
Drafting and negotiation of a protocol on illicit trade in tobacco products

This note records the Chairperson's personal view of the overall content of the discussions that have taken place during the first session of the Intergovernmental Negotiating Body on a protocol on the illicit trade in tobacco products. In accordance with decision FCTC/COP2(12) of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, the template for a protocol on illicit trade in tobacco products prepared by the expert group (convened in accordance with decision FCTC/COP1(16)) formed the basis for these discussions. This note is not, and is not intended to be, a record of the discussions. Rather, it is an aide-memoire for the Chairperson and an attempt to capture the general tenor of the views exchanged during the first session of the Intergovernmental Negotiating Body. In accordance with decision FCTC/COP2(12), a chairperson's text will be drafted and submitted to the Intergovernmental Negotiating Body for consideration at its second session.

GENERAL COMMENTS

1. In the high-level segment, all delegations that took the floor voiced their support for a protocol on illicit trade in tobacco products. A number of delegations gave examples of measures their respective governments had taken to suppress the illicit trade in tobacco products, but recognized that a coordinated global approach was necessary for a comprehensive solution. Finally, some delegations indicated that the protocol should be flexible and utilize existing institutions and legal mechanisms where possible, while others intervened to support including substantial obligations in the protocol.

2. A variety of general comments were made regarding the template for a protocol on illicit trade in tobacco products, attached as annex to document FCTC/COP/INB-IT/1/4, *Drafting and negotiation of a protocol on illicit trade in tobacco products: Template for a protocol on illicit trade in tobacco products, as proposed by the expert group convened in accordance with decision FCTC/COP1(16) of the Conference of the Parties*. Several delegations indicated that the structure of the template may need to be revised as thematic issues are elaborated. The need for technical cooperation and assistance and financial mechanisms to be included in the final protocol was raised.

3. Many delegations reiterated the need for strong obligations. However, it was noted that measures should complement the provisions of the relevant agreements of the World Trade Organization, as well as country-specific or region-specific free-trade agreements. Flexibility for Parties to implement additional measures beyond the obligations in the protocol was strongly recommended.

OBLIGATIONS

General obligations

4. The Intergovernmental Negotiating Body discussed the need for the protocol to have clearly defined terms and to adopt definitions compatible with those set out in the WHO Framework Convention on Tobacco Control. It was suggested that the relationship between the protocol and the WHO Framework Convention be defined at the beginning of the protocol rather than at the end. There was a suggestion that consideration be given to the inclusion of a statement of purpose to set out a clear mandate and direction for the protocol.

5. It was proposed that the protocol clearly specify that all tobacco products, both licit and illicit, are harmful and that those traded illicitly are especially harmful. Language to this effect might forestall any attempt, for instance by the tobacco industry, to interpret the Intergovernmental Negotiating Body's focus on illicit trade in tobacco products as a statement that only illicitly traded tobacco products are harmful.

6. It was noted that trade in tobacco products is not, in itself, illicit and it was proposed that this be acknowledged in the introduction of the protocol.

Licencing

7. Many delegations called for the protocol to contain clear and strong licencing obligations, such as periodic licencing renewal. A concern was raised that economic burdens placed on licencees may actually lead to an increase in illicit trade. Concern was also raised that loopholes may decrease the effectiveness of the goals of the protocol. In light of this, specific consideration should be given to ensuring unity and coherence between the protocol and other agreements and legislation, where possible.

8. There was a discussion of the relationship between public health authorities and finance or customs authorities, with regard to licencing. Among the issues raised was the need for cooperation and the definition of roles, including responsibility and competence for licencing.

9. Another topic of considerable discussion was the issue regarding revenue collected from licencing. Many Parties felt that the terms of the protocol should allow governments more flexibility concerning the use of licencing revenues.

10. Two differing views were raised regarding the transferability or assignability of licences. One perspective was that licences should not be transferable or assignable to prevent weakened control by governments over the licencing process and enforcement. However, other Parties noted that in order to protect economically vulnerable licencees and to recognize the reality of genuine business activity, such as corporate mergers, licences should be transferable or assignable. Concerns were raised over the administrative costs of the licencing procedure in general; specifically, developing country Parties

as well as Parties with economies in transition were concerned about the proposed periodic renewals of licences.

11. Several delegations raised the possibility that the protocol could adopt a process of registration through a public registry, rather than licencing. This may assist both government authorities and smaller retailers by reducing the administrative burden associated with the licencing process. Establishing a public registry may also reduce the potential for forged licences.

12. The scope of licencing of the tobacco chain was discussed. The matter of very small retailers was raised, particularly with regard to transient retailers or those that sell individual pieces, given their impact on youth access to tobacco products. The difficulty in licencing small retailers was considered. It was proposed that retailers could be required to obtain a licence in order to sell tobacco products, and that in order to eliminate the sale of single pieces, only those retailers that sell tobacco products in appropriate packages would be allowed licences.

13. With regard to the supply chain, it was suggested that the scope of the licencing obligations should include references to tobacco leaf growers, producers and dealers, as well as to transportation services, machinery and key elements in the production of cigarettes, such as acetate tow. With regard to retailers, it was suggested that licencing obligations in the protocol should address non-tobacco-specific retailers, such as supermarkets and newsagents, as well as tobacco-specific retailers.

14. There was a recommendation that the design and names of products should be included in any licencing or registration process. Additionally, it was noted that it may be useful for the protocol to address those brands that are developed specifically and solely for export.

15. Throughout the discussion there were calls for clarification of various terms in order to enhance the clarity, comprehensiveness and effectiveness of the protocol. Such terms included “illicit trade”, “all participants”, “periodically”, “due diligence”, “registration”, “licencing” and “entities”.

Anti-money laundering provisions

16. It was noted that the template includes a range of distinct but related concepts in this area dealing with money laundering. It was suggested that these individual concepts be more clearly and separately elaborated in order to facilitate a more logical structure.

Tracking and tracing

17. The majority of delegations were generally supportive of a tracking and tracing system as proposed in the template. Several delegations provided a number of examples of their own experience in this area, highlighting the implementation of laws and regulations in their respective jurisdictions and the benefits that tracking and tracing provides with reference to civil and criminal cases.

18. It was noted that the term “regime”, as used in the template, referred to a system intended to be established by the Parties that would result in an international tracking and tracing arrangement. Agreements reached between the tobacco industry and government bodies may need to be considered but the protocol should be strict and clear in those areas and over such agreements.

19. It was suggested that consensus is required regarding international traceability standards to ensure their practicality and operability. However, several delegations voiced their concern regarding the feasibility and capacity of developing country Parties and Parties with economies in transition to

implement a complex or sophisticated tracking and tracing system. Various delegations expressed the need to consider Parties who do not have the capacity to control large areas of their national boundaries and the difficulties they may face when attempting to implement a tracking and tracing obligation.

20. Several comments were made concerning the way in which tobacco products can be marked to allow easier tracking and tracing. In addition, the possibility was mentioned of placing a bar code on the product to allow the end consumer the opportunity to verify the authenticity of the product.

21. A request was made for the Convention Secretariat to produce a list of indicators that can be used in an international uniform tracking and tracing system prior to the second session of the Intergovernmental Negotiating Body. In consideration of the complex and difficult nature of this matter, there was a call to establish a working group to consider the issues highlighted in this discussion and to submit proposals.

Record-keeping

22. Many delegations reiterated the need for strong obligations within this section and referred to their respective experiences regarding the benefits that such information provides to their governments.

23. There was discussion with regard to ensuring that the protocol establishes a firm obligation on manufacturers and distributing bodies to comply with record-keeping provisions. Several delegations recommended that sanctions may be imposed if these obligations were not met. It was also suggested that the obligations concerning record-keeping could be extended to include tobacco growers and other participants in the supply chain.

24. Several delegations raised concerns regarding the suggested length of time that records were to be retained and the potential conflict this may have with national legislation. However, it was noted that the proposed time period is a minimum period and Parties are free to implement a longer time period, if desirable, to allow harmonization with their national legislation.

25. It was noted that developing country Parties as well as Parties with economies in transition may face limited record-keeping capacity, including access to suitable equipment, needed to maintain computerized records and real-time access to records. This difficulty also extends to smaller manufacturers and distributing bodies from all jurisdictions for the same reasons. However, it was suggested that the obligation could be widened to include non-computerized records.

Security and preventive measures

26. There was general discussion regarding the security of the supply chain to ensure that all participants act responsibly to prevent tobacco products from being diverted during their production, storage and movement. It was suggested that if the obligations in the protocol were not respected, then there should be criminal and/or civil sanctions imposed. There was also a suggestion that in addition to the manufacturers, other participants, such as shippers and transporters, be included in the definition of the supply chain and be covered by any such sanctions.

27. There was considerable discussion regarding the level and type of sanction that could be applied and the appropriateness of using criminal, civil and administrative measures to achieve this goal.

Principles of criminal liability were discussed and distinctions were noted between negligence and lack of due diligence.

Internet sales

28. Delegations noted the importance of eliminating the illicit trade in tobacco products on the Internet, but recognized the regulatory challenges posed by such trade, especially in relation to licencing and taxation. It was proposed that Internet sales should be included in licencing processes. Regarding taxation of Internet sales of tobacco products, delegations felt that taxes on both sellers and buyers should be included in the protocol. It was suggested that the tracking and tracing regime, and the requirements that it would place on distributors, would help to address these regulatory challenges. Many delegations called for the protocol to address the transport and delivery of tobacco products marketed over the Internet. While direct local delivery by businesses may not be controlled, it was recognized that mail orders could be included in the provisions of a protocol. Delegations noted that both Internet sales and mail order sales of tobacco products should be included in the protocol.

29. Delegations had divergent views on whether Internet sales of tobacco products should be prohibited completely. Several delegations called for a complete prohibition of sales of tobacco products over the Internet given the difficulty of monitoring such sales and the jurisdictional issues that may arise. Others regarded such a prohibition as problematic. It was recommended that the protocol include a prohibition of Internet sales of tobacco products to minors.

30. Many delegations reiterated the link between Articles 13 and 15 of the WHO Framework Convention on Tobacco Control and suggested that the Article 13 work on Internet advertising might provide important guidance to the development of this provision of a protocol on illicit trade in tobacco products. Additionally, delegations noted that a provision on Internet sales in a protocol on illicit trade must take into account the obligations regarding Internet advertising, promotion and sponsorship under Article 13 of the WHO Framework Convention.

31. It was proposed that the Intergovernmental Negotiating Body could establish a working group to address Internet sales at a later session.

Enhanced law enforcement capacity

32. The discussion regarding enhanced law enforcement capacity addressed the need for clear and strong provisions in the areas of technical assistance, financial support, international cooperation and capacity building. It was highlighted that control of the illicit trade in tobacco products should enjoy the same international support as the existing areas of illicit trade in arms and pharmaceutical products. Additionally, clarification was requested for the terms “illicit tobacco”, “illicit trading” and “enforcement officers”.

33. It was suggested that a protocol could place an obligation upon the Parties to enhance the effectiveness of police, customs and other relevant authorities through capacity building and the application of adequate resources. Such a measure would help to ensure the successful implementation and enforcement of the provisions of a protocol. However, it was noted that an obligation to enhance law enforcement capacity may place an enormous burden on developing country Parties and Parties with economies in transition.

34. There was general discussion regarding possible methods of international cooperation that can be used to enhance law enforcement capacity, such as collaboration with nongovernmental

organizations, the encouragement of public awareness, the possibility of providing hotlines, the provision of training on tracking and tracing practices and the sharing of data across regions and internationally. The concern was raised that without this support, developing country Parties and Parties with economies in transition could be exploited by transnational organized crime.

35. It was suggested that a protocol should call for customs activities to be expanded to include not only the import and export of tobacco products, but also the transit of tobacco products. Additionally, it was proposed that the protocol should consider the effects of existing international agreements and instruments to avoid duplication.

Offences

36. A concern was raised that retaining the term “committed intentionally” in the text could provide a legal loophole that may be exploited by the tobacco industry and, in this connection, the question of the burden of proof regarding intention was raised.

37. A suggestion was put forward to separate this section thematically, between those aspects that cover growing and producing tobacco products and those that cover manufacturing, selling or offering tobacco products. Concern was raised over including growing tobacco without a license as an offence.

38. It was noted that references to unauthorized activities should always acknowledge the relevant authorizing body. Delegations made suggestions of specific offences that should be covered by the protocol in addition to those set out in the template. These additions included, inter alia: the sale of tobacco seeds without a licence, failing to maintain accounting documents, falsifying licences and accounting documents, the sale of counterfeit tobacco products or fiscal stamps, the sale of illicit tobacco products to and by minors, submitting incomplete information to a customs official and the sale of tobacco products over the Internet. Concern regarding strict liability offences was also raised.

39. Delegations indicated that a clear definition of illicit trade was needed in order to make it a criminal offence. It was raised that including criminal offences in the protocol may not be appropriate and that Parties should consider including administrative and civil offences instead.

40. It was suggested that “tobacco products” is a comprehensive term and that terms such as “raw leaf tobacco” could be considered as included within “tobacco products”.

41. It was recognized that there is a need for coherence between the licencing and offences sections of the protocol. Discussion covered the need to include in the protocol effective deterrents to illicit trade and indicated that in the drafting of the Chairperson’s text, different legal systems and relevant existing agreements and arrangements should be taken into account. It was noted that a minimum standard for offences should be set and defined, with the penalty for the offence being set by the Parties.

Sanctions and penalties

42. Many delegations expressed support for strong sanctions and penalties for illicit trade in tobacco products. It was also indicated that governments should have flexibility to decide which penalties to impose, and there was support for the consideration of a wide range of remedies, rather than just penalties. The inclusion of criminal sanctions, in addition to civil sanctions, was proposed. There was also a suggestion to remove mention of specific types of penalties. It was noted that new sanctions not

covered by the WHO Framework Convention should be considered carefully, and there was a recommendation that sanctions and penalties be based on the seriousness of the offence.

43. It was suggested that provisions addressing sanctions and penalties include reference to Article 15.4(c) of the WHO Framework Convention.

44. Further clarification was requested for various terms and ideas, including “restitution”, “probation” and “previous conviction”. A number of delegations indicated that the title “sanctions and penalties” should be revised, given the disparity of penal and administrative systems among Parties; possible alternatives suggested included “illicit conduct” or simply “penalties”.

45. Some delegations raised the question of how previous convictions may affect sanctions and penalties. In particular, concern was expressed regarding the inclusion in the protocol of reference to “previous convictions” and the effect this may have on domestic prosecutions.

46. There was discussion regarding to whom penalties should apply. Additionally, the possibility of increased penalties for customs personnel found to be involved in the illicit trade in tobacco products was raised.

47. It was noted that the issue of annulment of contracts and the need to recognize the liability of an enterprise engaged in the illicit trade in tobacco products should be considered in the chairperson’s text.

Search, confiscation and seizures

48. Many delegations voiced support for including provisions in the protocol for granting customs and law enforcement officials search and seizure powers, and it was suggested that a minimum standard for such powers could be included in the protocol. However, delegates noted that standards should be flexible enough to allow Parties to reflect them in their own legislation. It was noted that all customs officials should have the legal basis to search for and confiscate tobacco products.

49. Some delegations recommended that searches and seizures should be dealt with as separate issues. It was proposed that when contraband tobacco products are seized and confiscated, they should be destroyed in order to avoid the possibility of them being re-introduced into the illicit market.

50. During the discussion, delegations reiterated the need for the protocol to contain clear definition of property that can be seized and confiscated.

Destruction and disposal

51. Delegations generally supported the inclusion of provisions concerning the destruction and disposal of tobacco products following seizure. A number of delegations expressed concern regarding the resale of tobacco products to manufacturers. It was considered that this would be contrary to the spirit of the WHO Framework Convention on Tobacco Control and may potentially encourage corruption.

52. There was strong support for the immediate destruction of all seized goods, including manufacturing equipment and possibly the instrument of transportation. However, concern was raised regarding the exceptional situation where potential civil claims may be brought following a failed

prosecution. Additionally, some delegations suggested that retaining seized goods or samples of seized goods for training and law enforcement operations would be beneficial.

53. It was also proposed that a distinction be made between tobacco products, manufacturing tools and other equipment, thereby allowing disposal options based on these distinctions.

54. Many delegations noted that any elaboration on this issue should be consistent with article 15.4(c) of the WHO Framework Convention.

Proceeds of crime and seizure of assets

55. There was general acceptance that depriving criminals of their ill-gotten gains was paramount.

56. There was broad recognition that the protocol should allow Parties flexibility in how they deal under national law with proceeds of crime and seizure of assets as they pertain to the illicit trade in tobacco products.

57. Given the extent of work conducted by other international organizations on the proceeds of crime and seizure of assets, it was suggested that in drafting the protocol Parties look to existing international agreements to avoid duplication. It was noted by some delegations that several Parties may already have existing legislation on this issue.

58. Several delegations expressed concern regarding the inclusion of provisions that could create a reverse burden of proof.

Special enforcement techniques

59. It was clarified that certain wording in the template was not prescriptive, but rather provides examples of methods available to Parties to achieve the goals of the protocol. Several delegations suggested that the protocol should refrain from listing specific examples of special enforcement techniques, including electronic surveillance methods. Delegations indicated that there should be flexibility in the implementation of measures having to do with special enforcement techniques, and reiterated that provisions must take into account the requirements of national law.

60. Concern was raised that developing country Parties as well as Parties with economies in transition may not have the means to implement sophisticated electronic surveillance systems. It was suggested that such Parties would benefit from international cooperation and assistance in this area.

61. Several references were made to the principles of privacy and the presumption of innocence in various international agreements and national legislation, and there was general acceptance that this particular section of the protocol be drafted in light of these principles. Consideration was given to the requirement of many Parties that judicial authorization be obtained prior to using a number of the invasive techniques suggested.

Jurisdiction

62. A number of delegations highlighted the possibility that the protocol could draw on other international instruments that contained comprehensive jurisdictional clauses, such as those contained in the United Nations Convention against Corruption. This would have the benefit of using language previously agreed on by many Parties. However, some delegations recalled the need for sensitivity to

the reality that not all Parties to the WHO Framework Convention are party to other relevant international agreements.

63. Several delegations called for the protocol to include an obligation on Parties to enter into bilateral extradition agreements or alternative arrangements to ensure the prosecution of offenders. It was noted that the issue of jurisdiction is complex and that it may not be possible to deal with it comprehensively in this protocol. Therefore, it was suggested that a cautious approach be adopted in this regard.

International cooperation

Information sharing

Statistical trade data

64. There was general recognition that the protocol should require Parties to collect and share information in a timely manner and should include cooperation with other bodies such as the World Customs Organization and the European Anti-Fraud Office. It was also suggested that information already shared as part of existing international agreements could be drawn on as part of the information sharing required under the protocol.

65. Delegations discussed the need for a centralized, user-friendly, secure database. The database should be easily accessible, with training to be provided on its use. It was suggested that such a database be administered by either the Convention Secretariat, regional offices or another centralized body, with Parties providing information online.

66. Concern was raised by developing country Parties as well as Parties with economies in transition regarding their capacity to gather and analyse data given possible limited access to adequate resources.

67. It was proposed that a working group be convened to consider formats which may be used to share information, how national legislation concerning data protection and privacy can be respected, and the difficulties concerning capacity limitations of certain Parties. It was suggested that the working group explore the possibility of linking information sharing practices to the general reporting procedures contained in the WHO Framework Convention. Additionally, it was suggested that the Convention Secretariat provide an assessment of the financial costs associated with the proposals put forward by this working group.

Operational investigation data and operational data protection and safeguards

68. There was broad acknowledgement that data investigation and data protection are indispensable elements when combating illicit trade. It was noted that a range of existing international agreements and conventions already provides for cooperation between many of the Parties and it was suggested that the protocol reiterate this cooperation. In addition, it was proposed that Europol, Interpol, the World Customs Organization and other institutions may be utilized to assist in data investigations.

69. Several additional provisions were suggested, including a provision that would prevent tax evasion on duty-free products and a provision requiring the collection of data from tobacco producers. However, it was emphasized that any additions should only be included if they add value to the protocol.

70. Delegations supported the establishment of optimum standards in the field of data protection, provided national laws regarding confidentiality and privacy are observed. In addition, they discussed the need for strong bilateral agreements and possible additional national legislation that would enhance international cooperation in this area.

Technical assistance and cooperation in scientific, technical and technological matters

71. There was acknowledgement that an effective and secure system for reporting illicit trade is essential.

72. Delegations reiterated that developing country Parties as well as Parties with economies in transition will require technical assistance and international cooperation in areas such as tracking and tracing. And it was recalled that without such international cooperation between all parties, the protocol's effectiveness will be severely limited. It was suggested that technology should be shared directly between Parties or through the appropriate international bodies.

73. Delegations noted that obligations concerning technical assistance and cooperation in scientific, technical and technological matters are closely linked to cooperation in training and accordingly it was recommended that these two sections be merged.

Cooperation in respect of investigation and prosecution of offences

74. Various delegations requested clarification on the cooperation measures proposed in the template and how these measures can be distinguished from those in other sections of the template and other United Nations conventions concerning transnational crime. It was noted that while Parties may already have investigation cooperation agreements in force, it would be possible to create further obligations in this protocol.

75. Several delegations referred to a need for Parties to share their experiences of prosecution of those involved in the illicit trade in tobacco products in order to analyse and draw on successful policy, systems and measures for use internationally.

76. With regard to cooperation in the prosecution of offences, concern was raised regarding the admissibility of evidence collected in other jurisdictions. It was proposed that customs authorities and other relevant bodies be encouraged to enter into mutual administrative assistance agreements to ensure that evidence collected is admissible in proceedings.

Cooperation in training

77. Delegates expressed the desirability of enriching the skill sets of enforcement agencies and identifying regional resource centers. It was felt that an examination of international agreements could be helpful in order to identify additional methods for cooperation in training.

Mutual legal and administrative assistance

78. Several delegations suggested that Parties should be able to refuse the rendering of mutual legal assistance on the grounds of the absence of dual criminality.

79. There were some concerns about duplicating obligations in other international agreements. However, it was noted that the parties to those agreements may not be exactly the same as those to the

protocol. Therefore it might be appropriate to repeat some of the relevant elements in the protocol, while ensuring that such elements do not conflict with existing obligations or arrangements. There were also suggestions that the protocol should encourage Parties to enter into mutual legal and administrative assistance agreements.

Extradition

80. The discussion on the topic of extradition produced differing opinions. Some delegations suggested that the protocol should promote the use of international agreements. Others thought that it was an issue for each Party to decide, with due regard to national law. It was noted that consensus on this issue may be difficult due to the complexity of extradition issues.

International institutional framework

Convention Secretariat and Committees

81. There was general acknowledgement that the Convention Secretariat should act as the secretariat for the protocol, and the need was reiterated for awareness of gender and geographical representation. Delegations also indicated that the Convention Secretariat should concentrate on its core competencies.

Financing of the protocol (financial mechanisms) and Contribution

82. With regard to the financing of the protocol, there was discussion regarding mandatory versus voluntary contributions. In this regard, it was suggested that the Conference of the Parties to the WHO Framework Convention should be consulted on such an issue.

83. Delegations also discussed the complexity of a financing structure and the possibility of using one financial mechanism instead of multiple mechanisms for all potential protocols. This approach may cause a problem in that not all Parties to the WHO Framework Convention will necessarily be party to the protocol. It was suggested that other arrangements such as environmental conventions be analysed to see how they resolved financing arrangements for their respective protocols.

INSTITUTIONS, IMPLEMENTATION MECHANISMS, LAW-MAKING PROCESSES AND FINAL CLAUSES

84. The issue of whether to permit or prohibit reservations to the protocol was raised and discussed; as was the issue of using the final clauses of the WHO Framework Convention as a model for the protocol generally.

85. It was proposed that the protocol contain reference to all decisions of the Conference of the Parties to the WHO Framework Convention that lead to the elaboration of the protocol, as well as to the relevant Articles of the WHO Framework Convention.

CONCLUSION

86. Parties reaffirmed the need for a protocol on illicit trade in tobacco products. There was general recognition that the protocol should incorporate provisions that enable Parties to secure the supply

chain, through some form(s) of licensing, tracking and tracing, record-keeping and other enhanced preventive and security measures. Some Parties were of the view that the chairperson's text will need to take into account specific concerns and requirements of Parties including their capacity to put in place the suggested provisions. There was also general support for incorporating strong provisions on international cooperation, in areas of information sharing and on matters concerning technical assistance and cooperation among Parties. As many delegations were of the view that there may be a need for a more cautious approach on matters relating to mutual legal assistance and extradition, it was understood that relevant provisions in extant treaties and other international agreements would be reviewed and reflected while drafting the chairperson's text for a protocol. It is the Chairperson's view that the overall content and spirit of discussions provides a good basis and direction for the elaboration of the chairperson's text for a protocol for consideration at the second session of the Intergovernmental Negotiating Body.

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