



WORLD HEALTH ORGANIZATION

INTERGOVERNMENTAL NEGOTIATING BODY
ON THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

A/FCTC/INB3/2(b)
25 July 2001

Third session
Agenda item 3

WHO framework convention on tobacco control

Co-Chairs' working paper: Inventory of textual proposals made at the second session of the Intergovernmental Negotiating Body, merged with the Chair's Text¹

Working Group 2

1. The following pages contain an edited and consolidated text of all amendments to the Chair's Text proposed during the four meetings of Working Group 2 during the second session of the Intergovernmental Negotiating Body (INB). Proposals that could not be integrated into the Chair's Text are shown as alternative proposals.
2. The Chair's Text is reproduced in bold-face type, including brackets and parentheses that appeared in that text. Text enclosed within square brackets [] indicates proposed additions; text enclosed within curved brackets { } indicates proposed deletions. Multiple brackets indicate cases in which text has been proposed as an addition while other proposals would cause that and other text to be deleted. The solidus / indicates alternative textual proposals.
3. It should be noted that this document contains all the amendments to the Chair's Text contained in the several conference papers, addenda and corrigenda produced by Working Group 2.
4. The symbols and phrases used in creating this inventory are further explained below.

Key to symbols and phrases

Addendum or Add.: contains textual proposals submitted after a meeting of a working group and issued during or after the second session. They are organized according to the sections of the Chair's Text to which they relate.

"and": text preceded by "and" is a wholly new addition that does not have a substantive counterpart in the Chair's Text. These additions are not numbered, as numbering has not yet been finalized.

¹ Document A/FCTC/INB2/2.

“*and*” followed by “*or*”: used in cases when two or more Member States have proposed wholly new pieces of text that are alternatives to each other; “*and*” is used first to indicate that wholly new text follows; “*or*” is then used to separate the proposed alternatives.

“*bis*”: used to indicate proposed text that would add a wholly new second paragraph.

Bold-face type: identifies the original Chair’s Text: **Xxx**.

“*Conference papers*”: contain all textual proposals submitted during a meeting of a working group. One conference paper was produced for each of the 10 meetings of the working groups. Proposals in these documents are limited to the sections of the Chair’s Text discussed at that working group meeting (e.g., during its first meeting, Working Group 1 covered G.1, G.1(a), and G.1(b); the Conference Paper issuing from this meeting therefore contains only proposals for changes to those sections).

Corrigendum: contains corrections and new proposals submitted after the conference papers and agenda had been issued.

Curved brackets: enclose proposed deletions: {text}.

Integrated text: Chair’s Text of the framework convention on tobacco control, incorporating changes proposed by Member States during the second session of INB.

Inventory: document integrating all proposed changes to the Chair’s Text. Three inventories have been prepared, one for each Working Group.

Multiple brackets: enclose text proposed both as an addition by one or more Member States and as a deletion by others.

Roman (i.e. ordinary) type: used for all proposed amendments to the Chair’s Text.

Solidus: separates portions of text that are alternatives: /text/.

Square brackets: enclose proposed additions: [text].

“*ter*”: used to indicate proposed text that would add a wholly new third paragraph.

**Textual proposals made at the first meeting of Working Group 2,
Tuesday, 1 May 2001 and later submitted on sections F.1, F.2,
F.3 (new) and I.15 of document A/FCTC/INB2/2¹**

[Extract from document A/FCTC/INB2/2]

F. Price and tax measures to reduce the demand for tobacco

1. The Parties recognize that price measures are an effective mechanism to reduce tobacco consumption, and that progressive harmonization of tobacco product prices is an important means of discouraging illicit traffic in tobacco products.

[End of extract]

F. Price and tax measures to reduce the demand for tobacco

1. The Parties recognize that [progressive] { **price** } [and tax] { **measures** } [increases on] / [increase of] / [increases] [tobacco products] / [increases] / [related to the increase in prices] { **are** } / [can be] / [is] / [constitute] { **an** } / [one of the most] { **effective** } / [important] { **mechanism[s]** } [[component of comprehensive] effort] [means of] / [mechanism] / [methods] { **to reduce** } / [reducing] [the rate of] **tobacco consumption**[:; .] [for various sections of the population] [, particularly for young people] / [, especially among children and youth] [and smoking prevalence] [and exposure to tobacco smoke] { , **and** [also recognize] { { **that** } { [[] **progressive** } [upward] { { **harmonization** []] } [real increases in the price] / [progressive increase in the prices] { **of tobacco** } { **product[s]** { **prices** } } } [excise taxes at the subregional and regional levels] / [particularly at regional and subregional levels] / [between neighboring countries] { { **is** } / [constitute] { **an** } / [one] **important means of discouraging** } } [they] [must be combined with effective measures to combat] [legal and] [and controlling] { { **illicit traffic in** } [may reduce the demand for] **tobacco products** } } [and recommend a policy of progressively increasing taxation of tobacco products intended to stimulate and sustain a steady decline in tobacco consumption] [and prohibition of tax-free and duty-free tobacco products] [will contribute to a reduction in] [disease caused by tobacco use] / [diseases caused by tobacco] / [tobacco-induced diseases] [and their consumption] [the tax level must be harmonized even at a regional level, in order to sharply reduce the smuggling of tobacco products in neighbouring states] / [taxation needs to be progressively increased in conformity with national legislation] [and that each Party to the extent possible within the means at its disposal and capabilities adopt legislative,

¹ Documents A/FCTC/INB2/WG2/Conf.Paper No.1, A/FCTC/INB2/WG2/Conf.Paper No.1 Add.1, and A/FCTC/INB2/WG2/Conf.Paper No.1 Add.2.

executive and administrative measures] / [each Party will adopt legislative and administrative measures to develop appropriate national policies on tobacco tax, to reduce tobacco consumption and exposure to smoke; such measures must include the prohibition of tax-free sales. These dispositions must be combined with regional and subregional interventions to create disincentives for illegal traffic in tobacco products].}

or

[1. The Parties recognize that price measures are an effective mechanism to reduce tobacco consumption; accordingly they shall adopt legislative, executive and administrative measures and cooperate with other Parties in harmonizing appropriate tax policies, in order to reduce tobacco consumption and exposure to tobacco smoke. Such measures and policies shall include the following:

- (a) prohibition of tax-free and duty-free sales of tobacco products;
- (b) imposition of taxes on tobacco products so as to achieve a stable and continuous reduction in tobacco consumption;
- (c) adoption of other price and tax measures that may be recommended by the Conference of the Parties.]

or

[1. The Parties recognize that increasing prices is an effective means of reducing tobacco consumption and recommend a progressive increase in taxes in accordance with the framework of national legislations.

The Parties undertake to develop effective measures of regional and subregional coordination for the control of illicit traffic in these products.]

or

[1. The Parties recognize that price measures, especially price increases, are an effective mechanism to reduce tobacco consumption, thereby helping to reduce the burden of disease and death related to tobacco consumption.

The Parties also recognize that harmonization of prices at the subregional, regional or international level contributes to the reduction of traffic in tobacco products.]

[Extract from document A/FCTC/INB2/2]

F. Price and tax measures to reduce the demand for tobacco

2. Each Party shall, to the extent possible within the means at its disposal and its capabilities, adopt legislative, executive and administrative measures, and cooperate with other Parties in harmonizing appropriate tax policies, in order to reduce tobacco consumption and exposure to tobacco smoke. Such measures and policies shall include the following:

- (a) **prohibition of tax-free and duty-free sales of tobacco products;**
- (b) **imposition of taxes on tobacco products so as to achieve a stable and continuous reduction in tobacco consumption;**
- (c) **adoption of other price and tax measures that may be recommended by the Conference of the Parties.**

[End of extract]

{**2. Each Party {shall} / [should, taking into account] / [could] {to the extent possible within the means at its disposal its capabilities,} adopt {legislative,} [measures, particularly for inspections of traffic at national and local levels,] {executive} {and administrative} measures,} {and cooperate [to the extent possible] with other Parties} [on policies for continuous tax increases] / [developing and implementing] in {harmonizing} [at the highest level possible] [applying] [to increase the price of tobacco products with the aim of reducing] / [developing] {appropriate} / [suitable principles of] [national] tax {policies} / [systems]}, [particularly at regional and subregional levels,] in order to [prevent initiation of tobacco use and to] reduce tobacco consumption {and exposure to tobacco smoke}. {Such measures and policies {shall} / [[could] include [prohibition of tax-free and duty-free sales of tobacco products.] {the following:}}**

{(a) **prohibition of tax-free and duty-free sales of tobacco products** [within two years of the entry into force of this Convention] / [within an agreed timeframe] [, without exceptions or allowances to travellers, diplomats, and military or government personnel];}

or

[(a)

- (i) prohibition of tax-free or duty-free or any other tariff on tobacco products within [2] years of entry into force of this Convention;

(ii) parties shall not permit tax-free and duty-free tobacco to travellers, diplomats, military or other government personnel;]

{(b)}[(a)] **imposition of taxes on tobacco products** [, continuously related to inflation rates of the country,] / [periodically] **so as to** [ensure that tobacco products do not become more affordable over time and thereby to] **achieve a {stable and} {continuous}** / [continuing] **reduction in tobacco consumption;**

{{(c)}[(b)] **{adoption}** / [evaluation] **of other price and tax measures that may be recommended by the Conference of the Parties** [in order to reduce tobacco consumption]] / [given that these are in line with demand reduction on tobacco]}}

or

[2. Each Party shall endeavour, in accordance with its domestic laws, to use its tobacco tax policies to complement domestic health policy objectives aimed at discouraging tobacco consumption and exposure to tobacco smoke. Measures that parties should consider may include:

- (a) taxation of manufactured tobacco products and cigars at levels that will discourage consumption;
- (b) imposition of an export tax structure that limits the supply of tax-free tobacco products available for smuggling;
- (c) imposition of a tax on manufactured tobacco sold in duty-free shops and at ships' stores in order to narrow price differentials *vis-à-vis* domestic prices and to discourage tobacco consumption;
- (d) implementation of measures to control the manufacture, transfer and distribution of manufactured tobacco and cigars; and
- (e) other measures recommended by the Conference of the Parties.]

or

[2. Each Party shall, to the extent possible within the means at its disposal and its capabilities:

- (a) encourage a fiscal policy which takes account of public health aspects both nationally and in the context of the negotiation or amendment of international agreements;
- (b) provide available information on the rates of taxation for tobacco products, their method of calculation, and their impact on consumption;

(c) provide available information on the impact of tax-free and duty-free sales including links between such sales, transit and illicit traffic.]

and

[A part of the revenues from raising tobacco prices and taxes shall be transferred to tobacco control entities.]

and

[The provisions of this Convention shall not restrict in any manner the authority of a Party to establish and amend its domestic tax policies or laws.]

and

[Each Party shall establish national mechanisms for taxes on tobacco consumption to be used for the promotion of healthy lifestyles and the prevention and rehabilitation of damage to health related to the active or passive consumption of tobacco and nicotine addiction.]

and

[These measures must comply with the national interests of the country.]

[Extract from document A/FCTC/INB2/2]

I. Measures related to the supply of tobacco

(Government support for tobacco manufacturing and agriculture)

15. Each Party shall gradually eliminate subsidies for tobacco growing and manufacturing of tobacco products and, in accordance with the means at its disposal and its capabilities, promote alternative economic activities for tobacco workers and growers.

[End of extract]

I. Measures related to the supply of tobacco

{[(Removing (Government support for tobacco manufacturing and agriculture)) /

[(Eliminating subsidies and creating government support for alternative crops)]

{ {15.} [16.] Each Party shall {gradually} / [, within an agreed timeframe,] eliminate {subsidies} [, including tax exemptions and rebates,] [and other mechanisms for financial support on a grant basis] {for} tobacco growing and manufacturing of tobacco products {and, {in accordance with the

means at its disposal and its capabilities,} / [as far as possible,] **promote alternative economic activities {for tobacco workers and growers} }** / [and, with the assistance of major financial institutions (particularly in developing countries), provide practical financial support for tobacco workers and growers, so that they move to other more advantageous forms of agricultural production] / [within a maximum period of five years from the date of the ratification of this Convention and promote alternative economic activities taking into account the recommendations of FAO] . [However, it is a long-term task that needs the technology and cooperation provided by the international community.]}

or

[15. By taking into consideration the economic and social aspects of tobacco growing, each Party shall promote alternative economic activities to substitute for tobacco growing.]

or

[15. Each Party shall promote viable alternative economic activities for tobacco workers and growers, undertaking necessary research into alternative livelihoods and alternative uses for tobacco.]

and/or

[16. Parties undertake to eliminate the support for emerging tobacco growers and expansion of tobacco manufacturing.]

or

[[15.] [16.] Each Party shall [with the support of the international agencies and developed countries,] promote [, within the means at its disposal and its capabilities,] alternative economic activities for tobacco workers and growers [with financial and technical support of donors and relevant international organizations] [to which end developed countries, in particular tobacco producers, and cooperation agencies, in so far as they are able, shall support the Parties that so require with technical and financial resources].]

or

[15. Each Party shall take the necessary action to prevent any increase in the tobacco cultivated area and to reduce it gradually.]

**Textual proposals made at the second meeting of Working Group 2,
Wednesday, 2 May 2001, and later submitted on sections I.1-7,
I.7bis (new), I.13-14, and I.14bis (new) of
document A/FCTC/INB2/2¹**

[Extract from document A/FCTC/INB2/2]

I. Measures related to the supply of tobacco

(Illicit trade in tobacco products)

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling and counterfeiting, is an essential component of tobacco control.

[End of extract]

I. {Measures related to the supply of tobacco [Illicit trade in raw tobacco (non-manufactured), tobacco growing and manufacturing equipment (additives, paper, filters) and tobacco products (cigarettes, cigars, pipe tobacco, hukkah tobacco)]}

(Illicit trade in tobacco products)

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products [and raw leaf tobacco], {including} [in particular]smuggling [, illicit manufacturing]and counterfeiting [and the improvement and harmonization of national legislation to control the illegal trade in tobacco products], is an essential component of tobacco control.

[Extract from document A/FCTC/INB2/2]

2. The Parties agree that measures to this end shall be transparent, non-discriminatory and implemented in accordance with their international obligations.

[End of extract]

¹ Documents A/FCTC/INB2/WG2/Conf.Paper No.1, A/FCTC/INB2/WG2/Conf.Paper No.1 Add.1 and A/FCTC/INB2/WG2/Conf.Paper No.1 Add.2.

2. **The Parties agree that [their] measures to [address illicit trade in tobacco products] / {this end} shall be transparent [,] / [and] non-discriminatory {and implemented in accordance with their [national and] international obligations}.**

[Extract from document A/FCTC/INB2/2]

3. **Each Party shall adopt appropriate measures to ensure that all unit packets or packages of tobacco products and any outside packaging of tobacco products for retail or wholesale use that are sold or manufactured under its jurisdiction:**

(a) **carry a statement indicating the name of the manufacturer, the country of origin, and the product batch-number, including the date of production and expiry;**

(b) **carry the statement: “Sales only allowed in [the country where the product is to be placed on the market].”**

[End of extract]

3. **Each Party shall {adopt} / [take] appropriate measures [in order to prevent and combat smuggling of tobacco products.]{to ensure that {all unit packets or packages of tobacco products [and raw leaf tobacco] and any} / [the] outside packaging of [any] / [all] tobacco products [intended for sale.]{for retail or wholesale use that {are}} / [is produced in conformity with national legislation on consumer information in force in the country in which the tobacco product is sold] / {sold or manufactured {under its jurisdiction} [are hermetically sealed. They should also] [in areas subject to its national legislation] / [in its territory.] [carry a marking in any appropriate manner in order to enable the origin of the product to be identified, to ensure traceability and to enable the place and time of manufacture to be determined such as through the use of approved batch numbering or equivalent.] / [carry a statement indicating the name of the manufacturer and the country of origin, and other statement decided to specify Conference of Parties.]{:}}**

{(a) **carry a statement indicating the name[s] of the manufacturer [and the importer in the importing country], the country of origin, and the product batch {-} [and] number, including the date of production and expiry;**}

{(b) **carry the statement: “Sales only allowed [[] in {[}]the country [subnational, regional or federal unit,] where the product is to be placed on the market{]}” [, ensuring that the information appears in the principal language or languages of the country in which the product is to be placed on the market].}**}

and

[carry a general warning and a health information message, as stipulated in article G.1(d)(iv).]

[Extract from document A/FCTC/INB2/2]

4. Each Party shall adopt appropriate measures to ensure that the packaging information specified in paragraph 3 above shall appear in the principal language or languages of the country in whose territory the product is placed on the market.

[End of extract]

{**4. Each Party shall adopt appropriate measures to ensure that the packaging information specified in paragraph 3 above shall appear in the principal language or languages of the country in whose territory the product is placed on the market** [or that the data is presented in another approved form].}

[Extract from document A/FCTC/INB2/2]

5. Each Party shall undertake the following legislative, executive, and administrative measures in order to prevent and combat illicit trade in tobacco products.

(a) monitoring and collection of data on cross-border trade in tobacco products, including illicit trade;

(b) enactment and/or strengthening of criminal legislation, with appropriate penalties, that prohibits the production of, and trade in counterfeit and contraband cigarettes and other such tobacco products, and taking of appropriate steps to enforce such prohibition;

(c) appropriate steps to ensure that all confiscated counterfeit and contraband cigarettes and other such tobacco products are destroyed.

[End of extract]

{**5. Each Party shall undertake the following [legislative, executive, and administrative measures] in order to prevent and combat illicit trade in tobacco products** [and raw leaf tobacco]:

(a) monitoring and {collection of} / [collecting] data on cross-border trade in tobacco products, including illicit trade [and exchanging information among customs and tax authorities concerned with the trade];

(b) **{{enactment}}** / [enacting]{**and** {/or} **strengthening of**} [severe] / [strict] **{criminal} legislation** { {,} **with** {appropriate}} [providing for [deterrent]] / [harsh] **penalties** {,} **{that prohibits the}}** / [prohibition of] / [prohibiting the] **production of {, and trade in counterfeit and contraband cigarettes and other such tobacco products,}** / [counterfeit tobacco products, trade in contraband tobacco products] [including the prohibition of counterfeiting and initiating the external packaging of such products] **and taking of appropriate steps to enforce such prohibition** [strengthening punitive sanctions for smuggling so that it is no longer profitable];

{(c) appropriate steps to ensure that all confiscated counterfeit {and contraband} cigarettes and other {such} tobacco products are destroyed [using non-polluting methods] / [, and that contraband tobacco products are either destroyed or are placed on the market according to national legislation].}}

or

(a) by establishing data collection mechanisms to ensure that information on the production and subsequent distribution of all tobacco products and raw leaf tobacco, including imports and exports, is collected and analysed;

(b) by enacting legislation and regulatory measures, with appropriate penalties and civil remedies, to prohibit the illicit tobacco trade, including illicit manufacturing, smuggling, counterfeiting, and contraband;

(c) by adopting measures to enable authorities to seize as forfeit contraband tobacco products, including raw leaf tobacco, and other offence-related property, such as tobacco manufacturing equipment and conveyances and to ensure that forfeited tobacco products are destroyed;

(d) by adopting measures to monitor, document and control the distribution and movement of duty-free and tax-free tobacco products, including raw leaf tobacco;

(e) by adopting measures to enable the confiscation of proceeds derived from the commission of criminal offences related to the illicit tobacco trade.]

[Extract from document A/FCTC/INB2/2]

6. The Parties shall strengthen cooperation between different national and international agencies in promoting investigations, judicial prosecutions and proceedings relating to illicit trade in tobacco products. The Parties shall further

cooperate to promote regular exchange of information to prevent such trade pursuant to Annex [INSERT] to this convention.

[End of extract]

{6. [In accordance with their national legislation and their commitments under international treaties, the] **The Parties shall {strengthen cooperation between different national [, regional] and international agencies in promoting investigations, judicial prosecutions and proceedings relating to illicit trade in tobacco products { . The Parties shall further } }[and] cooperate {to promote regular exchange} [in widespread dissemination and promotion of exchanges] of information to prevent such trade pursuant to Annex [INSERT] to this Convention.**}

or

[6. The Parties shall cooperate to promote regular exchange of information to prevent illicit trade pursuant to Annex [TO BE INSERTED] to this Convention. Special emphasis shall be placed on concerted action of cooperation on regional and subregional levels as the most effective prerequisite for combating smuggling and illicit trade of tobacco products.]

[Extract from document A/FCTC/INB2/2]

7. The Conference of the Parties shall initiate the preparation of a protocol setting out appropriate rules and procedures for the elimination of all forms of illicit trade in tobacco products

[End of extract]

{7. **The Conference of the Parties shall [either] initiate [or take forward,] the preparation of a protocol setting out appropriate rules and procedures for the elimination of all forms of illicit trade in tobacco products.**}

and

[Each Party shall prohibit international delivery or sending of tobacco products, and mail order sales and internet sales, unless the delivery or sending is within the tobacco trade.]

[Extract from document A/FCTC/INB2/2]

(Licensing)

13. The Parties recognize that an effective licensing system for retailers of tobacco products is an important mechanism to curb illicit trade in tobacco products and to prevent sales of tobacco products to children and young persons.

[End of extract]

(Licensing)

{**13. The Parties recognize that {an} effective licensing** [or registration] **system[s] for** [[manufacturers,] importers, exporters, distributors and] [wholesalers and] **retailers** [the manufacture, distribution and sale] / [manufacturers, importers and distributors] [or wholesalers] **of** [tobacco or] **tobacco products** [and raw leaf tobacco] [and a ban on sales of individual cigarettes] **{is}** / [can be *one*] / [constitute] **an important mechanism to** [implement tobacco control, including effective means to] **curb illicit trade {in tobacco products} and to prevent** [the] **sales** [and supply] **of tobacco products** [. Licensing of retailers may be useful to prevent sales of tobacco products] **{to {children and} young persons** [under the age of 18] [subject to local conditions] [and is also a means of making thousands of petty retailers in developing countries aware of the fact that tobacco is a product that is very dangerous to health.]}.

[Extract from document A/FCTC/INB2/2]

(Licensing)

14. Each Party shall, to the extent possible within the means at its disposal and its capabilities, adopt legislative, executive and administrative measures to licence all tobacco-product retailers.

[End of extract]

{**14. [(a)] Each Party shall {, {to the extent possible} within the means at its disposal and its capabilities,} adopt** / [take] [the] **legislative, executive and administrative measures to** [exercise efficient control over all tobacco retailers for example by means of a licensing or tax registration system, or provide other means to identify and regulate the retail trade in these products.] **licence {all} tobacco-product {manufacturers, wholesalers and}** / [wholesalers and] **retailers** [manufacturers, wholesalers, importers, exporters and warehouse operators] [to subject the sale of tobacco products to

the licensing of manufacturers wholesalers and retailers] [for all producers and distributors to be suitably licensed] [especially vendors of tobacco products in the street, health institutions / hospitals, rehabilitation centres, etc.].}

[(b) legislation and law enforcement shall be reinforced against illegal retail activities by distributors who, after inspection, did not receive a license, and such sales shall be banned.]

or

[14. The Parties recognize that an effective licensing system is an important mechanism to prevent sales of tobacco products to persons under the age of 18 years.

14.bis Each Party shall adopt legislative, executive and administrative measures to license manufacturers, importers, exporters, distributors and retailers of tobacco products.]

and

[Each Party shall take appropriate and other measures to ensure that the holders of licenses for tobacco products are over the age of 18 years. Each Party shall ensure that part of the licensing system include:

- (i) prohibition of the sale of cigarettes individually or in packets of fewer than 20 cigarettes.
- (ii) impose penalties for sales to persons under the age of 18 years.]

**Textual proposals made in the third meeting of Working Group 2,
Thursday, 3 May, 2001 and later submitted on sections K.1,
K.3, K.4, D.4-5, D.7, D.9-12 (new) and E.3 of
document A/FCTC/INB2/2¹**

[Extract from document A/FCTC/INB2/2]

K. Surveillance, research and exchange of information

1. The Parties shall establish joint or complementary programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption. To the extent possible, the Parties shall integrate tobacco surveillance programmes into national, regional and global health surveillance programmes. To this end, each Party shall, in accordance with the means at its disposal and its capabilities:

- (a) establish, progressively and as appropriate, a national system for the epidemiological surveillance of tobacco consumption, periodically updating economic and health indicators so as to monitor the evolution of the problem and the impact of tobacco consumption control;**
- (b) cooperate with international bodies, including the World Health Organization, in regional and global tobacco surveillance and exchange of information on the indicators specified in Annex [INSERT].**

[End of extract]

K. {Surveillance} [Monitoring], research and exchange of information

1. The Parties {shall} / [should] establish {{joint or complementary} [information sharing] programmes for national{, regional and global} {surveillance / [monitoring]} {of the {magnitude, patterns, determinants and } consequences} of tobacco consumption [including exposure to second-hand smoke]. {{To the extent possible} [Taking into account the means at their disposal and their capabilities], the} / [The] Parties {shall} / [should] [collaborate among themselves, as far as possible, to ensure that] {integrate} [cooperate in their national] tobacco {surveillance} / [monitoring] programmes [are integrated] {into national{, regional and global} health surveillance programmes} [so that data are comparable and can be analysed at the regional and global level, as appropriate]. To this end, each Party shall, {in accordance with the means at its disposal and its capabilities} [with the cooperation of international organizations]}:

¹ Document A/FCTC/INB2/WG2/Conf.Paper No.3.

(a) **establish** [and maintain] {[, **progressively and as appropriate,**] **a**} / [an on-going] **national system for the epidemiological {surveillance}** / [monitoring] **of [smoking,] tobacco consumption** [and its sequelae] [and dependence, nicotine addiction, harm to health linked to tobacco consumption and which increases global morbidity and mortality] [and exposure to second-hand smoke] {, [if required,] **periodically updating** [national] [socio-]**economic and health indicators**[,] **so as to monitor the evolution of the problem and the impact of tobacco consumption control**} [measures] [and must include:] {;}

(i) periodic update of economic indicators to include loss of productivity;

(ii) periodic update of health indicators to include evaluations of public health communication campaign.]

{(b) cooperate with international bodies, including the World Health Organization, in regional and global tobacco {surveillance} / [monitoring][,] and exchange of information [including] on the [common] indicators specified in Annex [INSERT].}

or

(b) define the epidemiological surveillance system and set down the minimum epidemiological indicators for systematic analysis of the national, regional and global situation and trends in tobacco use, smoking, nicotine addiction and tobacco dependence, and other kinds of harm to health that scientific evidence has shown to be linked to tobacco consumption. The epidemiological surveillance system and indicators shall be defined in a protocol, which will not hinder countries from monitoring any other aspect of national interest not included in the former.]

and

[the Conference of the Parties shall determine indicators for different determinants of tobacco consumption and means of tobacco control, and a comparative report shall be submitted at each regular session.]

and

[promote and strengthen, with support from the international organizations, the training and preparation of multidisciplinary teams to gradually develop surveillance systems, research and programmes of intervention and control for tobacco control.]

[Extract from document A/FCTC/INB2/2]

3. The Parties shall facilitate the exchange of information, taking into account the special needs of developing countries. To this end, the Parties, in accordance with their national legislation and without prejudice to their obligations under other applicable international agreements, shall, within the framework of the Conference of the Parties and bilaterally, promote and cooperate in the full, open and prompt exchange of scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry, relevant to this Convention. Each Party shall, in accordance with the means at its disposal and its capabilities:

- (a) compile and maintain a database of national and subnational laws and regulations on tobacco control and enforcement, and cooperate in the development of complementary programmes for national, regional and global tobacco control;**
- (b) compile and maintain a base of data from national surveillance programmes in accordance with Article [INSERT] above.**

[End of extract]

{**3. The Parties shall** [promote and] {**facilitate {the}** [full, open and continuous] **exchange of {information}** }, [in accordance with their domestic legislation and] {**taking into account the special needs of developing countries** [, and also other countries needing assistance] [facilitate through the Secretariat of the Convention] {**. To this end, the Parties, in accordance with their national legislation** [, where appropriate] **and without prejudice to their obligations under other applicable international agreements, shall, within the framework of the Conference of the Parties {and bilaterally}** }, } **promote and cooperate in the full, open and prompt** [the] [exchange of [publicly available]] **scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry** [and cultivation], **relevant to this Convention.** [The exchange of such information among the Parties shall proceed in accordance with their national legislation and taking into account the special needs of developing countries. To this end, each] / {**Each** } **Party shall {, in accordance with the means at its disposal and its capabilities}** :

or

[3. Each Party should endeavour to foster, in accordance with its national laws and regulations, practices, and international obligations, and taking particular account of the needs of developing countries, to promote and facilitate the exchange of information relevant to this convention;]

(a) **compile and maintain a**[n updated] **database of { national {and subnational} }**
[domestic] **laws and regulations on tobacco control and enforcement, and cooperate in the
development of complementary programmes for national, regional and global tobacco
control;**

{(b) **compile and maintain a**[n updated] **{ base of data } / [database] from national
{surveillance} / [monitoring] [, control and prevention] programmes in accordance with
Article [INSERT] above.}}**

[Extract from document A/FCTC/INB2/2]

4. Information to be exchanged pursuant to Article [INSERT] above shall be provided to the Conference of the Parties.

[End of extract]

{4. [Regional and international health organizations shall provide technical and financial support for developing countries to fulfil their commitments on information exchange, especially the establishment and maintenance of the database. 5.] **Information to be exchanged pursuant to Article [INSERT] above shall be [determined by and] provided to the Conference of the Parties.**}

[Extract from document A/FCTC/INB2/2]

D. Guiding principles

4. The importance of financial assistance to aid the economic transition of tobacco growers and workers that may be displaced as a future consequence of successful tobacco-control programmes should be recognized.

[End of extract]

D. Guiding principles

{4. **{The importance}** [is recognized] [Creation of a fund to provide] [assuring] / [providing special] **of [national and/or] [international] {financial} [and] [technical] [government] assistance** [(including technical and financial cooperation and support)] / [including the creation of a Global Fund mechanism,] / [through international cooperation,] **to [enable and] {{aid} / [facilitate] the {economic} transition of** [meet the negative social and economic consequences for] [encourage] **{{tobacco} growers and workers {{that} / [who] may {be displaced as a} [occur in the] future**

[as **consequence of**] { **successful** } [to undertake alternative activities within the framework of] **tobacco{-}control** **programmes** [for the control of tobacco consumption and for the development of public health actions for the effective implementation of this Convention]] [persons engaged in tobacco farming and manufacture of tobacco products,] [, particularly in the developing countries] / [[in the developing countries,] ,especially in the least developed countries] [,] { **should be recognized** } [and taken into account] [, with policies for the absorption of labour in alternative or other activities, depending on regional requirements] [and to finance young people who agree to give up the tobacco trade]. [It will be better to organize “global agro lobby” to aid economic transition of tobacco growers, as World Bank, etc.] [Developed industrialized countries have a responsibility to aid the economic transition of tobacco-dependent economies to other equally viable alternatives through the provision of adequate financial and technical assistance as well as access to markets and appropriate technology.]]

or

[4. It is imperative that the necessary financial and technical support be provided to assist with the political, social, economic, and cultural transition brought about by the decline in all aspects of the tobacco industry in the domestic setting.]

[Extract from document A/FCTC/INB2/2]

5. Tobacco-control measures should not constitute a means of arbitrary or unjustifiable discrimination in international trade.

[End of extract]

{ **5. Tobacco-control measures** [taken to protect human health] { **should not** { **constitute** } / [be deemed as constituting] **a means of arbitrary or unjustifiable discrimination in** } [must take into account the rules of] **international trade.** }

or

[5. Priority should be given to public health protection when tobacco-control measures [provided for in this Convention] are examined for compatibility with other international agreements]

or

[5.

- (i) the Parties agree to [take] all necessary measures to ensure that no person acting on their behalf shall attempt to:

- (a) remove, weaken, undermine or otherwise interfere with tobacco control measures in force or under consideration in another state; or
 - (b) promote tobacco exports or tobacco use in another state.
- (ii) in the event of a conflict between this Convention or any of its protocols and any other international agreement[s], this Convention and its protocols shall prevail. [It is scientifically certain that tobacco causes many diseases that result in needless disability and early death. Lack of full scientific certainty regarding the efficacy of specific tobacco control measures shall not be used as a reason for postponing measures to control tobacco or for challenging such measures taken by other states.] Lack of full scientific certainty regarding the efficacy of specific tobacco control measures shall not be used as a reason for postponing measures to control tobacco or for challenging such measures taken by other states.]

[Extract from document A/FCTC/INB2/2]

7. The participation of all elements of civil society is essential in achieving the objective of this Convention.

[End of extract]

7. **The** [responsible support and] [active] [Parties shall stimulate and take account] / [Parties undertake to promote the active and responsible] / [Member States shall facilitate the] **{participation}** **{of all {elements}** / [members] / [sectors] / [parts]} [, i.e. of governments, tobacco-growing companies and] **of civil society** [, with the exception of tobacco manufacturers,] [and nongovernmental organizations together with international organizations] [particularly the business sector] [including the nongovernmental organizations in the implementation of this Convention as this] **{is}** / [are] [as an] **essential** [factor for] / [element] **{in} achieving {the}** / [its] **{objective}** [goal] [and fulfilling the basic principles] **{of this Convention}**.

[Extract from document A/FCTC/INB2/2]

D. Guiding principles

[End of extract]

[9. Developed/Industrialized countries undertake to aid the economic transition of tobacco dependent economies to other economically viable alternatives through the provision of adequate financial and technical assistance as well as access to markets and appropriate technology.

10. The provision of political will and commitment by Member State parties in their highest possible offices is of utmost importance in ensuring the success of the objectives of this Convention.
11. Parties are urged to develop and implement in their respective countries an evaluation system to enable them to monitor the tobacco industry in order to improve health information relating to cardiovascular diseases, efficiency and efficacy of action undertaken in the fields of information, education, communication, economic and legislative measures.
12. Parties are urged to create within their respective countries intersectoral consultative bodies with the task of coordinating actions of various governmental and nongovernmental organizations.]

[Extract from document A/FCTC/INB2/2]

E. General obligations

3. The Parties shall undertake to adopt legislative, executive and administrative measures to regulate and to prohibit the export of tobacco products that do not conform to the exporting country's own domestic standards.

[End of extract]

E. General obligations

{3. [[]The Parties shall undertake [gradually and regularly] **to adopt legislative, executive and administrative measures to {regulate and to prohibit the}** [ensure that] **export**[ed] [and packaging] **{of} tobacco products** [intended for human consumption that involve the risk of tobacco dependence and] **{that{: (a)} do not} conform** [either] **to the {exporting}** / [manufacturing] **country's own domestic standards** [, the importing country's domestic standards or the standards laid down in accordance with this Convention, whichever assures the highest level of public health protection. Transitional periods to allow for specific manufacturing situations may be envisaged] [, provided that the export would not be in conflict with the laws of the importing country; and (b) that do not conform to the standards of the importing country].[]]}

or

[3.bis The Parties shall adopt and ensure satisfactory implementation of measures to protect public health policy from undue interference by tobacco companies, their subsidiaries and affiliated parties.]

= = =