



WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL
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Chair's text of a framework convention on tobacco control (Revised)

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 cause 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 and some other products containing tobacco are highly engineered so as to create and maintain dependence, and that many of the compounds they contain and the smoke they produce 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 peoples,

Seriously concerned about all forms of advertising, promotion and sponsorship 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 and other members of civil society, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, 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,

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) “Minors” means human beings below the age of eighteen years unless under the national law applicable to the child, majority is attained earlier.
- (c) “Pharmaceutical products for diagnosing and treating tobacco dependence” mean any medicines, active substances used in the production of medicines, diagnostic products or products used to administer medicines that are used for the treatment of dependence on tobacco products.
- (d) “Public place” means any enclosed location to which the general public is admitted, whether accessible freely, by invitation or against payment.
- (e) “Technical cooperation” means the provision among Parties to the Convention of any kind of assistance in the technical area.
- (f) “Tobacco advertising” means any form of communication, recommendation or action that promotes a tobacco product.
- (g) “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.
- (h) “Tobacco industry” means tobacco processors, manufacturers and distributors of tobacco products.
- (i) “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.
- (j) “Tobacco promotion” means stimulating the demand for tobacco products by publicity and advertising, as well as by special events to draw the attention and interest of consumers.
- (k) “Tobacco sponsorship” means any form of contribution to any event, activity or individual that promotes a tobacco product.
- (l) “Regional economic integration organization” means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters.

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 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 international law, in order to better protect human health.
2. The provisions of the Convention and its 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 the Convention and its protocols, 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.

PART II: OBJECTIVE, GUIDING PRINCIPLES AND GENERAL OBLIGATIONS

Article 3

Objective

The objective of this Convention and its 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 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 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 at the appropriate governmental level to protect all persons from exposure to tobacco smoke.
2. Strong commitment is necessary to develop and support, at the national, regional and international levels, multisectoral measures and coordinated responses, taking into consideration:
 - (a) the need to take measures to protect all persons from exposure to tobacco smoke;
 - (b) the need to take measures to protect all persons from the initiation, maintenance or increase of tobacco consumption in any form;
 - (c) the need to take measures to protect all persons from the harmful effects derived from the process of production and manufacture of tobacco products;

(d) the need to take measures to promote the participation of indigenous peoples in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and

(e) the need to take all possible measures to address gender-specific risks when developing tobacco control strategies.

3. The importance of international cooperation, particularly transfer of technology, knowledge and financial assistance, and provision of related expertise, 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 through agreed norms on advertising, promotion and sponsorship of such products, should be adopted at the national, regional and international levels so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke.

5. The tobacco industry should be held responsible for the harm to health caused by tobacco products that is attributable to it as determined by each Party within its jurisdiction.

6. 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.

7. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

Article 5 *General obligations*

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(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 with respect to tobacco control, Parties should act in such a way as to protect these policies from commercial and other vested interests of the tobacco industry.

4. The Parties shall cooperate in the formulation of agreed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate as appropriate with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the 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 price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.

2. When exercising its sovereign right to establish its taxation policies, each Party shall take account of its national public health objectives concerning tobacco control in determining its policies through 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 consideration by the Conference of the Parties; 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 are an effective and important means of reducing tobacco consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall establish appropriate guidelines for the implementation of the provisions of these Articles.

Article 8

Protection from exposure to tobacco smoke

Each Party shall promote the adoption and implementation of effective legislative, executive, administrative or other measures at the appropriate governmental levels, providing for protection from exposure to tobacco smoke in public places, public transport and indoor workplaces.

Article 9

Regulation of the contents of tobacco products

The Conference of the Parties, in consultation with competent international bodies, shall elaborate guidelines for testing and measuring the contents and emissions of tobacco products, and for the regulation of these contents and emissions. Each Party shall adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation, where approved by competent national authorities.

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. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce.

Article 11

Packaging and labelling of tobacco products

1. Each Party shall adopt and implement, in accordance with its national law, effective measures to ensure that:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading or deceptive or that are likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include “low tar,” “light,” “ultra-light,” or “mild”;

(b) each unit packet or package of tobacco products and any outside packaging and labelling of such products carries the product information specified in Article 15; and

(c) each unit packet or package of tobacco products and any outside packaging and labelling of such products also carry health warnings, as approved by the competent national authorities, describing the harmful effects of tobacco use. Health warnings will be a rotating series of large, clear, visible, and legible messages covering ideally 50% or more, but in any case no less than 30%, of the principal display area of each unit packet or package. Health warnings may be in the form of, or include, pictures or pictograms.

2. Each unit packet or package of tobacco products and any outside packaging and labelling of such products shall, in addition to the health warning specified in paragraph 1(c) of this Article, contain information on relevant constituents of tobacco products and their emissions, as defined by competent national authorities.

3. The health warnings and other information specified in paragraphs 1(b) and (c) and paragraph 2 of this Article will appear on each unit packet or package of tobacco products and any outside packaging and labelling of such products in the principal language or languages of the country in whose territory the product is placed on the market.

4. The term “outside packaging and labelling” in relation to tobacco products applies to any packaging and labelling used for marketing those products.

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, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

- (a) broad access to effective and comprehensive educational and public awareness programmes on the health risks of tobacco consumption and exposure to tobacco smoke;
- (b) public awareness 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) public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention;
- (d) effective and appropriate training programmes on tobacco control addressed to concerned persons such as health workers, community workers, social workers, educators, political leaders, administrators and other concerned persons;
- (e) awareness and participation 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) public awareness of information regarding the economic, health and environmental consequences of tobacco production.

Article 13

Tobacco advertising, promotion and sponsorship¹

1. Each Party shall take effective legislative, executive, administrative or other measures to restrict tobacco advertising, promotion and sponsorship in accordance with its national constitution. Such measures may include a comprehensive ban on all tobacco advertising, promotion and sponsorship. Towards this end, each Party, in accordance with its capabilities and, where relevant, in cooperation with other Parties, shall:

- (a) prohibit all forms of tobacco advertising, promotion and sponsorship that 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 that a health warning accompany all tobacco advertising; and

¹ There has been considerable discussion throughout the pre-negotiation and negotiation 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 immediately following the adoption of the FCTC, or at a later stage by the Conference of the Parties.

(c) require the disclosure to appropriate governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited. Those authorities may decide to make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21.

2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may, by means of a binding written declaration, indicate that it is committed to a total ban on advertising, promotion and sponsorship of tobacco products. Any declaration made pursuant to this Article shall be circulated by the Depository to all Parties to the Convention.

3. Parties which have imposed a complete ban on certain forms of tobacco advertising are fully empowered to ban such cross-border advertising of tobacco products, in accordance with their national law.

4. Parties shall consider the elaboration of a protocol setting out appropriate measures for the elimination of cross-border advertising, promotion and sponsorship that require international collaboration.

Article 14

Demand reduction measures concerning tobacco dependence and cessation

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to secure adequate treatment for tobacco dependence and to promote cessation of tobacco use.

2. Towards 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 diagnosis and 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 diagnosing, counselling, preventing and treating tobacco dependence; and

(d) collaborate with other Parties to facilitate access to affordable pharmaceutical products for diagnosing and 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. 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 are marked to assist Parties in determining the origin of tobacco products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of tobacco products and their legal status. In addition, each Party shall:
 - (a) require that packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: “*Sales only allowed in (insert name of the country, subnational, regional or federal unit)*” or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and
 - (b) consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade.
3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.
4. With a view to eliminating 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 authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;
 - (b) enact or strengthen legislation, with appropriate penalties and remedies, against 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 where feasible, or disposed of in accordance with national law;
 - (d) adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction; and

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

(e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products.

5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.

6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.

7. 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 and by minors

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products to minors. These measures may include, as appropriate:

(a) requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age.

(b) banning the sale of tobacco products in any manner in which the customer can directly access such products, such as store shelves; and

(c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects appealing to minors in the form of tobacco products.

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

3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.

4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.

5. Each Party shall take appropriate measures to ensure that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products.

6. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban

on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.

7. 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 the obligations contained in paragraphs 1-6 of this Article.

8. Each Party shall, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to curb the sales of tobacco products by minors.

Article 17

Provision of government support for economically viable alternative activities

Each Party shall, in cooperation with other Parties and with competent international and regional intergovernmental organizations, promote, as appropriate, 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 the protection of the environment.

PART VI: QUESTIONS RELATED TO LIABILITY

Article 19

Questions related to liability

1. The Parties shall consider taking legislative action and making use of or promoting their existing laws to deal with liability and compensation for the purpose of tobacco control.

2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:

(a) information on the health effects of the consumption of tobacco products in accordance with Article 20.2(a); and

(b) information on legislation and regulations in force as well as pertinent jurisprudence.

3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability, consistent with this Convention.

4. With regard to the health injuries arising from tobacco consumption and exposure to tobacco smoke, the Conference of the Parties shall consider appropriate means to support the Parties in their legislative and judicial activities.

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 and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control. Towards this end, each Party shall:

(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 as well as research that addresses the cultivation of tobacco and alternative crops; 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 international levels, as appropriate. Recognizing the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies, each Party shall:

(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 guidelines or procedures for defining the collection, analysis and dissemination of major surveillance data.

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

- (a) establish and maintain an updated database of laws and regulations on tobacco control and information about their enforcement, as well as pertinent jurisprudence, 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 the 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 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; and
 - (d) information specified in Articles 6.2(b), 13.1(c), 15.5 and 19.2.
2. The frequency of 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 promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, 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 manner, consistent with the international obligations of the 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 manner, consistent with the international obligations of the Parties;
 - (c) support for 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;
 - (e) identification of methods for tobacco control, including treatment of nicotine addiction; and
 - (f) promotion of research to increase the affordability of 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 secured in accordance with 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 adopt by consensus its Rules of Procedure. Until such time as the Rules of Procedure have been adopted, 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 by consensus adopt financial rules for itself as well as governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.
5. The Conference of the Parties shall keep under regular review the implementation of the 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. Towards 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 development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
 - (d) examine reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;
 - (e) seek to mobilize financial resources for the implementation of the Convention in accordance with Article 26;
 - (f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;
 - (g) seek, 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
 - (h) consider and undertake any additional action that may be required for the achievement of the objective of the Convention in the light of experience gained in its implementation.
6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

Article 24
Secretariat

1. Interim 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 any subsidiary bodies and to provide them with services as required;
- (b) to prepare and transmit reports submitted to it pursuant to the Convention;
- (c) to provide 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 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 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 by the Convention and by 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 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 including financial and development institutions.

Article 26

Financial Resources

1. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of this Convention, in accordance with its national plans, priorities and programmes.
2. The Parties recognize the important role that financial resources through bilateral, regional, subregional and other multilateral channels play in achieving the objective of the Convention. In this regard, Parties shall promote the utilization of such channels to provide funding for the development and strengthening of comprehensive tobacco control programmes, including viable diversification activities, of developing country Parties and Parties with transitional economies.
3. The Conference of the Parties shall seek technical and financial assistance to achieve the objective of the Convention from regional and international intergovernmental organizations and financial and development institutions for developing country Parties and for Parties with transitional economies. Parties shall cooperate with these regional and international organizations in order to achieve the objective of the Convention.
4. The Parties agree that:

(a) All potential resources, financial, technical, or otherwise, should be mobilized for the benefit of the developing country Parties and Parties with transitional economies for them to meet their obligations and achieve the objective of the Convention. Existing sources of assistance, including those described in the preceding paragraphs of this Article, should be fully utilized.

(b) Appropriate financial resources to assist developing country Parties and Parties with economies in transition in achieving the objective of the Convention should be made available, and all potential resources, both public and private, should be mobilized towards this end. The first Conference of the Parties shall review existing sources of assistance, including those described in Articles 26.1, 26.2 and 26.3, and consider their adequacy in this regard. The results of this review shall be taken into account in addressing the need for the provision of necessary financial, technical and other assistance as appropriate, including the possibility of establishing a multilateral global fund, for developing country Parties and Parties with transitional economies, to assist them in achieving the objective of the Convention.

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 through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.

2. When ratifying, accepting, approving, formally confirming or acceding to the 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 consensus by the Conference of the Parties.

3. 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 the 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 the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters 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 the 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 the Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.

3. If the adoption of an annex or an amendment to an annex involves an amendment to the 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 Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary 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 the 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 this 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 the 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, unless otherwise provided in the protocol concerned.

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

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

Article 34
Signature

This Convention shall be open for signature by all members of the World Health Organization and by any States that are not members of the World Health Organization but are members of the United Nations 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 or accession 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 the 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. Regional economic integration organizations shall, in their instruments relating to acts of formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the 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 the 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, the 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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