



**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

## Conference of the Parties

### Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products

Third session  
Geneva, Switzerland, 28 June – 5 July 2009  
**Agenda item 6**

**FCTC/COP/INB-IT/3(1)**  
**5 July 2009**

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# Decision of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products

The Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products,

*Recalling* decisions FCTC/COP2(12) and FCTC/COP3(6) of the Conference of the Parties to the WHO Framework Convention on Tobacco Control on the elaboration of a protocol on illicit trade in tobacco products;

*Having considered* the Revised Chairperson's text for a protocol on illicit trade in tobacco products;<sup>1</sup>

1. **AGREED** that the text contained in document FCTC/COP/INB-IT/3/5 Rev.1 will form the basis for further negotiations on a draft protocol to eliminate illicit trade in tobacco products;
2. **DECIDED**:
  - (1) to establish two drafting groups to work during the period between the third and fourth sessions of the Intergovernmental Negotiating Body on:
    - (a) successively Articles 7, 5 and 6 and then, time permitting, Articles 10 and 11; and
    - (b) Articles 12, 31, 32 and 33, and then Articles 13, 14 and 30;
  - (2) that each WHO Region will nominate not more than 10 Parties to comprise the drafting groups, and that each Party will be represented by no more than one person in each drafting

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<sup>1</sup> Document FCTC/COP/INB-IT/3/3.

group, those persons to be divided between the drafting groups evenly unless exceptionally a division of four and six persons between the two groups is deemed appropriate by the Region;

(3) that each WHO Region will communicate the persons nominated to the Convention Secretariat through the respective member of the Bureau of the Intergovernmental Negotiating Body not later than 15 August 2009;

(4) that the drafting groups will develop possible text of the Articles assigned to them to facilitate further negotiation at the fourth session of the Intergovernmental Negotiating Body;

(5) to invite

(a) relevant intergovernmental organizations that are accredited observers to the Conference of the Parties with specific expertise in the subject of the Articles assigned to the drafting group to nominate not more than one representative; and

(b) nongovernmental organizations that are accredited observers to the Conference of the Parties collectively to nominate not more than four representatives with specific expertise in the subject of the Articles assigned to the drafting group

who will participate and contribute, in an expert capacity, to the further elaboration and development of the text as observers to the intersessional drafting groups;

3. REQUESTED that the Convention Secretariat:

(1) make the necessary arrangements, including budgeting, for the drafting groups to undertake their work and to make available the possible text elaborated by the drafting groups not later than 60 days in advance of the opening of the fourth session of the Intergovernmental Negotiating Body; and

(2) prepare a document reflecting the options for the institutional and financial arrangements addressed in Parts VI and VII of the negotiating text,<sup>1</sup> and the financial implications of implementing those options, in consultation with Permanent Missions of Parties in Geneva;

4. FURTHER DECIDED to take note of the cost estimates provided by the Convention Secretariat for the intersessional work described in paragraphs 2 and 3 of this decision;

5. ENCOURAGED Parties to make extrabudgetary contributions to fund the intersessional work described in paragraphs 2 and 3 of this decision;

6. REQUESTED the Bureau of the Conference of the Parties to reflect the intersessional work described in paragraphs 2 and 3 of this decision in the workplan for the Convention Secretariat for 2009 and 2010;

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<sup>1</sup> Document FCTC/COP/INB-IT/3/5 Rev.1.

7. ADDITIONALLY DECIDED to hold a fourth session of the Intergovernmental Negotiating Body in early 2010, with the date and venue to be determined by the Bureau of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

(Ninth plenary meeting, 5 July 2009)

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