

Strengthening synergies between the World Health Assembly and the Conference of the Parties to the WHO Framework Convention on Tobacco Control

1. The Director-General has the honour to transmit to the Seventy-second World Health Assembly the report submitted by the Head of the Convention Secretariat on behalf of the Eighth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (see Annex).

ACTION BY THE HEALTH ASSEMBLY

2. The Health Assembly is invited to note this report.

ANNEX

REPORT BY THE HEAD OF THE CONVENTION SECRETARIAT

1. Pursuant to decisions WHA69(13) (2016) and FCTC/COP7(18) (2016), this report to the Health Assembly describes the outcomes of the eighth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (Geneva, 1–6 October 2018). It provides for information purposes an overview of the main decisions adopted by the Conference of the Parties and of the main outcomes of the first session of Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) (MOP1).
2. The eighth session of the Conference of the Parties was attended by more than 1200 participants, including delegations from 148 Parties to the Convention and representatives from WHO, other organizations in the United Nations, intergovernmental organizations and civil society. The United Nations Secretary-General sent a welcome message and the WHO Director-General addressed the opening. On its first day, the Conference of the Parties held its first High-level Segment on Tobacco Control and Global Climate Action, raising awareness of the need for tobacco control efforts to integrate strategies to combat the destructive impacts of tobacco on the environment and sustainable development.
3. The Conference of the Parties adopted 24 decisions,¹ of which four related to the proceedings of the Conference of the Parties, six to treaty instruments and technical matters, two to the reporting of implementation assistance and international cooperation, and 12 to budgetary and institutional matters.
4. One of the most significant outcomes of the session was the adoption of the Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through Implementation of the WHO FCTC 2019–2025, through decision FCTC/COP8(16).² The Global Strategy aims to strengthen implementation of the Framework Convention, and provides a road map to guide the work of the Parties, the Convention Secretariat and other stakeholders. It aims also to mobilize international, intergovernmental and developmental partners to integrate the implementation of the Framework Convention into their work, their responses for achieving the Sustainable Development Goals, or both, establishing inter alia stronger alignment between, and cooperation with, WHO, entities in the United Nations system and other relevant international agencies and initiatives.
5. The Conference of the Parties continued to emphasize the important role of international cooperation including the Sustainable Development Goals, the global agenda on noncommunicable diseases, human rights and South—South and Triangular cooperation. The Convention Secretariat is mandated by the approved workplan and budget for the financial period 2020–2021 to continue its cooperation with the United Nations Interagency Taskforce on Noncommunicable Diseases and WHO's Global Coordination Mechanism on Prevention and Control of Noncommunicable Diseases.
6. The Conference of the Parties once more addressed the aggressive and/or misleading tactics of the tobacco industry that undermine tobacco-control efforts at the global, regional and national levels by adopting a series of measures to prevent further interference by tobacco industry in public health

¹ Available at: <https://www.who.int/fctc/cop/sessions/cop8/documentation/en/> (accessed 15 February 2019).

² Measures to strengthen implementation of the Convention through coordination and cooperation (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2816%29.pdf, accessed 15 February 2019).

policies, to safeguard the integrity of governance of the WHO FCTC and to advocate policy coherence between organizations in the United Nations system with regards to tobacco industry interference by:

- (i) adopting decision FCTC/COP8(1),¹ in which, in response to growing applications from tobacco industry and its front groups, it adopted an indicative list of criteria for the Bureau of the Conference of the Parties to use to analyse applications for observer status from both international intergovernmental and nongovernmental organizations;
- (ii) maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other meetings of the Framework Convention. In decision FCTC/COP8(12),² the Conference of the Parties requested the Convention Secretariat to use specific sentences in its invitations to meetings, reminding Parties of their obligations to implement Article 5.3 (Protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry) and to be mindful of the respective Guidelines. It was decided to require Parties, when designating their representatives to the sessions of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to the Conference of the Parties, to indicate that they have observed Article 5.3 of the Framework Convention and have been mindful of the recommendations 4.9 and 8.3 of the Guidelines not to nominate delegates from the tobacco industry (including state-owned tobacco industry) or any entity working to further its interests to attend meetings of the treaty bodies. In addition, and in accordance with their internal procedures and domestic legislation, Parties may use the declaration-of-interest form as part of the process. Also, the Conference of the Parties decided to adopt the screening and accreditation process described in document FCTC/COP/8/15³ for representatives of its observers (international intergovernmental and nongovernmental organizations), members of the media and the public;
- (iii) adopting in decision FCTC/COP8(4)⁴ a code of conduct and declaration of interest for the members of the Bureau and the Regional Coordinators of the Conference of the Parties.⁵ Upon their election they shall abide by the provisions of that code of conduct during all their tenure and shall submit, on a mandatory basis, declaration-of-interest forms. In ensuring policy coherence across the different structures under the Convention and the Protocol to Eliminate Illicit Trade in Tobacco Products, it also mandated the Convention Secretariat to work and consult with WHO on measures to prevent and address possible conflicts of interest at the Convention Secretariat;

¹ Applications for the status of observer to the Conference of the Parties (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%281%29.pdf, accessed 15 February 2019).

² Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2812%29.pdf, accessed 15 February 2019).

³ Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings (https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP_8_15.pdf, accessed 15 February 2019).

⁴ Code of Conduct and Declaration of Interest for the Members of the Bureau and the Regional Coordinators of the Conference of the Parties to the WHO Framework Convention on Tobacco Control and on proposed measures preventing and addressing possible conflicts of interest at the Convention Secretariat (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%284%29.pdf, accessed 15 February 2019).

⁵ See document FCTC/COP8/23, Annexes 1 and 2 (https://www.who.int/fctc/cop/sessions/cop8/FCTC_COP_8_23-EN.pdf, accessed 15 February 2019).

(iv) deciding, in decision FCTC/COP8(18),¹ to call Parties to strengthen their awareness and monitoring of the different tactics from the tobacco industry and to enhance policy coherence within governments and in different governing bodies of organizations in the United Nations system, promoting Article 5.3 and its Guidelines at national and international levels, particularly among those working on achieving the Sustainable Development Goals and on noncommunicable diseases. This decision is in line with resolution 2017/8 of the United Nations Economic and Social Council.²

7. On treaty instrument and technical matters, the Conference of the Parties:

(i) established, by decision FCTC/COP8(17),³ a working group to develop specific guidelines on cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in the entertainment media under Article 13 of the Framework Convention, taking account of technological advances over the past decade such as the internet and mobile communications including social media. The decision also mandates the Convention Secretariat to establish an information hub in the form of a dedicated website on cross-border tobacco advertising, promotion and sponsorship;

(ii) suspended, by decision FCTC/COP8(21),⁴ the mandate of the working group on Articles 9 and 10 (Regulation of contents and disclosure of tobacco products) and requested the Convention Secretariat to establish, with guidance from the Bureau, an expert group to examine the reasons for low implementation of Articles 9 and 10 of the Framework Convention and related partial guidelines, by Parties;

(iii) considered, in decision FCTC/COP8(19),⁵ the measurable outcomes of Articles 17 and 18 of the Convention (Alternative livelihoods and protection of the environment) and invited Parties: to support and strengthen the implementation of these two articles; to engage in collaboration across sectors; and to raise awareness of the impact of tobacco cultivation, production and consumption on both the terrestrial and marine environment and health of persons. It also requested the Convention Secretariat to engage and support Parties to prepare their national action plans; to promote international cooperation and exchange of information, especially through South–South and Triangular cooperation; and to recommend options and sustainable practices to enhance the implementation of alternative livelihoods to tobacco growing and

¹ Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2818%29.pdf, accessed 15 February 2019).

² See United Nations Economic and Social Council resolution 2017/8, United Nations Inter-Agency Task Force on the Prevention and Control of Non-communicable Diseases (http://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2017/8, accessed 16 February 2019).

³ Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2817%29.pdf, accessed 16 February 2019).

⁴ Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products) (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2821%29.pdf, accessed 16 February 2019).

⁵ Implementation of Articles 17 and 18 (alternative livelihoods and protection of the environment) (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2819%29.pdf, accessed 16 February 2019).

measures to mitigate social, cultural, environmental, economic and occupational risks of tobacco productions, in line with the 2030 Agenda for Sustainable Development;

(iv) discussed for the first time at a Conference of the Parties tobacco control in complex emergency situations and decided, in decision FCTC/COP8(20),¹ on a certain number of measures to support the implementation of the Framework Convention by Parties characterized by the United Nations to be facing complex emergencies;

(v) adopted decision FCTC/COP8(22)² addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products. It recommended Parties to prioritize measures that prevent initiation of novel and emerging tobacco products, protect people from exposure to their emissions, prevent health claims being made for such products, avert their promotion, regulate the contents and disclosure of the contents of novel and emerging tobacco products, and regulate, including restriction or prohibition of the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products, taking into account a high level of protection for human health.

8. Of the 12 decisions on budgetary and institutional matters, decision FCTC/COP8(13)³ refers to the preparation of the draft hosting terms between the Convention Secretariat and WHO, as well as their subsequent conclusion, and requests the Convention Secretariat to further work with the WHO Secretariat to conclude the hosting agreement, reflecting the overarching primacy of the Conference of the Parties in relation to the work programme of the Convention Secretariat, according to priorities and within budgetary allocations agreed by the Conference of the Parties, inviting WHO to prioritize and facilitate administrative and financial procedures necessary to give effect to the decisions of the Conference of the Parties. Decision FCTC/COP8(14)⁴ on coordination between the governing bodies invited the Director-General of WHO to note the recommendations of the Bureaus elected by Conference of the Parties to the WHO Framework Convention on Tobacco Control and Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products and to facilitate the proposal for restructuring the Convention Secretariat.

9. Considering the importance of financial resources to support the implementation of the Framework Convention and the need for the Convention Secretariat to raise funds, the Conference of the Parties, through decision FCTC/COP8(5),⁵ COP8 decided to task the Convention Secretariat to further expand on the establishment and operation of a WHO FCTC investment fund and report to the Conference of the Parties at its ninth session.

¹ Tobacco control in complex emergency situations (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2820%29.pdf, accessed 16 February 2019).

² Novel and emerging tobacco products (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2822%29.pdf, accessed 16 February 2019).

³ Hosting arrangements between the Convention Secretariat and WHO (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2813%29.pdf, accessed 16 February 2019).

⁴ Coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and of the Protocol to Eliminate Illicit Trade in Tobacco Products (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2814%29.pdf, accessed 16 February 2019).

⁵ Convention Secretariat's fundraising strategies: Investment fund concept (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%285%29.pdf, accessed 16 February 2019).

10. The Conference of the Parties recognized the major breakthrough heralded by the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products on 25 September 2018. A new governing body was established: the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, with its corresponding Bureau. Furthermore, both the Conference of the Parties and the Meeting of the Parties to the Protocol, at its first session (Geneva, 8–10 October 2018), discussed coordination of their work and requested¹ the Convention Secretariat to continue to promote, as a priority, the ratification, acceptance, approval formal confirmation or accession of the Protocol and to continue its engagement with relevant international intergovernmental and nongovernmental organization in order to support the ratification, acceptance, approval, formal confirmation or accession of the Protocol.

11. The first session of the Meeting of the Parties to the Protocol drew participants from 44 State Parties to the Protocol and 56 State Non-Parties, along with representatives from civil society and intergovernmental organizations. Delegates at the first session took the first steps towards adopting both its own rules of procedures,² which are based on those of the Conference of the Parties to the Framework Convention, and the assessed contributions to the Convention Secretariat together with workplans and budgets for the current and the forthcoming biennium.

12. Parties agreed to create a working group³ to elaborate a comprehensive report compiling good practices and experiences on the implementation of tracking and tracing systems (Articles 8.1) as well as unique identification markings for cigarette packets and packages (Article 8.3), and to prepare conceptual work in view of creating a global information-sharing focal point (Article 8) to combat illicit tobacco trade.

13. A second working group⁴ was established on assistance and cooperation to deal with matters related to enforcement information sharing, assistance and cooperation, mutual administrative assistance, investigation and prosecution of offences and mutual legal assistance.

14. The Meeting of the Parties also agreed to work towards greater collaboration with government agencies and regional and international bodies in charge of law enforcement and customs, which will be crucial to effective implementation of the Protocol.

15. The Meeting of the Parties followed the decisions of the Conference of the Parties at its eighth session by adopting⁵ a similar Code of Conduct for the members of its Bureau, measures to prevent

¹ See decision FCTC/COP8(15), Progress towards the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2815%29.pdf, accessed 18 February 2019).

² See decision FCTC/MOP1(1), Adoption of the Rules of Procedure and Financial Rules of the MOP (https://www.who.int/fctc/protocol/mop/FCTC_MOP1%281%29-en.pdf, accessed 16 February 2019).

³ See decision FCTC/MOP1(6), Tracking and tracing systems, including the global information-sharing focal point and unique identification markings for cigarette packets and packages ([https://www.who.int/fctc/protocol/mop/FCTC_MOP1\(6\).pdf](https://www.who.int/fctc/protocol/mop/FCTC_MOP1(6).pdf), accessed 18 February 2019).

⁴ See decision FCTC/MOP1(10), Working group on assistance and cooperation (https://www.who.int/fctc/cop/sessions/cop8/FCTC_MOP1%2810%29_EN.pdf, accessed 18 February 2019).

⁵ See decision FCTC/MOP1(13), Code of Conduct and Declaration of Interest for the Members of the Bureau and Regional Coordinators of the Meeting of the Parties to the protocol to Eliminate Illicit Trade in Tobacco Products and on proposed measures preventing and addressing possible conflicts of interest at the Convention Secretariat (https://www.who.int/fctc/protocol/mop/FCTC_MOP1%2813%29.pdf, accessed 18 February 2019).

perceived or actual conflict of interests by the Convention Secretariat staff and maximizing transparency of delegations in meetings related to the Protocol, in line with Article 5.3 of the Framework Convention.

16. As at 28 February 2019, 50 Parties have joined the Protocol, and two thirds of the Parties to the Framework Convention have enacted or strengthened national legislation aimed at tackling illicit trade in tobacco products. In this regard, WHO's Member States that are Parties to the Framework Convention are encouraged to become Parties to the Protocol. Also, WHO's Member States that have not yet become Parties to the Framework Convention are encouraged to do so.

17. Finally, the Conference of the Parties and Meeting of the Parties to the Protocol decided¹ that the ninth and second sessions of the respective bodies will be held in the Netherlands.

= = =

¹ See decisions FCTC/COP8(24), Date and place of the Ninth regular session of the Conference of the Parties to the WHO FCTC (https://www.who.int/fctc/cop/sessions/cop8/FCTC__COP8%2824%29.pdf, accessed 16 February 2019), and FCTC/MOP1(20), Date and place of the Second regular session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (https://www.who.int/fctc/protocol/mop/FCTC_MOP1%2820%29.pdf, accessed 16 February 2019).