



WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
Fifth session

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New Chair's text of a framework convention on tobacco control

Preamble

The Parties to this Convention,

Recognizing that the spread of the tobacco epidemic is a global problem that calls for the widest possible international cooperation and the participation of all countries in an effective, appropriate and coordinated international response,

Reflecting the concern of the international community about the devastating worldwide health, social, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke,

Seriously concerned about the increase in the worldwide consumption and production of cigarettes and other tobacco products, particularly in developing countries, as well as about the burden this places on national health systems,

Recognizing that scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke are linked to numerous causes of death, disease and disability, and that there is a time lag between the exposure to smoking and the other uses of tobacco products and the onset of tobacco-related diseases,

Recognizing also that cigarettes are highly engineered so as to create and maintain dependence, and that many of the compounds they contain are pharmacologically active, toxic, mutagenic and carcinogenic, and that tobacco dependence is separately classified as a disorder in major international classifications of diseases,

Acknowledging that there is clear scientific evidence that prenatal exposure to tobacco smoke causes adverse health and developmental conditions,

Deeply concerned about the escalation in smoking and other forms of tobacco consumption by children and adolescents worldwide,

Alarmed by the increase in smoking and other forms of tobacco consumption by women and young girls worldwide and keeping in mind the need for full participation of women at all levels of policy-making and implementation and the need for gender-specific tobacco control strategies,

Deeply concerned about the escalation in smoking and other forms of tobacco consumption by indigenous populations and other vulnerable groups,

Seriously concerned about all forms of advertising, marketing, promotion and other practices aimed at encouraging the use of tobacco,

Recognizing that coordinated action is necessary to eradicate all forms of illicit trade of cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting,

Acknowledging that tobacco control at all levels is seriously underfunded in relation to the current and projected burden of disease caused by tobacco, and that new and additional financial and technical resources would make a substantial difference in the world's capacity to address the tobacco epidemic,

Recognizing the need to develop appropriate mechanisms to address the long-term social and economic implications of successful tobacco demand reduction strategies,

Mindful of the social and economic difficulties that tobacco control measures may engender, in the medium and long term, particularly in some developing countries whose economies are dependent on tobacco growing and on manufacturing of tobacco products, and recognizing their need for access to the financial, economic and technological resources required to achieve sustainable development and to decrease their medium- and long-term economic dependence upon tobacco,

Conscious of the valuable work being conducted by many States on tobacco control and commending the leadership of the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations in developing measures on tobacco control,

Emphasizing the special contribution of nongovernmental organizations, including health professional bodies, women's, youth, environmental and consumer groups, academic institutions, hospitals and other members of civil society to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts,

Recalling Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which affirms the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

Recalling also 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 without distinction of race, religion, political belief, economic or social condition, and taking into account all pertinent resolutions of the World Health Assembly,

Recalling further the pertinent provisions of the Convention on the Elimination of All Forms of Discrimination against Women adopted by the United Nations General Assembly on 18 December 1979 and of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989,

Determined to promote measures of tobacco control based on scientific, technical and relevant economic considerations, to be continuously re-evaluated in the light of new findings in these areas,

Have agreed as follows:

PART I: INTRODUCTION

Article 1 *Use of terms*

For the purposes of this Convention:

- (a) “Illicit trade in tobacco” means any practice not authorized by law, relating to the production, holding, handling, movement, or sale of tobacco products.
- (b) “Passive smoking” means exposure to tobacco smoke, or the chemicals in tobacco smoke, without actually smoking.
- (c) “Public place” means any enclosed location to which the general public is admitted, whether accessible freely, by invitation or against payment.
- (d) “Technical cooperation” means a process that involves the provision of any kind of assistance in the technical area, among Parties to the Convention.
- (e) “Tobacco advertising” means any form of communication, recommendation or action that promotes a tobacco product.
- (f) “Tobacco control” means a range of supply, demand and harm reduction strategies, as well as standard-setting, that aim to improve the health of a population by eliminating or reducing their consumption of and exposure to tobacco in all its forms.
- (g) “Tobacco industry” means tobacco processors, manufacturers and distributors of tobacco products.
- (h) “Tobacco products” mean products entirely or partly made of the leaf tobacco as raw materials which are manufactured to be used for smoking, sucking, chewing and snuffing.
- (i) “Tobacco promotion” means stimulating the demand for goods by publicity and advertising, as well as by special events to draw the attention and interest of consumers.
- (j) “Tobacco sponsorship” means any form of contribution to any event, activity or individual that promotes a tobacco product.
- (k) “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by the Convention or its protocols and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to the instruments concerned.
- (l) “Vulnerable groups” mean populations whose defining characteristics make them more likely to be induced to use tobacco products or to suffer health harms from their use.

Article 2

Relationship between this Convention and other agreements and legal instruments

1. Parties are encouraged to implement measures beyond those required by this Convention and its related protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions, and are in accordance with the rules of international law, in order to better protect human health and the environment.
2. The provisions of this Convention and its related protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to these instruments, provided that such agreements are compatible with their obligations under these instruments. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.
3. Nothing in this Convention and its related protocols shall be interpreted as implying in any way a change in rights and obligations of a Party under any existing international treaty.

**PART II: OBJECTIVE, GUIDING PRINCIPLES
AND GENERAL OBLIGATIONS**

Article 3

Objective

The objective of this Convention and its related protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for integrated tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

Article 4

Guiding principles

To achieve the objective of this Convention and its related protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke, and necessary legislative, executive, administrative or other measures should be enacted and implemented to protect non-smokers from the effects of exposure to tobacco smoke. Special approaches and measures should be developed to protect vulnerable groups.
2. Strong political commitment is necessary to develop and support, at the national and international levels, multisectoral measures and coordinated responses, taking into consideration:
 - (a) the legitimate expectation of the entire population, particularly of the most vulnerable groups, to be protected from exposure to tobacco smoke;

- (b) the legitimate expectation of the entire population, particularly of vulnerable groups, to be protected from the initiation, maintenance or increase of tobacco consumption in any form;
 - (c) the legitimate expectation of the population to be protected from the harmful effects derived from the process of production and manufacturing of tobacco products;
 - (d) the legitimate expectation of indigenous people to participate in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and
 - (e) the legitimate expectation that gender-specific risks are addressed when developing tobacco control strategies.
3. The importance of international cooperation, particularly transfer of technology, knowledge and financial assistance, to establish and implement effective tobacco control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, should be recognized.
4. Comprehensive multisectoral measures and coordinated responses to reduce consumption of all tobacco products, including the marketing and trade of such products, should be adopted at the national and global levels so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption.
5. While recognizing that tobacco control and trade measures can be implemented in a mutually supportive manner, Parties agree that tobacco control measures shall be transparent, implemented in accordance with their existing international obligations, and shall not constitute a means of arbitrary or unjustifiable discrimination in international trade.
6. The tobacco industry is responsible for the harm its products cause to public health and the environment. Each Party should determine the scope of such responsibility within its jurisdiction.
7. The importance of identifying appropriate modalities to aid the economic transition of tobacco growers, workers and individual sellers who may be displaced as a future consequence of successful tobacco control programmes, particularly in developing country Parties, as well as Parties with transitional economies, should be recognized and addressed.
8. The appropriate participation of civil society is essential in achieving the objective of this Convention and its related protocols.

Article 5
General obligations

1. Each Party shall develop, implement, periodically update, review and enforce comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.
2. To this end, each Party shall, to the extent possible:
- (a) establish or reinforce and adequately finance a national coordinating mechanism for tobacco control, with inputs from relevant government and civil society sources; and

- (b) adopt and implement effective legislative, executive, administrative or other measures and cooperate with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.
3. In setting and implementing their public health policies, the Parties shall avoid undue interference by the tobacco industry.
4. The Parties shall cooperate in the formulation of agreed measures, procedures and standards for the implementation of this Convention and the protocols to which they are Parties.
5. The Parties shall cooperate with competent international and regional intergovernmental organizations and other bodies to achieve the objective of this Convention and the protocols to which they are Parties.

PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR TOBACCO

Article 6

Price and tax measures to reduce the demand for tobacco

1. The Parties recognize that coordinated price and tax measures can be an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.
2. While recognizing the sovereign right of States to establish their taxation policies, each Party shall take account of its national public health objectives concerning tobacco control when determining its policies by adopting and implementing legislative, executive, administrative or other measures. Such measures should include:
- (a) implementing tax policies and, where applicable, price policies, on tobacco products so as to achieve a progressive reduction in tobacco consumption;
 - (b) providing to the Conference of the Parties, in accordance with national capabilities, and pursuant to Article 21, details of rates of taxation for tobacco products and their impact on tobacco consumption for review by the Conference of the Parties, in order that it may consider the development of further recommendations; and
 - (c) progressively restricting, with a view to prohibiting, duty-free sales of tobacco products.

Article 7

Non-price measures to reduce the demand for tobacco

The Parties recognize that coordinated non-price measures can be an effective and important means of reducing tobacco consumption. The Conference of the Parties and national authorities shall endeavour to develop standards on non-price policies designed to reduce tobacco consumption and to enhance non-smokers' protection from exposure to the harmful effects of tobacco smoke. Each Party shall adopt and implement effective legislative, executive, administrative or other measures and shall cooperate with each other directly or through competent international bodies with a view to their implementation. Such measures and policies shall include those outlined in Articles 8 to 13. The

Conference of the Parties shall establish appropriate guidelines for the implementation of the provisions of these Articles.

Article 8

Protection from passive smoking

Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate governmental levels, providing for adequate protection from exposure to tobacco smoke in public places, public transport and indoor workplaces. In devising and implementing such measures, each Party shall give, as appropriate, special attention to the protection of vulnerable groups, with priority consideration to, *inter alia*, educational establishments, health care facilities and places providing services to children.

Article 9

Regulation of contents of tobacco products

Each Party shall adopt and implement standards as recommended by the Conference of the Parties in consultation with national authorities and competent international bodies for the regulation of the content of tobacco products, including standards and best practices for testing and measuring, in accordance with each Party's capabilities, the content and emissions of such products.

Article 10

Regulation of tobacco product disclosures

Each Party shall adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco products.

Article 11

Packaging and labelling of tobacco products

1. Each Party shall, in accordance with its capabilities and national law, adopt and implement effective legislative, executive, administrative or other measures, to ensure that:

- (a) tobacco packaging and labelling does not promote a tobacco product by any means that are false, misleading or otherwise deceptive or that are likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
- (b) no term, descriptor or expression, such as "low tar", "light", "ultra-light" or "mild", that has the aim or the direct or indirect effect of creating the false impression that a particular tobacco product is less harmful than other tobacco products, is used;
- (c) each unit packet or package of tobacco products and any outside packaging of such products prominently carries the statement and product information to ensure the traceability of tobacco products as specified in Article 15.3(a) and (b); and
- (d) each unit packet or package of tobacco products and any outside packaging of such products carries a clear, visible, and legible health warning, which should include a picture or pictogram and additional health information, as approved by the national health authorities, describing the harmful health consequences of tobacco use. This health warning should also

clearly indicate the prohibition of sales to minors and provide clear information on the toxic constituents of the tobacco products and the emissions they may produce.

2. The information and health warning specified in paragraphs 1(c) and (d) of this Article should appear prominently on each unit packet and package of tobacco products and any outside packaging of such products in the principal language or languages of the country in whose territory the product is placed on the market.

Article 12

Education, communication, training and public awareness

Each Party shall promote and strengthen public awareness of tobacco control issues, using all available communication tools. To this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to:

- (a) develop and assure universal access to effective and comprehensive educational and public awareness programmes on the health risks of tobacco consumption and exposure to tobacco smoke;
- (b) ensure that the general public, and notably vulnerable groups, are fully informed about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles as specified in Article 14.2;
- (c) facilitate public access to a wide range of information on the tobacco industry as relevant to the objective of this Convention;
- (d) develop and implement effective and appropriate training programmes on tobacco control for health workers, community workers, social workers, educators, political leaders, administrators and other concerned persons;
- (e) endeavour to promote the participation and awareness of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control; and
- (f) facilitate public awareness of information regarding the economic, health and environmental consequences of tobacco production.

Article 13

Advertising, promotion and sponsorship of tobacco products¹

Each Party shall, in accordance with its capabilities, adopt and implement effective legislative, executive, administrative or other measures to reduce, with the view to gradually eliminating, the advertising, promotion and sponsorship of tobacco products. Towards this goal, each Party, in accordance with its national law and in cooperation with other Parties, shall endeavour to:

¹ There has been considerable discussion throughout the pre-negotiation and negotiation FCTC process concerning the adoption of an early protocol on advertising, promotion and sponsorship. The negotiation of such a protocol could be initiated by the INB before the FCTC is adopted, by the INB following the adoption of the FCTC, or at a later stage by the Conference of Parties.

- (a) ensure that tobacco advertising, promotion and sponsorship does not promote a tobacco product by any means that are false, misleading or otherwise deceptive or that are likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;
- (b) require the phasing out of tobacco sponsorship of sporting and cultural events;
- (c) require the phasing out of cross-border tobacco advertising, promotion and sponsorship, including, *inter alia*, on cable and satellite television, radio, the Internet, newspapers, magazines and other printed media;
- (d) require full disclosure of all expenditures by the tobacco industry on advertising, promotion and sponsorship and make those figures available to the public and to the Conference of the Parties pursuant to Article 21; and
- (e) impose strict restrictions on all forms of tobacco advertising, promotion and sponsorship targeted at vulnerable groups, including incentives such as gifts, coupons, rebates, competitions and frequent-purchaser programmes, with the aim of reducing the appeal of tobacco products to all segments of society.

Article 14

Demand reduction measures concerning tobacco dependence and cessation

1. Each Party shall develop appropriate, comprehensive and integrated guidelines, and shall take effective measures to secure adequate treatment for tobacco dependence and to promote cessation of tobacco use.
2. To this end, each Party shall endeavour to:
 - (a) design and implement effective programmes aimed at promoting the cessation of tobacco use, including in educational institutions, health care facilities, workplaces and sporting environments;
 - (b) include treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers;
 - (c) establish in health care facilities and rehabilitation centres programmes for counselling, prevention and treatment of tobacco dependence; and
 - (d) collaborate with other Parties to facilitate access to pharmaceutical products for treating tobacco dependence pursuant to Article 22.

PART IV: MEASURES RELATING TO THE REDUCTION OF THE SUPPLY OF TOBACCO

Article 15

Illicit trade in tobacco products¹

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of tobacco control.
2. The Parties agree that measures to this end shall be transparent, well-defined, non-discriminatory and implemented in accordance with their national, regional and international obligations.
3. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products for retail or wholesale use that are sold or manufactured on its domestic market or under its jurisdiction:
 - (a) carry a marking in any appropriate manner in order to identify the origin and enable the tracking of the product, including the name of the manufacturer, the country of origin, the product and batch number and the date of production; and
 - (b) carry the statement “Sales only allowed in (*insert name of the country, subnational, regional or federal unit where the product is to be placed on the market*)” or carry any other effective marking which would assist authorities in determining whether the product is legally for sale on the market for which it is intended as a final destination.
4. Each Party shall ensure that the packaging information or markings specified in paragraph 3 of this Article shall be presented in written form and appear in the principal language or languages of the country in whose territory the product is placed on the market, in accordance with Article 11.
5. In order to eliminate illicit trade in tobacco products, each Party shall:
 - (a) monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other appropriate authorities;
 - (b) enact or strengthen legislation, with appropriate penalties and remedies, that prohibits illicit trade in tobacco products, including counterfeit and contraband cigarettes;
 - (c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods, or disposed of in accordance with domestic law; and

¹ There has been considerable discussion throughout the pre-negotiation and negotiation FCTC process concerning the adoption of an early protocol on illicit trade. The negotiation of such a protocol could be initiated by the INB before the FCTC is adopted, by the INB following the adoption of the FCTC, or at a later stage by the Conference of Parties.

(d) adopt and implement measures to monitor, document and control the distribution and movement of duty-free tobacco products, pending their prohibition in accordance with Article 6.2(c).

6. Information collected pursuant to subparagraphs 5(a) and 5(d) of this Article shall be provided to the Conference of the Parties in accordance with Article 21.

7. The Parties shall promote cooperation between national agencies, as well as regional and international intergovernmental organizations, as it relates to investigations, prosecutions and proceedings, in order to eliminate illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.

8. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade.

Article 16 *Sales to minors*

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to restrict sales of tobacco products to legal minors as determined by national law. These measures may include, as appropriate:

(a) requiring that all sellers of tobacco products request that each tobacco purchaser provide appropriate evidence of having reached full legal age and placing a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to legal minors as determined by national law;

(b) banning the sale of tobacco products in self-service displays or store shelves and other places where the customer can directly access such products;

(c) phasing out gradually the use of vending machines to sell tobacco or, where the practice of using vending machines to sell tobacco does not currently exist, prohibiting it; and

(d) prohibiting the manufacture as well as import and sale of sweets and toys in the form of tobacco products.

2. Each Party shall prohibit the free distribution of tobacco products.

3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to legal minors as determined by national law.

4. Each Party shall adopt and implement effective legislative, executive, administrative or other measures including penalties against sellers and distributors, in order to ensure compliance with paragraphs 1-3 of this Article.

5. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to legal minors as determined by national law should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.

Article 17

Elimination of tobacco subsidies and provision of government support for other economically viable activities

Each Party undertakes to phase out, with the view to eliminating subsidies, including tax exemptions, loans and rebates, for tobacco growing and manufacturing of tobacco products. Each Party shall, in cooperation with other Parties and with competent international and regional intergovernmental organizations, promote, as appropriate, other economically viable alternatives for tobacco workers, growers and individual sellers.

PART V: PROTECTION OF THE ENVIRONMENT

Article 18

Protection of the environment

In carrying out their obligations under this Convention, in respect of cultivating tobacco and manufacturing tobacco products within their territories, the Parties agree to have due regard to their commitments under international legal instruments relating to the environment to which they are Parties. Towards this end, the Parties agree to:

- (a) monitor the use of pesticides and wood fuel in tobacco growing and processing;
- (b) take measures in cooperation with the private sector and civil society to ensure that tobacco curing will be carried out in an environmentally-friendly manner;
- (c) encourage investment in alternative technologies for tobacco curing that are not based on wood fuel;
- (d) take measures to ensure that tobacco farm workers are trained in the use of pesticides and to provide protective clothing and equipment for the application of pesticides; and
- (e) promote research on alternatives to the use of pesticides for tobacco growing.

PART VI: LIABILITY AND COMPENSATION

Article 19

Liability and compensation

1. The Parties shall take legislative action or promote their existing laws to deal with liability and compensation for the purpose of tobacco control.
2. Recognizing that international approaches to liability and compensation are an important and complementary means of addressing damage caused by tobacco, each Party shall cooperate with other Parties by providing the Conference of the Parties pursuant to Article 21 with:
 - (a) information in its possession on the health effects of the consumption of tobacco products in accordance with Article 20.2(a); and

(b) information on the legislation and regulations in force in the country and on any relevant decisions taken by national courts in accordance with Article 20.3(a).

3. The Parties shall, as appropriate, afford one another assistance in any legal proceedings relating to the objective of this Convention.

4. With regard to the health injuries arising from tobacco consumption and exposure to tobacco smoke, the Conference of the Parties, in consultation with competent international and regional intergovernmental organizations, shall consider establishing an advisory committee of experts to set up, *inter alia*, a technical and scientific database of information collected pursuant to Article 21 to be placed at the disposal of State Parties to support them in their legislative and judicial activities. This database should be reviewed and updated periodically.

PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION

Article 20

Research, surveillance, monitoring, and exchange of information

1. The Parties undertake to develop, promote and coordinate national, regional and global research programmes. To this end, each Party shall endeavour to:

(a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments and in so doing promote and encourage research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke; and

(b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in tobacco control activities, including research, implementation and evaluation.

2. The Parties shall establish joint or complementary programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke. Towards this end, the Parties should integrate tobacco surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and global levels, as appropriate. Recognizing the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies, each Party shall endeavour to:

(a) establish progressively a national system for the epidemiological surveillance of tobacco consumption and related social, economic and health indicators;

(b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies in regional and global tobacco surveillance and exchange of information on the indicators specified in paragraph 2(a) of this Article; and

(c) cooperate under the auspices of the World Health Organization in the development of general model standards or procedures defining the collection, analysis and dissemination of major surveillance data.

3. The Parties shall promote and facilitate the exchange of scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco, relevant to this Convention and in so doing will take into account and address the special needs of developing country Parties and Parties with transitional economies. Each Party shall endeavour to:

(a) establish and maintain an updated database of laws and regulations on tobacco control and enforcement, as well as relevant decisions taken by national courts and cooperate in the development of complementary programmes for national, regional and global tobacco control;

(b) establish and maintain updated data from national surveillance programmes in accordance with paragraph 2(a) of this Article; and

(c) cooperate with competent international organizations to establish and maintain a global monitoring system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on this Convention or national tobacco control activities.

4. Regional and international intergovernmental organizations should be encouraged to provide technical and financial resources to the Secretariat of this Convention to assist developing country Parties and Parties with transitional economies to meet their commitments on surveillance, research and information exchange.

Article 21

Reporting and exchange of information

1. In accordance with guidelines adopted by the Conference of the Parties and the relevant provisions of this Convention, each Party shall submit to the Conference, through the Secretariat, periodic reports on its implementation of the Convention, including the following:

(a) information on legislative, executive, administrative or other measures taken or planned to implement the Convention;

(b) information on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;

(c) information on surveillance and research as specified in Article 20;

(d) information specified in Articles 6.2(b), 13(d), 15.6 and 19.2; and

(e) information on other measures as determined by the Conference of the Parties.

2. Each Party shall make its initial report within two years of the entry into force of this Convention for that Party. The frequency of subsequent reports by all Parties shall be determined by the Conference of the Parties.

3. The Conference of the Parties, pursuant to Article 26, shall consider administrative or financial arrangements in order to assist developing country Parties and Parties with transitional economies, at their request, in meeting their obligations under this Article.

Article 22

Cooperation in the scientific, technical, and legal fields and provision of related expertise

1. The Parties shall cooperate directly or through competent international bodies to strengthen their capacity to fulfil the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with transitional economies. Such cooperation shall be carried out through the transfer of technical, scientific and legal expertise and technology, to establish and strengthen national tobacco control strategies, plans and programmes aiming at, *inter alia*:

(a) facilitation of the development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control;

(b) provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes, aiming at, *inter alia*:

(i) assisting in the development of a strong legislative foundation as well as technical programmes, including those on prevention of initiation, promotion of cessation and protection from exposure to tobacco smoke;

(ii) assisting tobacco workers who are affected by the implementation of the Convention in the development of appropriate alternative livelihoods in an economically viable non-trade-distorting manner, consistent with the international obligations of Parties; and

(iii) assisting tobacco growers who are affected by the implementation of the Convention in shifting agricultural production to alternative crops in an economically viable non-trade-distorting manner, consistent with the international obligations of Parties;

(c) supporting the establishment and maintenance of training and educational programmes for appropriate personnel in accordance with Article 12;

(d) provision of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes; and

(e) study of methods for tobacco control, including treatment of nicotine addiction.

2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support outlined in Article 26.

PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES

Article 23

Conference of the Parties

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.
2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.
3. The Conference of the Parties shall by simple majority, at its first session, adopt Rules of Procedure and Financial Rules. Until that time, the Conference of the Parties shall, on an interim basis, use the Rules of Procedure of the World Health Assembly.
4. The Conference of the Parties shall keep under regular review the implementation of this Convention and take the decisions necessary to promote its effective implementation and may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. To this end, it shall:
 - (a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;
 - (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;
 - (c) promote, as appropriate, the harmonization, development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
 - (d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;
 - (e) make recommendations to the Parties and competent international and regional intergovernmental organizations and other bodies on any matters necessary for the implementation of the Convention;
 - (f) seek to mobilize financial resources to support secretariat services pursuant to Article 24 and for the implementation of the Convention in accordance with Article 26;
 - (g) establish such subsidiary bodies as are deemed necessary;
 - (h) take into consideration, where appropriate, the services and cooperation of, and information provided by, competent organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and

(i) exercise such other functions as are required for achieving the objective of the Convention, as well as all other functions assigned to it under the Convention.

5. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

Article 24

Secretariat

1. Secretariat functions under this Convention shall be provided by the World Health Organization until such time that the Conference of the Parties determines permanent arrangements.

2. The functions of the Secretariat shall be:

(a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) to compile, transmit and disseminate reports submitted to it pursuant to this Convention;

(c) to facilitate support to the Parties, particularly developing country Parties and Parties with transitional economies, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

(d) to prepare reports on its activities under the Convention and submit them to the Conference of the Parties;

(e) to ensure, under the overall guidance of the Conference of the Parties, the necessary coordination with other competent international and regional intergovernmental organizations and other bodies;

(f) to enter, under the overall guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and

(g) to perform other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.

Article 25

Relations between the Conference of the Parties and competent international and regional intergovernmental organizations

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations.

Article 26

Financial resources

1. Each Party undertakes to provide financial support in respect of its national activities intended to achieve the objective of this Convention, in accordance with its national strategies, plans and programmes. The Parties also recognize the important role that financial resources through bilateral, regional and other multilateral channels can play in achieving the objective of the Convention. They shall consider providing funding through such channels to support the development and strengthening of comprehensive tobacco control programmes, including actions to develop alternative crops, taking into account the needs of developing country Parties, especially of least developed countries, as well as of Parties with transitional economies.
2. Regional and international intergovernmental organizations should be encouraged to provide technical and financial assistance to developing country Parties and to Parties with transitional economies with respect to, *inter alia*, Article 20 and also with respect to Article 22 as set out in this Convention. Parties to the Convention shall cooperate within these regional and international organizations in order to achieve this objective.
3. The Conference of the Parties shall consider, in due course, the establishment of appropriate funding mechanisms, which could include a multilateral global fund, for the provision of financial resources and the transfer and development of sustainable technology to developing country Parties, especially least developed countries, as well as to Parties with transitional economies. Pursuant to the objective of this Convention, the Conference shall determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for, access to, and use of, the financial resources, including regular monitoring and evaluation of such use. The Conference shall decide on the arrangements to give effect to this provision in consultation with the World Health Organization.

PART IX: SETTLEMENT OF DISPUTES

Article 27

Settlement of disputes

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice, including the good offices of or mediation by a third party.
2. Failure to reach agreement by negotiation, good offices or mediation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by the Conference of the Parties.
3. This Article does not preclude the application of the dispute settlement provisions of any other treaty in force between two or more of the Parties in relation to disputes covered by those provisions.

4. The provisions of this Article shall apply with respect to any protocol, unless otherwise provided therein.

PART X: DEVELOPMENT OF THE CONVENTION

Article 28

Amendments to this Convention

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.
2. Amendments to this Convention shall be adopted at any regular session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories of the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to this Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds majority vote of the Parties present and voting at the session. The adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 of this Article shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least two-thirds of the Parties to this Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 29

Adoption and amendment of annexes to this Convention

1. Annexes to this Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.
2. Annexes to this Convention shall be proposed and adopted in accordance with the procedure set forth in Article 28.
3. An annex that has been adopted in accordance with paragraph 2 of this Article shall enter into force for all Parties to this Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention, in accordance with paragraphs 2 and 3 of this Article.

5. If the adoption of an annex or an amendment to an annex involves an amendment to this Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

PART XI: FINAL PROVISIONS

Article 30

Reservations

No reservations may be made to this Convention.

Article 31

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depository.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 32

Right to vote

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 of this Article.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 33

Protocols

1. Only Parties to this Convention may be parties to a protocol to the Convention.

2. Any protocol to this Convention shall be binding only on the parties to the protocol in question.

3. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

4. The requirements for entry into force of any protocol shall be established by that protocol.

Article 34

Signature

This Convention shall be open for signature by Member States of the World Health Organization and by regional economic integration organizations at the World Health Organization headquarters in Geneva from (day, month, year) to (day, month, year), and thereafter at United Nations Headquarters in New York, from (day, month, year) to (day, month, year).

Article 35

Ratification, acceptance, approval, formal confirmation or accession

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to acts of formal confirmation by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.
2. Any regional economic integration organization which becomes a Party to this Convention without any of its Member States being a Party shall be bound by all the obligations under the Convention. In the case of those organizations, one or more of whose Member States is a Party to the Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under the Convention concurrently.
3. In their instruments relating to acts of formal confirmation, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 36

Entry into force

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the thirtieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.
2. For each State that ratifies, accepts or approves this Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.
3. For each regional economic integration organization depositing an instrument relating to an act of formal confirmation or an instrument of accession, this Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization.

Article 37

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

Article 38

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at GENEVA this [date of month] two thousand and three.

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