



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

Sixth session
Moscow, Russian Federation, 13–18 October 2014
Provisional agenda item 1.1

FCTC/COP/6/1 Rev.2 (annotated)
13 October 2014

**Provisional agenda
(annotated)**

1. Opening of the session

1.1 Adoption of the agenda and organization of work

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

The provisional agenda was prepared by the Convention Secretariat in consultation with the Bureau of the Conference of the Parties (COP), in accordance with Rule 6 of the Rules of Procedure of the COP. It contains three items (agenda items 4.4.3, 4.7 and 6) that have been proposed by Parties in accordance with Rule 7 of the Rules of Procedure.

The COP is invited to review and consider adopting the provisional agenda contained in document FCTC/COP/6/1 Rev.2.

In considering the organization of its work, the COP may wish to establish two Committees, A and B, working in parallel. Committee A could be entrusted with work on treaty instruments and technical matters under provisional agenda item 4, while Committee B could work on matters related to reporting, implementation assistance and international cooperation under provisional agenda item 5, and on budgetary and institutional matters under provisional agenda item 6. Provisional agenda items 1 to 3, and 7 to 10 would be considered in plenary.

In relation to the proposal to establish two Committees, each regional group of Parties is invited to put forward a suitable candidate to serve as a Committee officer (one Chair and two Vice-Chairs will be needed for each Committee), informing their respective Bureau member and the Secretariat of their proposed candidate, if possible before the opening of the session.

The COP is invited to review and consider adopting the provisional agenda and to decide on the organization of work of the session.

1.2 Credentials of participants

Document FCTC/COP/6/2

In accordance with Rule 18 of the Rules of Procedure of the COP, credentials shall be submitted to the Secretariat if possible no later than twenty-four hours after the opening of the session. The Bureau of the COP, with the assistance of the Convention Secretariat, will examine the credentials of the delegates and will report thereon to the COP, in accordance with Rule 19 of the Rules of Procedure (document FCTC/COP/6/2, *Report on credentials*, will be produced during the session). It should be noted that, pursuant to Rule 20 of the Rules of Procedure, representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials.

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

Owing to the fact that Canada will not be represented at this session of the COP, the representative of Canada on the Bureau resigned his position effective 13 October 2014 (the opening day of the session). A new member of the Bureau to represent the Region of the Americas will need to be elected by the COP, in replacement of the representative of Canada, in line with Rule 24.1 of the Rules of Procedure of the COP. Rule 24.1 stipulates that if a member of the Bureau resigns or is otherwise unable to complete the assigned term of office a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office. As Canada is not represented at this session, Canada invited the Region of the Americas to put forward a new candidate to serve for the remainder of the term of office of the current Bureau.

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

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

The documents contain information about the applications for the status of observer to the COP received by the Convention Secretariat. Applications were received from four nongovernmental organizations and from one intergovernmental organization.

Taking into account the Bureau's recommendations contained in the documents, the COP is invited to review the applications received and consider granting observer status to the organizations concerned, in accordance with Rules 30 and 31 of the Rules of Procedure.

At its fifth session, the COP decided¹ to defer consideration of the application of INTERPOL to its sixth session and requested the Bureau to liaise with INTERPOL in order to seek further clarification on its application, in particular in relation to Article 5.3 of the WHO FCTC. The report of the Bureau on this matter, including additional information provided by INTERPOL, is contained in document FCTC/COP/6/4, for the COP's consideration and decision.

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

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

¹ See decision FCTC/COP5(2) (available, along with all COP decisions and documents, at <http://www.who.int/fctc/publications>).

The Head of the Secretariat will address the COP and highlight the main activities of the Secretariat since the fifth session, in accordance with Article 24.3(d) of the Convention. She will also outline the work and challenges ahead (document FCTC/COP/6/DIV/3 contains the transcript of the address).

Under this item, the COP is also invited to review the information contained in document FCTC/COP/6/5 on global progress in implementation of the Convention, which is based on the reports submitted by Parties in the 2014 reporting cycle. The report also reviews progress made in implementation between reporting periods and highlights overall trends and key actions to consider in order to further strengthen implementation in the future. Reports of the Parties can be found on the WHO FCTC website at <http://www.who.int/fctc/reporting>, where the full report on global progress in implementation of the Convention will also be available.

A general debate will follow the Secretariat's introduction of this agenda item and will focus on key achievements and challenges at country and global level. Delegations wishing to have their name placed on the list of speakers for the general debate are invited to notify the Secretariat as soon as possible by email to copfctc@who.int or by telephone to +41 22 791 2516. Delegations are encouraged to opt for group or regional statements, in lieu of individual statements.

The COP is invited to note the report on global progress in implementation of the WHO FCTC and to provide further guidance.

4. Treaty instruments and technical matters

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

Document FCTC/COP/6/6

The Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) was adopted by the COP at its fifth session (in decision FCTC/COP5(1)). The Protocol has been signed by 54 Parties to the WHO FCTC, while there are indications that many Parties are moving in the ratification/accession process. At the time of writing of this document, the Protocol had been ratified by one Party.

The COP is invited to note the information contained in document FCTC/COP/6/6 describing the activities undertaken by the Secretariat since the adoption of the Protocol in relation to awareness-raising, enhancing cooperation between the Convention Secretariat and international partners, developing instruments to promote Protocol-related work, and providing legal and technical assistance, in accordance with the decision of the COP on this matter.¹

In order to further promote entry into force of the Protocol (which requires 40 ratifications), the report also contains possible measures for consideration by the COP. It should be noted that, pursuant to Article 33 of the Protocol, the first meeting of the Parties to the Protocol shall be convened immediately before or immediately after the next regular session of the COP following entry into force.

The COP is invited to note the Secretariat's report and to provide further guidance.

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

¹ As part of decision FCTC/COP5(16), *Interim performance report for the 2012–2013 workplan and budget*.

Document FCTC/COP/6/7

At its fifth session, the COP adopted a set of guiding principles and recommendations for implementation of Article 6 of the WHO FCTC and established an open-ended intersessional drafting group to continue the work and develop draft guidelines for consideration at its sixth session.¹

The COP is invited to review and consider adopting the draft guidelines on Article 6 contained in the report of the drafting group.

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

Document FCTC/COP/6/8

At its fifth session, the COP established an expert group on Article 19 of the WHO FCTC,² which met twice in the intersessional period. The report of the expert group includes options for legislative action and international cooperation, as well as possible future work identified by the group. The report also presents facts and information on experiences, obstacles and best practices in tobacco liability.

The COP is invited to note the report of the expert group and to provide further guidance in relation to the options for possible future work.

4.4 Control and prevention of globally emerging products

4.4.1 Smokeless tobacco products

Document FCTC/COP/6/9

The report of WHO on smokeless tobacco products, as requested by the COP,³ complements the information provided in previous reports submitted to the COP.⁴ The report provides up-to-date knowledge obtained from Parties’ experiences and recommendations from the WHO Study Group on Tobacco Product Regulation (TobReg) experts on research gaps and needs on this matter, including an analysis from the recent WHO survey on tobacco products.

The COP is invited to note the report of WHO and to provide further guidance.

4.4.2 Electronic nicotine delivery systems, including electronic cigarettes

Document FCTC/COP/6/10

The report of WHO, prepared as requested by the COP,⁵ reviews emerging evidence on the health impact on the use of electronic nicotine delivery systems (ENDS). The report identifies options for the prevention and control of ENDS for consideration by the COP, including options for regulatory measures. This report takes account of the recent deliberations and scientific recommendations on ENDS by the WHO Study Group on Tobacco Product Regulation (TobReg), and the analysis from the

¹ See decision FCTC/COP5(7).

² See decision FCTC/COP5(9).

³ See decision FCTC/COP5(10).

⁴ See documents FCTC/COP/4/12 and FCTC/COP/5/12.

⁵ See decision FCTC/COP5(10).

recent WHO survey on tobacco products.

4.4.3 Waterpipe tobacco smoking

Document FCTC/COP/6/11

This agenda item was proposed by two Parties in accordance with Rule 7 of the Rules of Procedure of the COP.

Waterpipe tobacco smoking accounts for a significant and growing share of tobacco use globally. The COP is invited to note the information provided in document FCTC/COP/6/11, which outlines key facts about waterpipe tobacco products and reviews the prevalence, economics and environmental aspects of these products as well as Parties' experiences; the report also addresses the need to identify best practices and promote and support strategies and policies to prevent and control waterpipe use and promote collaboration among Parties where waterpipe use is a major public health concern.

The COP is invited to note the report and to provide guidance.

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

Document FCTC/COP/6/12

At its fifth session, the COP reviewed the policy options and recommendations submitted by the working group and decided to extend its mandate to undertake further work.¹ The report of the working group presents a methodological framework within which Parties may adopt comprehensive policies and effective measures to fulfil their obligations under Articles 17 and 18 of the WHO FCTC. As requested by the COP, the working group presents draft policy options and recommendations whose aim is to guide Parties in implementing policies that promote the establishment of innovative mechanisms for the development of sustainable alternative livelihoods for tobacco growers and workers.

The COP is invited to review the report of the working group, to consider adopting the draft policy options and recommendations contained therein, and to provide guidance on future work in this area.

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

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

At its fifth session, the COP mandated the working group to continue its work in developing the guidelines in a step-by-step process and to submit draft partial guidelines or a progress report on the testing and measuring of contents and emissions using the analytical chemical methods validated by WHO.²

The COP is invited to review the report of the working group contained in document FCTC/COP/6/13, in particular the working group's proposals for future work described in Annexes 1 and 2 (relating to the testing and measuring of contents and emissions using the analytical chemical methods validated

¹ See decision FCTC/COP5(8).

² See decision FCTC/COP5(6).

by WHO) and Annex 3 (in relation to possible definitions of “constituents”) and to provide further guidance.

The report of WHO, as requested by the COP, is contained in document FCTC/COP/6/14 and provides information and recommendations on the availability and regulation of novel tobacco products; addictiveness or dependence potential of smoked or smokeless tobacco products; reduced ignition propensity cigarettes; regulation of tobacco product toxicants; a priority list of contents and emissions. The document also includes draft fact sheets on reduced ignition propensity cigarettes and on ingredients in tobacco products which have been developed on the basis of measures recommended in the partial guidelines on the implementation of Articles 9 and 10 of the WHO FCTC previously adopted by the COP.

Additional information related to progress in the validation of analytical chemical methods for testing and measuring cigarette content and emissions is contained in document FCTC/COP/6/14 Add.1.

The COP is invited to review the report of WHO and to provide further guidance.

4.7 Impact assessment of the WHO FCTC

Document FCTC/COP/6/15

As requested by the COP,¹ the report on this topic reviews relevant international experiences and outlines options for the scope, time frame and methodology for conducting an impact assessment of the WHO FCTC after its first 10 years of operation, including cost implications.

The COP is invited to note the report and to provide further guidance.

4.8 Implementation of Article 5.3 of the WHO FCTC: evolving issues related to interference by the tobacco industry (*item proposed by a Party*)

Document FCTC/COP/6/16

This agenda item was proposed by a Party in accordance with Rule 7 of the Rules of Procedure of the COP.

Progress made in implementation of Article 5.3 of the WHO FCTC is provided in document FCTC/COP/6/16, based on the Parties’ implementation reports. The document also outlines challenges faced by the Parties in implementation of this article, including examples of perceived tobacco industry interference at international level, and a review of recent work by the Secretariat and its partners to assist Parties in implementation. The document also identifies potential areas in which implementation of measures under Article 5.3 of the Convention could be strengthened.

The COP is invited to note the report and to provide further guidance on this matter.

¹ See decision FCTC/COP5(12).

5. Reporting, implementation assistance and international cooperation

5.1 Reporting arrangements under the WHO FCTC

Document FCTC/COP/6/17

In response to the request of the COP at its fifth session,¹ document FCTC/COP/6/17 contains recommendations for a mechanism to facilitate and enhance review of Parties' implementation reports through the establishment of an intersessional expert committee. The document outlines proposals for the composition, scope, time frame and desired outcomes of such a mechanism, including its administrative and financial implications.

The COP is invited to note the report and to provide further guidance.

5.2 International cooperation for implementation of the WHO FCTC

Document FCTC/COP/6/18

The activities undertaken by the Secretariat since the fifth session of the COP to enhance international cooperation to strengthen implementation of the WHO FCTC are described in document FCTC/COP/6/18. Information is provided, in particular, on the progress made in implementing the five demonstration projects endorsed by the COP² to promote South–South and triangular cooperation among the Parties; the establishment of three knowledge hubs and cooperation with intergovernmental and nongovernmental organizations. The report also outlines recent global developments and trends that will affect further implementation of the WHO FCTC.

The COP is invited to note the report and to provide further guidance.

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

Document FCTC/COP/6/19

In addressing the mandate given by the COP, the working group established by the COP³ considered five key issues that can strengthen implementation of the WHO FCTC: mechanisms of assistance, resource mobilization, multisectoral coordination, international cooperation, and visibility of the WHO FCTC in wider international forums. Key findings, suggested actions and recommendations to advance implementation of the WHO FCTC, and relevant stakeholders that should be responsible for each of the proposed actions, are described in document FCTC/COP/6/19. The working group could not complete its work as mandated of the COP, and therefore its report also contains proposals to the COP for further work.

The COP is invited to note the report of the working group and to consider adopting the suggested actions and recommendations, and also to consider extending the mandate of the working group to continue its work.

¹ See decision FCTC/COP5(11).

² See decision FCTC/COP5(13).

³ See decision FCTC/COP5(14).

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

Document FCTC/COP/6/20

In accordance with the decision of the COP adopted at its fifth session¹ on cooperation between the Convention Secretariat, WHO, the World Trade Organization and the United Nations Conference on Trade and Development, document FCTC/COP/6/20 presents the outcomes of activities undertaken by the Convention Secretariat in cooperation with partners in this area since the fifth session of the COP including observations regarding evolving tobacco control-related trade and investment issues relevant to implementation of the Convention.

The COP is invited to note the report and to provide further guidance.

6. Budgetary and institutional matters

6.1 Performance report for the 2012–2013 workplan and budget

Document FCTC/COP/6/21

An interim performance report on implementation of the workplan and budget for the financial period 2012–2013 that was adopted by the COP at its fourth session was presented to the COP at its fifth session.² The COP is invited to note the report contained in document FCTC/COP/6/21, which describes implementation of the workplan and budget for the full biennium, including implementation of activities mandated by the COP through various decisions of the COP that were not directly referred to in the workplan. The report also provides details of financial implementation.

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

Document FCTC/COP/6/22

As requested by the COP, an interim report on implementation of the 2014–2015 workplan and budget that was adopted at its fifth session³ is presented in document FCTC/COP/6/22. The report covers the first six months of implementation of the workplan and budget and describes the progress made in each area of work including information on financial implementation.

The COP is invited to note the report and to provide further guidance.

6.3 Voluntary assessed contributions

Document FCTC/COP/6/23

At its previous sessions, the COP expressed concern at the large number of Parties that remained in arrears in the payment of their voluntary assessed contributions, some of which had never made any payment. In this context, the COP requested the Secretariat to prepare a report on the feasibility of

¹ See decision FCTC/COP5(15).

² See documents FCTC/COP/5/20 and FCTC/COP/5/20 Add.1.

³ See decision FCTC/COP5(19).

changing from *voluntary* assessed contributions to assessed contributions and other possible incentives for Parties that continue to have arrears in payments.¹

Taking account of international practice and the WHO Financial Regulations and Rules (which are also the financial rules of the COP), the report of the Secretariat contained in document FCTC/COP/6/23 outlines the aspects to be considered by the COP should it decide to change the current system of *voluntary* assessed contributions to a system of assessed contributions. The report also suggests possible incentives to be considered by the COP to improve the level of payment of Parties' contributions.

The COP is invited to note the report and consider deciding to change the current system of voluntary assessed contributions to a system of assessed contributions and also consider applying international practice related to incentives in order to improve Parties' payment of their contributions.

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

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

In accordance with Article 23 of the Convention, the COP shall adopt, at each ordinary session, a budget for the financial period until the next ordinary session.

The COP is invited to review and consider adopting the proposed workplan and budget for 2016–2017 contained in document FCTC/COP/6/24 and to note the detailed information contained in the explanatory note to the workplan and budget (document FCTC/COP/6/INF.DOC./1).

In considering the next workplan and budget, the COP is also invited to note the information on travel support available to Parties since the first session of the COP contained in document FCTC/COP/6/INF.DOC./2, as requested by decision FCTC/COP5(18).

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

Document FCTC/COP/6/25

Pursuant to the mandate provided by the COP,² the Bureau report summarizes actions taken by the Bureau to finalize the process provisionally and conduct the selection of the current Head of the Secretariat. The report of the Bureau also contains recommendations for the process in future.

The COP is invited to note the report of the Bureau and to consider adopting the decision contained in the Annex of the report.

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

Document FCTC/COP/6/26

In accordance with Rule 31.3 of its Rules of Procedure, the COP shall review the accreditation of each observer nongovernmental organization (NGO) at any of its regular sessions and decide on whether to

¹ See decision FCTC/COP5(17).

² See decision FCTC/COP5(21).

maintain observer status for each NGO. Procedures for conducting reviews of accreditation are described in COP decisions FCTC/COP2(6) and FCTC/COP5(2).

Document FCTC/COP/6/26 contains the Secretariat's analysis of the reports submitted in 2014 by the NGOs currently accredited to the COP and the recommendations of the Bureau. In accordance with Rule 31.3 of its Rules of Procedure, the COP is invited to review the report and to determine whether to maintain observer status of the NGOs.

The COP is also invited to consider adopting the proposed standard reporting questionnaire contained in Annex 2 of the report in order to harmonize the reporting format and facilitate the Secretariat's analysis of NGO reports in a consistent manner.

6.7 Participation of the members of the public in the sessions of the Conference of the Parties and its subsidiary bodies (*item proposed by a Party*)

Document FCTC/COP/6/27

This agenda item was proposed by a Party in accordance with Rule 7 of the Rules of Procedure of the COP.

Document FCTC/COP/6/27 was prepared by the Secretariat in consultation with the Bureau and taking account of the debates on this subject at previous sessions of the COP and its subsidiary bodies. The document reviews relevant international practice, the Rules of Procedure of the COP, and the Secretariat's current practice for admitting members of the public to COP sessions and meetings of subsidiary bodies.

The COP is invited to review the report and consider adopting the proposed measures to facilitate decision-making by the COP in the future, including the proposed procedures for the Secretariat's screening function described in the Annex of the document. The COP may also wish to consider the proposed amendments to the Rules of Procedure related to participation of the public in conjunction with consideration of agenda item 6.8.

6.8 Possible amendments to the Rules of Procedure of the Conference of the Parties (*item proposed by a Party*)

Document FCTC/COP/6/28

This agenda item was proposed by a Party in accordance with Rule 7 of the Rules of Procedure of the COP.

In consultation with the Party that requested the inclusion of this agenda item, the Secretariat and the WHO Office of the Legal Counsel, the Bureau of the COP suggests in its report a list of areas in which possible amendments to the Rules of Procedure could be considered by the COP in order to strengthen and provide more clarity to its Rules of Procedure and facilitate its proceedings and decision-making.

The COP is invited to consider the proposals contained in document FCTC/COP/6/28, including the proposal to establish an intersessional mechanism to be given the task of conducting a complete review of the Rules of Procedure.

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

Document FCTC/COP/6/29 Rev.1

In accordance with Rules 3 and 4 of its Rules of Procedure, the COP shall decide on the date and duration of its seventh session, which shall be held at the seat of the Secretariat unless the COP decides otherwise.

In deciding on the dates and duration of its seventh session, the COP is invited to consider the proposals of the Bureau described in document FCTC/COP/6/29, including the option to hold the seventh session in early 2017 (instead of the last quarter of 2016) in order to bring the session closer to the start of implementation of the workplan and budget, as suggested during the debate at the fifth session. The COP is invited also to consider extending the duration of the session to enable the COP to adequately consider all agenda items, taking into account the financial implications of such an extension.

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

Document FCTC/COP/6/30

The election of officers of the COP is governed by Rule 21 of the Rules of Procedure. The COP shall elect, before the end of its sixth session, a President and five Vice-Presidents, from among the representatives of the Parties present at the session. These officers shall constitute the next Bureau of the COP. Each of the WHO regions shall be represented by one Bureau member. Further details on the role of the Bureau can be found in COP decision FCTC/COP5(20).

Each regional group of Parties is invited to put forward a candidate for membership of the Bureau and to inform its respective current Bureau member and the Secretariat of its nomination, if possible before the opening of the session.

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

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

As part of the efficiency measures adopted by the COP,¹ the COP decided to change the format of its summary records into a shorter report of the COP, in light of the substantial financial resources and time required to produce the lengthy traditional summary records.

Considering that the COP is expected to adopt for the first time, on the last day of its sixth session, a report of its proceedings (document FCTC/COP/6/31), information on the process for production, and adoption by the Parties of the new format of the report is provided in document FCTC/COP/6/INF.DOC./3, which takes into account the Rules of Procedure of the COP and relevant practice in other treaty bodies within the United Nations System.

10. Closure of the session

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¹ See decision FCTC/COP5(19).