacco products, for consideration at COP7.

49. An amended version of the draft decision, incorporating Parties’ suggestions, was prepared by an informal drafting group. This version was further amended by Committee A to reflect the wish of some Parties to specify areas for which product-specific policies and regulations might be developed (e.g. packaging, advertising, tax measures) and the need to take into account the provisions of the WHO FCTC. The discussion on the suggestion that the policies and regulation in question might take into account a Party’s international obligations as well as its domestic law was eventually resolved by including a reference to “applicable legal provisions”. A separate subparagraph on possible policies and regulations for public health measures (education, awareness raising) was added.

50. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(8), as appended to the second report of Committee A (document FCTC/COP6/A/R/2).

4.4.2 Electronic nicotine delivery systems, including electronic cigarettes

Document FCTC/COP/6/10 Rev.1

51. At its fifth session the COP had requested the Convention Secretariat to invite WHO to examine emerging evidence on the health impacts of the use of electronic nicotine delivery systems (ENDS) and to identify options for their prevention and control for consideration at the sixth session of the COP. Document FCTC/COP/6/10 Rev.1 incorporated deliberations and scientific recommendations on
ENDS by the WHO Study Group on Tobacco Product Regulation and analysis from a recent WHO survey on tobacco products, and requested the COP to provide further guidance.

52. Committee A considered a draft decision on prevention and control of ENDS, including electronic cigarettes, which, inter alia, invited Parties to consider taking measures to minimize potential health risks to ENDS users and non-users and requested the Convention Secretariat jointly with WHO to form an expert group to report to COP7 with an update on the evidence of the health impacts of ENDS.

53. Parties welcomed the draft decision, but some considered that it should be worded more strongly and that its scope should be broadened to cover other similar electronic delivery systems. Some Parties outlined the approaches they were taking with respect to ENDS, and a number expressed support for a complete ban on the sale, manufacture, import and export of ENDS. The need for further scientific evidence and research was highlighted, including on the health risks to users and non-users, the efficacy of ENDS as a smoking cessation aid, and the impact of such delivery systems on tobacco-control efforts and as a gateway to nicotine addiction. Some Parties said that WHO should provide an updated report on those issues to COP7, and others emphasized that the expert group should be composed of independent scientific experts and policy-makers.

54. While some Parties called for ENDS to be regulated as tobacco products, other Parties indicated that they could not support their classification as tobacco products.

55. A representative of the WHO Secretariat indicated that the report contained in document FCTC/COP/6/10 Rev.1 was also intended to cover non-nicotine electronic delivery systems.

56. A representative of the WHO Office of the Legal Counsel said that the official documentation provided by the Secretariat had been submitted for guidance and advice and would not be subject to correction by the Committee.

57. A representative of a nongovernmental organization called for immediate and concerted action to regulate ENDS and for further research on the health impacts of ENDS use.

58. The draft decision was revised by an informal drafting group to reflect the concerns expressed by Parties and discussed further by Committee A. Parties were in agreement on the majority of the revised text. However, several Parties were of the view that the title of the decision should mention both nicotine and non-nicotine products in order to make it clear that electronic delivery systems could be used with both types of products and to highlight the need to regulate both. Other Parties felt that it was sufficient to mention in the text of the decision and in a footnote that some products vaporized by electronic nicotine delivery systems might not contain nicotine.

59. After further consultation among the interested Parties, it was agreed to change the title to read “Electronic nicotine delivery and electronic non-nicotine delivery systems” and to insert the abbreviation “ENND” (non-nicotine delivery system) after “ENDS” throughout the text.

60. Several Parties were concerned about a request in the draft decision to the Convention Secretariat to invite WHO to prepare an expert report on, inter alia, the effectiveness of ENDS for smoking cessation, which might suggest that there was currently evidence that ENDS were effective for that purpose. In addition, referring only to smoking cessation might be interpreted to mean that other forms of nicotine consumption were acceptable. Following consultation among the interested Parties, it was agreed to substitute the wording “their potential role in quitting tobacco usage”.
61. Some Parties favoured removing wording that, in their view, might be construed to mean that it was acceptable to make unproven health claims about ENDS as long as they were not made by means that were false, misleading, deceptive or likely to create an erroneous impression about their characteristics, health effects, hazards or emissions. It was subsequently agreed to use wording similar to that appearing in the drafting group’s report: “prevent unproven health claims from being made about ENDS”.

62. The delegation of the Russian Federation suggested that ENDS should not be regarded as consumer products and that therefore a reference in the decision to their regulation as consumer products should be removed. The delegation agreed to retain the reference to consumer products, provided its views were noted in the report of the COP.

63. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(9), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).

4.4.3 Waterpipe tobacco smoking

Documents FCTC/COP/6/11 and FCTC/COP/6/11 Corr.1

64. This agenda item had been proposed by two Parties in accordance with Rule 7 of the Rules of Procedure of the COP. Waterpipe tobacco smoking accounts for a significant and growing share of tobacco use globally. The COP was invited to note the information provided in documents FCTC/COP/6/11 and FCTC/COP/6/11 Corr.1, which outlines key facts about waterpipe tobacco products and reviews the prevalence, economics and environmental aspects of these products as well as Parties’ experiences; the report also addresses the need to identify best practices and promote and support strategies and policies to prevent and control waterpipe use and promote collaboration among Parties where waterpipe use is a major public health concern.

65. A representative of the Convention Secretariat introduced the report, highlighting the growing prevalence of waterpipe tobacco use around the world, especially among young people; the factors contributing to this rising prevalence, in particular the addition of flavourings, which increase the appeal of waterpipe tobacco products; the health risks associated with their use; and the need to strengthen knowledge and research on all aspects of the problem.

66. Committee A considered a draft decision proposed by a Party, which aimed to enhance surveillance of waterpipe use and strengthen implementation of the WHO FCTC in relation to waterpipe tobacco products. The draft decision also proposed to expand the mandate of the working group on Articles 9 and 10 to cover methods to test the content and emissions of tobacco used in waterpipes.

67. Parties affirmed the need for increased research, especially qualitative research, in order to understand why people use waterpipe products and design effective interventions to discourage their use. Parties also noted the need to educate people about the risks and harmful effects of the use of such products and dispel misconceptions about their safety. The need to strengthen relevant regulations and standards was highlighted. Some delegations favoured the inclusion of a provision calling for a ban on the import, distribution and sale of waterpipe tobacco products, but others felt that such a provision would render the decision unacceptable to many Parties, and after discussion it was decided not to include it. Several amendments were suggested in order to clarify or strengthen certain aspects of the draft decision.
68. The delegation of the Russian Federation indicated its intention to submit a proposed amendment to the report concerning the risk of infectious disease transmission as a result of waterpipe use.

69. The draft decision was amended by an informal drafting group and then discussed further by Committee A. It was agreed that the use of waterpipe tobacco products should be taken into account by the working groups established by the COP, especially the working group on Articles 9 and 10. Information on waterpipe tobacco products should be incorporated into existing knowledge hubs; there was no need to create a dedicated new hub. One Party highlighted the potential risks associated with all products used in waterpipes, whether they contained tobacco or not.

70. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(10), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).

4.5 Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC): report by the working group

Document FCTC/COP/6/12

71. At its fifth session, the COP had (in decision FCTC/COP5(8)) requested the working group established in decision FCTC/COP3(16) to continue to work, under a new mandate, and to conclude that work by its sixth session. The report by the working group, containing draft policy options and recommendations, was set out in document FCTC/COP/6/12.

72. Parties commended the efforts of the working group and some emphasized that the COP, which had been considering the issue since 2007, must adopt draft policy options and recommendations on economically sustainable alternatives to tobacco control at its current session. However, it was pointed out that the draft policy options and recommendations contained in the Annex to document FCTC/COP/6/12 required further refinement. For example, while the involvement of tobacco growers in policy development was important in order to achieve a viable solution, some Parties considered that Guiding Principle 2 could leave policy development vulnerable to interference from the tobacco industry.

73. It was noted that tobacco growing was a major source of revenue for a number of countries and that a sudden shift could upset the national economic balance. In that regard, the importance of international cooperation and information sharing was highlighted, and the Convention Secretariat was requested to provide examples of successful sustainable alternatives to tobacco growing.

74. An international organization (the International Labour Organization), which was unable to be present at the COP, provided a statement to the Convention Secretariat in which it noted its support for and previous contribution to the work under the WHO FCTC in this area, and the fact that it remained keen to maintain its cooperation with the Convention Secretariat in supporting transitions to alternative livelihoods from tobacco growing, continuing the ongoing exchange of information, and assisting with relevant data on employment trends and working conditions to facilitate evidence-based policy decision-making.

75. An informal group was established to work, as a priority, on the draft policy options and recommendations in the light of the concerns expressed by Parties. The group prepared an amended version of the draft policy options and recommendations, which Committee A approved with no
further changes. In the accompanying draft decision, Parties called for a report on implementation of the decision to be submitted to COP7, incorporating case studies and Parties’ experiences both before and since the decision’s adoption.

76. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(11), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).

4.6 Further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC: “Regulation of the contents of tobacco products” and “Regulation of tobacco product disclosures”: report by the working group

Documents FCTC/COP/6/13, FCTC/COP/6/14 and FCTC/COP/6/14 Add.1

77. At its fifth session, the COP had adopted further partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC and had, in decision FCTC/COP5(6), mandated the working group that had originally been established in decision FCTC/COP1(15) and had received mandates at subsequent COPs, to continue its work in that area. One of the Key Facilitators introduced the report on progress on further development of the partial guidelines contained in document FCTC/COP/6/13. The working group had not yet been able to reach consensus on draft text on testing and measuring nicotine and tobacco-specific nitrosamines (TSNAs) or on the definition of “constituents” and sought further guidance from the COP.

78. A representative of the WHO Secretariat gave a brief overview of work being undertaken by WHO pursuant to decision FCTC/COP5(6), as described in document FCTC/COP/6/14. A report on progress of the validation of analytical chemical methods for testing and measuring cigarette contents and emissions was contained in document FCTC/COP/6/14 Add.1.

79. Committee A considered a draft decision on further development of the partial guidelines, which, inter alia, requested the Convention Secretariat to invite WHO to assess, within two years, the applicability of the standard operating procedures to tobacco products other than cigarettes, and mandated the working group to continue developing guidelines.

80. One Party underscored the importance of achieving an agreed definition of “constituents”, and called for further scientific evidence regarding the correlation between nicotine levels and dependence. There was also a need for further scientific research on the impact of reduced ignition propensity cigarettes and on the nine toxicants recommended for mandated lowering. The delegation of Jamaica and one other Party expressed concern regarding deficiencies in ISO methods for testing cigarette emissions and considered that the working group should be mandated to submit a progress report on the disclosure, testing and measuring of contents and emissions to COP7 rather than draft partial guidelines.

81. In response to a comment from some Parties, the Head of the Convention Secretariat confirmed that matters relating to the workplan and budget and the proportion of activity costs covered by voluntary assessed contributions or extrabudgetary funds would be addressed by Committee B.

82. Parties commended the activities of the working group and WHO’s work in relation to Articles 9 and 10. One Party said that the working group should consider other tobacco products, such as cigars and cigarillos, but it was pointed out that standardized methods to test and measure their contents and emissions did not yet exist. Several amendments were made to clarify and strengthen certain aspects of
the draft decision and reflect the concerns expressed by Parties, notably the need for WHO to assess whether the standard operating procedures for nicotine and TSNAs in cigarette contents and emissions were applicable or adaptable to waterpipe tobacco products, and for further information on the toxic contents and emissions of waterpipe and smokeless tobacco products.

83. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(12), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).

4.7 Impact assessment of the WHO FCTC

Document FCTC/COP/6/15

84. The Convention Secretariat introduced its report on impact assessment of the WHO FCTC, which had been prepared pursuant to decision FCTC/COP5(12). The report outlined options, with associated cost implications, for conducting an impact assessment of the WHO FCTC after its first 10 years of operation. The COP was requested to provide further guidance, in particular on the options and timeline.

85. Committee A considered a draft decision put forward by a Party, which called for an impact assessment to be conducted by a small independent expert group, with the group’s report to be submitted to COP7. The proposed purpose of the assessment would be to examine the impact of the WHO FCTC on the implementation of tobacco control measures and on the effectiveness of that implementation in order to assess the impact of the Convention as a tool for reducing tobacco consumption and prevalence after its first 10 years of operation. The group would be mandated to examine the Convention’s impact in selected Parties at different levels of economic development.

86. Parties generally supported the idea of an impact assessment, although some felt that the added value of such an assessment had yet to be clearly demonstrated and cautioned that, if an assessment was to be undertaken, it must have a clear focus and not overlap with existing evaluation tools. Those who favoured the idea were of the view that an impact assessment would yield important evidence for strengthening policies, planning future tobacco control activities and gaining support for the implementation of the Convention. It was considered important that the assessment should look not only at the Convention’s impact on the implementation of tobacco control measures, but also its health, social, economic and environmental impacts and its effects on socioeconomically disadvantaged groups and on children; additionally, it should take into account gender considerations. It was also suggested that the expert group should be mandated to propose indicators and methodologies for assessing prevalence and consumption.

87. Clarification was sought regarding the scope of the assessment and the Parties in which the Convention’s impact would be examined. It was proposed that three Parties should be selected from each of the four income categories used by the World Bank: low income, lower middle income, upper middle income and high income. The scope of the assessment would be as described under option A in paragraph 27 of document FCTC/COP/6/15. The assessment would comprise an initial phase of desk research, followed by more detailed data collection, policy analysis and interviews with key stakeholders in the selected Parties. The total cost was estimated at US$ 250 000.

88. An amended version of the draft decision was prepared by an informal drafting group and discussed further by Committee A. Some Parties maintained that the group’s independence, from both the COP and the Convention Secretariat, was more important than strict observance of equitable
representation of all WHO regions, while others thought that members should be nominated by their
governments in compliance with the principle of equitable representation. Several Parties stressed the
importance of involving representatives of nongovernmental organizations, academics and other
members of civil society.

89. It was agreed that the independent expert group would comprise seven experts, to be selected by
the Bureau of the COP from candidates nominated by Parties and nongovernmental organizations
accredited to the COP. The independent expert group, in consultation with the Bureau, would select
the three Parties that would undergo the first impact assessments from the group of Parties which had
expressed their willingness to do so.

90. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth
plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(13), as appended to the
second report of Committee A (document FCTC/COP/6/A/R/2).

4.8 Implementation of Article 5.3 of the WHO FCTC: evolving issues related to
interference by the tobacco industry

Document FCTC/COP/6/16

91. A Party to the WHO FCTC proposed the inclusion of this item on the agenda of COP6, in
accordance with Rule 7 of the Rules of Procedure of the COP. The aim was to address evolving issues
regarding tobacco industry interference nationally and internationally. Document FCTC/COP/6/16
was prepared by the Convention Secretariat to support consideration of the item, providing a snapshot
of the progress made in implementation of Article 5.3 of the Convention, examples of perceived
tobacco industry interference, and a review of recent work by the Secretariat and its partners to assist
Parties in implementation of this article. It also identifies potential areas in which implementation of
measures under Article 5.3 of the Convention could be strengthened.

92. A draft decision was put forward by a Party urging Parties, inter alia, to strengthen their
implementation of Article 5.3 and intensify collaborative action to address tobacco industry efforts
internationally. The draft decision also proposed the establishment of an expert group mandated to
undertake several activities aimed at furthering the implementation of Article 5.3, including
investigating tobacco industry engagement in international organizations that are in a position to
contribute to WHO FCTC implementation, and preparing a report on their impact on multisectoral
collaboration for the implementation of the Convention; developing a model policy for international
organizations to reject any contributions from the tobacco industry; elaborating on the specific roles of
various ministries and international organizations with respect to the implementation of Article 5.3;
promoting and developing reporting and related tools to encourage timely voluntary sharing of
information to enhance monitoring of tobacco industry interference; and providing further options and
strategies for support, awareness raising, international cooperation and exchange of information in
order to strengthen implementation of Article 5.3. The proposed expert group would be asked to report
on its findings to COP7.

93. In the discussion of the item within Committee A, broad support was expressed for the proposed
decision. Parties described attempts by the tobacco industry to derail their tobacco control efforts and
affirmed the need for strong international cooperation to prevent industry interference in the
formulation of public health policies and measures relating to tobacco control and to advance the
implementation of Article 5.3 of the Convention.
94. Parties called upon the Convention and WHO Secretariats to engage with international and regional organizations and seek their support in resisting interference from the tobacco industry. Parties were urged to adopt policies in line with the Article 5.3 guidelines for all levels of government, with particular emphasis on tobacco industry interference in diplomatic missions.

95. The draft decision was revised by an informal drafting group and again discussed by Committee A. Rather than establishing an expert working group, the revised draft decision suggested that the Convention Secretariat might consider seeking external expertise.

96. The informal drafting group had not reached consensus on a provision that urged Parties to adopt measures to prevent government resources and diplomatic missions from being used to promote commercial and other vested interests of the tobacco industry or to challenge tobacco-control measures in other countries. As a number of Parties were not in agreement with that provision, it was removed and replaced with a provision urging Parties to raise awareness and adopt measures to implement Article 5.3 and its guidelines among all parts of government, including diplomatic missions.

97. Some delegations questioned whether it was necessary to make specific reference to diplomatic missions, since they were governmental bodies. Others felt that it was important to highlight the fact that such missions might be especially subject to efforts by the tobacco industry to promote its interests.

98. The delegation of Colombia wondered whether the inclusion of a reference to diplomatic missions might contravene the Vienna Convention on Diplomatic Relations. The representative of the WHO Office of Legal Counsel explained that it would not because all obligations under the WHO FCTC must be met in a way that was compatible with Parties’ obligations under other international agreements. The delegation of Colombia suggested that the words “in accordance with other international agreements” should be added to the decision, but agreed to retain the wording proposed by the drafting group, provided that its views were noted in the report of the COP.

99. The drafting group had also failed to reach consensus on a provision requesting the Convention Secretariat to raise awareness among other international organizations of their role in contributing to the implementation of Article 5.3 by, inter alia, developing and/or promoting model policies. It was pointed out that model policies were not needed because the guidelines for implementation of Article 5.3 adopted by COP3 (in decision FCTC/COP3(7)) provided sufficient policy guidance, and it was therefore decided not to include the reference to model policies.

100. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(14), as appended to the second report of Committee A (document FCTC/COP/6/A/R/2).
5. REPORTING, IMPLEMENTATION ASSISTANCE AND INTERNATIONAL COOPERATION

5.1 Reporting arrangements under the WHO FCTC: Establishment of a mechanism to facilitate review of Parties’ reports

Document FCTC/COP/6/17

101. In line with decision FCTC/COP5(11), the Convention Secretariat had prepared recommendations on the establishment of a mechanism to facilitate review of Parties’ reports by the COP. The Convention Secretariat presented document FCTC/COP/6/17, which contained proposals for the composition and mandate of such a mechanism, and introduced a draft decision on its establishment for the COP’s consideration.

102. Parties expressed support for the establishment of an expert body on strengthening implementation, which would be especially useful if it provided feedback and guidance that took account of the specific situations and needs of each Party. Several representatives inquired after the budgetary arrangements for the new expert body: had provisions already been made, and from what part of the budget would the body be financed? It was important to ensure that COP7 would review the expert body’s work and issue a decision on whether to prolong its mandate and whether any changes in composition or function would be required. Questions were raised with regard to how the expert members of the group would be appointed, whether they would be government representatives conducting peer review, or independent experts, and what precautions would be taken to avoid conflicts of interests. Particular concern was raised regarding the use of the term “intergovernmental expert group”. According to WHO practice, intergovernmental bodies took definitive decisions, whereas the recommendations made by the group would need to be discussed subsequently by the COP. The word “intergovernmental” should therefore not be used in reference to the expert group. The draft decision should be revised accordingly.

103. The Convention Secretariat explained that in the proposed workplan and budget for the financial period 2016–2017, funds had been allocated from voluntary assessed contributions to cover the costs of the work of the group.

104. The representative of the WHO Office of the Legal Counsel agreed that, in this specific case, the term “intergovernmental” should not be applied to the expert group to avoid confusion as to the nature of the group.

105. One Party suggested that rather than establishing a group of independent experts appointed by governments, a group of WHO technical experts would be better equipped to review implementation and provide guidance to Parties. While some Parties supported that suggestion, others felt that implementation of the Convention should remain under the aegis of the COP, and that the group should therefore comprise experts from Parties. WHO technical experts could, however, be invited to provide guidance and expertise.

106. The draft decision was amended to incorporate Parties’ views and discussed further in Committee B. Parties welcomed the amended draft decision and acknowledged the work done to reconcile differing opinions; nonetheless, one Party reiterated the view that the review of reporting arrangements should be a Party-led process and result in feedback to the Parties from the Convention Secretariat. In that context, experts should be appointed to the group by Parties, and the expression “independent expert group” should therefore be avoided. The proposed participation of one member of
the working group on sustainable measures to strengthen the implementation of the Convention was welcomed; that member could be selected by the working group itself. In addition, WHO could be requested to designate one expert as a member of the expert group. The mandate of the expert group could begin before 2016.

107. An informal drafting group met to revise the draft decision, which was resubmitted to Committee B for further deliberations. A number of amendments to the text were proposed.

108. Subject to those amendments, Committee B approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(15), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

5.2 International cooperation for strengthening implementation of the WHO FCTC

Document FCTC/COP/6/18

109. In decision FCTC/COP5(14), the COP had requested the Convention Secretariat inter alia to continue to cooperate with relevant departments and offices of WHO and to engage with WHO in the convening of annual meetings of the United Nations Ad Hoc Interagency Task Force on Tobacco Control. In decision FCTC/COP5(13), the COP had further requested the Convention Secretariat to continue its work in promoting South–South and triangular cooperation, to implement a number of demonstration projects and to submit an implementation report to COP6.

110. The Head of the Convention Secretariat reported on the status of the four demonstration projects that were being implemented. In addition, knowledge hubs had been established at the McCabe Centre for Law and Cancer (Melbourne, Australia), the National Institute of Health and Welfare of Finland and the Ministry of Public Health of Uruguay; potential hubs in other regions were being discussed. Details of ongoing cooperation with international and nongovernmental organizations were contained in the document under consideration.

111. A representative of the WHO Secretariat noted that in 2013 the United Nations Economic and Social Council had requested the United Nations Secretary-General to establish the United Nations Interagency Task Force on the Prevention and Control of Noncommunicable Diseases by expanding the mandate of the United Nations Ad Hoc Interagency Task Force on Tobacco Control. Progress reports on implementation of the Convention had been submitted to the recently established Task Force at its second and third meetings. An aspirational global target on strengthening implementation of the Convention in all countries had been included in the report of the Open Working Group of the General Assembly on Sustainable Development Goals (document A/68/970).

112. A representative of the McCabe Centre for Law and Cancer described the work being done by that knowledge hub.

113. Committee B considered a draft decision on achieving the global voluntary target on reduction of tobacco use. Parties commended the prominence given to the Convention in work on control of noncommunicable diseases and welcomed the clear objectives contained in the draft decision. A mechanism should be established to ensure technical, practical and financial support for the coordination of tobacco control measures at country and intercountry levels.

114. The draft decision, revised by an informal drafting group, was subsequently approved by Committee B with further minor amendments. At its fifth plenary meeting, on 18 October, the COP
adopted decision FCTC/COP6(16), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

5.3 Sustainable measures to strengthen implementation of the WHO FCTC: report by the working group

Document FCTC/COP/6/19

115. In decision FCTC/COP5(14), the COP had established a working group on sustainable measures to strengthen implementation of the Convention. Introducing the item in Committee B, the Chairperson of the working group reported that the group had met twice, in October 2013 and April 2014, and had organized its work in five sections: mechanisms of assistance; resource mobilization; multisectoral coordination; international cooperation; and the visibility of the Convention in wider international forums. For each of those sections, its report contained background information, key findings, suggested actions and recommendations, and details of key stakeholders. In view of the fact that the mandate of the working group could not be completely fulfilled, a draft decision had been prepared, in which the COP would urge Parties to take action on the working group’s recommendations and would extend its mandate until COP7.

116. Parties commended the work done and the recommendations made by the working group and supported the proposal to extend its mandate. With regard to the draft decision, Parties asked for an operative paragraph to be included concerning a mechanism (to be operated jointly with WHO) for promoting measures against tobacco use by women and girls. Clearer reference should also be made to securing sustainable implementation of the Convention by including it in the post-2015 development agenda. Emphasis should be placed on the importance of a user-friendly methodological tool for assessing the economic impact of tobacco use. Work on developing options for a “coordination platform” to strengthen collaboration between Parties and international, intergovernmental, nongovernmental and other organizations, as called for in the draft decision, could start immediately after COP6.

117. The draft decision, revised by an informal drafting group to reflect the views expressed by Parties, was subsequently approved by Committee B with one further amendment. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(17), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

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

Document FCTC/COP/6/20

118. In decision FCTC/COP5(15), the COP had requested the Convention Secretariat to continue to cooperate with WHO, the World Trade Organization (WTO) and the United Nations Conference on Trade and Development (UNCTAD) on tobacco control, international trade and investment issues, and the provision of technical support to Parties; to facilitate the sharing of information by Parties on trade-related issues; to encourage communication and information-sharing between Parties’ trade and health officials; to monitor tobacco control-related trade issues; and to report regularly to the COP on those activities. In document FCTC/COP/6/20, the Convention Secretariat duly provided information on key activities since COP5. A draft decision had been prepared inter alia encouraging Parties to cooperate with one another in exploring all legally feasible options to prevent the tobacco industry from abusing international trade and investment rules. In the committee, a second draft decision was
submitted, proposing that an expert group be established to deal with various matters relating to Article 27 of the Convention.

119. With regard to the first draft decision, Parties emphasized the importance of State sovereignty and the need for States to abide by all their international legal obligations, but views differed as to whether there was a conflict between the provisions of the Convention and other existing agreements, notably those concluded under the auspices of WTO. Several Parties stated that there was no hierarchy in international law; on the other hand, some considered that, from a moral perspective, health concerns should take precedence over trade. Developing and low-income countries faced difficulties in balancing the health and economic needs of their populations, making them particularly vulnerable to pressure in negotiating trade agreements. It was suggested that improved implementation of other aspects of the Convention, such as promoting alternative livelihoods for tobacco growers, would obviate the need to tackle trade and investment issues and was a necessary precursor to action on trade and investment.

120. Some Parties expressed concern at attempts to exclude tobacco from future trade negotiations or to deal with tobacco products uniquely in such negotiations; others highlighted the primacy of public health in light of future trade and investment agreements particularly citing the tobacco industry’s interference through trade agreements, the need for guidance in excluding tobacco in future trade and investment agreements, and the unique nature of tobacco products and their harmful effects. Tobacco was the only commodity covered by a legally binding international agreement. In that regard, it was suggested that tobacco control measures were consistent with Parties’ obligations under international trade law as long as these measures were applied in a non-discriminatory way. While concern was expressed at the effect of legal challenges mounted by the tobacco industry and others on tobacco control measures, the need to ensure due process in trade dispute settlement procedures was also underlined. Dispute settlement mechanisms should not generally be seen as obstacles to implementing the Convention. It was important to share information on domestic and international legal disputes faced by Parties with regard to their tobacco control measures.

121. With regard to the second draft decision, a number of Parties expressed support for the establishment of a group of experts on Article 27 of the Convention, there was considerable discussion as to the potential scope of its work. Questions were raised concerning the cost-effectiveness of an expert group and whether its proposed area of work more properly fell within the purview of the COP. Several Parties emphasized that effective mechanisms for settling trade disputes already existed and that conflict with such mechanisms should be avoided. In response, it was pointed out that Article 27 of the Convention concerned the resolution of disputes between Parties concerning the interpretation or application of the Convention only.

122. In reply to questions, the Convention Secretariat gave an assurance that Parties would be kept informed of relevant developments in the WTO context that affected tobacco control. On another matter, a representative of the WHO Office of the Legal Counsel said that, if an expert group on Article 27 were established, it would need to carefully consider dispute settlement mechanisms available in other forums to ensure that Parties could meet all their obligations.

123. With regard to the first draft decision, some Parties supported the text as drafted, some proposed specific amendments, and some indicated that they could not accept the draft as it stood. Certain reservations were expressed on the second draft decision but it also enjoyed some support. A number of amendments to the text were proposed.
124. Both draft decisions were revised by informal drafting groups to reflect the views expressed by Parties.

125. Committee B’s discussion of the revised version of the first draft decision focused largely on whether mention should be made of Parties’ sovereign right to exclude tobacco from trade and investment agreements. While some held that Parties would be able to use such text to bolster their arguments in support of that right, others were of the opinion that it would be inappropriate to include a specific reference to it and that the effects of such a provision would be unclear, particularly as it could only apply to future agreements; moreover, the international law of treaties and the interaction between different instruments would need to be taken into account. It was also pointed out that there was an inherent contradiction in seeking to influence how sovereign rights should be exercised. The need for decisions of the COP to set out clear deliverables was highlighted.

126. In discussing the revised version of the second draft decision, Parties touched on various aspects of the relationship between WTO agreements and the Convention. Attention was drawn to the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and Public Health. The importance of avoiding wording COP decisions in such a way that the tobacco industry might be able to use them to its advantage was emphasized.

127. In reply to a question about the necessity to mention “ad hoc arbitration”, an expression used in Article 27.2 of the Convention, specifically in the text of the second draft decision, a representative of the WHO Office of the Legal Counsel explained that a reference to Article 27 of the Convention in the decision would need to be read as a reference to the full text of that article.

128. Discussion on both draft decisions continued in informal drafting groups.

129. Further revised versions of the two draft decisions were subsequently approved by Committee B with some amendments. At its fifth plenary meeting, on 18 October, the COP adopted decisions FCTC/COP6(18) and FCTC/COP6(19), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).
6. BUDGETARY AND INSTITUTIONAL MATTERS

6.1 Performance report for the 2012–2013 workplan and budget

*Document FCTC/COP/6/21*


131. A Party welcomed the detailed information provided in the report and congratulated the Secretariat on the accomplishment of its activities. All Parties should strive to meet their reporting obligations and their financial commitments.


6.2 Interim performance report for the 2014–2015 workplan and budget

*Documents FCTC/COP/6/22 and FCTC/COP/6/22 Add.1*

133. In line with decision FCTC/COP5(19), the Head of the Convention Secretariat introduced an interim performance report on the workplan and budget for the financial period 2014–2015, contained in documents FCTC/COP/6/22 and FCTC/COP/6/22 Add.1, which provided information on the status of implementation of the first six months of the workplan and budget. An addendum to the document was made available, containing an update on financial implementation as at 30 September 2014. She drew particular attention to Annex 2, which outlined outstanding contributions and urged all Parties that had not yet done so to pay their arrears. Some activities planned for the biennium would not take place, such as the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products. The Secretariat would appreciate the COP’s guidance on how to use the funds that had been set aside to finance that meeting.

134. The report was welcomed and the significant role of the Secretariat in the work of the United Nations Interagency Task Force on the Prevention and Control of Noncommunicable Diseases was commended. Regarding the reassignment of funds that had been set aside for the organization of MOP1, the Head of the Secretariat suggested that US$ 180 000 should be allocated to holding two workshops for four representatives from relevant sectors in each country – law enforcement, health, customs and foreign affairs, among others – to promote the entry into force of the Protocol. The remaining funds would be used to allow the proposed expert panel on the Protocol to begin its work on promotion and awareness raising as soon as possible.

135. As to why the funds available as at 31 December 2013 as reported in document FCTC/COP/6/21 differed considerably from the funds available as at 1 January 2014 as reported in document FCTC/COP/6/22, the Head of the Secretariat explained that the closing balance at 31 December 2013 referred to the real funds available, whereas the opening balance at 1 January 2014 referred to the funds that would have been available if all dues, including outstanding voluntary assessed contributions and pledged extrabudgetary funds, had been paid.

136. Committee B approved a draft decision prepared by the Convention Secretariat concerning the reassignment of funds that had been set aside for the organization of MOP1. At its fifth plenary
meeting on 18 October, the COP adopted decision FCTC/COP6(20), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

6.3 Voluntary assessed contributions

Document FCTC/COP/6/23

137. In accordance with decision FCTC/COP5(17), the Secretariat presented a report, contained in document FCTC/COP/6/23, on the feasibility of changing from voluntary assessed contributions to assessed contributions and other possible incentives for Parties that continued to default in their payments. Paragraphs 20–23 of the report provided questions for the COP’s consideration.

138. While several Parties considered that the term “voluntary” should no longer be used to encourage Parties in arrears to make their contributions, others expressed concern that contributions would then become obligatory for all Parties. Although the capacity of the Secretariat had hardly changed since its establishment, its workload had increased considerably. Despite the high level of commitment, that situation would not be tenable; financial resources were therefore crucial. It was maintained that decisions changing the nature of Parties’ financial commitments should be approached with caution, particularly since the original decision to refer to the contributions as “voluntary” had been negotiated very carefully by COP1. Any such decision should be acceptable to all stakeholders.

139. Responding to a question on whether WHO FCTC programme support costs could be harmonized with those of WHO, the Secretariat responded that assessed contributions levied by the World Health Assembly did not have programme support costs applied to them. That was not the case for contributions levied by the COP. The COP could choose to maintain the current rate of 13%, or alternatively it could either choose to itemize all costs, or apply a flat percentage to some services and itemize others. Referring to the principles applied in respect of other treaties, the Secretariat explained that there were two models: obligatory assessed contributions, and “an indicative scale of contributions decided by the COP that each Party intends to pay”. Although the word “obligation” was not used in the latter case, the broad understanding was that there was an expectation of payment.

140. Following a request to suspend the discussions to allow for informal consultations, one Party proposed a draft decision for consideration, which requested the Convention Secretariat to undertake appraisals of those Parties that had arrears in their payments of voluntary assessed contributions, and in so doing identify the challenges those Parties were facing and consider what support could be given to them to assist them in meeting their financial and reporting responsibilities. The draft decision contained language to say that appraisals would be submitted to COP7 for consideration and that a decision could be made as to whether further action was required, including reassessing the voluntary nature of Parties’ financial contributions. In the ensuing discussion, some Parties expressed support for making assessed contributions mandatory.

141. Committee B approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(21), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).
6.4 Proposed workplan and budget for the financial period 2016–2017

Documents FCTC/COP/6/24 Rev.1, FCTC/COP/6/INF.DOC./1 and FCTC/COP/6/INF.DOC./2

142. In accordance with Article 23.4 of the Convention, the COP was required to adopt the budget for the financial period until its next ordinary session. Committee B discussed the proposed workplan and budget for 2016–2017 that had been prepared by the Convention Secretariat (document FCTC/COP/6/24 Rev.1), together with the detailed information contained in an explanatory note (document FCTC/COP/6/INF.DOC./1).

143. With regard to travel support, the COP had decided at its fifth session (in decision FCTC/COP5(18)) that until and including COP6 it would finance the per diem of least developed countries from voluntary assessed contributions (VAC); continue to finance travel for low- and lower-middle-income countries on the budget financed by VAC; and cover the costs of the corresponding per diem with resources available from extrabudgetary funds. The Convention Secretariat had also been requested to take account of that decision in its proposed workplan and budget for 2016–2017 and to prepare a report to COP6 containing all available information on travel support to the Parties since the entry into force of the Convention. The relevant information had been duly submitted to the COP in document FCTC/COP/6/INF.DOC./2.

144. The Head of the Convention Secretariat drew Committee B’s attention to the fact that the proposed workplan and budget for 2016–2017 had been prepared on the basis of zero nominal growth in VAC funding, while extrabudgetary funds were expected to be some US$ 1.5 million higher than in the 2014–2015 budget. The proposed workplan and budget for 2016–2017 had been divided into two parts: Part I covered activities to be undertaken in relation to the Convention, while Part II related to those to be carried out by the Convention Secretariat in the interim period until the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products. Part I was composed of six areas of work, in general following the 2014–2015 workplan, and Part II consisted of three main areas of work. The indicative costs for core Convention Secretariat staff (to be financed from VAC) amounted to US$ 5.3 million, while additional staff costs (pending extrabudgetary funding, secondments and entry into force of the Protocol) were US$ 5.1 million. Core staff costs had been held as close as possible to the level in the 2014–2015 workplan. Possible additional staff could include one professional staff member or consultant support in each of the six WHO regional offices. The proposed activities and budget figures would doubtless need to be reviewed in the light of decisions taken at COP6, notably concerning the use of the budget allocation proposed for MOP1.

145. In the ensuing discussion, Parties supported the approach of aiming for zero nominal growth in VAC funding and of presenting the workplan and budget in two parts. They expressed concern, however, at the high proportion of costs attributed to staff and the programme support costs and suggested that innovative steps should be taken to increase VAC. In reply to questions raised, Parties were informed that decentralization of funds through WHO regional and country offices could facilitate the implementation of activities at country level. Notwithstanding doubts about sustainability, the placement of Convention Secretariat staff at regional level would strengthen cooperation with WHO and capacity for providing support to countries. It was also explained that the increased budget for MOP1 arose from a more realistic estimate of costs, taking account of elements such as travel and interpretation, and that all Convention Secretariat staff would be engaged in work to promote ratification of the Protocol.

146. Parties believed that it was risky to propose financing activities in the fourth area of work on the Convention exclusively from extrabudgetary funds, given that the core business of the Convention
Secretariat lay in continuing to assist Parties in meeting their obligations under the Convention. Despite welcoming the provision for closer cooperation with civil society in the fifth area of work, they therefore proposed that VAC funding be shifted to the fourth area of work from there, as well as from area of work 6.3 (coordination with relevant departments and offices of WHO). Furthermore, they proposed that the funds allocated for MOPI in the 2014–2015 budget be used to cover activities in the first area of work in Part II of the proposed workplan and budget for 2016–2017 (preparing the entry into force of the Protocol). Similarly, they suggested that the resources being set aside to fund Convention Secretariat staff positions at regional level could be used to fund activities in the fourth area of work. To avoid the Convention being exposed to irregular sources of funds, the COP was urged to resolve that extrabudgetary funding should be from sources that did not breach the principles of Article 5.3 of the Convention.

147. A draft decision proposed by one Party concerning the establishment of a WHO FCTC policy on travel support, which consisted of the provision of an economy air ticket and payment of per diem for one representative of each low- and lower-middle-income Party, was presented to Committee B for consideration. The importance of the provision of travel support for low- and lower-middle-income Parties was highlighted, particularly since those Parties were being increasingly targeted by the tobacco industry. Moreover, it was considered that if 25% of low- and lower-middle-income Parties did not attend the Conference, the session may not be quorate. Some Parties were not in favour of aligning WHO FCTC travel support practices with those of WHO and indicated that the rules followed by the COP prior to COP4 should be reinstated. A lack of travel support would unbalance participation and run counter to the principle of social justice. Following extensive further discussion on the question, Committee B agreed on extending the principles of travel support as detailed in the draft decision proposed by one Party.

148. To help Committee B elaborate a workplan and budget for 2016–2017 for presentation to COP6 in plenary, the Secretary of Committee A reported that its conclusions on the following agenda items for COP6 had budgetary implications: 4.1 Status of the Protocol to Eliminate Illicit Trade in Tobacco Products (establishment of a panel of experts); 4.3 Implementation of Article 19 of the Convention: “Liability”: report by the expert group (extension of the mandate of the expert group); 4.5 Economically sustainable alternatives to tobacco growing (implementation of the recommendation of the working group to support interested Parties to develop pilot projects); 4.6 Report by the working group on implementation of Articles 9 and 10 of the Convention: “Regulation of the contents of tobacco products” and “Regulation of tobacco product disclosures” (extension of the mandate of the working group); 4.7 Assessment of the impact of the Convention (establishment of a working group); and 4.8 Implementation of Article 5.3 of the Convention (development of database, development of the Convention Secretariat’s capacity through consultancies and other measures).

149. Similarly, the Secretary of Committee B reported that its conclusions on the following agenda items for COP6 had budgetary implications: 5.1 Reporting arrangements under the Convention (establishment of an expert group); 5.3 Sustainable measures to strengthen implementation of the Convention (extension of the mandate of the working group); 5.4 Trade and investment issues (continuation of information-sharing activities by the Convention Secretariat); 6.6 Accreditation of nongovernmental organizations (elaboration of a questionnaire by the Secretariat); 6.3 Voluntary assessed contributions (implementation of activities); and 6.8 Amendments to the Rules of Procedure of the COP (dissemination of amendments).

150. Parties fully supported the proposed workplan and budget for 2016–2017, subject to the decisions approved by Committees A and B being taken into account in that workplan and budget. One Party asked for details of the budget allocation for work on agenda items 4.5 and 4.8 and gave
priority to funding activities related to agenda items 4.1, 4.6, 5.1 and 5.3 from VAC. In response, the
Head of the Convention Secretariat confirmed that no budgetary provision had been made for work on
items 4.3 and 5.3, although extrabudgetary funding could be sought. Similarly, no provision had been
made with respect to work on items 4.5 and 4.8, but the Convention Secretariat could engage in joint
activities with WHO in those areas.

151. The Head of the Convention Secretariat presented a revised version of the proposed budget for
2016–2017, amended to make provision for the conclusions of Committees A and B. Following
extensive discussion, that version was subsequently further revised to take account of the implications
of approval of the draft decision on travel support. In order to balance increases in the budget line for
VAC funding for COP7 (travel support), for the working group on sustainable measures to strengthen
implementation of the Convention, and for work on the Rules of Procedure of the COP, it was
accordingly agreed that reductions should be applied to VAC funding under the following budget lines
in Part I of the workplan and budget: the expert group on Article 19, support to Parties in meeting their
reporting obligations, the expert group to facilitate review of Parties’ implementation reports, and
advocacy, publications and website. In addition, reductions would be made to the following budget
lines in Part II of the workplan and budget: promoting entry into force of the Protocol, panel of experts
for provision of technical assistance, and the first session of the Meeting of the Parties.

152. At its fifth plenary meeting, on 18 October, the COP, having amended the draft decision on the
workplan and budget for 2016–2017 to spell out the provisions concerning travel support, adopted
decision FCTC/COP6(27).

6.5 Process for appointment and renewal of the term of office of the Head of the
Convention Secretariat: report by the Bureau of the Conference of the Parties

Document FCTC/COP/6/25

153. In line with decision FCTC/COP5(21) the Bureau, in consultation with the Parties, had finalized
the process for appointment and renewal of the term of office of the Head of the Secretariat on a
provisional basis. That process had then been followed for selection and appointment of the new Head
of the Secretariat, and she had taken up her duties, as planned, in June 2014. The Bureau’s report on
the matter summarized the actions it had taken and contained recommendations for the process in
future.

154. Parties supported the draft decision contained in an annex to the Bureau’s report. However, one
Party, speaking on behalf of its region, voiced its concern at the fact that the selection panel for
appointment of the new Head of the Secretariat had consisted not only of the six members of the
Bureau, as mandated by COP5, but also of two representatives of the WHO Director-General. It
accordingly suggested that the selection panel should be composed of the Bureau members alone for
future appointments of the Head of the Secretariat. It further suggested that each term of office of the
Head of the Secretariat should be for a period of four years, with the possibility for a single renewal,
and that renewal should be subject to performance evaluation. Another Party proposed that regional
coordinators should be invited to observe the complete selection process and should support the
Bureau in preparing proposals concerning the process and methodology by which the performance
evaluation of the Head of the Secretariat could be conducted.

155. The draft decision was revised by an informal drafting group to incorporate the proposed
amendments, and resubmitted to Committee B for consideration.
156. Further to two drafting amendments submitted by a Party on behalf of the African Region, Committee B approved the draft decision to be submitted to the COP for adoption.

157. At its fifth plenary meeting, on 18 October, the COP, adopted decision FCTC/COP6(22), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

6.6 Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

Document FCTC/COP/6/26

158. In line with Rule 31.3 of the Rules of Procedure of the COP regarding the review of accreditation of nongovernmental organizations (NGOs) with observer status, the Secretariat presented a report containing a summary analysis of the activities undertaken by the 26 accredited NGOs in support of implementation of the Convention, and the Bureau’s recommendations to the COP on whether to maintain, suspend or discontinue the observer status of those NGOs. The report also contained the Bureau’s proposals for a standard reporting questionnaire for NGOs.

159. The agenda item was referred to Committee B and a draft decision was prepared for its consideration. Two Parties welcomed the recommendations on the format for reporting and proposed a number of amendments. One suggested that before having their observer status withdrawn, NGOs should be given an opportunity to explain why they had not reported on their activities. The Committee discussed the draft decision to continue observer status for 16 NGOs that had submitted a report on their activities and attended at least one session of the COP. It decided to discontinue the status of eight NGOs that had not submitted a report or attended a session of the COP and to defer its consideration of the status of the two remaining NGOs, which had attended meetings of the COP but had not submitted a report on their activities. During the discussion, further information was requested by one Party on the activities of one NGO, which was subsequently provided by the Secretariat.

160. Committee B approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(23), as appended to the first report of Committee B (document FCTC/COP/6/B/R/1).

6.7 Participation of members of the public in sessions of the Conference of the Parties and its subsidiary bodies

Document FCTC/COP/6/27

161. The question of participation of members of the public in sessions of the COP and its subsidiary bodies had been raised by a Party during COP5, following the decision to exclude members of the public from observing the work of the session. The Party had formally requested inclusion of the matter on the provisional agenda of COP6. The Bureau had considered the matter and consulted the Parties to collect their views on the subject, and had subsequently drawn up the document under consideration. The Party had also proposed a draft decision requesting the Convention Secretariat (a) to require members of the public wishing to attend public meetings for the remainder of COP6 to complete a declaration affirming that they were not affiliated with the tobacco industry and (b) to adopt the procedures proposed in the document for screening and issuance of badges to members of the public, including members of the media, at COP7 and subsequent sessions. This was intended to avoid continued ad hoc decision-making regarding attendance of members of the public at meetings of the COP and its subsidiary bodies, and upholding transparency while addressing concerns regarding
influence by tobacco industry interests, in conformity with the Rules of Procedure and Article 5.3 of the Convention. Following a brief discussion in the first plenary meeting, Parties agreed that it required further discussion and referred the matter to Committee B.

162. In view of the need to prevent the tobacco industry from exerting influence over its proceedings, COP6, at its first plenary meeting, agreed to exclude the general public from its meetings with immediate effect.

163. With regard to future sessions, clarification was requested, during subsequent discussions in Committee B, as to how the Convention Secretariat would screen applications for participation. While vigilance was welcome, it would never be possible to fully guarantee that those in attendance did not have connections with the tobacco industry. One Party urged caution with regard to restricting public attendance, since it could lead to pressure for those representing the interests of tobacco growers to be included in national delegations. Since decisions of the COP were public, there was no reason to restrict participation in plenary meetings, unless otherwise decided by Parties in line with the Rules of Procedure. The Party considered that meetings of subsidiary bodies, however, should not be public. Provisions should be made to ensure that access to meetings could be withdrawn if a member of the public in attendance was found to have connections with the tobacco industry.

164. The Secretariat explained that unlike current practice, which was for members of the public wishing to attend the public meetings of the COP to simply register their attendance at the COP meeting registration desk, a new screening procedure would require them to apply one month in advance. The Secretariat would then be able to review applications and seek any further information or clarifications it deemed necessary.

165. An informal drafting group met to revise the draft decision. Committee B considered the revised draft, pursuant to which future meetings of the COP would be held in public, unless the COP decided that they should be open or restricted. Meetings of all subsidiary bodies would be open, unless the COP decided otherwise. Members of the media would be considered as members of the public, except that they would be subject to a specific accreditation process. Members of the public would be expected to apply to attend public meetings of the COP, and in doing so would be required to sign a declaration stating whether they had any affiliation with the tobacco industry. The information contained in those declarations would be made available to the Bureau, and to Parties on request.

166. In the ensuing discussion, while Parties acknowledged that transparency in the proceedings of the COP was important, opinions were divided on whether members of the public with affiliations to the tobacco industry should be allowed, unrestricted, into the plenary meetings of the COP. Although some Parties felt that public meetings should be accessible to all members of the public, others considered the admission of persons with links to the tobacco industry could hamper, or in some cases even threaten, the work of the COP.

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1 As decided by the COP in decision FCTC/COP6(24), on amendments to the Rules of Procedure of the COP: “‘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 In accordance with Rule 2.10 of the Rules of Procedure of the COP, “‘public’ sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rule 31 and members of the public.”
167. In spite of further informal consultations held in an attempt to reach consensus, Committee B remained divided on the subject of allowing members of the public, who might be affiliated to the tobacco industry, to attend the plenary meetings of the COP. It was agreed that discussions on the matter would be discontinued, and any Party wishing to raise the issue in future could propose it for inclusion on the agenda of a subsequent session of the COP.

6.8 Possible amendments to the Rules of Procedure of the Conference of the Parties

Document FCTC/COP/6/28

168. Following the proposal by a Party to include the item on the agenda of COP6, the Bureau had undertaken a review of the Rules of Procedure and identified areas that either were not addressed or required further clarification. They related in particular to the role of the Bureau in the intersessional period; attendance of the public; procedures for applications for the status of observer to the COP; and the role of the regional coordinators.

169. Committee B accordingly considered a draft decision on adopting proposals for amendments to the Rules of Procedure and conducting a further review before COP7. While the clearer articulation of the roles of the Bureau and regional coordinators was welcomed, several Parties called for amendments to be made to the draft decision, inter alia allowing for regional coordinators to be involved in the further review of the Rules of Procedure and to observe meetings of the Bureau at their own expense, as well as harmonizing their terms of office with those of members of the Bureau.

170. The draft decision was revised by an informal drafting group to incorporate the proposed amendments and resubmitted to Committee B for discussion. It was suggested that the proposed amendments to the rules of procedure that had been drafted in conjunction with the draft decision on agenda item 6.7 should be deleted, since that draft decision had not been approved.

171. One Party proposed a further draft decision for Committee B’s consideration, proposing an amendment to the Rules of the Procedure, which requested the Convention Secretariat to present to the COP and subsidiary bodies at each session a compilation of declarations of affiliations with the tobacco industry. That would require Parties, when submitting credentials, to file a declaration stating whether any members of their delegation had any form of real, perceived, or potential conflict of interest. Such an amendment to the Rules of Procedure would improve transparency in the COP’s proceedings.

172. In the ensuing discussion, while many Parties welcomed the proposal, one Party expressed reservations regarding the requirement to submit a declaration on interests. Particular concerns were raised with regard to the definitions of “real”, “perceived” and “potential” conflicts of interest. It was agreed that informal consultations would be held in the hope of finding a solution to meet those concerns and amend the text accordingly.

173. Following informal consultations, a revised draft decision on maximizing transparency with regard to Party delegations to the COP and its subsidiary bodies was submitted to Committee B for consideration, which requested the Bureau, when undertaking its review of the Rules of Procedure, to consider providing options for maximizing transparency with regard to Party delegations. The Committee expressed its full support for the draft, and thanked the Parties involved in its preparation for their efforts and the spirit of cooperation and compromise with which they had worked.
174. At its fifth plenary meeting, on 18 October, the COP adopted decisions FCTC/COP6(24) and FCTC/COP6(25).
7. DATE AND PLACE OF THE SEVENTH SESSION OF THE CONFERENCE OF THE PARTIES

Document FCTC/COP/6/29 Rev.1

175. The COP had before it a proposal (contained in document FCTC/COP/6/29 Rev.1) to hold its seventh session either in the last quarter of 2016 or the first quarter of 2017. The proposal had been prepared bearing in mind a request made during COP5 to bring the dates of the regular sessions of the COP closer to the start of implementation of the biennial workplans and budgets.

176. The delegation of India invited Parties to consider holding COP7 in New Delhi, India, preferably during the first half of November 2016.

177. Parties welcomed the invitation from the Government of India and expressed support for the practice of rotation among the WHO regions in holding the COP sessions. Most of the delegations that spoke expressed a preference for holding COP7 during the last quarter of 2016, as a number of meetings of WHO and other international bodies were generally held in the first quarter of the year. It was pointed out, however, that meetings of the WHO regional committees were normally held in the last quarter of the year. In addition, the delegation of China noted that China would be hosting the 9th Global Conference on Health Promotion in late October or early November 2016.

178. After further discussion, the COP decided to accept the invitation of the Government of India to hold its seventh session in New Delhi and to mandate the Bureau to finalize the exact dates in consultation with the hosting Party and the Convention Secretariat, following confirmation by the Convention Secretariat that a host agreement had been concluded by June 2015.

179. A Party speaking on behalf of the WHO Region of the Americas announced that Mexico wished to host COP8.

180. The COP also decided that should the Protocol to Eliminate Illicit Trade in Tobacco Products enter into force before COP7, MOP1 would be held immediately after COP7, pursuant to Article 33 of the Protocol. In that event, the Bureau would also finalize the dates and arrangements for the MOP in consultation with the hosting Party and the Convention Secretariat.

181. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(28), reflecting the above agreements.

Document FCTC/COP/6/30

182. The COP elected the following officers to constitute the Bureau of the Conference of the Parties for the period between the closure of sixth session and the closure of the seventh session:

President: Dr Oleg Salagay (Russian Federation)

Vice-Presidents: Ms Dorcas Kiptui (Kenya)
Dr Hassan Mohamed (Maldives)
Dr Reina Roa (Panama)
Mr Marcus Samo (Federated States of Micronesia)
Dr Jawad Al-Lawati (Oman)

183. The COP also decided that, of the five Vice-Presidents, Dr Hassan Mohamed should act as Rapporteur.

184. In accordance with Rule 24 of the Rules of Procedure of the COP, lots were drawn to determine the order in which the Vice-Presidents would serve in the event that the President was unable to do so. The order presented in the above list is the order in which the lots were drawn.

185. At its fifth plenary meeting, on 18 October, the COP adopted decision FCTC/COP6(29), reflecting the above agreements.

Documents FCTC/COP/6/31 and FCTC/COP/6/INF.DOC./3

186. The Rapporteur drew attention to the provisional report of the COP (contained in document FCTC/COP/6/31), recalling that COP5 had adopted a number of efficiency measures, one of which had been to replace lengthy summary records with a shorter summary report, to be adopted by the COP on the last day of the session.

187. The provisional report before the Conference contained a summary of the proceedings and conclusions on each agenda item as at the afternoon of Friday, 17 October. The remaining proceedings would be included in a revised final version of the provisional report and all decisions adopted by COP6 would be annexed. The complete provisional report would be made available to the Parties for any corrections, for a period of 15 days, after the COP.

188. At its fifth meeting, on 18 October, the COP adopted the report, subject to its finalization by the Convention Secretariat, including the incorporation of any corrections received from the Parties in the 15-day period set aside for that purpose.
10. CLOSURE OF THE SESSION

189. The delegation of the Russian Federation introduced a draft final outcome declaration of the COP, which incorporated comments received from the various regional groups. The declaration highlighted a number of key elements in relation to tobacco control, including its link to the prevention and control of noncommunicable diseases, the need for special measures to protect population groups that are especially vulnerable to the efforts of the tobacco industry and the importance of addressing new forms of and devices for nicotine delivery.

190. At its fifth plenary meeting, on 18 October, the COP adopted the Moscow Declaration as decision FCTC/COP6(26).

191. Following the customary exchange of courtesies, the President declared the sixth session of the Conference of the Parties closed.
ANNEX 1
AGENDA

1. Opening of the session

1.1 Adoption of the agenda and organization of work
   
   Documents FCTC/COP/6/1 Rev.2 and FCTC/COP/6/1 Rev.2 (annotated)

1.2 Credentials of participants

   Document FCTC/COP/6/2

1.3 Election of a member of the Bureau to represent the Region of the Americas, in replacement of the representative of Canada

2. Applications for the status of observer to the Conference of the Parties

   Documents FCTC/COP/6/3, FCTC/COP/6/3 Add.1 and FCTC/COP/6/4

3. Address by the Head of the Convention Secretariat and report on global progress in implementation of the WHO FCTC, followed by a general debate

   Documents FCTC/COP/6/5, FCTC/COP/6/5 Add.1 and FCTC/COP/6/DIV/3

4. Treaty instruments and technical matters

   4.1 Status of the Protocol to Eliminate Illicit Trade in Tobacco Products

      Document FCTC/COP/6/6

   4.2 Guidelines for implementation of Article 6 of the WHO FCTC: “Price and tax measures to reduce the demand for tobacco”: report by the open-ended intersessional drafting group

      Document FCTC/COP/6/7

   4.3 Implementation of Article 19 of the WHO FCTC: “Liability”: report by the expert group

      Document FCTC/COP/6/8

   4.4 Control and prevention of globally emerging products

      4.4.1 Smokeless tobacco products

      Document FCTC/COP/6/9

      4.4.2 Electronic nicotine delivery systems, including electronic cigarettes
4.4.3 Waterpipe tobacco smoking

Documents FCTC/COP/6/11 and FCTC/COP/6/11 Corr.1

4.5 Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC): report by the working group

Document FCTC/COP/6/12

4.6 Further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC: “Regulation of the contents of tobacco products” and “Regulation of tobacco product disclosures”: report by the working group

Documents FCTC/COP/6/13, FCTC/COP/6/14 and FCTC/COP/6/14 Add.1

4.7 Impact assessment of the WHO FCTC

Document FCTC/COP/6/15

4.8 Implementation of Article 5.3 of the WHO FCTC: evolving issues related to interference by the tobacco industry

Document FCTC/COP/6/16

5. Reporting, implementation assistance and international cooperation

5.1 Reporting arrangements under the WHO FCTC

Document FCTC/COP/6/17

5.2 International cooperation for implementation of the WHO FCTC

Document FCTC/COP/6/18

5.3 Sustainable measures to strengthen implementation of the WHO FCTC: report by the working group

Document FCTC/COP/6/19

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

Document FCTC/COP/6/20

6. Budgetary and institutional matters

6.1 Performance report for the 2012–2013 workplan and budget
Document FCTC/COP/6/21

6.2 Interim performance report for the 2014–2015 workplan and budget

Documents FCTC/COP/6/22 and FCTC/COP/6/22 Add.1

6.3 Voluntary assessed contributions

Document FCTC/COP/6/23

6.4 Proposed workplan and budget for the financial period 2016–2017

Documents FCTC/COP/6/24 Rev.1, FCTC/COP/6/INF.DOC./1 and FCTC/COP/6/INF.DOC./2

6.5 Process for appointment and renewal of the term of office of the Head of the Convention Secretariat: report by the Bureau of the Conference of the Parties

Document FCTC/COP/6/25

6.6 Review of accreditation of nongovernmental organizations as observers to the Conference of the Parties

Document FCTC/COP/6/26

6.7 Participation of the members of the public in the sessions of the Conference of the Parties and its subsidiary bodies

Document FCTC/COP/6/27

6.8 Possible amendments to the Rules of Procedure of the Conference of the Parties

Document FCTC/COP/6/28

7. Date and place of the seventh session of the Conference of the Parties

Document FCTC/COP/6/29 Rev.1

8. Election of the President and Vice-Presidents of the Conference of the Parties

Document FCTC/COP/6/30

9. Adoption of the provisional report of the sixth session of the Conference of the Parties

Documents FCTC/COP/6/31 and FCTC/COP/6/INF.DOC./3

10. Closure of the session
### ANNEX 2

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FCTC/COP/6/23

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FCTC/COP/6/24 Rev.1

### Process for appointment and renewal of the term of office of the Head of the Secretariat: report by the Bureau of the COP
FCTC/COP/6/25

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FCTC/COP/6/26

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ANNEX 3

STATEMENT BY PRESIDENT VLADIMIR PUTIN, PRESIDENT OF THE RUSSIAN FEDERATION

Dear friends,

Let me welcome to Moscow the delegates and guests of the sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

First of all, I would like to note the considerable and significant role of the WHO Framework Convention in consolidating efforts to effectively implement the large-scale international programmes designed to promote public health through tobacco control.

Russia fully endorses the key purposes and ideas of the Convention and is taking proactive measures to ensure that these are taken forward in our country. The harm caused by tobacco addiction is obvious. It affects not only smokers but also their families and people around them. We seek to limit tobacco smoking, protect children and adults from exposure to second-hand tobacco smoke, safeguard them from tobacco advertising and, naturally, afford medical assistance to all those suffering from tobacco dependency. Our best efforts are being deployed to protect the health of the nation and to improve the quality of life and the life expectancy of our citizens. To this end, we are improving our legislation and developing preventive health care while at the same time relying on broad support from society.

I am convinced that your conference will contribute significantly to anti-smoking campaigns, help to reduce mortality from tobacco-related diseases and propose effective solutions in this area.

May your efforts be productive and may you successfully accomplish your objectives!

Vladimir Putin
ANNEX 4
ADDRESS BY THE MINISTER OF HEALTHCARE OF THE RUSSIAN FEDERATION, DR VERONIKA IGOREVNA SKVORTSOVA

Dear colleagues, it is a great honour for us to host delegates from over 180 countries, representatives of international intergovernmental and non-governmental organizations who have gathered here today to discuss a key health issue, namely tobacco control.

We must remember that health is not only a supreme good but also the inviolable right of every individual. Ensuring the exercise of this right is one of the most important functions of the state. This is why no country can remain indifferent to the mushrooming epidemic of non-communicable diseases, for which tobacco is a risk factor.

Unfortunately, for a long time Russia was a leading tobacco consumer. According to the Global Survey, in 2009 almost 40% of adults in Russia were smokers.

This dismal statistic called for urgent action by the authorities. Our accession to the WHO Framework Convention on Tobacco Control was a starting point for us. The Convention is unique: of all the international agreements in the sphere of health, none has been ratified more rapidly or been more widely adhered to.

In 2010 we approved the National Tobacco Policy Framework that outlined the principal tobacco control measures in Russia, namely increasing prices and excise duties on tobacco products; changing tax policy; introducing a wholesale or partial ban on smoking in public places; reducing the quantity of harmful substances in tobacco products; raising public awareness regarding the effects of tobacco use; banning tobacco advertising, sponsorship and promotion; providing medical assistance and treating tobacco dependency.

In 2013, our country took a major step forward by adopting the Federal Act on protection against the effects of tobacco use and exposure to secondhand tobacco smoke, which implemented the core measures recognized by the international community. For the first time in Russia, smoking was banned in public catering establishments and on public transport, the advertising of tobacco products was prohibited, and health warnings appeared during television programmes that depicted people smoking. The principal merit of the Act was its comprehensive character, as it consolidated norms from various branches of law into a single set of measures. Thus, in the six years since acceding to the Framework Convention, Russia has introduced all the measures stipulated therein.

As a result, Russian citizens are now protected against secondhand smoke, our children are no longer exposed to tobacco advertising, and all the forms of tobacco promotion are banned. Excise tax rates for tobacco are increased annually, outstripping inflation. At the same time, anyone desiring a health check-up is entitled to a free medical examination, and persons requiring medical assistance, including help with smoking cessation and treatment of tobacco dependency, can also get seen free of charge. More than 35.5 million people attended consultations during the first year and nearly 1 million called the dedicated stop-smoking hotline.

Some claimed that these measures were too strict and would not be accepted by the public, yet the statistics show that 8 of 10 Russians support the tobacco control measures we have introduced.
Rates of compliance with the new bans are also high, for example 96% for public catering facilities and 89% for retail locations.

The new measures have yielded positive results: the rate of tobacco use has decreased by 16-17% and rates of mortality in all the main categories of non-communicable diseases have also declined considerably; in 2011 we had already achieved rates that we did not expect to see before 2016 and 2020. Anticipated life expectancy has reached its historic maximum, approaching 72 years and exceeding 77 years for women. For the first time in over 30 years we have registered a natural population increase.

However, we have no intention of resting on our laurels. We are not planning to relax our tobacco control efforts or to ease the legislative burden, which has already demonstrated its effectiveness. With this in mind, I would like to announce that the Government of the Russian Federation has resolved to accede to the Protocol to Eliminate Illicit Trade in Tobacco Products, and the Ministry of Health has already drafted an appropriate bill to this end.

Dear colleagues, I am sure that this Conference of the Parties will make a significant contribution to the cause of tobacco control worldwide. I wish you good health, constructive discussions and the achievement of your objectives. I also hope that you will find some time to experience one of the world’s most beautiful cities: Moscow, the capital of the Russian Federation.

Thank you for taking part!
Thank you, Professor Chang-jin Moon, President of COP6. Thank you also, Minister Veronika Skvortsova, my dear sister.

Honourable ministers, distinguished delegates, colleagues and friends in public health and in the UN. I see many old friends in the audience. So good to see so many of you.

Ladies and gentlemen, good morning.

First, allow me to thank the government of the Russian Federation for hosting this sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. I have to say, personally, I have witnessed the commitment of this government, led by President Putin himself and of course you, Sister Veronika, for overcoming very tough challenges to push through a very comprehensive law to control tobacco.

The law came into full force on the 1st of June this year. I want to thank you for your leadership. Many people told me years ago this will never happen in the Russian Federation. Thank you for proving them wrong.

Speculation is a very interesting hobby for many people. Some people speculated that I would not attend this meeting because I am so busy with so many other outbreaks of communicable diseases.

No. No. No. I will not cancel my attendance at this meeting because it is too important.

On the subject of communicable diseases, I do need to make a few comments.

In just the past few days, the volatile microbial world has delivered some sharp reminders of its power. Egypt confirmed a case of H5N1 avian influenza in an infant. Austria reported its first imported case of the MERS coronavirus. The US confirmed its first two Ebola cases. And Spain confirmed the first instance of Ebola transmission on its soil.

Ladies and gentlemen.

In a world replete with so many new and old threats, we turn to tobacco control. Tobacco control unquestionably is our biggest, surest, and best opportunity to save some millions of lives. I am very pleased to be with you today to see this meeting off to a very good start.

As you all know, I have never shied away from embracing WHO’s position as the tobacco industry’s number one enemy. I regard this as a badge of honour. It is in this spirit that WHO lends the voice of public health, and the power of peer-reviewed evidence, to countries that are facing predictable and forceful opposition from the industry.

As implementation of the Framework Convention reaches new heights, the tobacco industry fights back, harder and through every possible channel, no matter how devious those channels and
practices are. Litigation brought against governments in national courts has been common, especially against the approval of large pictorial warnings on tobacco product packages.

In an especially worrisome trend, the tobacco industry is using bilateral investment treaties to try to deter governments from protecting the health of their citizens through strong tobacco control measures that are known to work. This has been the case with claims filed against Uruguay’s warning labels and branding measures, and this is also true because of the robust and courageous actions taken by Australia in plain packaging.

Australia’s plain packaging is also the object of a dispute at the World Trade Organization. All eyes are on this case. There are more third parties to the dispute than ever before in WTO history.

Most recently, and in a particularly brazen move, the tobacco industry brought its agenda and its voice here to the heart of tobacco control. Yesterday, the International Tax and Investment Centre, whose board of directors includes several tobacco companies, convened Parties and Observers to discuss tobacco tax and price policies without fully disclosing their vested interests.

Please, do not be fooled by them.

Their agenda, at least, is easy to see: to undermine your power, your efforts to adopt the robust, expert-driven proposed guidelines on tobacco tax and price policy. These guidelines, when used to implement the treaty’s Article 6, will protect children and young people, in particular, from initiating tobacco use.

There is an exchange of views recorded in the mountains of internal industry documents that are now in the public domain. Let me share with you one such document. It records a discussion – an internal discussion – about whether the industry should consider children as part of its market. I remember very well one reply, which I would like to quote directly: “They got lips? We want them.”

So ladies and gentlemen, this is the kind of tobacco industry tactic. They just want more and more market share. They could not care less if they are killing children.

Again, don’t be fooled by them.

What is the next challenge? The next challenge is that the tobacco industry is increasing its dominance over the market for electronic cigarettes. This should not come as a surprise. One company used this year’s World No Tobacco Day to call on WHO, and call on all of your governments, to promote electronic cigarettes as a way of protecting some of the lives that they themselves are killing with the other products they sell.

We also heard a familiar argument. That company insists that it “can and should be a part of this debate and possible solutions.”

No way. As I have said before, giving any tobacco company a place at the negotiating table is akin to appointing a committee of foxes to take care of your chickens.

Ladies and gentlemen,

We have abundant evidence from multiple sources that implementation of the Framework Convention brings both immediate and long-term improvements for health. As I said in 2011, when
As time has shown, the tobacco treaty is important for a second reason. It is a model of how multiple sectors of government, and multiple UN agencies, can work together seamlessly and in tandem, united by a most worthy shared goal. The importance of this model continues to grow as more and more of the century’s biggest threats to health have multiple root causes and as the countries in this world are doing their utmost to fully implement the treaty, and the Articles in the Convention.

Ladies and gentlemen,

Let me wish you a most productive session here in Moscow as you move through a heavy but vitally important agenda.
President of the Conference of the Parties,

Ministers, delegates, colleagues, friends, my family:

It is my distinct pleasure to be here with you today, at the sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, and my first session as Head of the Convention Secretariat. It has been almost four months since I began my tenure – busy days, culminating in being here. Your support and encouragement in these last months have been invaluable. Thank you.

I would like to extend particular thanks to the Government of the Russian Federation for hosting COP6 and for being an example of a Party to the treaty that, by implementing its provisions, makes the difference for the health of its people. Their cooperation and collaboration with the Convention Secretariat in planning and organizing this session have been exemplary.

In the next few minutes, I have the opportunity to report on Convention Secretariat activities and progress made in the past biennium. However, before I begin, I wish to extend my thanks to my predecessor and colleague, Haik Nikogosian, for his dedicated work as the Head of the Convention Secretariat for the last seven years. His leadership brought us through the negotiations of the Convention’s first protocol, among other successes, and I would like to offer him my own personal thanks as well as the thanks of us all.

The last two years have seen some notable achievements.

The Convention Secretariat has conducted 16 needs assessments, working closely with Party governments to identify strengths, weaknesses, opportunities and challenges in implementation of the WHO FCTC. Now, we have the information we need to start closing the gaps and to learn from best practices. Thank you to Parties and donors who made this exercise possible.

As you will recall, COP5 established an open-ended intersessional drafting group to continue the work of developing guidelines for implementation of Article 6, and to present a complete draft for consideration at COP6. These guidelines are before you now. They are evidence-based and provide robust guidance for implementing this key provision.

We received reports from 130 Parties in the 2014 reporting cycle. They show that measurable improvements have been achieved in a number of areas of implementation, not least in relation to Article 5.3. In the last two years, some Parties have included provisions protecting public health policy-making from tobacco industry interference as part of comprehensive tobacco control legislation. Others are planning to do the same. Nevertheless, while the reports currently provide useful data, because reporting on country-level work on the WHO FCTC is a critical part of successful implementation, we constantly strive to improve this process. In this regard, provisions establishing a mechanism to facilitate review of Parties reports are on the agenda for your consideration and action.
The Convention Secretariat also convened two meetings of Party-nominated experts to consider Article 19 on liability. Their report is before you for consideration. It seems clear that this is an area that needs further exploration and consideration, as it holds the potential to be a key aspect of our work.

I am particularly happy to report to you that we now have four Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products: Nicaragua, Uruguay, Gabon and – just last week – Mongolia. This is 10% of what is needed for the Protocol to enter into force. I am making it one of the chief priorities of the Convention Secretariat to see the entry into force of the Protocol before COP7.

We will be focused on raising awareness in all sectors of governments. We will also provide technical support to WHO FCTC Parties to ratify, accept, approve, formally confirm or accede to the Protocol so that we can reach our 40 Parties goal. We cannot lose momentum – a Protocol that hasn’t entered into force is simply an impressive document. We need to transform it into binding law, to give Parties the tools they need to bring illicit trade to a halt.

As you will recall, in 2013 the World Health Assembly endorsed a global target of a 30% relative reduction in prevalence of current tobacco use in persons 15 years and older by 2025. The WHO FCTC is the key to achieving this – in other words, we will not reach this ambitious and critical target without concerted effort by all Parties to fully implement the Convention. Working with WHO at all of its levels to ensure this global public health success is another of the chief priorities of the Convention Secretariat in the coming years.

I want to echo the Director-General’s strong reminder this morning. We have never seen the tobacco industry so focused on interfering with Parties’ implementation of the Convention, requiring ever more vigilance on our part. They have become bolder in the last decade, interfering at the national and supranational levels, behind closed doors and in the open, which is a sign, that the laws and policies being adopted are effective.

We have the tools we need to stop this kind of industry-driven meddling in government. Article 5.3 gives all Parties the legal mandate to protect their public health policy-making from tobacco industry interference.

While continuing to protect and grow their markets, the tobacco industry has also carefully and intentionally engaged in efforts to develop new products, including acquisition of electronic nicotine delivery system companies, bringing these products under the umbrella of their control. As a product of the tobacco industry, the future potential of electronic nicotine delivery system in tobacco control risks being tainted, bringing to mind past industry questionable solutions like filters and low tar tobacco. Evidence is just emerging to assist us in making informed, evidence-based decisions on where electronic nicotine delivery system will fit in. And we have no reason to think that electronic nicotine delivery system are the last of the line. Novel and emerging products are likely to continue to appear. In this vein, you will also consider reports on smokeless tobacco and water pipe usage.

Coming from a tobacco growing country, I can testify as to how the industry misinforms and uses farmers to justify their attacks against sound tobacco control measures. This industry tactic creates additional layers of complexity for Parties implementing demand-reduction provisions and, additionally, in developing strategies that support the identification of alternative livelihoods and measures to protect the environment. Tobacco farmers are the most vulnerable members of the tobacco chain, often experiencing health harms from their work with raw tobacco and economic hardships from unfair employment arrangements. To protect them, it is essential that the agricultural, agrarian development and labour sectors be protagonists in any comprehensive tobacco control
As we move into the second decade of the WHO Framework Convention, I would like to ask that we all remember the most vulnerable populations. Due to industry targeting, social context and simple life circumstances, women, children and the poor are the most likely to suffer from the impact of tobacco-related diseases. We have long known that tobacco control is a necessary part of strong development. To protect the most vulnerable and promote sustainable changes, we need to reach across sectors, working in a whole-of-government, health in all policies approach to reduce the health and social burdens related to tobacco use.

This is an exciting, if complex time in global public health. There are many competing priorities, but I am strongly encouraged by recent announcements of “tobacco end games” from high profile champions, particularly those from countries where the tobacco epidemic is declining. We have some Parties who are giving life to our often repeated mantra of the WHO FCTC being a floor, not a ceiling – they push their policies to the highest levels.

And at the same time, we are a community. Our successes are measured and define our willingness to make this kind of achievement possible for all Parties. Now is the time to increase WHO FCTC implementation cooperation of every kind, at every level, to enhance learning and opportunities.

However, these are also sobering times financially. We are all, whether in our households, our governments or our organizations, being asked to do more with less. To realistically reach our laudable, but also very ambitious goals with this treaty and its Protocol, partnership, coordination and collaboration must be the core operating values of the Convention Secretariat. I have spoken with our colleagues at all levels of WHO, and they stand ready to support our work, and invite us to support theirs. Together, we make a powerful team, with complementary skills and mandates.

As I close today, I want to take a moment to emphasize the inclusiveness of the WHO Framework Convention on Tobacco Control. The Convention could not have been as successful as it has been, either in its negotiation or its implementation, if we had not been working hand-in-hand with our colleagues and partners. Civil society and our sister United Nations agencies are critical and principal members of the community that makes the treaty a success. The Convention Secretariat will be actively reaching out to enhance and increase our cooperation with all friends of the treaty.

I have been fortunate enough to have seen many of you, in preparation for this session. We have a full agenda, in matters of both substance and procedure. We know that COP days are long and ask a great deal of all of us, but they are also some of the most rewarding days of the biennium. I look forward to working with all of you this week.

Thank you.
ANNEX 7
DECISIONS

The following decisions were adopted by the Conference of the Parties. The decisions themselves follow this list.

FCTC/COP6(1) Election of a member of the Bureau to represent the WHO Region of the Americas

FCTC/COP6(2) Applications for the status of observer to the Conference of the Parties

FCTC/COP6(3) Election of the officers of Committees A and B

FCTC/COP6(4) Credentials of participants

FCTC/COP6(5) Guidelines for implementation of Article 6 of the WHO FCTC *(Price and tax measures to reduce the demand for tobacco)*

FCTC/COP6(6) Status of the Protocol to Eliminate Illicit Trade in Tobacco Products

FCTC/COP6(7) Implementation of Article 19 of the WHO FCTC: “Liability”

FCTC/COP6(8) Smokeless tobacco products

FCTC/COP6(9) Electronic nicotine delivery systems and electronic non-nicotine delivery systems

FCTC/COP6(10) Control and prevention of waterpipe tobacco products

FCTC/COP6(11) Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC)

FCTC/COP6(12) Further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC

FCTC/COP6(13) Impact assessment of the WHO FCTC

FCTC/COP6(14) Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry

FCTC/COP6(15) Reporting arrangements and analysis of implementation of the WHO FCTC

FCTC/COP6(16) Towards a stronger contribution of the Conference of the Parties to achieving the noncommunicable disease global target on reduction of tobacco use

FCTC/COP6(17) Sustainable measures to strengthen implementation of the WHO FCTC

FCTC/COP6(18) Issues related to implementation of the WHO FCTC and settlement of disputes concerning the implementation or application of the Convention
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FCTC/COP6(1)  Election of a member of the Bureau to represent the WHO Region of the Americas

The Conference of the Parties (COP), in accordance with Rules 21 and 24 of its Rules of Procedure,

Having considered that Canada is not represented at the sixth session of the COP, and that the representative of Canada on the Bureau of the Conference of the Parties accordingly resigned his position, effective 13 October 2014;

Having also considered that Ms Reina Roa of Panama was nominated by the Region of the Americas to represent the Region in replacement of the representative of Canada for the remainder of his term of office,

ELECTS Ms Reina Roa of Panama to represent the Region of the Americas on the Bureau of the COP until the closure of the sixth session of the COP.

(First plenary meeting, 13 October 2014)

FCTC/COP6(2)  Applications for the status of observer to the Conference of the Parties

The Conference of the Parties (COP),

Having considered the applications for observer status submitted by four nongovernmental organizations and one intergovernmental organization contained in documents FCTC/COP/6/3, FCTC/COP/6/3 Add.1 and FCTC/COP/6/4,

DECIDES, in accordance with Rules 30 and 31 of its Rules of Procedure:

(a) to grant the status of observer to:

• the Southeast Asia Tobacco Control Alliance; and
• the Campaign for Tobacco-Free Kids;

(b) to defer consideration of the application for observer status submitted by the East African Community until the next session of the COP;

(c) to reject the applications for the status of observer by:

• the World Farmers’ Organization;
• the Zimbabwe Framework for Tobacco Control Trust; and
• the International Criminal Police Organization (INTERPOL).

(First plenary meeting, 13 October 2014)
FCTC/COP6(3)  

Election of the officers of Committees A and B

The following officers were elected to Committees A and B, pursuant to Rule 28 of the Rules of Procedure of the Conference of the Parties:

**Committee A:**
- **Chairperson:** Professor Nuntavarn Vichit-Vadakan (Thailand)
- **Vice-Chairpersons:**
  - Dr David Acurio (Ecuador)
  - Mr Behzad Valizadeh (Islamic Republic of Iran)

**Committee B:**
- **Chairperson:** Mr Andrew Black (United Kingdom of Great Britain and Northern Ireland)
- **Vice-Chairpersons:**
  - Dr Ivanhoe Escartin (Philippines)
  - Dr Welani Chilengwe (Zambia)

(Second plenary meeting, 13 October 2014)

FCTC/COP6(4)  

Credentials of participants

The Conference of the Parties,

RECOGNIZES the validity of the credentials of the representatives of the following Parties:

Afghanistan, Algeria, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Egypt, Ethiopia, European Union, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People’s Democratic Republic, Latvia, Lesotho, Libya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Namibia, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Senegal, Serbia, Seychelles, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Viet Nam, Yemen, and Zambia.

The representatives of the following Parties were entitled to participate provisionally in the session with all rights in the Conference, pending arrival of their formal credentials:
Cook Islands, Ecuador, Estonia, Gambia, Lithuania, Marshall Islands, Saudi Arabia, Solomon Islands, Turkmenistan, Tuvalu, Ukraine, and United Republic of Tanzania.

(Fourth plenary meeting, 15 October 2014)

FCTC/COP6(5) Guidelines for implementation of Article 6 of the WHO FCTC
(Price and tax measures to reduce the demand for tobacco)

The Conference of the Parties (COP),

Taking into account Article 6 (Price and tax measures to reduce the demand for tobacco) of the WHO FCTC;

Recalling that at its fifth session it adopted a set of guiding principles and recommendations for implementation of Article 6 of the WHO FCTC and decided to establish an open-ended intersessional drafting group to continue the work of elaborating guidelines and to present a complete draft for consideration at its sixth session, and welcoming the report of the working group contained in document FCTC/COP/6/7 that included such a draft;

Emphasizing that the aim of these guidelines is to assist Parties to meet their obligations under Article 6 of the WHO FCTC, and mindful of the provisions of Articles 2 and 6.2 of the Convention,

1. ADOPTS the guidelines for implementation of Article 6 of the WHO FCTC contained in the Annex to this decision;

2. REQUESTS the Convention Secretariat to make available and regularly update, via a website: research, studies, and other useful reference materials relevant to the guidelines for implementation of Article 6 of the WHO FCTC.
ANNEX

GUIDELINES FOR IMPLEMENTATION OF ARTICLE 6 OF THE WHO FCTC

Price and tax measures to reduce the demand for tobacco

1. INTRODUCTION

Purpose of the guidelines

Consistent with other provisions of the WHO Framework Convention on Tobacco Control (WHO FCTC) and the decisions of the Conference of the Parties, these guidelines are intended to assist Parties in meeting their objectives and obligations under Article 6 of the WHO FCTC. They draw on the best available evidence, best practices and experiences of the Parties that have successfully implemented tax and price measures to reduce tobacco consumption.

Guiding principles

Tobacco use creates a significant economic burden on society at large. Higher direct health costs associated with tobacco-related disease, and higher indirect costs associated with premature loss of life, disability due to tobacco-related disease and productivity losses create significant negative externalities of tobacco use.

Effective tobacco taxes not only reduce these externalities through reduced consumption and prevalence but also contribute to the reduction of governments’ expenditures for the health care costs associated with tobacco consumption.

Tax and price policies are widely recognized to be one of the most effective means of influencing the demand for and thus the consumption of tobacco products. Consequently, implementation of Article 6 of the WHO FCTC is an essential element of tobacco-control policies and thereby efforts to improve public health. Tobacco taxes should be implemented as part of a comprehensive tobacco-control strategy in line with other articles of the WHO FCTC.

The following guiding principles underpin the implementation of Article 6 of the WHO FCTC.

1.1 Determining tobacco taxation policies is a sovereign right of the Parties

All parts of the guidelines respect the sovereign right of the Parties to determine and establish their taxation policies, as set out in Article 6.2 of the WHO FCTC.

1.2 Effective tobacco taxes significantly reduce tobacco consumption and prevalence

Effective taxes on tobacco products that lead to higher real consumer prices (inflation-adjusted) are desirable because they lower consumption and prevalence, and thereby in turn reduce mortality and morbidity and improve the health of the population. Increasing tobacco taxes is particularly important for protecting young people from initiating or continuing tobacco consumption.

1.3 Effective tobacco taxes are an important source of revenue
Effective tobacco taxes contribute significantly to State budgets. Increasing tobacco taxes generally further increases government revenues, as the increase in tax normally outweighs the decline in consumption of tobacco products.

1.4 Tobacco taxes are economically efficient and reduce health inequalities

Tobacco taxes are generally considered to be economically efficient as they apply to a product with inelastic demand. Low- and middle-income population groups are more responsive to tax and price increases; therefore consumption and prevalence are reduced in these groups by greater magnitudes than in higher-income groups, resulting in a reduction in health inequalities and tobacco-related poverty.

1.5 Tobacco tax systems and administration should be efficient and effective

Tobacco tax systems should be structured to minimize the costs of compliance and administration while ensuring that the desired level of tax revenue is raised and health objectives are achieved.

Efficient and effective administration of tobacco tax systems enhances tax compliance and collection of tax revenues while reducing tax evasion and the risk of illicit trade.

1.6 Tobacco tax policies should be protected from vested interests

The development, implementation and enforcement of tobacco tax and price policies as part of public health policies should be protected from commercial and other vested interests of the tobacco industry, including tactics of using the issue of smuggling in hindering implementation of tax and price policies, as required under Article 5.3 of the WHO FCTC and consistent with the guidelines for its implementation as well as from any other actual and potential conflicts of interests.

Scope of the guidelines

These guidelines focus mainly on tobacco excise taxes since these are the primary tool for raising the price of tobacco products relative to the prices of other goods or services. Other taxes or fees, such as income taxes, public fees, and investment encouragement provisions, are not within the scope of these guidelines. Value added tax (VAT) and import duties are briefly referred to in section 3.1.5.

In a broader perspective, it is important to note that tobacco taxation policies have the ability to affect the consumer price of tobacco products and thus reduce consumption, prevalence and affordability. However, tobacco taxes do not exist in a vacuum and should be implemented as part of a comprehensive tobacco-control strategy alongside other policies undertaken in line with other articles of the WHO FCTC. In that respect, broader economic policy considerations, notably the interrelationship between tax and price policies and income growth, and the consequential social effects on parts of the population, also need to be taken into account. Such an analysis, however, goes beyond the remit of the present guidelines.

Illicit trade in tobacco products is addressed in Article 15 of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. Many Parties have raised tobacco taxes effectively and experienced revenue increases without increases in illicit trade. Illicit trade in tobacco products undermines price and tax measures designed to strengthen tobacco control and thereby increases the accessibility and affordability of tobacco products. Curbing illicit trade enhances the effectiveness of
tobacco tax and price policies in reducing tobacco use and in achieving the public health and revenue goals of tobacco taxation.

**Use of terms**

For the purposes of these guidelines:

“Ad valorem excise tax” means a tax levied on selected products based on value, such as retail selling price, the manufacturer’s (or ex-factory) price, or the cost insurance freight price (CIF);

“Affordability” means price relative to per capita income;

“Bootlegging” means purchase of tax-paid tobacco products in a lower tax or price jurisdiction for resale in a higher tax or price jurisdiction;

“Consumption” means the absolute quantity of tobacco products used in the aggregate; “Cross-border shopping” means purchase of tax-paid tobacco products in a lower tax or price jurisdiction for use in a higher tax or price jurisdiction;

“Excise tax” or “Excise duty” means a tax or duty imposed on the sale or production of selected products, such as tobacco products;

“Forestalling” means increases in production or stock of product in anticipation of a tax increase;

“General sales tax (GST)” means a tax imposed on a wide variety of products, typically based on retail price;

“Import tax” or “Import duty” means a tax imposed on selected imported products, such as tobacco products;

“Income elasticity of demand” means the percentage change in consumption resulting from a one per cent increase in real income;

“Intensity” means the quantity of tobacco products used by the average tobacco user;

“Mixed tax” or “Hybrid tax” means a tax that includes both a specific tax component and an ad valorem tax component;

“Negative externality” means costs borne by non-users;

“Prevalence” means the percentage of the population that uses a tobacco product;

“Price elasticity of demand” means the percentage change in consumption resulting from a one per cent increase in real price;

“Product substitution” means switching from the use of one tobacco product to another, for example from cigarettes to loose tobacco, in response to changes in relative prices or other factors;

“Real” means inflation-adjusted;
“Share of excise tax in retail price” means the percentage of the retail price of a tobacco product, inclusive of all relevant taxes, accounted for by excise taxes on that product.

“Share of taxes in retail price” means the percentage of the retail price of a tobacco product, inclusive of all relevant taxes, accounted for by all taxes on that product;

“Specific excise tax” means a tax levied on selected products based on quantity, such as number of cigarettes or weight of tobacco;

“Tiered tax” means a tax applied at different rates to different variants of a given product, based on various factors such as price, product characteristics, or production characteristics;

“Uniform tax” means a tax applied at the same rate to all variants of a given product, such as all cigarette brands and brand variants;

“Value added tax (VAT)” means a tax imposed on a wide variety of products (domestic and imported), based on the value added at each stage of production or distribution;

“Weighted average price (WAP)” means the average consumer price of a tobacco product based on the prices of individual brands and weighted by sales of each brand.

2. RELATIONSHIP BETWEEN TOBACCO TAXES, PRICE AND PUBLIC HEALTH

Taxes are a very effective tool for policy-makers to influence the price of tobacco products. In most cases, higher taxes on tobacco products lead to higher prices which, in turn, lead to lower consumption and prevalence and result in a reduction of mortality and morbidity and thus in the improved health of the population. The inverse relationship between price and tobacco use has been demonstrated by numerous studies and is not contested.

2.1 Relationship between price and consumption/prevalence (price elasticity)

Taxes and prices affect both the consumption of tobacco products and the prevalence of tobacco use. Worldwide evidence suggests that the impact of a price increase is felt approximately half on prevalence and half on intensity.

Any policy to increase tobacco taxes that effectively increases real prices reduces tobacco use. According to the studies referenced in the WHO technical manual on tobacco tax administration and IARC Handbooks of Cancer Prevention: Tobacco Control. Volume 14, the relationship between real prices and tobacco consumption is generally inelastic, meaning that the decline in consumption is less than proportional to the increase in real price. This relationship is defined by the price elasticity of demand. For example, if the price elasticity of demand is -0.5, a 10% increase in price will result in a 5% decrease in consumption. Most estimates of the price elasticity of demand lie between -0.2 and -0.8.

In all settings, studies have shown that the price elasticity of demand is higher (in absolute terms) in the long term, meaning that consumption will fall even more in the long term. People with lower socioeconomic status are more responsive to tax and price changes because such changes have a greater impact on their disposable income.
As regards the effect of higher taxes and prices on tobacco use by young people, it is estimated that young people are two to three times more responsive to tax and price changes than older people. Therefore, tobacco tax increases are likely to have a significant effect on reducing tobacco consumption, prevalence and initiation among young people, as well as on reducing the chances of young people moving from experimentation to addiction.

Equally important, higher taxes and prices reduce the demand for tobacco most sharply in lower-income population groups or in countries where tobacco users are more responsive to price increases, thereby contributing to the fight against health inequalities.

An increase in tax rates generally leads to an increase in revenues earned by governments. Since tobacco products are price inelastic, the increase in tax rates can be expected to be proportionally larger than the decline in consumption, meaning that revenues increase as a result of tax increases.

### 2.2 Taxation and affordability (income elasticity)

Increases in income generally result in increasing tobacco consumption and prevalence, particularly in low- and middle-income countries. Most estimates of income elasticity of demand for tobacco products lie between 0 and 1. An income elasticity of demand of 0.5 means that an increase in income of 10% will result in tobacco consumption rising by 5%.

Without price increases above the growth in income, tobacco products will inevitably become more affordable over time. This increase in affordability will generally result in growing consumption. Evidence suggests that tobacco products are becoming more affordable in many low- and middle-income countries and that this increase in affordability has accelerated in recent years. Instead, in many high-income countries tax and price increases have generally outpaced growth in incomes, which has resulted in a decline in the affordability of tobacco products in these countries in recent years.

Some tax policies can make some tobacco products more affordable to vulnerable segments of the population (young people and lower-income groups). Increases in tobacco use in these populations can increase inequalities in health, increase poverty and result in other consequences. Tobacco tax policies that reduce affordability may lead to proportionately larger reductions in tobacco use in vulnerable populations, given the greater price sensitivity of these populations.

**Recommendation**

When establishing or increasing their national levels of taxation Parties should take into account – among other things – both price elasticity and income elasticity of demand, as well as inflation and changes in household income, to make tobacco products less affordable over time in order to reduce consumption and prevalence. Therefore, Parties should consider having regular adjustment processes or procedures for periodic revaluation of tobacco tax levels.
3. TOBACCO TAXATION SYSTEMS

3.1 Structure of tobacco taxes (ad valorem, specific, mixture of both, minimum taxes, other taxes on tobacco goods)

Governments exercise their sovereign right to make decisions about the structure and system of tobacco taxes, taking into account their national circumstances, to achieve public health, fiscal and other objectives.

Tobacco tax systems can be made up of purely specific taxes, ad valorem taxes, or some combination of the two (mixed or hybrid systems). In some systems tax rates vary based on price or other product characteristics (tiered taxes). Generally, more complex tax systems, particularly tiered systems and those with exemptions, are more difficult to administer, and tax exemptions in particular, may diminish the effectiveness of tax policies on public health outcomes.

3.1.1 Types of taxes

In general, taxes levied specifically on tobacco products are excise taxes, while other non-tobacco-specific taxes (e.g. general sales taxes (GST), value added taxes (VAT) and import taxes/duties) may also cover tobacco products. These guidelines focus mainly on tobacco excise taxes since these are the primary tool for raising the price of tobacco products relative to the prices of other goods or services.

3.1.2 Specific excise taxes

Specific taxes can either be uniform or tiered. Uniform specific taxes create a price floor (minimum price). Furthermore, uniform specific taxes tend to lead to relatively higher prices, even on low-priced brands.

Uniform specific taxes compared to ad valorem taxes may reduce incentives for consumers to switch to lower-priced brands because they generate smaller price differences between lower- and higher-priced brands.

A uniform specific tax is easy to implement and administer, because only the volume, and not the value, of the product needs to be ascertained. Since tax revenues are based on volumes rather than on prices, revenues from a uniform specific tax are easier to forecast, more stable, and less dependent on industry pricing strategies. However, the real value of the specific tax will be eroded unless it is regularly increased at least in line with inflation.

3.1.3 Ad valorem excise taxes

Ad valorem taxes are expressed as a percentage of a certain base value, which can be the retail selling price (containing all applicable taxes), the manufacturer’s (or ex-factory) price, or the cost insurance freight (CIF) price. Compared to a uniform specific tax, an ad valorem tax leads to larger differences in price between lower and higher-priced brands and increases incentives for consumers to switch to cheaper brands. Used alone, ad valorem taxes can lead to more price competition, and consequently to a lower average price.

An ad valorem tax is more difficult to implement and administer, because both the volume and the value of the product need to be ascertained. Pure ad valorem systems may be susceptible to product undervaluation in order to reduce the taxable value of products, particularly when ex-factory or CIF
price is used as the tax base. The undervaluation problem can be averted by implementing a minimum specific tax floor. The use of a minimum specific tax floor ensures that a certain minimum excise tax will be collected on all brands, regardless of their retail selling price.

Since tax revenues are based on both volumes and prices, revenues from an ad valorem tax are more difficult to forecast, less stable, and more dependent on industry pricing strategies. Ad valorem taxes have the advantage of maintaining their real value when prices rise with inflation.

3.1.4 Mixed specific and ad valorem excise taxes

Mixed (or hybrid) excise tax structures apply both specific and ad valorem excise taxes. Mixed systems usually combine a uniform specific tax (which has relatively more impact on less expensive brands) and an ad valorem tax (which has a greater absolute impact on more expensive brands). In a mixed system, the emphasis placed on either the ad valorem or the specific element depends on national circumstances and the policy objectives being pursued. While the ad valorem component increases absolute price differences and consequently promotes use of cheaper brands – undermining public health objectives – the specific component reduces the relative price differences between cheap and expensive brands and contributes to minimizing the variability of prices.

A mixed tax structure seeks to combine the advantages of pure specific and pure ad valorem taxes. It is more complex to implement and administer than a uniform specific tax structure, because both the volume and the value of the product need to be ascertained.

A mixed tax structure is less susceptible to product undervaluation than a pure ad valorem system. To further reduce susceptibility to undervaluation, a minimum specific tax floor can be applied. The use of a minimum specific tax floor ensures that a certain minimum excise tax will be collected on all brands, regardless of their retail selling price.

Since tax revenues are based on both volumes and prices, revenues from a mixed tax structure are more difficult to forecast, less stable, and more dependent on industry pricing strategies than tax revenues under a uniform specific tax structure. However, the real value of the total tax will be less eroded over time by inflation than under a uniform specific tax structure.

3.1.5 Other taxes on tobacco products

Other taxes that are not uniquely levied on tobacco products (e.g. GST or VAT) are outside the scope of these guidelines. Although they are applied to tobacco products and have a significant impact on retail prices of tobacco products, generally they do not affect the price of tobacco products relative to the prices of other goods and services and, consequently, have less impact on public health.

Some countries do not impose excise taxes on tobacco products and usually rely on other taxes such as import duties. Those countries should consider introducing excise taxes on tobacco products in order to effectively reduce tobacco use through price and tax policies.
**Recommendation**

Parties should implement the simplest and most efficient system that meets their public health and fiscal needs, and taking into account their national circumstances. Parties should consider implementing specific or mixed excise systems with a minimum specific tax floor, as these systems have considerable advantages over purely ad valorem systems.

### 3.2 Level of tax rates to apply

As recognized in Guiding Principle 1.1, Parties have the sovereign right to determine and establish their taxation policies, including the level of tax rates to apply. There is no single optimal level of tobacco taxes that applies to all countries because of differences in tax systems, in geographical and economic circumstances, and in national public health and fiscal objectives. In setting tobacco tax levels, consideration could be given to final retail prices rather than individual tax rates. In this regard, WHO has made recommendations on the share of excise taxes in the retail prices of tobacco products.

When it comes to the most effective calculation base for the share of taxes in retail prices, the concept of “weighted average price” is preferred.

Countries should establish long-term policies on their tobacco taxation structure to achieve their public health, fiscal and other objectives. Affordability of tobacco products (see section 2.2) is an important consideration, and tax rates should be monitored, increased or adjusted on a regular basis to take account of this.

In addition, the share of taxes in tobacco product retail prices differs enormously around the world. Large differences in taxes and prices within regions or between neighbouring countries create incentives for product substitution, cross-border shopping and bootlegging and countries with relatively low tobacco product prices could consider raising taxes in order to raise prices to reduce such incentives.

**Recommendation**

Parties should establish coherent long-term policies on their tobacco taxation structure and monitor on a regular basis including targets for their tax rates, in order to achieve their public health and fiscal objectives within a certain period of time.

Tax rates should be monitored, increased or adjusted on a regular basis, potentially annually, taking into account inflation and income growth developments in order to reduce consumption of tobacco products.

### 3.3 Comprehensiveness/similar tax burden for different tobacco products

There is a wide variation in the types of tobacco products used in different parts of the world. Although much of the experience of Parties with respect to taxation of tobacco products refers specifically to manufactured cigarettes, Parties should recognize the need for a tax policy on all tobacco products, including traditional forms and novelty products. A broad-based approach to taxation is likely to be more effective than targeting specific tobacco products or segments of the market.

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1. WHO technical manual on tobacco tax administration. Geneva, World Health Organization, 2010. (Recommends that tobacco excise taxes account for at least 70% of the retail prices for tobacco products).
tobacco products. Furthermore, systems should be simplified and harmonized to ensure that different products are taxed with the same goals in mind.

Some consumers react to tobacco price increases, generated by tax increases, by switching from more expensive products or brands to cheaper products or brands, thus reducing (but not eliminating) the decrease in overall tobacco product consumption expected from a tax increase.

In addition, differences in prices generated by different tax rates on different tobacco products (e.g. manufactured cigarettes versus roll-your-own tobacco) or differences in prices generated by different tax rates within a product category (e.g. high-priced versus low-priced cigarettes) create incentives for some users to switch to cheaper products.

**Recommendation**

All tobacco products should be taxed in a comparable way as appropriate, in particular where the risk of substitution exists.

Parties should ensure that tax systems are designed in a way that minimizes the incentive for users to shift to cheaper products in the same product category or to cheaper tobacco product categories as a response to tax or retail price increases or other related market effects.

In particular, the tax burden on all tobacco products should be regularly reviewed and, if necessary, increased and, where appropriate, be similar.

4. **TAX ADMINISTRATION**

4.1 **Authorization/licensing**

Controlling the tobacco supply chain is important for efficient and effective tax administration.

Licensing, equivalent approval or control systems should be applied to relevant entities for the control of the supply chain, in line with Article 6 of the Protocol to Eliminate Illicit Trade in Tobacco Products.

**Recommendation**

Parties should ensure that transparent licence or equivalent approval or control systems are in place.

4.2 **Warehouse system/movement of excisable goods and tax payments**

Since controls need to be carried out in production and storage facilities in order to ensure that the tax debt is collected, it is necessary to maintain a system of warehouses, subject to authorization by the competent authorities, for the purpose of facilitating these controls. Many countries oblige and authorize natural or legal persons (as authorized warehouse keepers) to produce, process, hold, receive and dispatch products subject to excise duty in the course of their businesses, under suspension of the excise duty. Guarantees can be requested from warehouse keepers to secure the payment of taxes. Features of such a system may include: strict criteria for granting authorization; warehouse pre-authorization visits; adequate stock control measures; checking the origin of excise products and the entire production process; and coding and marking products. Monitoring movements of excise goods under suspension of excise duty via a computerized system can also be used as a control tool.
**Recommendation**

Parties are urged to adopt and implement measures and systems of storage and production warehouses to facilitate excise controls on tobacco products.

In order to reduce the complexity of tax collection systems, excise taxes should be imposed at the point of manufacture, importation or release for consumption from the storage or production warehouses.

Tax payments should be required by law to be remitted at fixed intervals or on a fixed date each month and should ideally include reporting of production and/or sales volumes, and price by brands, taxes due and paid, and may include volumes of raw material inputs.

Tax authorities should also allow for the public disclosure of the information contained within the reports, through the available media, including those online, taking into account confidentiality rules in accordance with national law.

### 4.3 Anti-forestalling measures

In some cases, changes to taxes can be anticipated by manufactures or importers. This may be because taxes are indexed to inflation or known benchmarks. In anticipation of tax increases, manufacturers or importers may attempt to take advantage of the current or lower tax and increase production or stock of products (known as forestalling).

To prevent this from occurring and to ensure that authorities receive the extra revenue from tax increases, rather than producers or importers, Parties should consider implementing anti-forestalling measures, such as:

- restricting the release of excessive volumes of tobacco products immediately prior to a tax increase;
- levying the new tax on products already produced or kept in stock, and not yet supplied to the final consumer, including those in retail (known as a floor-stock or inventory tax).

**Recommendation**

In anticipation of tax increases Parties should consider imposing effective anti-forestalling measures.

### 4.4 Fiscal markings

Using fiscal markings is generally considered to be an appropriate tool to increase compliance with tax laws through monitoring of production and importation. Moreover, fiscal markings can help in distinguishing between illicit and legal tobacco products. Markings include tax stamps, enhanced tax stamps (also known as banderols) and digital tax stamps.

Fiscal markings are usually applied at the pack level at specified positions on the pack. Setting a certain standard pack size facilitates the application of fiscal markings and increases the efficiency of tax administration. In line with Article 15 of the WHO FCTC, the development of a tracking and tracing system including marking of tobacco products with a unique identifier may further secure the distribution system and assist in investigations of illicit trade.
**Recommendation**

Where appropriate, Parties should consider requiring the application of fiscal markings to increase compliance with tax laws.

### 4.5 Enforcement

Effective tobacco tax administration requires clear designation of responsible enforcement authorities. Tax authorities should generally have the authority and capacity to conduct investigations, search, seizure, retention and disposal activities in line with those of law enforcement agencies, and should be provided with necessary enforcement tools including appropriate technologies. In addition, the sharing of information among enforcement agencies is also a helpful feature for efficient enforcement in accordance with national laws.

Penalties for non-compliance with tax laws usually include suspension or cancellation of licence or the application of more stringent conditions on the licence, fines and/or jail, forfeiture of products, forfeiture of equipment used in the manufacture or distribution of products including machinery and vehicles, cease and desist orders, and other administrative remedies as appropriate. Penalties and interest are applied to the late payment of taxes, and back taxes and punitive taxes are applied to the non-payment of taxes.

**Recommendation**

Parties should clearly designate and grant appropriate powers to tax enforcement authorities.

Parties should also provide for information sharing among enforcement agencies in accordance with national law.

In order to deter non-compliance with tax laws, Parties should provide for an appropriate range of penalties.

### 5. USE OF REVENUES – FINANCING OF TOBACCO CONTROL

According to Article 6.2 of the WHO FCTC, Parties shall retain their sovereign right to determine and establish their taxation policies. An integral part of each Party’s sovereign right is to decide how the revenue stemming from tobacco taxation is used.

As already noted in the guidelines for implementation of Articles 8, 9 and 10, 12, and 14, tobacco excise taxes provide a potential source of financing for tobacco control.

Parties could consider, while bearing in mind Article 26.2 of the WHO FCTC, and in accordance with national law, dedicating revenues to tobacco-control programmes. Some Parties dedicate tobacco tax revenues to tobacco-control programmes, while others do not apply such an approach.

**Recommendation**

Parties could consider, while bearing in mind Article 26.2 of the WHO FCTC, and in accordance with national law, dedicating revenue to tobacco-control programmes, such as those covering awareness raising, health promotion and disease prevention, cessation services, economically viable alternative activities, and financing of appropriate structures for tobacco control.
6. TAX-FREE/DUTY-FREE SALES

In duty-free shops in airports, on international transport vehicles and in tax-free shops, tobacco products are sold often without any excise tax burden. Generally, tax- or duty-free sales in airports or in other designated places apply to travellers who will take the tobacco products out of the country and are exempted from the payment of certain local or national taxes and duties. However, in some countries, travellers can also buy from duty-free shops in airports not only when leaving but also when entering the country.

Tax- and duty-free sales generally erode the effects of tax and price measures aimed at reducing the demand for tobacco products, since tax-free tobacco products are cheaper and more affordable than those which are taxed. This is counterproductive to the health purpose behind taxation and harms public health by encouraging personal consumption. Moreover, these sales can adversely affect government revenues by creating a loophole in the tax structure as tax- or duty-free products can be an origin of illicit trade. There is growing evidence that governments are taking action to prohibit or restrict tax- or duty-free sales.

International actions to ban tax- or duty-free sales are built around three basic options:

- prohibiting tax- or duty-free sales of tobacco products;
- applying excise taxes on tobacco products sold in tax- or duty-free stores; or
- limiting travellers’ allowances for tobacco products to restrict private imports of tax- or duty-free tobacco products, such as by applying quantitative limits.

Recommendation

Parties should consider prohibiting or restricting the sale to and/or importation by international travellers, of tax-free or duty-free tobacco products.

7. INTERNATIONAL COOPERATION

International cooperation in scientific and legal fields, provision of related expertise, and exchange of information and knowledge are important means of strengthening the capacity of Parties to meet their obligations under Article 6 of the WHO FCTC. Such measures should be in line with the commitments that Parties have undertaken with respect to international cooperation, particularly under Articles 4.3, 5.4, 5.5, 20 and 22 of the WHO FCTC.

The periodic reports of the Parties according to Article 21 of the WHO FCTC represent another important tool for international exchange and collaboration under the Convention. Article 6 of the WHO FCTC stipulates that the Parties shall provide rates of taxation for tobacco products, and trends in tobacco consumption in their periodic reports, in accordance with Article 21. Ideally this would include the absolute tax level and share of price accounted for by tax.

International cooperation helps to ensure that consistent and accurate information related to global, regional and national trends and experiences in relation to tax and price policies is provided, particularly through the global treaty implementation database maintained by the Convention Secretariat. Parties may consider the reports of other Parties, and the data and trends deriving from
global progress reports presented to each regular session of the Conference of the Parties, to enhance their knowledge of international experiences with respect to tax and price policies.

Parties should also consider utilizing the multisectoral dimension of tax and price policies and cooperating within relevant bilateral and multilateral mechanisms and organizations to promote the implementation of relevant policies.

According to a mechanism and timeline to be established by the Conference of the Parties, Parties should cooperate in reviewing and, if necessary, updating these guidelines, to ensure that they continue to provide effective guidance and assistance to Parties in establishing their tax and price policies with respect to tobacco products.

8. GENERAL REFERENCES


(Fourth plenary meeting, 15 October 2014)
1. CALLS UPON all Parties to the WHO FCTC to ratify, accept, approve, formally confirm or accede to the Protocol at the earliest opportunity, with a view to bringing the Protocol into force as soon as possible;

2. CALLS UPON all Parties to the WHO FCTC to advocate and support the entry into force of the Protocol, including through appropriate forums of the World Customs Organization (WCO), the United Nations Office on Drugs and Crime (UNODC), the World Trade Organization (WTO) and other relevant international organizations of which they are members;

3. REQUESTS the Convention Secretariat to:

   (a) continue to promote ratification, acceptance, approval, formal confirmation and accession to the Protocol, including through multisectoral face-to-face and online meetings, and by promoting the use of the self-assessment checklist by all government sectors involved in Protocol implementation;

   (b) identify and establish, as soon as possible, a panel of experts, composed of up to two experts per WHO region, with the mandate to support the Convention Secretariat to provide technical and legal advice upon request, including on customs, tax administration and enforcement, and facilitate exchanges of information, experiences and challenges among Parties, including on existing good practices and opportunities in implementation of the provisions of the Protocol;

   (c) further engage with WCO, UNODC, WTO and other bodies, as appropriate, in order to identify means of accelerating the entry into force of the Protocol, particularly by facilitating multisectoral discussions;

   (d) to continue to develop and make available the technical capacity required within the Secretariat to support Parties wishing to advance their work in the areas covered by Article 15 of the WHO FCTC and the Protocol;

   (e) identify mechanisms of technical and financial support to Parties in implementation of the Protocol; and

   (f) report on the activities carried out to the seventh session of the Conference of the Parties.

(Fifth plenary meeting, 18 October 2014)
Moscow, Russian Federation, 13–18 October 2014

FCTC/COP6(7) Implementation of Article 19 of the WHO FCTC: “Liability”

The Conference of the Parties (COP),

Recalling the report by the Convention Secretariat on liability contained in document FCTC/COP/5/11;

Noting the report by the expert group on liability that was established pursuant to decision FCTC/COP5(9) contained in document FCTC/COP/6/8;

Recognizing that, as outlined in the expert group’s report, “the marketing of an inherently deadly and addictive product, promoted as a lifestyle consumer good and subject to gradual and still evolving regulation has few, if any, historical parallels”;

Recognizing that, as highlighted in the guiding principles of the WHO FCTC (Article 4.5), “issues relating to liability … are an important part of comprehensive tobacco control” and that Article 19 presents the Parties with an opportunity to hold the tobacco industry legally liable for the harms it causes;

Noting that, according to the expert group’s report contained in document FCTC/COP/6/8, very few Parties have launched any criminal and/or civil liability action and even fewer have taken any legislative, executive, administrative and/or other action against the tobacco industry for full or partial reimbursement of medical, social and other relevant costs related to tobacco use in their jurisdiction, and that Parties require additional guidance to advance implementation,

(1) INVITES Parties to share, through the Convention Secretariat’s information platform, relevant information regarding implementation of Article 19; experiences with issues related to tobacco liability; and expertise;

(2) REQUESTS the Convention Secretariat to:

(a) develop a database of public institutions and legal and scientific experts, nominated by Parties, with experience in tobacco litigation related to liability, and establish a mechanism for the recommendation of experts, at the request of Parties, engaged in relevant actions; and

(b) prepare, maintain and make available to Parties a comprehensive list of the existing resources that may assist Parties in dealing with civil and criminal liability and other legal challenges where necessary;

(3) DECIDES to extend the mandate of the expert group, which shall continue its work as set out in decision FCTC/COP5(9), and shall, prior to COP7, provide a final report on approaches that may assist Parties to strengthen civil liability mechanisms across a variety of legal systems. It shall also report on progress made in the other areas of its mandate;

(4) DECIDES that, with the aim of ensuring balanced representation from developed and developing nations, the expert group shall comprise three experts per WHO region, and two observers per WHO region with specific expertise in the area of the expert group invited by the Convention Secretariat;

(5) REQUESTS the expert group to take into account document FCTC/COP/6/8 in its deliberations;
(6) FURTHER REQUESTS the Convention Secretariat to make the necessary arrangements including budgetary arrangements, for the expert group to complete its work.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(8) Smokeless tobacco products

The Conference of the Parties (COP),

Recalling documents FCTC/COP/4/12 and FCTC/COP/5/12, and taking note of the report contained in document FCTC/COP/6/9;

Recognizing that the consumption of smokeless tobacco (SLT) products has become a matter of global public health concern with more than 80 Parties reporting the use of some form of SLT product;

Further recognizing that the WHO South-East Asia Region is home to nearly 90% of the world’s 300 million users of SLT products;

Taking note of the fact that the prevalence of SLT use has seen an increase in most Parties;

Further taking note of the fact that SLT is a key causal risk factor for a number of noncommunicable diseases, especially oral cancer, heart disease and adverse reproductive outcomes, and that it increases all-cause mortality;

Commending the Parties that have adopted policies and programme measures to prohibit, restrict or reduce the consumption of SLT;

Taking note of the lack of adequate regulatory, enforcement or product-testing capacity to regulate SLT products or test for their constituents;

Agreeing that SLT control is no longer a regional issue and that it merits global level actions to strengthen policies, programmes and implementation;

Acknowledging the need to build a suitable communications strategy to denormalize SLT use, and to sensitize and educate policy-makers and the public on harms of SLT use, as well as the need to train health professionals on cessation of SLT use;

Taking note of Parties’ commitment and support to the global effort to establish a knowledge hub on SLT products that builds upon the existing knowledge base and research capacity on SLT;

Agreeing on the need for:

(a) improvement in surveillance of SLT products and related indicators as part of regular health surveys;
(b) effective price and tax measures to be taken in line with Article 6 of the FCTC and the guidelines for its implementation and in line with other tobacco products such as cigarettes in accordance with national laws;

(c) operational and implementation research on opportunities and challenges in effective implementation of WHO FCTC provisions, and health and economic cost studies of specific SLT products;

(d) strict regulation of new and existing SLT products;

(e) strong efforts to reduce sales of SLT products to minors and their access to such products through strict application of relevant legislative and administrative measures;

(f) consideration of developing specific cessation support for people who use SLT and to assess the effectiveness of SLT cessation interventions in accordance with Article 14 guidelines;

(g) encouragement to all WHO regions to develop SLT strategies specific to regions and/or subregions;

(h) establishment of a global knowledge hub on SLT that serves as a repository of information, product-specific SLT burden, and research needs, including best practices and implementation challenges concerning SLT;

1. INVITES Parties to

(a) consider, as appropriate, developing product-specific policies and regulations to protect the health of their citizens, acknowledging the WHO FCTC provisions, especially on labelling, packaging, ingredients, sales arrangements, advertising, tax measures, or other strict regulations, such as prohibition of the import, manufacture and sale of identified SLTs in line with applicable legal provisions and public health priorities,

(b) to promote action for education and public awareness on the risks of use of these products, and offer cessation treatment.

2. DECIDES to request the Convention Secretariat to:

(a) include, as appropriate, a specific reference to and discussion of SLT issues in the ongoing working group discussions, especially in the working group on Articles 9 and 10 of the WHO FCTC;

(b) include, as appropriate, a separate examination of SLT issues as and when any of the existing guidelines are reviewed in future;

(c) in consultation with the WHO Secretariat, explore the feasibility of establishing a global knowledge hub on SLT.

(Fifth plenary meeting, 18 October 2014)
The Conference of the Parties (COP),

Recalling its decision FCTC/COP4(14) to request the Convention Secretariat to prepare jointly with WHO’s Tobacco Free Initiative a comprehensive report based on the experience of Parties on the matter of electronic nicotine delivery systems (ENDS) for consideration at the fifth session of the COP;

Recalling its decision FCTC/COP5(10) to request the Convention Secretariat to invite WHO to identify options for the prevention and control of ENDS and examine emerging evidence on the health impacts of the use of such electronic systems; and report on the outcome to the sixth session of the COP;

Recognizing that the Parties have adopted various regulatory strategies with respect to ENDS, such as an outright ban on their sale, the adoption of regulation similar to that applicable to the marketing of medicines, their control as tobacco products, or no control at all;

Noting that the report by WHO to the COP at its sixth session (document FCTC/COP/6/10 Rev.1) summarizes the public health debate and limited nature of the evidence on ENDS and presents both general objectives and specific regulatory options for consideration by Parties,

1. WELCOMES the report contained in document FCTC/COP/6/10 Rev.1 and invites Parties to take careful note of it;

2. INVITES Parties, when addressing the challenge posed by ENDS/ENNDS, to consider taking measures such as those referred to in document FCTC/COP/6/10 Rev.1 in order to achieve at least the following objectives, in accordance with national law:

   (a) prevent the initiation of ENDS/ENNDS by non-smokers and youth with special attention to vulnerable groups;

   (b) minimize as far as possible potential health risks to ENDS/ENNDS users and protect non-users from exposure to their emissions;

   (c) prevent unproven health claims from being made about ENDS/ENNDS; and

   (d) protect tobacco-control activities from all commercial and other vested interests related to ENDS/ENNDS, including interests of the tobacco industry;

3. INVITES Parties to consider prohibiting or regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer products, or other categories, as appropriate, taking into account a high level of protection for human health;

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1 Electronic nicotine delivery systems (ENDS), of which electronic cigarettes are the most common prototype, are devices that vaporize a solution, which may include nicotine, or not, the user then inhales.

2 Electronic non-nicotine delivery systems (ENNDS)
4. URGES Parties to consider banning or restricting advertising, promotion and sponsorship of ENDS;

5. INVITES Parties and WHO to comprehensively monitor the use of ENDS/ENNDS, including the relevant questions in all appropriate surveys;

6. REQUESTS the Convention Secretariat to invite WHO to prepare an expert report, with independent scientists and concerned regulators, for the seventh session of the Conference of the Parties with an update on the evidence of the health impacts of ENDS/ENNDS, potential role in quitting tobacco usage, impact on tobacco control efforts and to subsequently assess policy options to achieve the objectives outlined in paragraph 2 of this decision and to consider the methods to measure contents and emissions of these products.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(10) Control and prevention of waterpipe tobacco products

The Conference of the Parties (COP),

Recalling the report submitted by the Convention Secretariat on the control and prevention of waterpipe tobacco products (documents FCTC/COP/6/11 and FCTC/COP/6/11 Corr.1);

Acknowledging that waterpipe use accounts for a significant and growing share of tobacco use globally and that misconceptions about the safety of waterpipe use compared to other smoked tobacco products have contributed greatly to its wide social and cultural acceptance and the observed sharp rise in its use globally;

Emphasizing that it is well documented that the tobacco used in waterpipe is as deadly as other tobacco products, causing a range of illnesses including cardiovascular diseases, different types of cancers, and respiratory and other illnesses;

Noting that the global tobacco industry and other commercial entities are investing in waterpipe production and that its distribution is no longer limited to local industries, which might increase its use and the related epidemic not only in countries traditionally known for waterpipe use but also at the global level;

Recognizing that Parties need clear guidance in relation to waterpipe and the regulatory peculiarities that are unique to its use;

Further emphasizing that establishing a mechanism for exchange of information on the different aspects of waterpipe tobacco products between Parties is vital to success in controlling its use;

1. INVITES Parties to:

(a) include waterpipe tobacco products in surveillance systems and other relevant research at national level and develop national profiles, including consumers, products types, additives and sales channels, on waterpipe use;
(b) strengthen their implementation of the WHO FCTC in relation to waterpipe tobacco products, through the integration of waterpipe prevention and control into tobacco-control measures;

2. REQUESTS the Convention Secretariat to:

(a) Invite WHO to:

(i) develop a report on policy options and best practices in the control of use of waterpipe tobacco products in light of the WHO FCTC to be submitted to the seventh session of the COP;

(ii) integrate reporting on use of waterpipe in all relevant data collection;

(b) review the reporting instrument of the WHO FCTC and integrate reporting on waterpipe use where appropriate;

(c) in consultation with the WHO Secretariat explore the possibility of including waterpipe use issues in a global knowledge hub;

(d) include, as appropriate, a specific reference to and discussion of waterpipe tobacco products in the ongoing working group discussions, especially in the working group on Articles 9 and 10 of the WHO FCTC.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(11) Economically sustainable alternatives to tobacco growing
(in relation to Articles 17 and 18 of the WHO FCTC)

The Conference of the Parties (COP),

Taking into account Articles 17 (Provision of support for economically viable alternative activities) and Article 18 (Protection of the environment and the health of persons) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Reaffirming its decision FCTC/COP3(16) that established a working group on economically sustainable alternatives to tobacco growing in relation to Articles 17 and 18 of the WHO FCTC;

Recalling decisions FCTC/COP3(16) and FCTC/COP5(8);

Noting that the WHO FCTC does not aim to penalize tobacco farmers, but aims to promote economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers;

Considering that the success of the WHO FCTC will result in reducing consumption, and bearing in mind that Articles 17 and 18 of the WHO FCTC is aimed at increasing the number of livelihood options, with a view to assisting tobacco growers and workers;

Reaffirming the need to safeguard the livelihoods of tobacco farmers and workers;
Emphasizing that the aim of these policy options and recommendations is to assist Parties to meet their obligations under Articles 17 and 18 of the WHO FCTC;

1. ADOPTS the policy options and recommendations on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC) contained in the Annex to this decision.

2. REQUESTS the Convention Secretariat to:

   (a) support interested Parties in developing pilot projects and other initiatives that aim to implement these policy options and recommendations;

   (b) promote international cooperation and exchange of information among interested parties;

   (c) organize an international database, within the WHO FCTC information platform, of good practices, instruments and measures to support the implementation of these policy options and recommendations;

   (d) invite support and collaboration from Parties and competent international organizations including WHO to raise awareness of the health, environmental and social harms and risks related to tobacco cultivation and manufacture and to promote the implementation of Articles 17 and 18 of the WHO FCTC in all relevant forums, including the discussion of the post-2015 development agenda;

   (e) invite the Food and Agriculture Organization of the United Nations (FAO) to update its 2003 study “Projections of Tobacco Production, Consumption and Trade”, considering the impact of the implementation of the WHO FCTC;

   (f) invite the International Labour Organization to update data on jobs related to tobacco production and manufacturing in order to support Parties to the WHO FCTC to monitor the potential impact of the Convention on the livelihoods of tobacco growers and the economies of tobacco-growing regions;

   (g) cooperate with FAO, in the context of the International Year of Family Farming, to support initiatives aimed at promoting alternatives to tobacco growing;

   (h) request WHO to support interested Parties to develop guidelines for surveillance, prevention and early diagnosis of occupational harms and risks specific to tobacco cultivation and manufacture, in particular those related to green tobacco sickness;

   (i) submit to COP7, a progress report on the implementation of the current decision. The progress report can make use of experiences and case studies from before and after this decision.
ANNEX

POLICY OPTIONS AND RECOMMENDATIONS ON ECONOMICALLY SUSTAINABLE ALTERNATIVES TO TOBACCO GROWING (IN RELATION TO ARTICLES 17 AND 18 OF THE WHO FCTC)

1. INTRODUCTION

The WHO Framework Convention on Tobacco Control (WHO FCTC) enshrines a comprehensive range of multisectoral evidence-based measures that aim to reduce tobacco use and exposure to tobacco smoke. At the same time, it also recognizes the need to promote economically viable alternatives to tobacco production as a way to prevent possible adverse social and economic impacts on populations whose livelihoods depend on tobacco production. Moreover, Parties agreed to have due regard to the protection of the environment and the health of persons in respect of tobacco cultivation and manufacture.

1.1 The global tobacco production chain

The global tobacco industry is a highly specialized oligopoly that depends on the cultivation of the tobacco crop (*Nicotiana tabacum* and to a much lesser extent *Nicotiana rustica*).

- The agricultural sector is composed of tobacco growers and workers who produced (in 2011) about 7,461,994 tonnes of raw tobacco on a total of 4,211,885 hectares in about 120 countries. The challenges of the agricultural sector related to contracting, extension, support and marketing/payment systems vary by region.

- The primary processing of the tobacco leaves is undertaken by specialized companies, called "first processors" or "leaf companies". Worldwide, only a few companies work in this sector. The business model is a vertical integration of the tobacco growers and workers. The companies usually provide all the necessary inputs as well as loans for cropping.

- The tobacco products industry comprises facilities that manufacture cigarettes, cigars, smokeless tobacco (chewing, plug/twist, and snuff tobacco), loose smoking tobacco (pipe and roll-your-own cigarette tobacco), reconstituted (sheet) tobacco, and other tobacco products such as bidis, and that market them under different brands.

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1 The figures in this section will be updated/revised periodically, based on availability of data.


Moscow, Russian Federation, 13–18 October 2014

The farmers themselves earn very little for their crop in comparison with the final price obtained at the end of the value-added chain. It is estimated that one ton of raw tobacco produced by a farmer and sold to the "first processor" increases in value 47.2 times along the production chain until the point at which smokers buy cigarettes.

1.1.1 Global tobacco product consumption trends

Globally, the tobacco epidemic has expanded to, and become more focused on, the world's low- and middle-income countries, due largely to the expansion of the multinational tobacco industry's marketing efforts in eastern Europe, Asia, Africa, and Latin America.

Ten years ago, it was predicted that any reduction in the number of smokers and in total tobacco consumption over the next 20 years would gradually. Half of this time has passed and there has been clear progress in WHO FCTC implementation and signs of reduction in tobacco demand.

In this context, the current scenario for global tobacco control needs to be better understood, taking into account its potential impact on the livelihoods of tobacco growers and the economics of tobacco-growing regions.

These new trends increase the urgency of considering measures to implement Article 17 by the Parties in tobacco-growing regions, especially in those Parties where tobacco represents a significant source of income to the national economy.

1.1.2 Labour demand in the tobacco production chain

The tobacco production chain demands labour in three different sectors, agriculture, manufacturing and services sector including sales and distribution. The agricultural sector is composed of tobacco growers and contractual, non-contractual, permanent or seasonal workers employed by the farmers.

Tobacco requires a lot of manual working units per hectare compared to many other crops, even on mechanized farms. A 2003 ILO report estimated that in 2003, 100 million people worked in the tobacco industry, of whom only about 1.2 million were employed in manufacturing, 40 million worked in crop and leaf processing, and 20 million worked in home industries (such as hand-rolling bidis or kretek cigarettes in India and Indonesia, respectively). The remaining 38.8 million people worked in tobacco-related processes and industries including distribution, sales and promotion of tobacco products.

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1 The top 5 largest international tobacco companies. (http://www.top5ofanything.com/index.php?h=fb59add3).
2 Quotient of value of total volume of the tobacco market divided by estimated value of raw tobacco at farm gate.
tobacco use.\textsuperscript{1} It is important, therefore, to recognize all of these people as tobacco workers (at least part-time) in so far as applicability of the policy options and recommendations are concerned.

1.2 Alternative crops and livelihoods

Many countries, including the world's largest producers, are taking steps to find alternatives to tobacco growing. Several economically sustainable alternatives to tobacco growing have been identified in studies in various regions of the world.\textsuperscript{2} In order to find economically sustainable alternatives to tobacco growing, not only income and crop profitability but all aspects of farmers' livelihoods need to be addressed. A framework for alternative livelihoods that addresses the problem holistically could form a bridge between academic findings and policy decisions.

1.3 Occupational risks for tobacco workers and growers

Several occupational risks related to tobacco growing are well known, including green tobacco sickness and as in many other agricultural sectors, pesticide intoxication, respiratory and dermatological disorders and cancers. Green tobacco sickness,\textsuperscript{3} the disease most specifically related to tobacco growing, results from dermal absorption of nicotine, which is exacerbated during the handling of wet leaves, but which may be preventable by the use of appropriate individual protective equipment.\textsuperscript{4} Furthermore, in the production of bidis, exposure to and inhalation of tobacco dust during manufacturing lead to respiratory problems. This is particularly so for women and children. In addition, bidi rolling requires the rollers to sit for long hours in a particular posture, which leads to musculoskeletal problems.

1.4 Impact on employment and social disruption

In some countries, two issues in particular exacerbate the social disruption and poverty caused by tobacco farming: bonded labour and child labour.\textsuperscript{5} An overview of the social disruption caused by tobacco growing was given at the second meeting of the study group on economically sustainable alternatives to tobacco growing in Mexico City in 2008.\textsuperscript{6}

The social disruption caused by tobacco growing must be addressed from a development perspective, taking into consideration poverty, unfair contracts, and child and bonded labour. Child labour and bonded labour must be tackled from a human rights perspective – these practices violate rights

\textsuperscript{2} Summary of possible alternative crops. Paper presented at the third meeting of the working group (in relation to Articles 17 and 18 of the WHO FCTC), Geneva, Switzerland, 14-16 February 2012.
\textsuperscript{4} In Brazil research undertaken by the Federal University of Pelotas has shown that the personal protective equipment recommended by the Brazilian Tobacco Growers Association was not efficient in protecting workers from green tobacco sickness.
\textsuperscript{5} International Labour Organization conventions on child labour.
\textsuperscript{6} Otañez M. Social disruption caused by tobacco growing. Study conducted for the second meeting of the study group on economically sustainable alternatives to tobacco growing, Mexico City, 17-19 June 2008.
established in international law – in collaboration with relevant international organizations such as ILO, UNICEF and UNDP.

1.5 Environmental impact

Forest degradation, deforestation to obtain the wood needed for the curing process, and deforestation as cultivators clear land (sometimes compensating for lost nutrient levels on existing cultivated land), leads to some of the major types of vegetation change associated with biodiversity losses that result from tobacco cultivation in many developing countries.2

Although the global share of agricultural land used for tobacco growing is less than 1%, its impact on global deforestation is higher.3 In some countries, research suggests that tobacco growing may be up to 10 times more aggressive than the sum of all other factors in regard to deforestation. The cost of mitigating the socio-ecological losses is borne almost exclusively by farmers. Tobacco, being a mono-crop, depletes soil nutrients.4 It is a high input-oriented crop and the per-acre requirement of pesticides and fertilizers is very high under certain conditions.5 Tobacco ranks among the 10 crops with the highest fertilization rates.6

1.6 Corporate practices undermining the implementation of sustainable alternatives to tobacco growing

The tobacco industry suggests that effective implementation of sustainable alternatives to tobacco growing as well as measures under the WHO FCTC for reducing demand would suddenly extinguish the economic benefits that tobacco growing brings. The economic contribution of tobacco growing to local and national economies, employment figures and the national balance of trade is usually mentioned by the tobacco industry.7 In reality, annual consumption usually decreases by fractions of percentage points, thus allowing time for growers to diversify into other activities gradually and in combination with implementation of government adjustment programmes. Mechanization of tobacco growing and competition in international trade generally bear much more responsibility for decreasing employment.8 Therefore, the suggestion by the tobacco industry is incorrect. Moreover, Parties shall act to protect the implementation of Articles 17 and 18 of the WHO FCTC against the commercial and vested interests (interference) by the tobacco industry in accordance with Article 5.3 of the Convention and the guidelines for its implementation.

1 This section is based on the corresponding section of document FCTC/COP/3/11 (page 4, paragraph 17).
2. PURPOSE, SCOPE AND APPLICABILITY

2.1 The purpose of these recommendations is to provide Parties with a general working framework within which they may adopt the comprehensive policies and effective measures required to fulfil their obligations under Articles 17 and 18 of the WHO FCTC.

2.2 The recommendations aim to guide Parties in implementing policies that promote the establishment of innovative mechanisms for the development of sustainable alternative livelihoods for tobacco growers and workers in relation to Articles 17 and 18 of the WHO FCTC.

2.3 Parties are recommended to build up development programmes connected with the promotion of food security and feasible markets that cover all aspects of the alternatives to tobacco growing, including economic viability and environmental protection. Government agencies, particularly those with a strong influence in rural areas, have an important role to play in supporting the diversification of livelihoods in tobacco-growing regions, through an array of policies and measures, including the provision of training for tobacco workers and growers and their families. International institutions and farmer organizations should also play an important role in the development and implementation of policy (see Principle 2 in Guiding principles).

2.4 Policies and programmes for promoting or shifting to alternative livelihoods may be planned in a time-bound and phased manner. Simultaneously, reconversion programmes for growers and workers should be developed and information in this regard shared with relevant stakeholders. The costs of adjusting supply as demand diminishes will be stretched out over decades. Thus, the transition costs will also be spread over a long period. Countries should orient educational programmes, and information campaigns backed by data and evidence in order to prevent any attempt to misinform farmers about the sustainable alternative livelihoods available to tobacco growers and workers. Tobacco-growing countries should fix realistic goals and targets depending on their prevailing condition and capacity to implement strategies to provide alternative livelihoods for growers and workers.

2.5 While the measures recommended here should be applied by Parties as broadly as necessary, Parties are strongly encouraged to implement measures beyond those recommended when adapting them to their specific circumstances, in order to achieve the objectives of Articles 17 and 18 of the WHO FCTC, provided they do not harm the livelihoods of the tobacco growers and workers who find themselves with the need to shift to alternative activities/crops. The WHO FCTC does not aim to penalize tobacco growers and workers, but aims to promote economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers who will be affected by a reduction of tobacco consumption.
3. GUIDING PRINCIPLES

Principle 1: Livelihoods diversification should be the concept guiding implementation of economically sustainable alternatives to tobacco growing.

The concept of livelihood diversification is based on the fact that the more diversified a productive unit is, the more likely it is that farmers will have wider choices to diversify their economic and productive activities. The diversification of livelihoods approach does not merely mean growing other crops in the intervals between tobacco growing or associated with tobacco growing (intercropping). It goes beyond the idea of substituting one crop with another. It is a greater set of opportunities and alternatives that are fundamental to establishing successful strategies to livelihood diversification specially combat the various forms of vulnerability to which tobacco growing families are exposed to, particularly in poor rural areas. These alternatives should provide opportunities that would permit tobacco farmers to enhance their health and socioeconomic well-being. It is therefore important that diversification of livelihoods go beyond the farm level and be integrated into the broader development strategy to facilitate successful and sustainable implementation.

This means that policies for implementing Articles 17 and 18 should be holistic and encompass not just the economic and productive dimensions, but also aspects that can influence the welfare and quality of life of workers, as well as environmental protection. The livelihoods approach accordingly identifies five types of capital – natural (land or livestock), human (labour/education), physical (infrastructure), financial (savings, income) and social (network of social relations/social structure) – that households depend upon in the context of livelihood strategies.

This means that policies for implementing Articles 17 and 18 should be holistic and encompass not just the economic and productive dimensions, but also aspects that can influence the welfare and quality of life of workers, as well as environmental protection. The livelihoods approach accordingly identifies five types of capital – natural (land or livestock), human (labour/education), physical (infrastructure), financial (savings, income) and social (network of social relations/social structure) – that households depend upon in the context of livelihood strategies.

Principle 2: Tobacco growers and workers should be engaged in policy development concerning Article 17 & 18 in line with Article 5.3 of the WHO FCTC and its guidelines

Tobacco growers and workers should be engaged in the process of policy development concerning Article 17 and 18 and involved in implementation, in accordance with national laws, through a bottom-up and territorial approach, making sure that their involvement is insulated from the commercial and vested interests of the tobacco industry.

In order to take full advantage of the existing resources, public policies and intersectoral approaches are required. To better address these and other aspects, the involvement of farmers in decision-making processes concerning Articles 17 and 18 should be encouraged by providing adequate channels for them to voice their needs and concerns.
**Principle 3: Policies and programmes to promote economically sustainable alternative livelihoods should be based on best practices and linked to sustainable development programmes**

A successful shift from tobacco growing to alternative economic activities requires profitability, the provision of technical assistance, research, capacity building, the promotion of community organization, and market and social support, with special emphasis on the transition period. Where appropriate, financial mechanisms should be developed.

The alternatives should be developed under the principles of promoting sustainable development and poverty eradication, enhancing the ability of growers to manage natural resources sustainably with lower negative environmental impacts, increasing resource efficiency and reducing waste.

Policies to promote economically sustainable alternative livelihoods should be comprehensive, multisectoral, and consistent with the objective of the WHO FCTC, which means taking into account not just the short-term economic viability of the tobacco leaf business, but also the many hidden and external costs of tobacco growing and processing. Governments should consider to avoid measures that encourage new entries into tobacco growing or that discourage existing growers from seeking alternatives. Where appropriate, funding mechanisms should include special institutional arrangements for promoting alternative crops, education, communication and/or training. Efforts should also be made to integrate such policies into existing government schemes or programmes to promote sustainable development.

**Principle 4: The promotion of economically sustainable alternative livelihoods should be carried out within a holistic framework that encompasses all aspects of the livelihoods of tobacco growers and workers (including the health, economic, social, environmental and food security aspects)**

Diversification activities need to be incorporated into the policies of agrarian development, through appropriate public policies that guarantee quality of life to growers and the agrarian population as a whole. Such policies should aim at taking full advantage of the existing regional and local resources.

Every tobacco grower has the right to be duly informed about the risks that tobacco growing poses to his or her health and to the environment and about how to prevent them (see also section 4.2). National programmes and policies to protect workers' health and the environment should also address the risks related to tobacco production.

Adequate human, material and financial resources are required to establish and sustain the promotion of alternative livelihoods at local, municipal, national/federal, regional and international levels.

**Principle 5: Policies promoting economically sustainable alternative livelihoods should be protected from commercial and other vested interests of the tobacco industry, including leaf companies, in accordance with Article 5.3 of the WHO FCTC and its guidelines.**

There is a fundamental and irreconcilable conflict between the interests of the tobacco industry and public health. The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death, and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation, implementation and funding mechanisms to implement Articles 17 and 18 of the WHO FCTC from the tobacco industry to the greatest extent possible. The tobacco industry should be liable to the extent proven for the health and environmental harms related to tobacco growing and all activities connected with tobacco growing
and the supply chain, and for ensuring respect for human rights for those working in connection with tobacco growing and the supply chain.

**Principle 6: Partnership and collaboration should be pursued in the implementation of these policy options and recommendations, including in the provision of technical and/or financial assistance.**

Adequate human, material and financial resources, where appropriate, should be available to establish and sustain the promotion of alternative livelihoods at local, municipal, national/federal, regional and international levels. To ensure sustainability of the programme, existing funding sources should be used and other potential sources explored, in accordance with Article 26 of the WHO FCTC. Where appropriate, Parties should also consider to create incentives for promoting, supporting or shifting to alternate livelihoods and to avoid incentives for tobacco growing.

International cooperation, mutual support, cost-effective technology transfer and sharing of information, knowledge and relevant technical capacity are vitally important for strengthening the capacity of Parties to meet their obligations under Articles 17 and 18 of the WHO FCTC and to successfully counter the socioeconomic and environmental consequences of tobacco production at all levels. The obligation to cooperate in the development of effective measures, procedures and guidelines for implementation of the Convention, to cooperate with international and regional organizations and to use bilateral and multilateral funding mechanisms, derives from Articles 4.3, 5.4, 5.5, 20, 21 and 22 and 26 of the Convention.

4. **IDENTIFYING AND DEVELOPING EFFECTIVE STRATEGIES FOR ALTERNATIVE CROPS AND LIVELIHOODS AND FOR PROTECTING TOBACCO GROWERS AND THE ENVIRONMENT FROM HARMs RELATED TO TOBACCO PRODUCTION.**

Some of the reasons why farmers rely on tobacco cultivation include the following:

- delivery contracts are established between tobacco growers and first processors that give "security" to tobacco raw leaf sales, in some cases, first processors offer loans and other incentives for the cultivation of tobacco, and the tobacco industry creates a zone of comfort by ensuring a market and supplies;

- many agricultural communities are completely dependent on tobacco production and in many cases there is, at the local level, a symbiotic relationship between politicians, managers and the tobacco industry, which may explain, at times, lack of sufficient political will to develop alternatives at the local level;

- the belief among tobacco growers and workers that net profit from the tobacco crop is higher than for any other crop;

- beliefs and cultural habits – in some regions tobacco cultivation is carried out by succeeding generations, along with the transmission of cultural habits;

- uncertainties about alternative income opportunities and market opportunities for alternative crops, and lack of resources to invest in alternative crops;

- farmers are conservative in regard to changing established practices; and/or
• in regions where irrigation is inadequate or where there are adverse soil and climatic conditions, tobacco is grown because of its drought resistance and because under these agricultural conditions the net profit of tobacco is believed to be more than for any other.

Recommendations

Diversification strategies should include both agricultural and non-agricultural opportunities, including shifting from one agricultural product to another. Substitution of one economic activity by another does not, however, fully address the problem of the poverty and vulnerability of tobacco growers and workers, typical of economic agents from the primary sector.

Diversification strategies should encompass a vision of sustainable development of the agrarian sector. It should include diversified productive systems, e.g. production to achieve food security, short supply chains linked with local markets, and a combination of agricultural and non-agricultural activities.

Diversification strategies should increase the portfolio of activities and offered products – enlarging access to markets as an alternative to the seasonal constraints and stagnation of agricultural income. The strategies should also promote innovation and technical improvements on farms in order to save resources through new forms of handling and use of plants, livestock and land. This would result in an increase in the number of activities undertaken and in resources at farm level.

Diversification strategies should promote new forms of cooperation and local interaction that would reflect on scale of profits and reduction of transaction costs. These changes should produce new levels of satisfaction among the farmers, promote greater interaction with consumers/clients, and ensure more flexibility for adaptation.

Diversification strategies should be market demand driven and policies pursued should be based on market dynamics.

Regions with local diversified economic strategies should create environments favourable to sectoral integration between agriculture, commerce, industry and services. The regional diversity should produce greater stability and reduce vulnerabilities resulting from labour market fluctuations and sources of income. Economies of scale should reduce the costs of transaction and produce positive territorial externalities.

This transition period from tobacco growing to an alternative livelihood also demands the implementation of intersectoral initiatives that provide farmers with a broader array of resources and opportunities. Such initiatives should have a market orientation and not be based upon protectionist assumptions. This transition should promote development strategies that strengthen farmers’ autonomy, diversify agricultural and non-agricultural incomes, transform the technical basis to allow a transition to agro-ecology, recover soil fertility and preserve biodiversity, produce territorial externalities, and pay attention to public health objectives.

4.1 Promoting research

Research should be undertaken where needed in a comprehensive way and should cover all elements linked with tobacco growing, including profitability, but also the health, environmental and socioeconomic costs. Furthermore, the quality of life that farmers obtain through producing different crops should be quantified and included in the analysis. The demand and market size of tobacco and other alternative crops need to be compared. Research should take into account the issues of
environmental impact, development and poverty alleviation. Decision-makers need to be actively involved in the work of researchers. International organizations should also be encouraged to provide technical support to country-level research.

Research should include feasibility studies covering the following aspects:

(a) **Identification of the profile and main features of the tobacco sector and economics of raw tobacco production.** This should include, where appropriate, a complete survey of all activities related to tobacco growing, including: number of tobacco growers and workers, size of holdings and number of tobacco growers and workers per size class, amount of tobacco production per holding and size class, age and gender distribution of the tobacco growers and workers, education level of the tobacco growers and workers, the tobacco variety produced, the number of tobacco workers employed by the tobacco farms, and the number of working days for family members and tobacco workers.

(b) **Demand forecast studies on food crops.** For each country, where appropriate, a forecast should be undertaken of future food requirements, and the potential impact of food crops, vegetables, fruits or any other alternative crop, along with a price forecast for food commodities. Governments should also identify opportunities, such as existing programmes of food acquisition, where appropriate. Data of land-use patterns should be collected in tobacco-growing areas, to find out if land used for food crops has been transformed into tobacco-growing land or vice versa.

(c) **Environmental and health impact studies** where appropriate. Each country should compare the impacts of tobacco growing to those of alternative crops, in respect of the levels of deforestation, forest degradation, water pollution, soil erosion and infertility levels, climate change effects, impact on wildlife and other ecological effects. The impacts should be linked to the fertilizers and agro-chemicals being used on tobacco and non-tobacco farms, to identify key sources of concern that policies need to address. Health impact assessment related to tobacco production should also be included as part of national health surveillance programmes.

(d) **Economics of raw tobacco production** where appropriate. Up-to-date studies of tobacco economics for each region and variety should be undertaken, along with a study of tobacco prices at farm gate level for each country and each variety. Research should also focus on the economics of shifting to alternative land uses, including factors for tobacco growing or not growing as the case may be.

(e) **Standard information set for alternatives.** Where appropriate, for each identified alternative, a set of standard information should be obtained, including information on agricultural requirements, yield, value-added chain, standards, market, prices, international trade and other economic factors. For each identified alternative, where appropriate, a full feasibility study should be prepared. Internationally recognized experts may be invited to provide the required policy inputs on specific alternatives.

(f) **Priority list.** Based on the information obtained from steps (a) – (e), a priority list for each tobacco-growing region can be established of those alternatives that may be considered for field trials.

(g) **Field trials.** Where appropriate, field trials can be used to establish the economic viability of alternative crops. They should be conducted in the field with tobacco growers and workers.
and not on an experimental basis in the agricultural fields of research institutes or universities. Regular studies on alternative crops need to be taken up simultaneously in the major tobacco-growing regions before any conclusion regarding crop shifting can be drawn. The field trials should follow a standardized approach and methodology.

(h) **Development of a business plan.** Where appropriate, once the field trials have been successfully concluded and the farmers convinced about the alternative, a business plan should be developed including the transformation of the raw products into value-added products (the value-added chain).

The involvement of relevant organizations, including nongovernmental organizations, is essential. Information and support centres (see section 4.8), where appropriate, should also be operative by this stage and included in planning, training, and delivering services, including the evaluation of the field trials.

All information derived from steps (a) to (h) will require standardization of methodology and approach, for example a standardized questionnaire, and should also be made available in an international database (see section 6.5). Efforts should be made to transform research into action. This should include undertaking further research to bridge knowledge gaps, improve and develop new applications and market studies, and in this way to improve the market opportunities for alternative crops in favour of the tobacco growers and workers. This can be a task, where appropriate, undertaken by the information and support centres.

Experiences, studies, projects, field trials, etc already made should be taken as well into account. The funds may be raised through various sources including revenues from tobacco, in accordance to national laws.

**Expected results**

1. Information obtained on the current situation and trends in the tobacco production and economic chain worldwide, based on a standardized questionnaire, including the number of people involved in all activities, types of labour, and tobacco growers' livelihoods, among other relevant information.

2. Updated studies prepared of the environmental and health impacts of tobacco growing by region in each country.

3. Updated forecasts obtained of the demand for various relevant crops in relation to food security by country.

4. Comprehensive database created of the economics of raw tobacco production by region and variety, based on a standardized methodology.

5. Economically viable alternatives to tobacco identified along with data related to their respective economic chains.

6. Priority list of alternatives to tobacco for the field trials defined for each country, supported by research results obtained by research institutes or universities, based on a standardized methodology.

7. Business plan developed regarding the value-added chain of each identified alternative to tobacco by country.
4.2 Developing educational and training programmes for workers and growers

It is essential to understand the composition of the target groups in terms of gender, age, ethnicity and education level, when developing educational programmes. Research should be conducted, where appropriate, in the affected countries, and before shaping educational programmes, two main points may be taken into account.

1. Training of trainers is the best means of providing the skills needed in relation to alternative crops for tobacco growers and workers. The purpose of "cascade training" is to pass knowledge and skills to colleagues who work at different levels (e.g. the district or local level). In order to teach a trainer how to train well, a "learning by doing" approach is best. Moreover, interaction is invaluable for effective training. Farmers' associations should be supported to develop the skills needed by farmers in the production of new crops.

2. Good Agricultural Practices (GAP) for the growing of economically viable alternative crops should be integrated into agricultural curricula and in farmers' field schools education/training in tobacco-growing regions and in the training programmes of competent authorities. Tobacco growing, as is the case with other crops, should adhere to the concept of GAP, which is recognized, where applicable, in Parties in relation to all the operations in cropping systems, including soil management, pest management, water management, as well as the use and application of agrochemicals, fertilizers and machinery.

The educational programme should also follow the principles of sustainable development in its three dimensions (social, economic and environmental) and include the building of capacities for managing natural resources sustainably, and the managing of new activities with lower negative environmental impacts, increased resource efficiency and reduced waste.

Education programmes should include the dissemination of information on the harmful health and environmental effects of tobacco growing, as much for consumers as for tobacco growers and workers. Information should also be provided to farmers regarding the options available for alternative crops, vocations and livelihoods, technical support, net gains, and the health, social, and economic benefits.

4.3 Removing obstacles to diversification or the shift to alternatives to tobacco farming

The economic feasibility of alternative crops is often the key to inducing small tobacco growers and workers to switch away from tobacco production. However, since tobacco also generates substantial revenue for governments, especially local governments, the political will to promote crops alternative to tobacco may not exist even if an alternative cash crop is able to produce higher profit than tobacco for farmers. In some cases, the tobacco industry tries to pre-empt the implementation of Article 17 of the WHO FCTC by convincing local governments to join their proposed diversification programme, which could consist of growing a subsistence crop between tobacco harvest seasons.

Parties should, where appropriate, mitigate or remove any obstacles identified that prevent farmers from leaving tobacco farming, which may include tobacco-related debts, bonded labour, and/or child labour. Parties addressing such concerns include facilitating the creation of institutions to help in this

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regard, strengthening existing international instruments, such as ILO conventions, and providing the necessary options to farmers. There are three main obstacles:

1. Limited financial resources to maintain regional activities in states and municipalities. This barrier should be overcome by implementation of a long-term financial framework and/or by including diversification programmes in tobacco-growing areas in national rural development policy (see section 6.3).

2. Tobacco industry lobbying in legislatures and with policy-makers.

3. The socioeconomic situation of tobacco growers and workers. Most tobacco growers and workers, particularly in developing countries, have very limited land property or have access to arable land only through renting or share cropping. Therefore they need a crop with high profitability. In most cases, tobacco growers lack the funds to invest in their farms to make other crops viable. In addition many tobacco growers also receive loans and assistance from the first processors in concluding a supply contract for raw tobacco delivery. Such loans are strong incentives for the farmer to cultivate tobacco. It is possible that in any setting the farmers are vulnerable and trapped frequently by the tobacco industry in a vicious circle of debt. It is difficult to break that circle and it must be acknowledged as being one of the challenges to be overcome, mainly with the support of governmental programmes/policies.

4.4 Keeping coherence among the policies of different ministries/departments

Intersectoral coordination is desirable to ensure that all of the sectors involved in tobacco growing, support crop diversification and alternative livelihoods. Parties should make efforts to ensure coherence among the policies of different ministries/departments or equivalent bodies, in accordance with the WHO FCTC, to generate synergy in their activities.

Coherence and coordination among the various funding mechanisms and initiatives related to sustainable development are also crucial for supporting diversification in tobacco-growing areas. Channels should be created for redirecting the funds into diversification and rural development activities, including alternative livelihoods. Public financing and incentives directly linked to tobacco growing should be discontinued, in accordance with national law and policies, taking into account possible adverse impact on tobacco growers.

Proposed actions

1. Tobacco-growing countries should not encourage and not provide any incentives to increase the acreage of land used for cultivating tobacco.

2. Tobacco-growing countries should consider reallocating public funds/subsidies used for tobacco production to alternative livelihoods activities.

4.5 Identifying and regulating tobacco industry strategies that promote tobacco farming and the manufacture of tobacco products

Where appropriate, Parties should develop policies that protect tobacco growers and workers from any tobacco industry practices that would fix prices or conditions that are disadvantageous to farmers, and from violations of labour rights and other malpractices carried out under the guise of "corporate social responsibility".
Civil society organizations can be important allies in monitoring and denouncing these malpractices.

Parties should, using appropriate instruments, create or improve regulatory mechanisms for the control and inspection of industry activities concerning labour relations and workers' health.

Parties should identify and regulate crop production practices that lead to environmental degradation. They should develop policies to promote farmers' autonomy, and apply corporate social responsibility rules in relation to farmers. It is important, therefore, to conduct awareness raising programmes for local partners and farmers on the benefits of alternative livelihood(s) in the short, medium and long term.

4.6 Mainstreaming alternative crops/livelihood options into government rural development programmes

Mainstreaming alternative crop and livelihood options, where appropriate, should be part of the wider agenda of governments and should be incorporated into multi-year planning in line with rural development policies and food security requirements. It is important to build mechanisms for promoting the effective participation of state and municipal governments, given their relevance to activities directly related to farmers. Governments should guarantee comprehensive and long-term governmental action in this regard, in line with Article 5 of the WHO FCTC.

4.7 Establishing mechanisms within the existing system to support alternative livelihoods

During the transition period from tobacco growing, the existence of public policies with intersectoral approaches is essential, in order to give full access to existing resources and opportunities. These policies must not assume any protectionist outline but should offer governmental support to the farmers through mechanisms for strengthening the decision-making process and making easier the identification of challenges to be tackled and needs to be addressed.

Tobacco growers and workers should be involved in decision-making and must therefore be given adequate channels to voice their needs and concerns (see Principle 2 in Guiding principles).

The following is a non-exhaustive list of examples of measures that can be used to promote the shift to alternative livelihoods among tobacco growers and workers, as appropriate, in national settings.

- **Rural credit** (investment and defrayment of costs) – with an emphasis on credit for investment and with a grace period and terms consistent with the diversification or conversion programmes. Emphasis should be placed on credit programmes that enable value aggregation by the farmers themselves, by means of cooperative, associative or family agro-industries.

- **Food acquisition for food security programmes** – which should allow purchase for institutional markets (such as schools, hospitals and prisons), besides enabling purchases for simultaneous distribution and for the formation of buffer stocks.

- **Family farming price assurance** – as a way of securing income, and associated with family farming agrarian insurance.
• **Technical assistance and rural extension** – which should be comprehensive and qualified, and integrate state organizations, nongovernmental organizations and the farmers who are able to disseminate experience and knowledge.

• **Agrarian reform and credit** – taking into account the fact that many tobacco growers are partners and leaseholders, or owners of very small land areas.

• **Social and economic organization** – to find out which possible alternative crops/activities would be able to provide similar income to farmers or growers at similar levels of employment in tobacco-growing areas.

• **Infrastructure and services** – to ensure that tobacco growers willing to move from tobacco to other crops are given necessary support for this alternative value chain.

• **Crop and income insurance** – to create national crop insurance companies that promote economic stability of agriculture through a reliable and viable system of crop production.

• **Cooperatives** – programmes should be established to strengthen farmer cooperatives that facilitate the shift to alternative crops and livelihoods, especially through the involvement of nongovernmental organizations. It is strongly recommended that post-evaluations be conducted in respect of farmers who have successfully shifted to other crops, and that such information be made publicly available.

• **Promotion activities** – where appropriate, should be steered by a tobacco-alternative crops board, like the tobacco, coffee or tea boards that exist in some countries.

Productive diversification in tobacco-growing regions is a safe means of emancipating farmers from dependence on tobacco growing, especially the poorest ones. In order to successfully achieve this aim, the process must be sustained on the basis of: (a) the correct understanding of the decision-making process of farmers engaged in tobacco growing; (b) a strategy of intervention that encompasses actions supported by public policies that facilitate awareness raising and motivate farmers to enter into alternate livelihoods and new supply chains with sustained demands for their produce.

Appendix 2 describes the core elements of a methodological framework for building the dynamics of productive diversification in tobacco-growing regions.

### 4.8 Setting up information and support centres for alternative livelihoods

The need for alternative livelihoods for tobacco growers and workers differs among countries. The knowledge required for the cultivation, transformation, processing and marketing of food crops grown as alternatives to tobacco in the context of diversification for food security will usually be available in the countries concerned. The growing of already cultivated and known cash crops in these countries should also not present major problems. However, the growing of other alternative crops, such as those for biofuel, or new alternative cash crops, will require the establishment of information and support centres to provide cultivation and production expertise, technical assistance, market intelligence, and new varieties and breeds. The information and support centres should also act as background and reference laboratories.
As diversification of tobacco cultivation is a long-term task, financial support for the information and support centres undertaking this work should be ensured to be continued for several years to facilitate sustainable diversification and alternative livelihoods.

4.9 Ensuring the participation of civil society

The formulation, implementation and assessment of diversification programmes should involve the effective participation of family farming organizations and other civil society organizations that support the objective of the WHO FCTC. Nongovernmental organizations are likely to play an important role in the process of participatory planning in the methodological framework for building the dynamics of productive diversification in tobacco-growing regions (see Appendix 2).

Nongovernmental organizations can also be important allies in working in partnership with farmers to disseminate information about the numerous hidden economic, environmental and social costs of tobacco growing, besides monitoring and denouncing the abusive practices of the tobacco industry. They can also help farmers gain access to institutional and technical support and facilitate the creation of self-help groups and cooperatives, as well as disseminating the concept of agro-ecology among farmers.

4.10 Ensuring social, health and environmental protection in tobacco-growing regions

- **Tackling child labour and promoting decent work in tobacco-growing regions.** Any existing bonded labour or child labour in tobacco growing should be opposed and if possible ended. There are several relevant international instruments. Where applicable, Parties should promote the ILO Decent Work Agenda, and apply to the tobacco growing and industry the fundamental ILO conventions on the subject, Conventions 29 and 105, as well as Convention 182. These instruments deal with the prohibition of forced or compulsory labour in all its forms, including for children aged less than 18 years. Parties should, if they have not yet done so, adapt their domestic legal frameworks to comply with relevant international instruments. They should reinforce labour inspections and sanctions against violations of such provisions in the agricultural sector, including tobacco. Simultaneously, solutions to this problem could be addressed by investigating and improving price-setting mechanisms (through collective bargaining and better contract practices, including the introduction and enforcement of labour rights in contracts). Further efforts should also be made to eliminate the exploitation of children and women, in particular.

- **Protecting tobacco growers’ and workers’ health.** Data generated by research on the harms caused by tobacco growing should be compiled and shared with all relevant stakeholders, including farmers. Effective education, communication and public awareness programmes on the occupational risks related to tobacco growing should be developed through a comprehensive multisectoral approach.

Initiatives in this area should include programmes of family health and training of community health workers in prevention, early diagnosis and treatment of cases of green tobacco sickness, pesticide poisoning, and other health problems related to tobacco growing.

Tobacco-growing harms should be included in the list of occupational diseases in the national public health system as well as in domestic legislation on security and health in rural work.
• **Protecting the environment from the harms of tobacco growing.** Parties should undertake, where appropriate, initiatives to monitor deforestation, and soil and water contamination with pesticides in tobacco-growing areas. Awareness raising campaigns and educational programme on the harms posed by tobacco production to the environment should also be developed as part of national initiatives to promote diversification of production in tobacco-growing areas. In line with national law on environmental protection, Parties should undertake measures to prevent or to recover areas already damaged by tobacco production.

5. **MONITORING AND EVALUATION**

Monitoring and evaluation are key elements of the planning process for implementation of Articles 17 and 18. Article 17 aims to promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers in order to reduce economic dependence on tobacco. Article 18 aims to mitigate the health and environmental harms related to tobacco production.

For each policy to be implemented it is necessary to identify and diagnose the baseline situation which the policy is addressing to achieve a positive change. It is also important to identify who or what is affected by the problem, the needs among stakeholders and potential barriers to policy implementation, as well opportunities to overcome them. The measurable effects caused by the problem that could be mitigated by the intervention by the Party should be identified and monitored. It is also important to identify indicators against which the progress made by the policy/programme towards its main objectives can be monitored.

This involves using a systematic method for collecting, analysing, and using information to answer questions about the implementation of the policy/programme, and particularly about its expected outcomes aiming at achieving continuous development and improvement.

In this context, three kinds of indicators are needed to monitor and evaluate progress in the implementation of Articles 17 and 18:

- situation analysis – baseline assessments;
- process to be undertaken to change the situation; and
- expected outcomes.

The monitoring elements presented in this chapter are only examples and are by no means exhaustive.

5.1 **Implementation of Article 17 – development of an alternative livelihood model**

For a complex task, such as implementing the methodological framework for building the dynamics of productive diversification in tobacco-growing regions (see Appendix 2) within an agreed period of time, a good evidence base is a fundamental requirement. A first step is to make an analysis of the baseline situation of the problems to be addressed by the policy and to capture the elements needed to develop a strategic plan such as barriers and opportunities, including market information, region-specific conditions, and a better understanding of how farmers will decide on diversification alternatives, among other elements.
The following is a schematic example of a possible framework.

### 5.1(a) Conducting a baseline analysis of the problems to be addressed by the policy

<table>
<thead>
<tr>
<th>Situation analysis (How is it now?)</th>
<th>Process (Actions required to address the situation)</th>
<th>Outcome (Measurable progress)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Which data/research have been collected/undertaken in your country to obtain a better understanding of tobacco production economics, such as profitability, extent of land used, and characteristics/dynamics of the tobacco productive chain?</td>
<td>Collect data for an inventory on the use of land for tobacco and for other crops and rural activities. Collect data on the economics of tobacco production in each region, including price monitoring and characteristics of the tobacco productive chain. Undertake modelling evaluation of socioeconomic impact of tobacco growing, including the impact on income, labour, health and environment for each tobacco growing region.</td>
<td>Analysis of the acreage of land used for tobacco, and for other crops and rural activities. Comprehensive database of the economics of raw tobacco by region and variety. Comprehensive analysis of how the tobacco production chain is organized.</td>
</tr>
<tr>
<td>Are there any data on the labour market in tobacco growing in your country?</td>
<td>Collect data on labour involved in tobacco and in other rural activities and the level of economic dependence on the tobacco productive chain among farmers.</td>
<td>Data on how many farmers are involved in tobacco growing, including their level of economic dependence on the tobacco productive chain.</td>
</tr>
</tbody>
</table>

### 5.1(b) Analysis of the main barriers and existing opportunities to be considered in the design of a strategic plan for implementation of Article 17

<table>
<thead>
<tr>
<th>Situation analysis (How is it now?)</th>
<th>Process (Actions required to address the situation)</th>
<th>Outcome (Measurable progress)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there any demand forecast data on food crops and on other rural activities to support diversification in your country?</td>
<td>Collect data and undertake modelling demand forecast.</td>
<td>Updated forecast of the demand for crops in relation to food security in the country.</td>
</tr>
<tr>
<td>Situation analysis (How is it now?)</td>
<td>Process (Actions required to address the situation)</td>
<td>Outcome (Measurable progress)</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------------------------------------------</td>
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</tr>
<tr>
<td>Is there any standard information set for potential alternatives to tobacco growing in your country?</td>
<td>Develop feasibility studies on potential alternatives to tobacco growing, considering agricultural requirements, climate conditions, yield, value-added chain, standards, market, prices, international trade and other economic factors, and health, social and environmental impact. Develop field trials to establish economic viability of alternative crops. Conduct modelling evaluation of the socioeconomic impact of potential alternatives to tobacco growing including their impact on income, labour, health and the environment, for each tobacco growing region.</td>
<td>Standard information set for potential alternatives to tobacco growing. Models for implementing alternatives crops or other activities including an impact analysis of labour demand by alternative livelihood models in tobacco-growing regions.</td>
</tr>
<tr>
<td>Which data/research were collected/ undertaken to acquire a better understanding of the livelihoods of tobacco growers and to map obstacles for diversification in your country? (see methodological framework provided in Appendix 2)</td>
<td>Map the key stakeholders in tobacco production and alternative activities. Conduct surveys among tobacco growers, policy-makers and other key stakeholders in order to capture their beliefs, attitudes, behaviour and decision-making processes on tobacco growing and shifting to other activities. Perform needs assessment through research and regular consultation with stakeholders and with the people that will benefit from the policy, in a bottom-up approach to identify the needs and potential barriers to be overcome.</td>
<td>Analysis of the socioeconomic profile of tobacco growers and on their decision-making process as well as on the current relationship among stakeholders in tobacco production and in potential alternative activities. Analysis of the main barriers and opportunities to be considered for the strategic plan to promote alternatives to tobacco.</td>
</tr>
<tr>
<td>Which mechanisms exist in your country to support farmers and agricultural development? How accessible they are to farmers?</td>
<td>Collect information on how these mechanisms could or already operate to support diversification in tobacco-growing regions. Collect data on how many tobacco growers and workers have already been supported by these mechanisms for diversification activities. Collect data on knowledge and perceptions of tobacco growers and other stakeholders on these mechanisms as well as on the existence of barriers to access them.</td>
<td>Analysis of the existing mechanisms to support diversification in tobacco-growing areas, on how they are accessed by farmers, and on the numbers of tobacco-growing farms that benefit from these mechanisms.</td>
</tr>
<tr>
<td>Situation analysis (How is it now?)</td>
<td>Process (Actions required to address the situation)</td>
<td>Outcome (Measurable progress)</td>
</tr>
<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td>Does your country have information and support centres for alternative livelihoods for tobacco-growing regions?</td>
<td>Collect information on the activities that the support centres undertake to promote alternative livelihoods in tobacco-growing regions.</td>
<td>Report on the implementation of information and support centres in tobacco-growing regions.</td>
</tr>
<tr>
<td>Does your country have a national programme to promote food security?</td>
<td>Collect data on national programmes to promote food security and purchasing policies.</td>
<td>Updated information on the existence of national programmes to promote food security and their potential to purchase products that result from the diversification process in tobacco-growing areas.</td>
</tr>
<tr>
<td>Does it purchase food for institutional markets such as public schools, hospitals, prisons?</td>
<td>Take steps to insulate the agricultural policy from tobacco industry interference.</td>
<td>Increased level of awareness among tobacco growers and other stakeholders of Article 5.3, the guidelines for its implementation and its rationale.</td>
</tr>
<tr>
<td>Does the tobacco industry have channels to influence tobacco farming as part of agricultural development policies?</td>
<td>Disseminate information on Article 5.3 as an obligation under the WHO FCTC, including in relation to implementation of Articles 17 and 18.</td>
<td></td>
</tr>
<tr>
<td>Does your country have a national programme to promote and support diversification of activities in tobacco-growing regions?</td>
<td>Collect information on existing national diversification programmes, what/who are the key institutions and actors, what are the main objectives and goals, how many tobacco growers have already been benefited, how are they financed and how much are their yearly budgets.</td>
<td>Report on the implementation of the national programmes for diversification in tobacco-growing areas.</td>
</tr>
<tr>
<td></td>
<td>Collect information on how these policies are disseminated among tobacco growers and other stakeholders.</td>
<td>Number of tobacco growers shifted to alternative crops and other livelihoods.</td>
</tr>
<tr>
<td></td>
<td>Develop and implement a national policy for implementing Article 17.</td>
<td>Level of dependence on the tobacco productive chain among the remaining tobacco growers.</td>
</tr>
<tr>
<td></td>
<td>Mainstream the national plan/programme/policy into the governmental rural development agenda and food security programmes.</td>
<td>Improving human and working capital.</td>
</tr>
<tr>
<td></td>
<td>Implement a long-term financial framework for the policy.</td>
<td>Improved livelihood Better working conditions.</td>
</tr>
<tr>
<td></td>
<td>Develop educational and training programmes for tobacco growers.</td>
<td>Amount of tobacco acreage shifted to alternative crops or other activities.</td>
</tr>
<tr>
<td></td>
<td>Provide technical assistance and rural extension.</td>
<td>Number of tobacco growers and workers educated and trained (increased level of awareness and knowledge).</td>
</tr>
<tr>
<td></td>
<td>Ensure the participation of civil society in line with Article 5.3 of the WHO FCTC.</td>
<td></td>
</tr>
</tbody>
</table>
5.1(c) **Suggested Impact indicators for Article 17**

- Number or percentage of tobacco growers impacted by these measures by diversification strategies and measures, fully shifted to alternative crops and other livelihoods.

- Number or percentage of tobacco growers impacted by these measures by diversification strategies and measures partially shifted to alternative crops and other livelihoods.

- The number of programs and policies that promote alternative livelihood for tobacco growers and workers.

- Any other indicators showing changes of economic and social status impacted by these measures.

5.2 **Implementation of Article 18**

Article 18 addresses health and environmental impacts related to tobacco production as well as social issues. Regarding the environment, a standardized approach should be developed by Parties for conducting audits of the environmental impact of tobacco growing, to be carried out in all countries concerned, to enable the correct actions to be carried out to achieve the positive effects expected. Information and support centres located in regions where tobacco is grown would enable growers to learn about the effects of tobacco on the environment as well as on their health and economic status. Initiatives to rehabilitate the affected regions, should be promoted, as appropriate, including reforestation programs. For the known health risks related to tobacco farming it is important to have a baseline analysis of the prevalence of green tobacco sickness and of other harms related to tobacco production so that the impact of the actions to be performed in relation to Article 18 can be monitored. For identified alternatives, environmental assessments should be also conducted to prevent a negative (their) environmental and health impact compared to tobacco.

The first step to achieving these aims is to analyse the baseline situation of the problems that will be addressed by the implementation of Article 18, as well as an analysis of the main barriers and existing opportunities to be considered in the design of a strategic plan for implementation of this policy. It is important to highlight the fact that the simultaneous implementation of Articles 17 and 18 should create synergy in motivating and supporting growers in moving towards diversification. All results of environmental audits and health data collection related to tobacco production and to identified alternatives should be made available through an international database. The following is a schematic example of a possible framework.

5.2(a) **Making a baseline analysis of the problem to be changed by the policy**

<table>
<thead>
<tr>
<th>Situation analysis (How is it now?)</th>
<th>Process (Actions required to address the situation)</th>
<th>Outcome (Measurable progress)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has your country executed studies on the health impact related to tobacco production in your country?</td>
<td>Collect data and information or develop studies on the impact of tobacco production on farmers' health.</td>
<td>Data concerning prevalence of green tobacco sickness and other harms related to tobacco production. Data concerning prevalence on use of personal protective equipment among tobacco farmers.</td>
</tr>
</tbody>
</table>
Has your country executed studies on the environmental impact of alternatives to tobacco growing?

Are there any data or information on the social impact of tobacco growing in your country?

Model the impacts of alternative crops on fertilizer demand, pesticide use and deforestation in comparison with tobacco growing.

Collect data on child labour and conditions of work involved in tobacco production.

Impact analysis of the environmental impact of alternatives to tobacco growing.

Data on child labour and conditions of work involved in tobacco production.

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5.2(b) Analysis of the main barriers and existing opportunities to be considered in the design of a strategic plan for implementation of Article 18.

<table>
<thead>
<tr>
<th>Situation analysis (How is it now?)</th>
<th>Process (Actions required to address the situation)</th>
<th>Outcome (Measurable progress)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does your country have a national programme or policies to address occupational risks related to tobacco growing and manufacturing?</td>
<td>Collect information on existing national initiatives to manage green tobacco sickness and other harms related to tobacco production as part of the national health workers policy or programme. Educate tobacco growers on the harms related to tobacco production. Promote or enhance the inclusion of green tobacco sickness and other harms related to tobacco production as part of national workers health policy or programme.</td>
<td>Harms and diseases related to tobacco production included as part of national health workers policy. Increased knowledge of health risks related to tobacco production and the use of personal protective equipment among tobacco growers and workers. Decrease in the prevalence of green tobacco sickness and other harms related to tobacco production.</td>
</tr>
<tr>
<td>Does your country include tobacco production in the inspection of compliance to national labour laws?</td>
<td>Include tobacco production in the national inspection of labour codes. Involve civil society organizations in monitoring of malpractices.</td>
<td>General improvement in the fairness of labour contracts and labour conditions in the tobacco productive chain.</td>
</tr>
<tr>
<td>Does your country have a list of allowed pesticides for use in tobacco cultivation?</td>
<td>Compile such a list for pesticide use in tobacco cultivation according to environmental and toxicological risk assessment. Check the list to see if the allowed pesticides for tobacco cultivation is in accordance with the latest environmental and toxicological risk assessment.</td>
<td>Reduced environmental impact as the list of allowed pesticides for use in tobacco cultivation is updated according to the latest information on environmental and toxicological risk assessment.</td>
</tr>
<tr>
<td>Does your country have a monitoring system for soil and water contamination by pesticides and fertilizers</td>
<td>Execute a monitoring in tobacco-growing regions and compare it with other regions where tobacco is not grown.</td>
<td>Impact analysis on soil and water contamination.</td>
</tr>
<tr>
<td>Situation analysis (How is it now?)</td>
<td>Process (Actions required to address the situation)</td>
<td>Outcome (Measurable progress)</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>Has your country executed studies on the extent to which deforestation or forest degradation is due to tobacco cultivation?</td>
<td>Collect data and quantify deforestation and forest degradation due to tobacco cultivation (change of land use and for curing purposes).</td>
<td>Impact analysis of deforestation and forest degradation based on tobacco cultivation requirements.</td>
</tr>
<tr>
<td>Does your country have a national programme or policy or legislation on environmental protection?</td>
<td>Collect information on existing national initiatives and legislation to audit and mitigate environment harms.</td>
<td>Tobacco production audit included in legislation, programme or policy controlling deforestation, water and soil contamination and the amount of pesticide residues in or on tobacco crops and the contamination of the tobacco crops and fertilizers by heavy metals.</td>
</tr>
<tr>
<td></td>
<td>Promote the inclusion of tobacco-growing areas in the list of areas to be audited by national programmes to mitigate environmental harms.</td>
<td>Reduction in forest degradation and deforestation, and improvement of the conditions of natural resources and the environment in tobacco-growing areas as well in the alternative crops areas.</td>
</tr>
</tbody>
</table>

5.2(c) Suggested impact indicators for Article 18

1. Prevalence of green tobacco sickness and of other harms, e.g. pesticide poisoning, specifically linked to tobacco production in tobacco-growing areas.
2. Number or percentage of child labour in tobacco-growing areas.
3. Percentage of the loss of forest area due to forest degradation and deforestation in tobacco-growing areas and in alternative crop areas.

6. International cooperation

Parties to the WHO FCTC have already made several important commitments with respect to international cooperation, including those found in Article 4 (Guiding principles), Article 5 (General obligations), Article 19 (Liability), Article 20 (Research, surveillance and exchange of information), 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).

International cooperation should also be guided by the provisions of United Nations General Assembly resolution A/RES/66/288, "The future we want".

In the context of the commitments contained in the WHO FCTC and of these policy options and recommendations, international cooperation should include the aspects described below.
6.1 Promotion of opportunities for economically sustainable livelihoods and development of markets in the context of sustainable development and poverty eradication

Parties should exchange information and experiences, including best practices, to promote economically sustainable alternative livelihoods. Parties should also make efforts to establish relationships with actors in domestic, regional and global markets, with a view to understanding the relevant supply and demand considerations, including the market requirements for alternative crops. Any alternative crop should be in harmony with efforts to ensure sustainable management of natural resources.

6.2 Cooperation with relevant national, regional and international organizations

Parties may consider, in cooperation with relevant national, regional and international organizations, neither encouraging nor promoting tobacco production, in line with Article 5.3 of the WHO FCTC.

International cooperation should facilitate mechanisms for implementation of alternatives to tobacco growing and should also promote global efforts to ensure higher production of agricultural commodities and therefore enhance food security.

Proposed actions:

1. Regional and international organizations, within their respective mandates, upon request, support tobacco-growing countries in implementing alternatives to tobacco growing including, when necessary the convergence of global efforts to ensure higher production of food commodities.

2. Regional and international organizations, within their respective mandates, upon request, support and cooperate with tobacco-growing countries in reinforcing or strengthening the implementation of relevant existing and applicable international instruments relating to labour, the environment, health and human rights.

6.3 Assistance and cooperation in capacity building

Parties should cooperate with each other directly and/or through competent international organizations, in providing training and technical and financial assistance, and should cooperate in scientific, technical and technological matters, including the transfer of expertise or appropriate technology in the field of economically alternative livelihoods, such as crop production and market intelligence. It is important that international organizations with specific expertise participate in capacity building for economically sustainable alternative livelihoods, especially agencies that have recognized expertise in this area, such as the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD), World Bank, UNCTAD and ILO. Parties may request support from competent international organizations.

Parties are encouraged to enter into bilateral, multilateral or any other agreements or arrangements in order to promote training, technical assistance and cooperation in scientific, technical and technological matters, taking into account the needs of developing country Parties and Parties with economies in transition. Financial resources are an essential part of such cooperation. Parties are also encouraged to allocate funds to promote alternatives to tobacco growing, as the case may be, considering that currently governments have allocated less than 0.5% of global tobacco tax revenue.
Proposed action: Parties should implement the measures proposed in Article 26 of the WHO FCTC (Financial resources).

6.4 International information exchange

Parties should, in cooperation with relevant international organizations and the Convention Secretariat, establish and implement an information exchange system on sustainable alternative livelihoods and global tobacco leaf demand. This information exchange would draw on official information made available by Parties and international organizations and should be coordinated by the Convention Secretariat. This should lead to the creation of a database or similar resource on available best practices in different countries, so that these experiences may be used by other countries. Parties should use the WHO FCTC reporting instrument to report on implementation of Articles 17 and 18 of the Convention within the framework of the already established reporting cycle.

Expected results: Information available in Parties’ implementation reports on best practices in relation to Articles 17 and 18 is made available to Parties for further research.¹

6.5 International cooperation and the role of the Convention Secretariat

The Convention Secretariat facilitates collaboration between Parties and intergovernmental and nongovernmental organizations, and should ensure that it does so in regard to the effective implementation of Articles 17 and 18. The Secretariat should invite international organizations with specific expertise in this area to participate in the activities of the working group or other future intergovernmental mechanisms established by the COP, especially agencies that have recognized expertise in this area, such as FAO. The Secretariat should also work with relevant networks and institutions, in different geographical settings and in cooperation with FAO and other international organizations that are engaged in research on alternative crops, at global, regional and subregional levels. The Convention Secretariat should coordinate information exchange, which would draw on official information made available by Parties and international organizations. In order to bring synergy to such activities and efforts, the Secretariat should actively engage interested Parties and to appropriate institutions and networks in order to facilitate a systematic and comprehensive approach to implementation of Articles 17 and 18.

¹ The database is available at http://apps.who.int/fctc/reporting/database/.
APPENDIX 1

LIST OF STANDARDIZED TERMS IN RELATION TO ECONOMICALLY SUSTAINABLE ALTERNATIVES TO TOBACCO GROWING

• **Cropping system:**\(^1,2\) Describes how a producer grows crops. Cropping systems include: crop rotation, multiple cropping, mixed-cropping, strip-intercropping and related agronomic practices.

• **Diversification:** The creation of a strategy portfolio that allows the reduction of dependence on a single crop and instability in the process of reproduction caused by faults in production activities, such as losses of harvest due to droughts or floods, and the variability of seasonal income throughout the year.

• **Economically sustainable alternatives:** Aim to meet human needs while preserving the environment so that these needs are met not only in the present, but also for generations to come.

• **Environmental audit:**\(^1\) A process to verify the effectiveness of the environmental management programme, ensure that environmental objectives and targets are being met, and evaluate how the environmental management system should be modified and expanded in the context of future business expansion, new environmental legislation, and emerging environmental issues.

• **Environmental impact assessment:**\(^2\) A procedure for evaluating the likely impact of a proposed activity on the environment.

• **Environmental monitoring:** Site-specific continuous assessments of changes to environmental quality.

• **Environmental restoration:** Deliberate attempt to speed recovery of damaged ecological areas.

• **First processor or leaf company:** Buyer of the raw tobacco from farmers for a first transformation of the tobacco leaves, grading the raw tobacco into different qualities.

• **Food security:**\(^3\) The availability of food and people's access to it.

• **Good Agricultural Practices:**\(^4\) Practices that ensure that agricultural products are of high quality, safe and produced in an environmentally and socially responsible way.

• **Green tobacco sickness:** Nicotine poisoning that results from the absorption of nicotine through the skin from contact with tobacco plants during cultivation and harvesting. Nicotine is a water and lipid-soluble alkaloid that dissolves in any water on the leaves of the green tobacco plant.\(^1\)

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1 Source: United Nations Environment Programme.
• **Human capital:** The stock of competencies, knowledge and personality attributes embodied in the ability to perform labour so as to produce economic value; the attributes gained by a person through education and experience.

• **Impact on the environment:** Any effect caused by a proposed activity on the environment including on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures, or the interaction among these factors; it also includes effects on cultural heritage or socioeconomic conditions resulting from alterations to those factors.

• **Individual capacities/capabilities:** A process through which individuals strengthen and maintain their capabilities to set and achieve their own development objectives over time.

• **Intercropping** is the practice of growing two or more crops in proximity. The most common goal of intercropping is to produce a greater yield on a given piece of land by making use of resources that would otherwise not be utilized by a single crop.

• **Row cropping** involves arranging the associated crops in rows whereby one crop is alternated with one or multiple rows of another crop.

• **Crop rotation** is the practice of growing a series of dissimilar/different types of crops in the same area in sequential seasons. Crop rotation gives various benefits to the soil. A traditional element of crop rotation is the replenishment of nitrogen through the use of green manure in sequence with cereals and other crops. Crop rotation also mitigates the build-up of pathogens and pests that often occurs when one species is continuously cropped, and can also improve soil structure and fertility by alternating deep-rooted and shallow-rooted plants.

• **Intersectoral approach:** Works across different sectors – social, economic and institutional.

• **Livelihoods:** Refers to the process in which rural families build a diversified portfolio of activities and abilities of social support in order to survive and improve living conditions.

• **Productive system:** A system that transforms inputs into an output. Inputs into a productive system include human resources, land, equipment, buildings and technology. Outputs include the goods and services that are provided for customers and clients.

• **Tobacco crop:** Cultivation of *Nicotiana tabacum* and *Nicotiana rustica* for sale either under a contractual arrangement, non-contractual arrangement/open-market or a quota system.

• **Tobacco industry:** Tobacco manufacturers, wholesale distributors and importers of tobacco products.

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3 Definition taken from the WHO FCTC.
• Tobacco products:¹ Products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing.

• Tobacco worker: A person working on a tobacco farm, in tobacco processing, or tobacco or bidi manufacturing, with or without a contractual arrangement based on the labour laws of the country in which s/he is employed.

¹ Definition taken from the WHO FCTC.
APPENDIX 2

METHODOLOGICAL FRAMEWORK FOR BUILDING THE DYNAMICS OF
PRODUCTIVE DIVERSIFICATION IN TOBACCO-GROWING REGIONS

1. INTRODUCTION

This appendix aims to present the core elements and the sequence of the actions of a methodological template for productive diversification in tobacco-growing regions. This methodology is based on the premises that farmers should be free to build life projects that emancipate and fulfil them, that this intent must be supported by public policy and that the success of redesigning productive systems depends on the active participation of relevant social and economic actors.

2. METHODOLOGICAL GUIDELINES

2.1 Bottom-up approach

Considering that the decision to undertake productive diversification is, first and foremost, to be taken by the farmers, there is no possibility of success without their participation in setting the strategy to be followed.

2.2 Networks of stakeholders

Agriculture is not an isolated socio-productive phenomenon, but a phenomenon involving different and interdependent social agents articulated around supply chains and local conglomerates. Thus, a process of productive diversification involves, besides farmers, a number of other subjects, which may have congruent interests and, to the extent that they are called upon to participate, are able to join forces for constructing new chains and marketing channels.

2.3 Integration of different levels of government (local, regional and national)

Productive diversification requires a range of supporting policies and actions that encompass all levels of government, in order to join efforts and leverage resources for reaching more meaningful results.

2.4 Participatory planning and implementation

The success of this process depends on the active participation of relevant socioeconomic factors and actors at all stages. Thus, its implementation must be triggered on the basis of a set of articulations that select, prioritize and commit the Parties to the planned strategy with the participation of all relevant stakeholders.

2.5 Territorial approach

While working with diversification, it should be clear that the various agricultural products fall into chains of production and consumption, which in most cases reach beyond the local circuit. Thus, both in terms of allocation of resources and scale of production, infrastructure and distribution, as well as the viability of markets for the products, the territorial regional approach allows stakeholders to involve and mobilize the necessary resources.
2.6 Ongoing monitoring and evaluation

The productive diversification, according to the methodology in question, is embodied in a participatory process that triggers a set of activities, which, in turn, are dependent on public policy. Therefore, as they involve different actors with different responsibilities and expectations, ongoing monitoring and evaluation are essential to ensure ongoing participation and commitment of the Parties, with benchmarking and rescheduling of activities.

3. GETTING STARTED IN THE PROCESS: CHAINING ACTIONS

3.1 Mobilization

Considering that participatory planning, monitoring and evaluation are core elements of this methodological framework, its starting point depends on a presentation of the purposes and strategies for productive diversification, seeking convergences of interests among stakeholders of the communities involved.

Therefore both awareness raising by mass media (radio, television, press, etc.) and visits to civil society organizations and farms should be employed to raise awareness and provide information. As a general guideline, it is important to seek collective debate and dialogue in spaces such as community meetings, meetings with civil society organizations, meetings with representatives of local government, etc. Once information and procedures are agreed among stakeholders, a common agenda for action and monitoring should be established.

3.2 Analysis of the situation

To reach the objectives of productive diversification it is crucial to have specific information for the identification of goals, resources, responsibilities, deadlines, etc. Thus, the planning should start from an analysis of the agrarian system of tobacco growers and workers. Based on this information, an analysis should be made of the decision-making process of farmers, taking into account their plans, constraints, perspectives, orientation on tobacco growing, and possibilities.

From this perspective, it is important to consider that, on the one hand, the productive systems employed by farmers derive from objective parameters such as availability of means of production and profitability of crops, and on the other hand, from subjective and social questions.

Such an analysis can be developed by using a questionnaire, and, if experimental data are available, carrying out an impact assessment addressing multidimensional issues through the following key parameters:

- family composition;
- availability of natural resources;
- availability of means of production;
- agricultural and livestock production systems on the property (except tobacco);
- subsistence goods produced;
• financial income from the marketing of different products (other than tobacco);
• system of production and financial performance related to tobacco;
• access to services and public policies;
• access to credit and other banking services;
• organization and social participation;
• economic and social partners;
• family and community values and priorities;
• health status, labour and the environment;
• satisfaction with their present condition;
• plans for the property.

3.3 Information sharing and participatory planning

After data from the questionnaire and from mobilization meetings are tabulated and analysed, a strategy should be pursued to share these data with the stakeholders in communities, according to a logic of successive involvement that could lead to referential and territorial planning, which identifies:

• situation analysis;
• prioritization;
• strategies and activities;
• goals and deadlines;
• sources of funds;
• framework of public policies;
• roles and responsibilities;
• process of monitoring, evaluation and reprogramming.

3.4 Participatory implementation

Considering the information coming from the debates in communities and territories and the establishment of a steering group for the territorial planning of productive diversification, stakeholders involved in this management process are responsible for promoting the consolidation of collaborative networks and partnerships with social subjects and public officials to provide the requisites for setting up a dynamic.
All stakeholders at community level and public officials shall participate in the implementation and management of alternative livelihoods in an open, transparent and participatory manner. The participation shall be facilitated by all relevant information, inputs and incentives.

Sensitization and training of social workers and farmers are the conductors of the process, which, given the active social participation, should move towards the government for allocation of public policies to support productive activities prioritized in discussions with the communities.

3.5 Continuous monitoring, analysis, evaluation and initiation of a new cycle of actions

The territorial process of productive diversification in tobacco-growing regions should include the establishment of a steering group to coordinate and monitor the implementation of activities. This monitoring should be done in a coordinated way among all stakeholders and communities involved, providing instruments to collect data for evaluation and especially ensuring the hierarchy of community meetings to review results and re-programme actions. Thus, prioritization of social participation, and community ownership and transparency of information, can encourage dynamic sustainability of livelihoods diversification in a sustainable manner.

(Fifth plenary meeting, 18 October 2014)
The Conference of the Parties (COP),

Taking into account Article 7 (Non-price measures to reduce the demand for tobacco), Article 9 (Regulation of the contents of tobacco products) and Article 10 (Regulation of tobacco product disclosures) of the WHO FCTC;

Recalling its decision FCTC/COP1(15) to establish a working group to elaborate guidelines for implementation of Article 9 and Article 10 of the WHO FCTC, and its decision FCTC/COP2(14) to extend the work of the working group to include product characteristics, such as design features, to the extent that they affect the objectives of the WHO FCTC;

Recalling its decision FCTC/COP4(10) to adopt partial guidelines for implementation of Article 9 and Article 10 of the WHO FCTC, and its decision FCTC/COP5(6) to adopt further partial guidelines, and to mandate the working group to continue its work;

Noting the progress report of the working group to the COP at its sixth session (document FCTC/COP/6/13) and its Annexes, which contain proposals for consideration in relation to possible future work on the partial guidelines, entitled Constituents – Disclosure (Annex 1), Emissions – Disclosure (Annex 2) and Use of terms – Constituents (Annex 3); and

Recognizing the significant work of the laboratories that have contributed, through the WHO Tobacco Laboratory Network, to the validation of analytical chemical methods,

1. WELCOMES the report of WHO’s Department for Prevention of Noncommunicable Diseases to the COP on the work in progress in relation to Articles 9 and 10 of the WHO FCTC (documents FCTC/COP/6/14 and FCTC/COP/6/14 Add.1);

2. REQUESTS the Convention Secretariat:

(a) to make accessible, via the WHO FCTC website, the standard operating procedures and related documentation published by WHO;

(b) to invite WHO to:

(i) finalize, within one year, the validation of the analytical chemical methods for testing and measuring cigarette contents and emissions in accordance with the progress report presented by WHO to COP at its fifth session (document FCTC/COP/5/INF.DOC./1);

(ii) assess, within two years, whether the standard operating procedures for nicotine, tobacco-specific N-nitrosamines (TSNAs) and B[a]P in cigarette contents and emissions are applicable or adaptable, as appropriate, to tobacco products other than cigarettes, including smokeless tobacco and waterpipe smoke;

(iii) prepare a report based on scientific evidence on specific cigarette characteristics of interest, including slim/super slim designs, filter ventilation, and innovative filter design features including flavour-delivering mechanisms such as capsules, to the extent that
those characteristics affect the public health objectives of the WHO FCTC, for consideration by the working group at its first meeting following the sixth session of the COP;

(iv) continue to monitor and follow closely the evolution of new tobacco products;

(v) prepare a report on the toxic contents and emissions of waterpipe and smokeless tobacco products;

and

(vi) report back to the COP through the Convention Secretariat;

3. DECIDES to mandate the working group to:

(a) continue its work in elaborating guidelines in a step-by-step process, and to submit draft partial guidelines or a progress report on the disclosure, testing and measuring of contents and emissions to the next session of the COP, taking into account:

(i) the analytical chemical methods for testing and measuring cigarette contents and emissions validated by WHO; and

(ii) the draft text prepared by the Key Facilitators followed by discussions of the working group at its eighth meeting;¹

(b) explore possibilities for defining “constituents” in a way that is meaningful and acceptable to the COP, taking into account the alternative possible definitions discussed by the working group at its eighth meeting² and continue work on other definitions in the area of product regulation;

(c) continue to monitor areas such as dependence liability and toxicology, including for smokeless tobacco products and waterpipe tobacco products, and in particular take stock of information obtained from WHO in relation to these areas, examine relevant issues, and report back to the next session of the COP;

(d) consider specific cigarette characteristics of interest, including slim/super slim designs, filter ventilation, and innovative filter design features including flavour-delivering mechanisms such as capsules, to the extent that those characteristics affect the objectives of the WHO FCTC, and submit further draft partial guidelines or a progress report in relation to these issues to the next session of the COP;

4. INVITES Parties, international, regional and subregional organizations, international financial institutions and/or other development partners to assign resources to, and to coordinate, the conduct of research that would support Parties in implementing Articles 9 and 10 of the WHO FCTC;

¹ See Annexes 1 and 2 of document FCTC/COP/6/13.
5. ENCOURAGES Parties to address infrastructure and capacity issues for laboratories, including on a regional basis, and share best practices and tools used in the disclosure of contents and emissions of tobacco products;

6. ALSO DECIDES, in accordance with decision FCTC/COP4(10):

   (a) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to continue its work, and to ensure, in consultation with the Bureau of the COP, that Parties have access to the draft text (for example, via a protected website) and can provide comments before the circulation of the draft guidelines to the COP;

   (b) to adopt the timeline set out below:

   | Draft guidelines, if any, made available by the Secretariat for comments by the Parties | At least six months before the opening day of the seventh session of the COP |
   | Submission of the final report by the working group to the Secretariat | At least three months before the opening day of the seventh session of the COP |
   | Circulation to the COP | At least 60 days before the opening day of the seventh session of the COP in accordance with Rule 8 of the Rules of Procedure of the COP |

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(13) Impact assessment of the WHO FCTC

The Conference of the Parties (COP),

    Recalling decision FCTC/COP5(12), requesting the Convention Secretariat to prepare a report outlining options for conducting an impact assessment of the WHO FCTC after its first 10 years of operation;

    Welcoming the implementation reports submitted by the Parties in the 2014 reporting cycle, which serve as an important source of information concerning the progress in implementation made at country, regional and global levels;

    Recognizing that the impact assessment should be performed by independent experts;

    Having considered the report of the Secretariat, Impact assessment of the WHO FCTC, as contained in document FCTC/COP/6/15,
DECIDES:

(1) that an impact assessment of the WHO FCTC will be conducted, under the guidance of the Bureau, and as outlined under option A in paragraph 27 of document FCTC/COP/6/15;

(2) that the purpose of the impact assessment should be to assess and examine the impact of the WHO FCTC on implementation of tobacco control measures and on the effectiveness of its implementation in order to assess the impact of the Convention as a tool for reducing tobacco consumption and prevalence after its first 10 years of operation;

(3) to mandate the Bureau, based on an initial screening by the Secretariat, to establish a group of seven independent experts, to conduct the impact assessment. The group should be selected from nominations made by Parties and nongovernmental organizations accredited to the COP and ensure there is regional balance. The group should include expertise in programme evaluation, including, but not limited to, evaluation of tobacco-control policies and legislation, treaty law, epidemiology and public health;

(4) to mandate the independent expert group to examine in three Parties selected in consultation with the Bureau, on a voluntary basis, within each of the four different levels of economic development as prescribed by the World Bank, including an analysis considering gender, children and vulnerable socioeconomic groups, where relevant data are available, the impact of the WHO FCTC by seeking the views of relevant stakeholders, organizations and actors in tobacco control in the respective jurisdictions, and through desk reviews, as part of its work; including identification of indicators and methodologies on consumption and prevalence;

(5) to request the Secretariat to assist the independent expert group to fulfil its mandate;

(6) to request the expert group to report on the outcome of the impact assessment and make possible recommendations, as appropriate, on how to strengthen the impact of WHO FCTC, to be presented for final consideration at the seventh session of the COP.

(Fifth plenary meeting, 18 October 2014)
Acknowledging with appreciation the report of the Secretary-General to the ECOSOC at its substantive session in 2013 (E/2013/61), which recommended that the United Nations adopt guidelines to ensure objectivity in its work, in line with the principles of Article 5.3 of the Convention and its implementing guidelines;

Noting that global progress reports on implementation of the WHO FCTC, based on the reports of the Parties, reveal that tobacco industry interference remains one of the greatest obstacles to implementation of the Convention;

Recognizing that the tobacco industry is well-resourced and will continue to undermine tobacco-control efforts internationally, particularly for developing country Parties and Parties with economies in transition;

Noting with concern recent experiences indicating that tobacco industry strategies and tactics go beyond national borders as well as initiatives of the tobacco industry advising governments to challenge other countries’ tobacco-control measures at national and international levels;

Reiterating that international cooperation is essential to prevent interference by the tobacco industry in the formulation of public health policies on tobacco control, as recommended in the guidelines for implementation of Article 5.3 and also in line with Articles 22, 23.5(g), 24.3(c), (d), (e), and Article 25 of the WHO FCTC;

Acknowledging the task requested to the Convention Secretariat in operative paragraph 2, the Convention Secretariat might consider to seek external expertise, in line with past practice,

1. DECIDES to:

   (1) urge Parties to strengthen their implementation of Article 5.3 and intensify collaborative action to address tobacco industry efforts internationally; and

   (2) urge Parties to raise awareness and adopt measures to implement Article 5.3 and its implementing guidelines among all parts of government including diplomatic missions.

2. REQUESTS the Convention Secretariat, in coordination with the WHO to:

   (1) examine the level of tobacco industry engagement in key international organizations which are in a position to contribute to WHO FCTC implementation, prepare a report on their impact on multisectoral collaboration for the implementation of the WHO FCTC, and make appropriate recommendations;

   (2) seek collaboration with pertinent international organizations, including regional, and subregional organizations, to raise awareness of their role in contributing to Parties’ implementation of Article 5.3 and that their administrative, financial and other decisions affect implementation of Article 5.3 of the WHO FCTC, by promoting the principles of Article 5.3 and its implementing guidelines, including rejection of any direct or indirect contributions, technical and financial, from the tobacco industry;

   (3) propose tools that will facilitate where appropriate raising awareness and assisting with implementation of Article 5.3 among all parts of government;
(4) identify and recommend options and sustainable mechanisms international cooperation on, and exchange of information related to, tobacco industry interference, building on the existing WHO Tobacco Industry Monitoring database or through a knowledge hub, in order to strengthen effective implementation of Article 5.3 of the WHO FCTC;

(5) stimulate the reporting of Parties’ experiences in implementing Article 5.3 of the Convention through the reporting instrument of the WHO FCTC, and facilitate exchange of best practices through the establishment of a virtual community on the WHO FCTC information platform;

(6) develop and promote monitoring tools that would encourage voluntary and timely sharing of further information in order to enhance the monitoring of tobacco industry interference, including at the international level and regularly report on findings to Parties;

(7) continue to develop, and make available on a continuous basis, the technical capacity required to carry out the tasks listed above and provide technical assistance to Parties upon their request, to implement Article 5.3 of the Convention;

(8) report on its findings and activities to the seventh session of the COP.

(Fifth plenary meeting, 18 October 2014)

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**FCTC/COP6(15) Reporting arrangements and analysis of implementation of 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:
Moscow, Russian Federation, 13–18 October 2014

(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.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(16) 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;

¹ Resolution A/RES/66/2.
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 Goals\(^1\) 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;\(^2\)

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;

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 target 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;

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\(^1\) As per document A/68/970.

\(^2\) In accordance with resolution A/RES/68/309.
(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.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(17) 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 development 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 nongovernmental 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/COP2(13), FCTC/COP2(10), FCTC/COP4(17) and FCTC/COP5(14).

(Fifth plenary meeting, 18 October 2014)
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.

(Fifth plenary meeting, 18 October 2014)

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**FCTC/COP6(19)**

**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.

(Fifth plenary meeting, 18 October 2014)

**FCTC/COP6(20) 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 to the Protocol;

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:

(a) 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

(b) 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:
### Area of work*  
Activity cost (in US$ thousand)  
Staff cost (in FTE)  
Main components/activities  
Expected results and indicators

<table>
<thead>
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<td>Protocols, guidelines and other possible instruments for implementation of the Convention¹</td>
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<tr>
<td>2. Protocols, guidelines and other possible instruments for implementation of the Convention¹</td>
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<tr>
<td>2.1 (iii) Promoting entry into force of the Protocol</td>
<td>180</td>
<td></td>
<td>Hold two multisectoral, subregional, Protocol-specific workshops, with participation of 4 representatives, each from a relevant Ministry, from each of the Parties participating</td>
<td>Participation of at least 12 WHO FCTC Parties in subregional workshops</td>
</tr>
</tbody>
</table>
| 2.1 (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 |

(Fifth plenary meeting, 18 October 2014)

**FCTC/COP6(21) 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.

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.
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.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(22) Process for appointment and renewal of the term of office of the Head of the Convention Secretariat: report by the Bureau of the Conference of the Parties

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:

(a) 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;

(b) 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;

(c) 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;

(d) 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 24quater 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;

(e) 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;

(f) 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;

(g) 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(a) to 1(f);

2. DECIDES also 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.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(23) 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:

       Consumers 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.

(Fifth plenary meeting, 18 October 2014)
FCTC/COP6(24)  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

<table>
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<tr>
<th>Line No.</th>
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<tbody>
<tr>
<td>1</td>
<td>Rule 2: Definitions</td>
<td>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.</td>
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<tr>
<td>2</td>
<td>Rule 4</td>
<td>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.</td>
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<td>3</td>
<td>Rule 15</td>
<td>Insert a new paragraph in Rule 15 (before point (f)): prepare formal agendas, papers and summary records of intersessional meetings of the Bureau, to be made available to the Parties, in a timely manner.</td>
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<tr>
<td>4</td>
<td>None – Intersessional meetings of the Bureau</td>
<td>Insert a new Rule 24bis: 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. Regional coordinators shall be allowed to observe the meetings of the Bureau. 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. 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. 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.</td>
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### Provision in the current Rules of Procedure

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| 5        | None – Intersessional role of the Bureau    | **Insert a new Rule 24ter:**  
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:  
(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;  
(b) to facilitate the process for nominations to subsidiary bodies of the Conference of the Parties;  
(c) to provide guidance to the Convention Secretariat on implementation of the work plans and budgets adopted by the Conference of the Parties;  
(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;  
(e) to propose the date and venue of sessions of the Conference of the Parties and its subsidiary bodies;  
(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;  
(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  
(h) to provide other guidance to the Secretariat as requested by the Conference of the Parties.  
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. |
| 6        | None – Role of the regional coordinator    | **Insert a new Rule 24quater:**  
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.  
2. The regional coordinator shall perform the following functions:  
(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;  
(b) receive working documents or proposals of the Bureau and ensure that they are circulated to the Parties in the region;  
(c) collect and send comments on such documents or proposals to the officer of the Bureau; and  
(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. |
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| 7       | Rule 27.2                                  | Amend the text of Rule 27.2 as follows:  
Sessi0ns or meetings of subsidiary bodies shall be held in public, unless the  
Conference of the Parties or the subsidiary body concerned decides that they shall  
be open or restricted. This rule shall be implemented in conformity with Article 5.3  
of the Convention. |
| 8       | Rule 29                                    | Amend the text of Rule 29 as follows:  
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 or open sessions of the Conference  
of the Parties or meetings of its subsidiary bodies as an observer.  
2. Observers under this Rule may participate without the right to vote in the  
public or open 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. |
| 9       | Rule 30, par. 1                             | Amend the text of Rule 30, paragraph 1, as follows:  
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, based on the report from the Secretariat, taking  
into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the  
Convention. 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. |
| 10      | Rule 30, par. 2                             | Amend the text of Rule 30, paragraph 2, as follows:  
2. Observers under this Rule may participate without the right to vote in public  
or open meetings of the Conference of the Parties and its subsidiary bodies and may  
speak after the observers referred to in Rule 29. |
| 11      | Rule 31, par. 4                             | Amend the text of Rule 31, paragraph 4, as follows:  
4. Observers under this Rule may participate without the right to vote in public  
or open 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. |
| 12      | Rule 32                                    | Amend the text of Rule 32 as follows:  
Sessions of the Conference of the Parties shall be held in public, unless the  
Conference of the Parties decides that they shall be open or restricted. This rule  
shall be implemented in accordance with Article 5.3 of the Convention. |

(Fifth plenary meeting, 18 October 2014)
Maximizing transparency with regard to Party delegations to the Conference of the Parties and its subsidiary bodies

The Conference of the Parties (COP),

Recalling the Rules of Procedure of the COP;

Recalling also Article 5.3 of the WHO FCTC and recommendations 2 and 4 of the guidelines that have been made with respect to Article 5.3 of the WHO FCTC.

Recognizing the importance of maximizing transparency of meetings of the COP and its subsidiary bodies,

DECIDES:

(1) to request that the Bureau, when undertaking its review of the Rules of Procedure in accordance with decision FCTC/COP6(24), to give consideration to providing options for maximizing transparency with regard to Party delegations to COP and its subsidiary bodies. Options may result in the requirement to amend the Rules of Procedure or may be achieved in other ways;

(2) to request the Secretariat to provide assistance to the Bureau in this task.

(Fifth plenary meeting, 18 October 2014)

Moscow Declaration

Mindful of the preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being;

Recalling decision FCTC/COP4(5) on the adoption of the Punta del Este Declaration on the Implementation of the WHO FCTC;

Recalling decision FCTC/COP5(5) on the adoption of the Seoul Declaration;

Welcoming the political declarations adopted at the First Global Ministerial Conference on Healthy Lifestyles and Control of Noncommunicable Diseases (NCDs), held in April 2011 in Moscow, and the World Conference on Social Determinants of Health, held in October 2011, and also the final report of the United Nations Conference on Sustainable Development, held in June 2012; resolution A/RES/66/2 of the High-level Meeting of the General Assembly on the Prevention and Control of NCDs, 2011; the resolution of the Economic and Social Council on United Nations system-wide coherence on tobacco control, adopted in July 2012; the Helsinki Statement on Health in all Policies, 2013; resolution WHA66.10 of the World Health Organization, which adopted the global monitoring framework with respect to NCDs, 2013;

Recalling that tobacco consumption is not a right but an addiction;
Noting the report of the Convention Secretariat on global progress in implementation of the WHO FCTC;

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

1. NOTES that:

(1) international collaboration on tobacco control is a key factor in the reduction of the burden of NCDs;

(2) the implementation of the WHO FCTC, its guidelines and protocols facilitate the enjoyment of the right to the highest attainable standard of health, recognized in international law and national legislation of the vast majority of States;

(3) the goal of tobacco control measures required by the WHO FCTC at the international and national levels is to halt and reverse the tobacco epidemic;

(4) the heaviest burden of disease related to tobacco use is borne by the most vulnerable population groups;

(5) tobacco companies are exploring new ways of maintaining dependence and encouraging use, developing new tobacco products and nicotine delivery systems, making them fashionable, technological and innovative;

2. CALLS ON the Parties:

(1) to strengthen collaboration on tobacco control with a view to attaining the 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, through the WHO FCTC mechanisms and global coordination mechanism for NCD prevention and control;

(2) to take special account, during implementation of national tobacco control measures, of the population groups, including women, children and adolescents, minority groups and low socioeconomic groups, who are especially vulnerable to the efforts of the tobacco industry to recruit and maintain users;

(3) to continuously adopt progressive, comprehensive, multisectoral and responsive national tobacco control strategies, plans and programmes aimed at achieving the overall objectives of the WHO FCTC, while providing support to such programmes at the international level;

(4) to monitor new forms of tobacco products and tobacco and nicotine use and take steps to minimize the introduction and proliferation of such products through prohibition or restrictions of manufacturing and promotion and sales as provided for by the WHO FCTC, its guidelines and protocols;

(5) to accelerate the full implementation of the WHO FCTC at national levels, integrating mechanisms for monitoring and evaluation and measures to address new and emerging challenges in addressing the tobacco epidemic;
(6) to share best practices through the WHO FCTC Information Platform or other methods to address major challenges in implementing the WHO FCTC.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(27) Workplan and budget for the financial period 2016–2017

The Conference of the Parties,

Reaffirming its decision FCTC/COP1(9) on the adoption of the Financial Rules of the Conference of the Parties to the WHO Framework Convention on Tobacco Control;

Recalling its decision FCTC/COP5(19) on the workplan and budget for the financial period 2014–2015;

Having considered the workplan and budget for the financial period 2016–2017 submitted by the Convention Secretariat contained in document FCTC/COP/6/24 Rev.1);

DECIDES:

(1) to adopt the budget for the financial period 2016–2017 as follows:

<table>
<thead>
<tr>
<th>Part I – WHO FCTC: Activity costs:</th>
<th>USS thousand</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Conference of the Parties</td>
<td>1,838</td>
</tr>
<tr>
<td>2. Protocols, guidelines and other possible instruments for the implementation of the Convention</td>
<td>534</td>
</tr>
<tr>
<td>3. Reporting arrangements under the Convention</td>
<td>490</td>
</tr>
<tr>
<td>4. Assistance to Parties in implementation of the Convention, with particular focus on developing country Parties and Parties with economies in transition</td>
<td>1,398</td>
</tr>
<tr>
<td>5. Coordination with international and regional intergovernmental organizations and bodies</td>
<td>348</td>
</tr>
<tr>
<td>6. Administration and management, and other arrangements and activities</td>
<td>319</td>
</tr>
</tbody>
</table>

Subtotal Part I: 4,927

<table>
<thead>
<tr>
<th>Part II: Protocol to Eliminate Illicit Trade in Tobacco Products: Activity costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Preparing entry into force of the Protocol</td>
</tr>
<tr>
<td>2. Meeting of the Parties to the Protocol</td>
</tr>
<tr>
<td>3. Administration and management, and other arrangements and activities</td>
</tr>
</tbody>
</table>

Subtotal Part II: 1,270

Staff costs: 10,373
(2) to adopt the workplan for the financial period 2016–2017, as indicated in the Annex to this decision, taking into account the decisions taken by the Conference of the Parties at its sixth session;

(3) to establish the total amount of voluntary assessed contributions of Parties for the financial period 2016–2017 at the level of US$ 9 100 000;

(4) to request the Secretariat, in coordination with the Bureau, to communicate the scale of assessment of voluntary assessed contributions for 2016–2017 to Parties following adoption of the scale of assessment by the United Nations General Assembly in late 2015;\(^1\)

(5) to finance the travel and per diem of least developed countries from voluntary assessed contributions until and including the seventh session of the COP;

(6) to finance, moreover, travel for low- and lower-middle income countries from voluntary assessed contributions and to cover the cost of corresponding per diem with resources available in the extrabudgetary funds until and including the seventh session of the COP;

(7) to authorize the Secretariat to request the payment of voluntary assessed contributions, including from countries that may become a Party to the Convention between the sixth and seventh sessions of the Conference of the Parties, in line with the scale of assessment as indicated in paragraph 4 of this decision;

(8) to request the Head of the Secretariat to implement the budget and workplan adopted by the Conference of the Parties, and to submit to the Conference of the Parties:

- an interim performance report on the workplan and budget for the financial period 2016–2017, along with a final performance report on the workplan and budget for the financial period 2014–2015, at its seventh session; and

- a final performance report on the workplan and budget for the financial period 2016–2017 at its eighth session;

(9) to authorize the Secretariat to seek and receive voluntary extrabudgetary contributions for activities in line with the workplan;

(10) to encourage Parties to the Convention to provide extrabudgetary contributions for meeting the objectives of the workplan;

(11) to call on the Head of the Secretariat to keep the Bureau regularly updated on the status of budgets and workplans agreed by the Conference of the Parties.

\(^1\) Based on the corresponding WHO scale of assessment for 2016–2017 and taking into account the difference of membership of WHO and that of the Convention.
# ANNEX

## WORKPLAN AND BUDGET FOR THE FINANCIAL PERIOD 2016–2017

### Part I: WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>1. Conference of the Parties¹</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Conference of the Parties (COP)</td>
<td>1 523 153</td>
<td>(a) Prepare, convene and support the seventh session of the COP (COP7)</td>
<td>COP7 prepared and convened on time Official documentation available to Parties in the six languages no later than 60 days before the opening of the session</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) Prepare and disseminate official records, decisions and other documentation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(c) Review applications for observer status and prepare reports for consideration by the Bureau and the COP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(d) Conduct the review of accreditation of NGOs in consultation with the Bureau</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(e) Provide support and advice to Parties</td>
</tr>
</tbody>
</table>

¹ In line with Article 23 and Article 24.3(a), and relevant decisions of the COP.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>1.2 Bureau of the COP</td>
<td>162</td>
<td>(a) Prepare, convene and support the work of the Bureau</td>
<td>Three intersessional meetings of the Bureau convened, including through video/teleconferences; Bureau meetings convened immediately before and during COP7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Prepare documents for the meetings of the Bureau and make them available to the Parties</td>
<td>Documents made available to the Bureau at least two weeks before the meetings and also made available on a protected website for the Parties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) Provide regular updates to the Bureau on the status of implementation of the workplan and budget for the biennium as requested by the COP, and on ad hoc issues</td>
<td>Reports submitted to the Bureau at each intersessional meeting of the Bureau and timely information provided</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(d) Prepare summary records of the intersessional meetings of the Bureau</td>
<td>Summary records of the intersessional meetings of the Bureau made available to Parties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(e) Support the Bureau of the COP in its review of the Rules of Procedure as requested by COP, in cooperation with WHO legal services</td>
<td>Bureau’s proposals for possible amendments to the Rules of Procedure submitted to COP7</td>
</tr>
<tr>
<td>Subtotal for Area of work 1</td>
<td>1 685</td>
<td>153</td>
<td></td>
</tr>
<tr>
<td>Area of work*</td>
<td>Activity cost (in US$ thousand)**</td>
<td>Main components/activities</td>
<td>Expected results and indicators</td>
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<td>--------------</td>
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</tr>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>2. Protocols, guidelines and other possible instruments for implementation of the Convention (^2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 Intergovernmental working groups</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working group on Articles 9 and 10</td>
<td>70</td>
<td>One meeting of the working group, in combination with intersessional work of the Key Facilitators and the Convention Secretariat</td>
<td>Report of the working group submitted to COP7</td>
</tr>
<tr>
<td>Working group on sustainable measures to promote the implementation of the WHO FCTC</td>
<td>65</td>
<td>25</td>
<td>One meeting of the working group, in combination with intersessional work of Key Facilitators and the Convention Secretariat</td>
</tr>
<tr>
<td>Expert group on Article 19</td>
<td>60</td>
<td>33</td>
<td>One meeting of the expert group, in combination with intersessional work of Key Facilitators, experts and the Convention Secretariat</td>
</tr>
</tbody>
</table>

1 The reference to protocols is of general nature; the Protocol to Eliminate Illicit Trade in Tobacco Products is addressed in Part II of this Annex.

2 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.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>Expert group on impact assessment</td>
<td>281</td>
<td>Support the independent expert group to conduct impact assessments, including an analysis considering gender, children and vulnerable socioeconomic groups, where relevant data are available, the impact of the WHO FCTC</td>
<td>Report of the expert group submitted to COP7</td>
</tr>
<tr>
<td>Subtotal for Area of work²</td>
<td>195</td>
<td>339</td>
<td></td>
</tr>
</tbody>
</table>

### Reporting and exchange of information

#### 3.1 Support for Parties in fulfilling their reporting obligations and global progress reports on implementation of the Convention

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>(a) Conduct the 2015–2016 reporting cycle</th>
<th>Reports received, confirmed and feedback provided to Parties; Web-based database of reports maintained and updated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50</td>
<td>(b) Analyse Parties’ Reports and identify trends, areas/articles of the Convention for further exploration</td>
<td>2016 global progress report published Three reports related to topical issues published</td>
</tr>
<tr>
<td></td>
<td>60</td>
<td>(c) Analyse trends, practices and lessons learnt in Parties’ reporting; identify good practices in data collection and preparation/submission of reports</td>
<td>Publication of a technical tool for data collection completed</td>
</tr>
<tr>
<td></td>
<td>90</td>
<td>(d) Expert group nominated by Parties to facilitate the review of Parties’ implementation reports by the COP</td>
<td>One meeting of the expert group convened Report submitted to COP7</td>
</tr>
</tbody>
</table>

² In line with Article 20.5, Article 21, Article 23.5 (a), (b) and (d), and Article 24.3(b) and (c), and relevant decisions of the COP.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>(e) Strengthen capacity of Parties to report, use the web-based platform on reporting and exchange of information; and promote use of the indicators in the WHO FCTC Indicator Compendium</td>
<td>130</td>
<td>Six regional reporting workshops held prior to the 2018 reporting period At least 80 officials responsible for reporting trained Advice and assistance to individual Parties provided as requested Use of the web-based platform and other tools (including an eLearning tool on reporting) promoted</td>
<td></td>
</tr>
<tr>
<td>3.2 Exchange of information, including transfer of expertise and technology</td>
<td>30</td>
<td>(a) Promote, maintain and upgrade all components of the Information Platform, including knowledge hubs and the database of available resources, and update their content regularly (b) Strengthen information networks, including knowledge hubs</td>
<td>Platform maintained and upgraded, as necessary New content published, as appropriate Six knowledge hubs covering all WHO regions fully operational and regularly updated by hosting entities (no cost)</td>
</tr>
<tr>
<td>Subtotal for Area of work³</td>
<td>170</td>
<td>320</td>
<td></td>
</tr>
</tbody>
</table>

³ Subtotal for Area of Work
<table>
<thead>
<tr>
<th>Area of work*</th>
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<th>Main components/activities</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Assistance to Parties in implementing specific provisions of the Convention, with particular focus on developing country Parties and Parties with economies in transition(^1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Assistance to Parties</td>
<td>244</td>
<td>(a) Identify achievements, challenges and best practices to enhance cooperation, and provide assistance in implementation of the WHO FCTC within and between regions</td>
</tr>
<tr>
<td>4.2</td>
<td>Needs assessments and promotion of access to available resources and mechanisms of assistance, with</td>
<td>58</td>
<td>(a) Review the process and impact of the needs assessments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>303</td>
<td>(b) Carry out needs assessments, and other forms of targeted assistance, to strengthen implementation of the Convention</td>
</tr>
</tbody>
</table>

\(^1\) In line with Article 22.2, Article 23.5(e), Article 24.3(c) and (g) and Article 26.5, and relevant decisions of the COP.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>a view to promoting harmonization and alignment of tobacco-control policies at country level</td>
<td>360</td>
<td>(c) Provide support to Parties in identified areas of need</td>
<td>Up to 10 Parties assisted in implementation of the WHO FCTC, with emphasis on obligations under Articles 5.1, 5.2 and 5.3, and alignment of WHO FCTC implementation with national development and health strategies/policies and its inclusion in UNDAFs</td>
</tr>
</tbody>
</table>
| 4.3 Support for Parties engaged in legal action, including in line with Article 19, and trade, investment and other legal challenges to implementation of the Convention | 78 | (a) prepare, maintain and make available to Parties a comprehensive list of the existing resources that may assist Parties in dealing with civil and criminal liability and other legal challenges where necessary  
(b) develop a database of public institutions and legal and scientific experts, nominated by Parties, with experience in tobacco litigation related to liability  
(c) establish a mechanism for the recommendation of experts, at the request of Parties, engaged in relevant actions  
(d) Monitor trade and investment issues relevant to implementation of the Convention, and support Parties, where appropriate, in collaboration with the relevant knowledge hubs | List of existing resources prepared and published on the WHO FCTC Information Platform  
Database of public institutions and legal and scientific experts, nominated by Parties, with experience in tobacco litigation related to liability in place  
Mechanism for the recommendation of experts, at the request of Parties, engaged in relevant actions established |
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>4.4 Supporting Parties to pursue economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC)</td>
<td>200</td>
<td>(a) support interested Parties in developing pilot projects and other initiatives that aim to implement these policy options and recommendations (b) organize an international database, within the WHO FCTC information platform, of good practices, instruments and measures to support the implementation of these policy options and recommendations (c) request WHO to support interested Parties to develop guidelines for surveillance, prevention and early diagnosis of occupational harms and risks specific to tobacco cultivation and manufacture, in particular those related to green tobacco sickness</td>
<td>At least 4 countries supported to develop pilot projects International database organized. A progress report on the implementation, making use of experiences and case studies from before and after the sixth session of the COP, submitted to the seventh session of the COP</td>
</tr>
<tr>
<td>4.5 Support to Parties in implementing Article 5.3</td>
<td>100</td>
<td>(a) develop and promote monitoring tools that would encourage voluntary and timely sharing of further information in order to enhance the monitoring of tobacco industry interference (b) develop, and make available on a continuous basis, the technical capacity required to carry out the relevant tasks (c) provide technical assistance to Parties upon their request</td>
<td>Two tools developed Support provided to Parties</td>
</tr>
<tr>
<td>Area of work*</td>
<td>Activity cost (in US$ thousand)**</td>
<td>Main components/activities</td>
<td>Expected results and indicators</td>
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</tr>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>4.6</td>
<td>Elaboration on Article 27</td>
<td>15</td>
<td>Prepare a report for consideration at the seventh session of the Conference of the Parties examining: • 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; • the kind of disputes that may be subject to arbitration under such procedures; • the interaction of such procedures with other disputes settlement mechanisms</td>
</tr>
<tr>
<td>4.7</td>
<td>Legal challenges in relation to implementation of the WHO FCTC</td>
<td>40</td>
<td>Prepare a report on the potential impact of new trade and investment provisions on WHO FCTC implementation in developing countries</td>
</tr>
<tr>
<td>Subtotal for Area of work 4</td>
<td></td>
<td>1 398</td>
<td></td>
</tr>
<tr>
<td>Area of work*</td>
<td>Activity cost (in US$ thousand)**</td>
<td>Main components/activities</td>
<td>Expected results and indicators</td>
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<tr>
<td>--------------</td>
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</tr>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>5. Coordination with international and regional intergovernmental organizations and other bodies†</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1 Promotion of South–South cooperation in the exchange of scientific, technical and legal expertise as relevant to the implementation of the Convention</td>
<td>20</td>
<td>40</td>
<td>(a) Assist and facilitate interested partners in South–South and triangular collaboration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>154</td>
<td>(b) Review experiences with demonstration projects and identify needs for further projects</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Resources (including human, technical and financial) identified for the benefit of at least six Parties or subregions</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Progress report submitted to COP7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At least three further projects identified and implemented</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Demonstration project experiences published and scaled up</td>
</tr>
<tr>
<td>5.2 International cooperation and coordination</td>
<td>41</td>
<td></td>
<td>(a) Continue to implement multisectoral assistance activities to Parties in cooperation with members of the UN Interagency Task Force on the Prevention and Control of Noncommunicable Diseases (Task Force)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(b) Request contributions from UN agencies to monitoring and evaluation of trends in WHO FCTC implementation, through analysis of data collected by these agencies</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(c) Cooperate with intergovernmental organizations and bodies with technical expertise, including UN treaty bodies, to strengthen implementation of the WHO FCTC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Participation in two meetings of the Task Force and contribution to the Secretary-General’s report to ECOSOC</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Report submitted to COP7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At least three agreements for regular exchange of tobacco-related data concluded between the Convention Secretariat, WHO and other UN agencies and partners</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Three new cooperation arrangements concluded</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Exchange of information including on trade and investment issues regularly shared among relevant organizations</td>
</tr>
</tbody>
</table>

† In line with Article 23.5(g), Article 24.3(e) and Article 25, and relevant decisions of the COP.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>5.3 Cooperation with civil society</td>
<td>20</td>
<td>73</td>
<td>Enhanced cooperation and communication with civil society organizations in relevant activities at national, regional and global levels</td>
</tr>
</tbody>
</table>

Subtotal for Area of work 5 81 267

6. Administration and management, and other arrangements and activities

| 6.1 General administration and management | 13 | (a) General administration, staff and finance management (b) Resource mobilization | Workplans and administrative arrangements customized within WHO’s global management system (GSM) Voluntary assessed contributions collected close to 100% by the end of the biennium 30-40% of extrabudgetary funds raised Portfolio of grant proposals prepared, incorporating a range of subjects, values and geographical distribution |
| 6.2 Advocacy, publications and website | 90 | 158 | Prepare and implement a communication plan | On average two meetings per year held with permanent missions of Parties in Geneva Publications disseminated to Parties and website regularly updated Awareness of the WHO FCTC and WHO FCTC work increased internationally |

1 In line with Article 24.3(d), (f) and (g), and relevant decisions of the COP.
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)**</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>6.3</td>
<td>Rules of Procedure of the Conference of the Parties to the WHO FCTC</td>
<td>20</td>
<td>Reissue the revised Rules of Procedure in the 6 languages of the COP in electronic and print form</td>
</tr>
<tr>
<td>6.4</td>
<td>Coordination with relevant departments and offices of WHO</td>
<td>38</td>
<td>Review and promote cooperation with relevant departments of WHO</td>
</tr>
<tr>
<td>Subtotal for Area of work 6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total activity costs for all areas of work†</td>
<td>161</td>
<td>158</td>
<td></td>
</tr>
</tbody>
</table>

* This includes associated tasks.

** Unless otherwise stated, the budget forecast for all meetings is calculated on the basis that they will be held in Geneva. Should the COP decide on a different location, figures will need to be revised.

† Total costs for implementing the workplan for the WHO FCTC, which, in addition, include staff costs and programme support costs (13%, payable to WHO), are presented in the Appendix.
### Part II: PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in US$ thousand)</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td><strong>Preparing the entry into force of the Protocol</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Promoting entry into force of the Protocol</td>
<td>56</td>
<td>319</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Technical assistance in preparation of entry into force</td>
<td>143</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of work*</td>
<td>Activity cost (in US$ thousand)</td>
<td>Main components/activities</td>
<td>Expected results and indicators</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------</td>
<td>---------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>6</td>
<td>(c) Make available questions and answers regarding ratification and technical matters of the Protocol</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Questions and answers prepared and made available to Parties</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(d) Facilitate and support the work of the panel of experts in accordance with the decision of COP at its sixth session</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Technical and legal assistance, including on customs, tax administration and enforcement, provided and exchanges of information, experiences and challenges among Parties, including on existing good practices and opportunities in implementation of the provisions of the Protocol, facilitated in response to requests from the Parties</td>
</tr>
<tr>
<td>Subtotal for Area of work¹</td>
<td>156</td>
<td>488</td>
<td></td>
</tr>
</tbody>
</table>

2. Meeting of the Parties¹

| 2.1 | First session of the Meeting of the Parties (MOP1) | 300 | 242 | (a) Prepare and convene MOP1 (immediately before or after COP7, pending entry into force²) | MOP1 convened and official documentation made timely available to Parties in the six languages |
|     |                                                |    |     | (b) Prepare and disseminate the official records of MOP1 | Official records made available to Parties in a timely manner |
| Subtotal for Area of work² | 300                              | 242                       |                                  |

¹ In line with Articles 33.1 and 34.2(a) of the Protocol.
² The Protocol will enter into force 90 days after ratification by 40 Parties to the WHO FCTC (Article 45 of the Protocol).
<table>
<thead>
<tr>
<th>Area of work*</th>
<th>Activity cost (in USS thousand)</th>
<th>Main components/activities</th>
<th>Expected results and indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Covered by voluntary assessed contributions</td>
<td>Covered by extrabudgetary funds</td>
<td></td>
</tr>
<tr>
<td>3. Administration and management, and other arrangements and activities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1 General administration and management</td>
<td></td>
<td>Resource mobilization</td>
<td>60% of extrabudgetary funds raised</td>
</tr>
<tr>
<td>3.2 Advocacy, publications and website</td>
<td>20</td>
<td>64</td>
<td>Prepare and implement a communication plan for promoting entry into force of the Protocol</td>
</tr>
<tr>
<td>Subtotal for Area of work</td>
<td>20</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Total activity costs for all areas of work</td>
<td>476</td>
<td>890</td>
<td></td>
</tr>
</tbody>
</table>
**APPENDIX**

**TOTAL BUDGET (US$ THOUSAND)**

<table>
<thead>
<tr>
<th></th>
<th>Covered by voluntary assessed contributions</th>
<th>Covered by extrabudgetary funds</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Activity costs</td>
<td>2,768</td>
<td>3,429</td>
<td>6,197</td>
</tr>
<tr>
<td>WHO FCTC</td>
<td>2,292</td>
<td>2,635</td>
<td>4,927</td>
</tr>
<tr>
<td>Protocol related</td>
<td>476</td>
<td>794</td>
<td>1,270</td>
</tr>
<tr>
<td>2. Staff costs&lt;sup&gt;1&lt;/sup&gt;</td>
<td>5,285</td>
<td>5,088</td>
<td>10,373</td>
</tr>
<tr>
<td>WHO FCTC</td>
<td>5,285</td>
<td>4,563</td>
<td>9,848</td>
</tr>
<tr>
<td>Protocol related</td>
<td>0</td>
<td>525</td>
<td>525</td>
</tr>
<tr>
<td>3. Total direct costs</td>
<td>8,053</td>
<td>8,517</td>
<td>16,570</td>
</tr>
<tr>
<td>WHO FCTC</td>
<td>7,577</td>
<td>7,198</td>
<td>14,775</td>
</tr>
<tr>
<td>Protocol related</td>
<td>476</td>
<td>1,319</td>
<td>1,795</td>
</tr>
<tr>
<td>4. Programme support costs (13%)</td>
<td>1,047</td>
<td>1,107</td>
<td>2,154</td>
</tr>
<tr>
<td>WHO FCTC</td>
<td>985</td>
<td>936</td>
<td>1,921</td>
</tr>
<tr>
<td>Protocol related</td>
<td>62</td>
<td>171</td>
<td>233</td>
</tr>
<tr>
<td>5. Grand total (3+4)</td>
<td>9,100&lt;sup&gt;2&lt;/sup&gt;</td>
<td>9,624</td>
<td>18,724</td>
</tr>
<tr>
<td>WHO FCTC</td>
<td>8,562</td>
<td>8,134</td>
<td>16,696</td>
</tr>
<tr>
<td>Protocol related</td>
<td>538</td>
<td>1,490</td>
<td>2,028</td>
</tr>
</tbody>
</table>

(Fifth plenary meeting, 18 October 2014)

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<sup>1 Indicative costs for core Convention Secretariat staff based on WHO’s latest available standard salary costs for 2014–2015; possible changes in 2016–2017 will need to be reflected. As indicated above, current staff contracts are funded through voluntary assessed contributions; costs for additional proposed staff positions would be financed through extrabudgetary contributions. The fulfilment of the staff plan, and possible adjustments, will depend on the actual availability of funds and the evolving workload. The staff plan does not include possible short-term assignments and secondments that would be based on actual needs and resources available.</sup>

<sup>2 Including an additional contribution of US$ 300,000 as a one-time exception. This is to facilitate funding for projected expenditure through additional voluntary assessed contributions.</sup>
FCTC/COP6(28)  Date, place and duration of the seventh session of the Conference of the Parties to the WHO FCTC

The Conference of the Parties (COP), in accordance with Rules 3 and 4 of its Rules of Procedure,

DECIDES:

(1) to accept the offer of India to host its seventh session as well as the first session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products in the last quarter of 2016 subject to the conclusion of an appropriate host agreement between the Government of India and the Convention Secretariat by end of June 2015. The Bureau of the COP will decide on the exact dates and venue following confirmation by the Convention Secretariat that a host agreement has been concluded;

(2) Should the host agreement not be concluded by end of June 2015, the seventh session of the COP and the first session of the Meeting of the Parties to the Protocol will meet in Geneva in accordance with Rule 3 of the Rules of Procedure and Article 33 of the Protocol respectively, and the Bureau will decide on the exact dates and venue of the sessions.

(Fifth plenary meeting, 18 October 2014)

FCTC/COP6(29)  Election of the President and the five Vice-Presidents of the Conference of the Parties to the WHO FCTC

The Conference of the Parties (COP), pursuant to Rule 21 of its Rules of Procedure,

1. ELECTS the following officers to constitute the Bureau of the COP:

President: Dr Oleg Salagay (Russian Federation)

Vice-Presidents:  
Ms Dorcas Kiptui (Kenya)  
Dr Hassan Mohamed (Maldives)  
Dr Reina Roa (Panama)  
Mr Marcus Samo (Federated States of Micronesia)  
Dr Jawad Al-Lawati (Oman)

1 Subject to entry into force of the Protocol in accordance with Article 45 of the Protocol

2 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 would serve in the place of the President. The order presented in this list is the order in which the lots were drawn.
2. DECIDES that, of the five Vice-Presidents, the following should act as Rapporteur:

Rapporteur: Dr Hassan Mohamed (Maldives)

(Fifth plenary meeting, 18 October 2014)