

**FCTC**WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**Fifth session
Seoul, Republic of Korea, 12–17 November 2012
Provisional agenda item 1.1**FCTC/COP/5/1(annotated) Rev.1
19 October 2012**

**Provisional agenda
(annotated)****1. Opening of the session**

1.1 Adoption of the agenda and organization of work

Document FCTC/COP/5/1 contains the provisional agenda 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. The COP is invited to review and consider adopting the provisional agenda.

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 6, while Committee B could work on matters related to reporting, implementation assistance and international cooperation, under provisional agenda item 7, and on budgetary and institutional matters under provisional agenda item 8. Provisional agenda items 1 to 5, 9 and 10 would be considered in plenary.

1.2 Credentials of participants

In accordance with Rule 19 of the Rules of Procedure, 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 (document FCTC/COP/5/2, *Report on credentials*, will be produced during the session).

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

Document FCTC/COP/5/3 contains information about the applications for the status of observer to the COP received by the Convention Secretariat from two international intergovernmental organizations. The COP is invited to review these two applications and consider granting observer status to the organizations concerned in accordance with Rule 30 of the Rules of Procedure.

3. Invited speaker (*agenda item deleted*)

4. Report of the Convention Secretariat and global progress in implementation of the WHO FCTC, followed by a general debate

Document FCTC/COP/5/4 contains the report of the Secretariat on activities under the Convention, in accordance with Article 24.3(d) of the Convention.

In consultation with the Bureau of the COP, it is proposed that global progress in implementation of the WHO FCTC also be discussed under this agenda item. The global progress report contained in document FCTC/COP/5/5 was prepared in accordance with decisions FCTC/COP1(14) and FCTC/COP4(16) and is based on the analysis of the Parties' implementation reports submitted to the Secretariat by 15 June 2012. Reports of the Parties can be found on the WHO FCTC web site at <http://www.who.int/fctc/reporting>.

It is also proposed that a special segment be allocated within the general debate in the form of a high-level panel discussion on achievements and challenges in implementation of the Convention at country level and in regard to international cooperation. 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 e-mail to copfctc@who.int or by telephone to +41 22 791 2516. Delegations may opt for group or regional statements, in lieu of individual statements.

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

5. Adoption of the protocol to eliminate illicit trade in tobacco products

In accordance with decision FCTC/COP4(11), the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products (INB) held a fifth session (Geneva, 29 March–4 April 2012) for the purpose of finalizing the text of the draft protocol to eliminate illicit trade in tobacco products.

The text of the draft protocol was agreed by consensus at the closure of the fifth session of the INB and is contained in document FCTC/COP/5/6 for consideration by the COP. The text submitted to the COP also takes account of the comments made by Parties on the Arabic, Chinese, French, Russian and Spanish translations of the English text, in line with the decision of the INB.

The report of the Chairperson of the INB is contained in document FCTC/COP/5/7 and addresses, inter alia, the matters that the INB decided to refer to the COP. It also includes comments submitted by two delegations and two regional groups. With regard to the provision of technical assistance to Parties in the period prior to entry into force of the protocol and the preparation and convening of the first Meeting of the Parties to the protocol, attention is drawn to information contained in paragraphs 43 and 44 and Annex 2 of document FCTC/COP/5/20.

Document FCTC/COP/5/INF.DOC./4 provides an overview of procedural matters concerning the adoption and signature of the protocol, including an indication of the steps to be taken by Parties to the WHO FCTC in the period between adoption and entry into force of the protocol in order to become Parties to the protocol.

In accordance with Article 33 of the WHO FCTC, the COP is requested to consider adopting the text of the protocol contained in document FCTC/COP/5/6 and to address the issues referred to it by the INB contained in document FCTC/COP/5/7. The draft decision to adopt the protocol is contained in document FCTC/COP/5/Conf.Paper No.1.

With regard to activities to promote and prepare the entry into force of the protocol, and the convening of the first Meeting of the Parties, the COP may wish to consider these under agenda item 8.2, for the general outline of work and the work to be carried out particularly in 2013, and agenda item 8.5 for the work to be carried out in 2014, as proposed under those agenda items.

6. Treaty instruments and technical matters

- 6.1 Guidelines for implementation of Article 6 of the WHO FCTC: “*Price and tax measures to reduce the demand for tobacco*”

Document FCTC/COP/5/8 contains the report of the working group established by the COP.¹ The COP is requested to review the report of the working group and consider adopting the proposed guidelines on Article 6 of the WHO FCTC.

- 6.2 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*”

At its fourth session, the COP adopted partial guidelines on Articles 9 and 10 and mandated the working group to continue its work in a step-by-step process.² Document FCTC/COP/5/9 contains the report of the working group with a proposal to insert new text into the existing partial guidelines in relation to public disclosure, and product characteristics in relation to fire-risk (Annexes 1 and 2, respectively, of document FCTC/COP/5/9).

The COP is invited to note the report of the working group, to review and consider adopting the text contained in Annexes 1 and 2 of the document proposed for insertion into the existing partial guidelines, and to provide further guidance on the work of the working group.

The COP is also invited to note the progress report of WHO’s Tobacco Free Initiative (TFI) contained in document FCTC/COP/5/INF.DOC./1 on the validation of the analytical chemical methods for testing and measuring the cigarette contents and emissions identified as priorities in the progress report³ of the working group.

- 6.3 Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC)

The report of the working group established by the COP is contained in document FCTC/COP/5/10 and presents policy options and recommendations in line with the decision of the COP.⁴ The report also indicates the progress that has been made in various areas under the mandate of the working group, such as standardization and promotion of exchanges of information and experiences between Parties.

The report of the working group should be read in conjunction with the report of the chairperson of the working group (document FCTC/COP/INF.DOC./3), which provides a summary of the main points

¹ Decision FCTC/COP4(13).

² Decision FCTC/COP4(10).

³ Document FCTC/COP/3/6.

⁴ Decision FCTC/COP4(9).

raised by the Parties in relation to the proposed policy options and recommendations, as well as explanations of the approach taken in dealing with them.

The COP is invited to review the progress made by the working group and to consider adopting the proposed policy options and recommendations. The COP is also invited to provide further guidance on the work of the working group.

6.4 Implementation of Article 19 of the WHO FCTC: “*Liability*”

In response to the request of the COP,¹ document FCTC/COP5/11 contains the report prepared by the Convention Secretariat in cooperation with TFI, on the matter of liability in the context of Article 19 of the WHO FCTC. The report reviews Parties’ experiences with regard to Article 19 and relevant liability regimes under other treaties as well as other sources of information.

The COP is invited to note the report and consider the proposed options for supporting implementation of Article 19 of the WHO FCTC as outlined in the report; the COP may also wish to consider establishing an expert group to further develop means through which the COP could support Parties in their activities undertaken in accordance with Article 19, as outlined in the report.

6.5 Control and prevention of smokeless tobacco products and electronic nicotine delivery systems

In response to the request of the COP,² the Convention Secretariat prepared a report in cooperation with TFI on control and prevention of smokeless tobacco products. The report contained in document FCTC/COP/5/12 reviews the current situation and Parties’ experiences with regard to smokeless tobacco products; it also outlines the need to develop strategies and cooperation mechanisms to address the challenges posed by such products.

Document FCTC/COP/5/13 contains a report on electronic nicotine delivery systems including e-cigarettes prepared by the Secretariat in cooperation with TFI. The report summarizes Parties’ experiences, actions and regulatory measures undertaken with regard to such products. The report also reviews recent developments and outlines the challenges and possible approaches for Parties to take in regulating this area.

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

7. Reporting, implementation assistance and international cooperation

7.1 Reporting arrangements under the WHO FCTC

Document FCTC/COP/5/14 contains a report of the Convention Secretariat prepared in accordance with the request of the COP³ that presents recommendations to further advance reporting arrangements under the WHO FCTC, in particular with a view to taking account of key measures contained in the guidelines adopted by the COP, standardizing definitions and indicators, and facilitating the regular review of progress in implementation of the Convention.

¹ Decision FCTC/COP4(15).

² Decision FCTC/COP4(14).

³ Decision FCTC/COP4(16).

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

7.2 Financial resources, mechanisms of assistance and international cooperation

In line with the decision of the COP,¹ the Convention Secretariat's report on financial resources and mechanisms of assistance is contained in document FCTC/COP/5/15. The report reviews information on resources and mechanisms of assistance available for implementation of the workplan adopted by the COP, and those made available by WHO and relevant international organizations and stakeholders to support and complement implementation of the Convention at country, regional and global levels, based on information provided to the Secretariat. The report also contains conclusions and recommendations deriving from the analysis of information provided in the report.

In accordance with the decision of the COP,¹ the report of the Secretariat contained in document FCTC/COP/5/16 provides information on progress made and activities undertaken to strengthen cooperation with relevant international organizations and bodies to support implementation of the WHO FCTC. The report also outlines possible directions for further work in this area for consideration by the COP.

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

7.3 South–South and triangular cooperation for implementation of the WHO FCTC

In line with the decision of the COP,² the Convention Secretariat's report on activities undertaken to promote South–South and triangular cooperation contained in document FCTC/COP/5/17 outlines the progress and challenges in implementation of the Convention in developing countries. It also suggests key action points relevant to the provisions of the Convention and elements for an action plan on South–South and triangular cooperation.

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

7.4 Cooperation with the World Trade Organization on trade-related tobacco-control issues

Document FCTC/COP/5/18 contains the report by the WHO Secretariat, as requested by the COP³ on options for cooperation with the World Trade Organization on trade-related tobacco-control issues, as a means of strengthening implementation of the WHO FCTC, including recommendations on the feasibility of implementing such options.

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

¹ Decision FCTC/COP4(17).

² Decision FCTC/COP4(19).

³ Decision FCTC/COP4(18).

8. Budgetary and institutional matters

8.1 Performance report for the 2010–2011 workplan and budget

The COP is invited to note the information contained in document FCTC/COP/5/19, which covers implementation of the workplan and budget adopted by the COP¹ for the period 2010–2011 as requested by the COP.¹

8.2 Interim performance report for the 2012–2013 workplan and budget

As requested by the COP,² document FCTC/COP/5/20 provides information on the status of implementation of the first six months of the workplan and budget for the financial period 2012–2013. An update on financial implementation contained in the Annex as at 31 October 2012 will also be made available at the session. The report also contains in its Annex 2 the Convention Secretariat's proposals for an interim workplan and budget for preparatory work required prior to entry into force of the protocol to eliminate illicit trade in tobacco products, following its adoption.

The COP is invited to note the report and provide further guidance. The COP is also invited to consider adopting the additional workplan and budget for protocol-related work contained in Annex 2, in particular with regard to activities to be undertaken in 2013.

8.3 Payment of voluntary assessed contributions

As requested by the COP,³ document FCTC/COP/5/21 contains information on the current situation regarding payment of voluntary assessed contributions (VAC) to the WHO FCTC and relevant practice in the United Nations system and in other international treaties on possible ways and means to improve payment of VAC. An update on the status of payment of VAC as at 31 October 2012 will also be made available at the session.

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

8.4 Travel support available to Parties to the WHO FCTC

At its fourth session, the COP adopted a decision⁴ on the financing of travel support available to Parties, with a view to harmonizing it with the current WHO administrative policies for travel support. The COP also requested the Convention Secretariat to prepare a full report on this issue, taking into consideration the severe budgetary constraints, for consideration by the fifth session of the COP.

The report contained in document FCTC/COP/5/22 reviews the level of support provided by the Secretariat to low- and lower-middle-income country Parties until and including the fifth session of the COP, as well as relevant practice in WHO and other treaties of the United Nations system. The report also outlines possible arrangements for financing travel support.

¹ Decision FCTC/COP3(19).

² Decision FCTC/COP4(20).

³ Decision FCTC/COP4(22).

⁴ Decision FCTC/COP4(21).

The COP is invited to note the report and provide further guidance on the financing of travel support to Parties participating in the meetings of the COP and its subsidiary bodies.

8.5 Proposed workplan and budget for the financial period 2014–2015

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 2014–2015 contained in document FCTC/COP/5/23 and to note the detailed information contained in the explanatory note to the workplan and budget (document FCTC/COP/5/INF.DOC./2).

In considering adoption of the proposed workplan and budget, the COP is also invited to consider the proposed efficiency measures contained in Annex 2 of document FCTC/COP/5/23.

8.6 Review of the role of the Bureau of the Conference of the Parties

In line with the decision of the COP,¹ the report contained in document FCTC/COP/5/24 was prepared in consultation with the Bureau of the COP. It presents recommendations for consideration by the COP on possible ways to clarify and formalize the role of the Bureau between sessions of the COP, based on the functions stipulated in the Rules of Procedure of the COP, the ad hoc functions granted to the Bureau that derive from decisions of the COP, and a review of relevant practice in treaties of the United Nations system.

The COP is invited to note the report and to consider adopting the recommendations contained in the report concerning the role of the Bureau.

8.7 Process for appointment of the Head of the Convention Secretariat

At its fourth session, the COP requested the Bureau,² with the support of the Convention Secretariat, to propose for consideration at its fifth session a process for the appointment of the Head of the Secretariat, including his or her term of office, and for considering renewal of the term of office.

Document FCTC/COP/5/25 contains the proposed process prepared in consultation with the legal and human resources services of the WHO Secretariat and taking account of relevant practice in other treaties of the United Nations system.

The COP is invited to review the proposals of the Bureau and consider adopting the draft decision contained in document FCTC/COP/5/25.

8.8 Accreditation of nongovernmental organizations as observers to the Conference of the Parties

In line with the request made by the COP at its fourth session,³ document FCTC/COP/5/26 contains the Convention Secretariat's proposals to establish a standard form to be used and completed by

¹ Decision FCTC/COP4(24).

² Decision FCTC/COP4(6).

³ Decision FCTC/COP4(23).

nongovernmental organizations (NGOs) wishing to apply for observer status, taking account of the provisions in Rule 31 of the Rules of Procedure of the COP; the document also proposes a process for facilitating the conduct of future reviews of accreditation, as requested by the COP. The list of NGOs that currently have the status of observer to the COP is attached in the Annex to the document.

The COP is invited to review and consider adopting the proposed application form and the proposed process, including criteria, for future reviews of accreditations.

9. Date and place of the sixth session of the Conference of the Parties

In accordance with Rule 4 of its Rules of Procedure, the COP shall decide on the date and place of its sixth session. The COP is invited to decide on the date and duration of its sixth session in accordance with Rules 3 and 4 of its Rules of Procedure (document FCTC/COP/5/27).

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

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 fifth 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.

Regional groups of Parties are invited to put forward their respective candidates for membership to the Bureau.

11. Closure of the session

= = =