



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

**18 October 2014**

---

## **DECISION**

**FCTC/COP6(18)      Issues related to implementation of the WHO FCTC and  
settlement of disputes concerning the implementation or  
application of the Convention**

The Conference of the Parties (COP),

Reiterating its determination to give priority to the right to protect public health;

Recalling that the Conference of the Parties adopted the Punta del Este and Seoul declarations at its fourth and fifth sessions respectively, in which the Parties expressed their commitment to implementing health measures designed to control tobacco consumption in their respective jurisdictions and to prevent tobacco industry interference from hindering or slowing the implementation of tobacco control measures provided in accordance with the FCTC;

Recalling that the WHO FCTC is the first international and multilateral instrument on tobacco control which is legally binding for all States Party;

Taking into account that the frequent interference of the tobacco industry in respect of the WHO FCTC and its Protocol to regulate the supply and demand of tobacco products, is a serious problem for tobacco control;

Recognizing that it is essential that the Conference of the Parties demonstrate its commitment to undertaking joint action in terms of implementation of Article 27 of the Convention;

Recalling the decision of the COP at its fifth session, during which the Convention Secretariat was requested to continue cooperating with the WHO Secretariat, the World Trade Organization (WTO) Secretariat and the United Nations Conference on Trade and Development (UNCTAD) Secretariat in order to exchange information and provide technical support to Parties;

Referring to the general obligations established in Article 5 and the provisions of Article 22 of the FCTC regarding cooperation in the formulation of proposed measures, procedures and guidelines

aimed at strengthening the capacity of States Parties to implement and fully comply with the Convention, including suggestions on the transfer of legal expertise and ad hoc coordination with intergovernmental, international and regional organizations;

Noting the Secretariat's report FCTC/COP/6/20: Trade and investment issues relevant to implementation of the WHO FCTC;

Recalling decision FCTC/COP4(18), Cooperation between the Convention Secretariat and the WTO, as well as FCTC/COP5(15), Cooperation between the Convention Secretariat, the WHO, the WTO and UNCTAD,

1. DECIDES to request the Convention Secretariat to prepare a report for consideration at the seventh session of the Conference of the Parties examining:

- (a) possible procedures for settling disputes concerning the interpretation or application of the Convention, through negotiations, diplomatic channels, or ad hoc arbitration in accordance with Article 27;
- (b) the kind of disputes that may be subject to such procedures;
- (c) the interaction of such procedures with other disputes settlement mechanisms; and

2. FURTHER REQUESTS the Convention Secretariat:

- (a) to facilitate the provision of technical support, training and capacity building activities if necessary, in respect of legal challenges to implementation of the Convention;
- (b) in coordination with the WHO Secretariat and the relevant knowledge hubs, to continue facilitating information sharing and cooperation among the Parties with regard to legal challenges against their tobacco control measures in domestic courts or through international dispute settlement mechanisms;

3. ALSO DECIDES to invite Parties, through the Convention Secretariat Information Platform, to share information relating to legal disputes faced by States with respect to tobacco control measures in domestic courts or international dispute settlement mechanisms. The Platform shall also contain a database of public institutions and legal experts nominated by the Parties with experience in tobacco litigation, that could promote information exchange and assistance to other Parties in this domain.

(Fifth plenary meeting, 18 October 2014)

= = =