



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

FCTC/COP/3/REC/1

**CONFERENCE OF THE PARTIES
TO THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**

Third session

DURBAN, SOUTH AFRICA, 17–22 NOVEMBER 2008

**DECISIONS AND
ANCILLARY DOCUMENTS**

GENEVA
2009



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PREFACE

This section of the proceedings of the third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control contains the decisions, list of participants and ancillary documents.

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¹ Adopted at the first plenary meeting.

- 4.5 Elaboration of guidelines for implementation of Article 12 of the Convention (decision FCTC/COP2(14)) Progress report of the working group

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THIRD CONFERENCE OF THE PARTIES

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FCTC/COP/3/DIV/3	Decisions

**OFFICERS OF THE CONFERENCE OF THE PARTIES
TO THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**

President

Dr HATAI CHITANONDH (Thailand)

Vice-Presidents

Dr A. BLOOMFIELD (New Zealand)
Ambassador C. LASSMANN (Austria)
Dr H. QOTBA (Qatar)
Ambassador A. ARTUCIO (Uruguay)
Ms N. DLADLA (South Africa)

Committee A

Chairperson: Mr S. SHAKERIAN (Islamic Republic of Iran)
Vice-Chairpersons: Dr G. MALEFOASI (Solomon Islands)
Dr M.E. ANIBUEZE (Nigeria)

Committee B

Chairperson: Mr M. RAJALA (European Community)
Vice-Chairpersons: Mr A. AFAAL (Maldives)
Ms C. VIANNA (Brazil)

DECISIONS

FCTC/COP3(1) Adoption of the agenda and organization of work

The Conference of the Parties,

1. **ADOPTED** the provisional agenda prepared by the Convention Secretariat;
2. **AGREED** that the Conference of the Parties would, following the practice of the first two sessions of the Conference of the Parties, establish two committees to work in parallel;
3. **DECIDED**, following the practice of the first two sessions of the Conference of the Parties, and in order to ensure regional representation, that each committee would have a chairperson and two vice-chairpersons as its officers.

(First plenary meeting, 17 November 2008)

FCTC/COP3(2) Credentials of the Parties

The Conference of the Parties **RECOGNIZED** the validity of the credentials of the representatives of the following Parties: Albania, Angola, Armenia, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo, Cook Islands, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, European Community, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Mongolia, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nigeria, Niue, Norway, Oman, Palau, Panama, Paraguay, Peru, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Yemen and Zambia.

The representatives of the following Parties were entitled to participate provisionally in the session with all rights in the Conference, pending arrival of their formal credentials: Algeria, Barbados, Botswana, Canada, Colombia, Costa Rica, Egypt, Estonia, Finland, Italy, Kyrgyzstan, Mauritius, Netherlands, Pakistan, Papua New Guinea, Philippines, Qatar, Saint Lucia, Spain, Syrian Arab Republic and Tonga.

(Third and fourth plenary meetings, 19 and 22 November 2008)

**FCTC/COP3(3) Application of international intergovernmental organizations for
observer status to the Conference of the Parties**

The Conference of the Parties DECIDED, pursuant to Rule 30 of its Rules of Procedure, to approve the applications for observer status submitted to the Convention Secretariat by the following three international intergovernmental organizations:

- Caribbean Community (CARICOM) Secretariat
- Common Market of the South (MERCOSUR)
- International Telecommunication Union (ITU).

(First plenary meeting, 17 November 2008)

**FCTC/COP3(4) Application of nongovernmental organizations for observer status
to the Conference of the Parties**

The Conference of the Parties DECIDED, in accordance with Rule 31.2 of its Rules of Procedure and decision FCTC/COP2(6), to approve the application for observer status submitted to the Secretariat by the following international nongovernmental organization:

- International Federation of Pharmaceutical Manufacturers and Associations.

(First plenary meeting, 17 November 2008)

FCTC/COP3(5) Election of the officers of Committees A and B

The following officers were elected to Committees A and B:

Committee A:	Chairperson	Mr S. Shakerian (Islamic Republic of Iran)
	Vice-Chairpersons	Dr G. Malefosasi (Solomon Islands)
		Dr M. Anibueze (Nigeria)
Committee B:	Chairperson	Mr M. Rajala (European Community)
	Vice-Chairpersons	Mr A. Afaal (Maldives)
		Ms C. Vianna (Brazil)

(Second plenary meeting, 20 November 2008)

FCTC/COP3(6) Elaboration of a protocol on illicit trade in tobacco products

The Conference of the Parties,

Recalling its decision FCTC/COP2(12);

Taking note of the report of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products contained in document FCTC/COP/3/4;

Acknowledging in particular the requests made by the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products concerning the continuation of its work, including intersessional activities,

DECIDED:

- (1) that the third session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products shall be held from 28 June to 5 July 2009 in Geneva;
- (2) that the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products may decide to hold a fourth session in 2010, if necessary, for the purpose of submitting the text of a draft protocol on illicit trade in tobacco products to the fourth session of the Conference of the Parties, with the date and venue to be decided by the Bureau of the Conference of the Parties;
- (3) that the second term of the officers of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, in accordance with Rule 28.1 of the Rules of Procedure of the Conference of the Parties, shall include the sessions of the Intergovernmental Negotiating Body to be held between the third and fourth sessions of the Conference of the Parties;
- (4) to agree with the proposal of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, that regional consultation meetings be held before the third session;
- (5) to encourage Parties to provide extrabudgetary contributions to enable the Convention Secretariat to organize expert reviews and regional consultation meetings and to extend the third session from six, as currently budgeted, to eight working days;
- (6) to request the Convention Secretariat:
 - (a) to make the necessary arrangements, including budgetary arrangements, for the performance of the work of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, noting also that the activities referred to in paragraph (5) of this decision would be delivered subject to the priorities established by the Conference of the Parties;
 - (b) to facilitate the participation of low-income and lower-middle-income Parties in the work of Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(7) Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control

The Conference of the Parties,

Taking into account Article 5.3 of the WHO Framework Convention on Tobacco Control;

Emphasizing that the guidelines for implementation of Article 5.3 are designed to assist Parties in setting and implementing public health policies with respect to tobacco control and in protecting these policies from commercial and other vested interests of the tobacco industry,

ADOPTED the guidelines for implementation of Article 5.3 of the Convention contained in the Annex to this decision.

ANNEX

Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry

INTRODUCTION

1. World Health Assembly resolution WHA54.18 on transparency in tobacco control process, citing the findings of the Committee of Experts on Tobacco Industry Documents, states that “the tobacco industry has operated for years with the express intention of subverting the role of governments and of WHO in implementing public health policies to combat the tobacco epidemic”.
2. The Preamble of the WHO Framework Convention on Tobacco Control recognized the Parties’¹ “need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts”.
3. Further, Article 5.3 of the Convention requires that “in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”.
4. The Conference of the Parties, in decision FCTC/COP2(14), established a working group to elaborate guidelines for implementation of Article 5.3 of the Convention.
5. Without prejudice to the sovereign right of the Parties to determine and establish their tobacco control policies, Parties are encouraged to implement these guidelines to the extent possible in accordance with their national law.

Purpose, scope and applicability

6. Use of the guidelines for implementation of Article 5.3 of the Convention will have an overarching impact on countries’ tobacco control policies and on implementation of the Convention, because the guidelines recognize that tobacco industry interference, including that from the State-owned tobacco industry, cuts across a number of tobacco control policy areas, as stated in the Preamble of the Convention, articles referring to specific tobacco control policies and the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.
7. The purpose of these guidelines is to ensure that efforts to protect tobacco control from commercial and other vested interests of the tobacco industry are comprehensive and effective. Parties should implement measures in all branches of government that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control.

¹ “The term ‘Parties’ refers to States and other entities with treaty-making capacity which have expressed their consent to be bound by a treaty and where the treaty is in force for such States and entities.” (Source: United Nations Treaty Collections: <http://untreaty.un.org/English/guide.asp#signatories>).

8. The aim of these guidelines is to assist Parties¹ in meeting their legal obligations under Article 5.3 of the Convention. The guidelines draw on the best available scientific evidence and the experience of Parties in addressing tobacco industry interference.

9. The guidelines apply to setting and implementing Parties' public health policies with respect to tobacco control. They also apply to persons, bodies or entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of those policies.

10. The guidelines are applicable to government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf. Any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests should be accountable.

11. The broad array of strategies and tactics used by the tobacco industry to interfere with the setting and implementing of tobacco control measures, such as those that Parties to the Convention are required to implement, is documented by a vast body of evidence. The measures recommended in these guidelines aim at protecting against interference not only by the tobacco industry but also, as appropriate, by organizations and individuals that work to further the interests of the tobacco industry.

12. While the measures recommended in these guidelines should be applied by Parties as broadly as necessary, in order best to achieve the objectives of Article 5.3 of the Convention, Parties are strongly urged to implement measures beyond those recommended in these guidelines when adapting them to their specific circumstances.

GUIDING PRINCIPLES

Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.

13. The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.

14. Parties should ensure that any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent.

Principle 3: Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.

15. The tobacco industry should be required to provide Parties with information for effective implementation of these guidelines.

¹ Where appropriate, these guidelines also refer to regional economic integration organizations.

Principle 4: Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.

16. Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy.

RECOMMENDATIONS

17. The following important activities are recommended for addressing tobacco industry interference in public health policies:

- (1) Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.
- (2) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.
- (3) Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.
- (4) Avoid conflicts of interest for government officials and employees.
- (5) Require that information provided by the tobacco industry be transparent and accurate.
- (6) Denormalize and, to the extent possible, regulate activities described as "socially responsible" by the tobacco industry, including but not limited to activities described as "corporate social responsibility".
- (7) Do not give preferential treatment to the tobacco industry.
- (8) Treat State-owned tobacco industry in the same way as any other tobacco industry.

18. Agreed measures for protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry are listed below. Parties are encouraged to implement measures beyond those provided for by these guidelines, and nothing in these guidelines shall prevent a Party from imposing stricter requirements that are consistent with these recommendations.

- (1) **Raise awareness about the addictive and harmful nature of tobacco products and about tobacco industry interference with Parties' tobacco control policies.**

19. All branches of government and the public need knowledge and awareness about past and present interference by the tobacco industry in setting and implementing public health policies with respect to tobacco control. Such interference requires specific action for successful implementation of the whole Framework Convention.

Recommendations

1.1 Parties should, in consideration of Article 12 of the Convention, inform and educate all branches of government and the public about the addictive and harmful nature of tobacco products, the need to protect public health policies for tobacco control from commercial and

other vested interests of the tobacco industry and the strategies and tactics used by the tobacco industry to interfere with the setting and implementation of public health policies with respect to tobacco control.

1.2 Parties should, in addition, raise awareness about the tobacco industry's practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry.

(2) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.

20. In setting and implementing public health policies with respect to tobacco control, any necessary interaction with the tobacco industry should be carried out by Parties in such a way as to avoid the creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction. In the event the tobacco industry engages in any conduct that may create such a perception, Parties should act to prevent or correct this perception.

Recommendations

2.1 Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.

2.2 Where interactions with the tobacco industry are necessary, Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.

(3) Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.

21. The tobacco industry should not be a partner in any initiative linked to setting or implementing public health policies, given that its interests are in direct conflict with the goals of public health.

Recommendations

3.1 Parties should not accept, support or endorse partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.

3.2 Parties should not accept, support or endorse the tobacco industry organizing, promoting, participating in, or performing, youth, public education or any initiatives that are directly or indirectly related to tobacco control.

3.3 Parties should not accept, support or endorse any voluntary code of conduct or instrument drafted by the tobacco industry that is offered as a substitute for legally enforceable tobacco control measures.

3.4 Parties should not accept, support or endorse any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.

(4) Avoid conflicts of interest for government officials and employees.

22. The involvement of organizations or individuals with commercial or vested interests in the tobacco industry in public health policies with respect to tobacco control is most likely to have a negative effect. Clear rules regarding conflicts of interest for government officials and employees working in tobacco control are important means for protecting such policies from interference by the tobacco industry.

23. Payments, gifts and services, monetary or in-kind, and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest. Conflicting interests are created even if a promise of favourable consideration is not given in exchange, as the potential exists for personal interest to influence official responsibilities as recognized in the International Code of Conduct for Public Officials adopted by the United Nations General Assembly and by several governmental and regional economic integration organizations.

Recommendations

4.1 Parties should mandate a policy on the disclosure and management of conflicts of interest that applies to all persons involved in setting and implementing public health policies with respect to tobacco control, including government officials, employees, consultants and contractors.

4.2 Parties should formulate, adopt and implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry.

4.3 Parties should not award contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers who have conflicts of interest with established tobacco control policies.

4.4 Parties should develop clear policies that require public office holders who have or have had a role in setting and implementing public health policies with respect to tobacco control to inform their institutions about any intention to engage in an occupational activity within the tobacco industry, whether gainful or not, within a specified period of time after leaving service.

4.5 Parties should develop clear policies that require applicants for public office positions which have a role in setting and implementing public health policies with respect to tobacco control to declare any current or previous occupational activity with any tobacco industry whether gainful or not.

4.6 Parties should require government officials to declare and divest themselves of direct interests in the tobacco industry.

4.7 Government institutions and their bodies should not have any financial interest in the tobacco industry, unless they are responsible for managing a Party's ownership interest in a State-owned tobacco industry.

4.8 Parties should not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.

4.9 Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the Conference of the

Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.

4.10 Parties should not allow any official or employee of government or of any semi/quasi-governmental body to accept payments, gifts or services, monetary or in-kind, from the tobacco industry.

4.11 Taking into account national law and constitutional principles, Parties should have effective measures to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns, or to require full disclosure of such contributions.

(5) Require that information provided by the tobacco industry be transparent and accurate.

24. To take effective measures preventing interference of the tobacco industry with public health policies, Parties need information about its activities and practices, thus ensuring that the industry operates in a transparent manner. Article 12 of the Convention requires Parties to promote public access to such information in accordance with national law.

25. Article 20.4 of the Convention requires, inter alia, Parties to promote and facilitate exchanges of information about tobacco industry practices and the cultivation of tobacco. In accordance with Article 20.4(c) of the Convention, each Party should endeavour to cooperate with competent international organizations to establish progressively and maintain a global system to regularly collect and disseminate information on tobacco production and manufacture and activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

Recommendations

5.1 Parties should introduce and apply measures to ensure that all operations and activities of the tobacco industry are transparent.¹

5.2 Parties should require the tobacco industry and those working to further its interests to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities not prohibited or not yet prohibited under Article 13 of the Convention.¹

5.3 Parties should require rules for the disclosure or registration of the tobacco industry entities, affiliated organizations and individuals acting on their behalf, including lobbyists.

5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.

5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.

¹ Without prejudice to trade secrets or confidential information protected by law.

- (6) Denormalize and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”.**

26. The tobacco industry conducts activities described as socially responsible to distance its image from the lethal nature of the product it produces and sells or to interfere with the setting and implementation of public health policies. Activities that are described as “socially responsible” by the tobacco industry, aiming at the promotion of tobacco consumption, is a marketing as well as a public relations strategy that falls within the Convention’s definition of advertising, promotion and sponsorship.

27. The corporate social responsibility of the tobacco industry is, according to WHO,¹ an inherent contradiction, as industry’s core functions are in conflict with the goals of public health policies with respect to tobacco control.

Recommendations

6.1 Parties should ensure that all branches of government and the public are informed and made aware of the true purpose and scope of activities described as socially responsible performed by the tobacco industry.

6.2 Parties should not endorse, support, form partnerships with or participate in activities of the tobacco industry described as socially responsible.

6.3 Parties should not allow public disclosure by the tobacco industry or any other person acting on its behalf of activities described as socially responsible or of the expenditures made for these activities, except when legally required to report on such expenditures, such as in an annual report.²

6.4 Parties should not allow acceptance by any branch of government or the public sector of political, social, financial, educational, community or other contributions from the tobacco industry or from those working to further its interests, except for compensations due to legal settlements or mandated by law or legally binding and enforceable agreements.

- (7) Do not give preferential treatment to the tobacco industry.**

28. Some governments encourage investments by the tobacco industry, even to the extent of subsidizing them with financial incentives, such as providing partial or complete exemption from taxes otherwise mandated by law.

29. Without prejudice to their sovereign right to determine and establish their economic, financial and taxation policies, Parties should respect their commitments for tobacco control.

¹ WHO. *Tobacco industry and corporate social responsibility – an inherent contradiction*. Geneva, World Health Organization, 2004.

² The guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control address this subject from the perspective of tobacco advertising, promotion and sponsorship.

Recommendations

7.1 Parties should not grant incentives, privileges or benefits to the tobacco industry to establish or run their businesses.

7.2 Parties that do not have a State-owned tobacco industry should not invest in the tobacco industry and related ventures. Parties with a State-owned tobacco industry should ensure that any investment in the tobacco industry does not prevent them from fully implementing the WHO Framework Convention on Tobacco Control.

7.3 Parties should not provide any preferential tax exemption to the tobacco industry.

(8) Treat State-owned tobacco industry in the same way as any other tobacco industry.

30. Tobacco industry can be government-owned, non-government-owned or a combination thereof. These guidelines apply to all tobacco industry, regardless of its ownership.

Recommendations

8.1 Parties should ensure that State-owned tobacco industry is treated in the same way as any other member of the tobacco industry in respect of setting and implementing tobacco control policy.

8.2 Parties should ensure that the setting and implementing of tobacco control policy are separated from overseeing or managing tobacco industry.

8.3 Parties should ensure that representatives of State-owned tobacco industry does not form part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.

ENFORCEMENT AND MONITORING**Enforcement**

31. Parties should put in place enforcement mechanisms or, to the extent possible, use existing enforcement mechanisms to meet their obligations under Article 5.3 of the Convention and these guidelines.

Monitoring implementation of Article 5.3 of the Convention and of these guidelines

32. Monitoring implementation of Article 5.3 of the Convention and of these guidelines is essential for ensuring the introduction and implementation of efficient tobacco control policies. This should also involve monitoring the tobacco industry, for which existing models and resources should be used, such as the database on tobacco industry monitoring of the WHO Tobacco Free Initiative.

33. Nongovernmental organizations and other members of civil society not affiliated with the tobacco industry could play an essential role in monitoring the activities of the tobacco industry.

34. Codes of conduct or staff regulations for all branches of governments should include a “whistleblower function”, with adequate protection of whistleblowers. In addition, Parties should be

encouraged to use and enforce mechanisms to ensure compliance with these guidelines, such as the possibility of bringing an action to court, and to use complaint procedures such as an ombudsman system.

INTERNATIONAL COLLABORATION AND UPDATING AND REVISION OF THE GUIDELINES

35. International cooperation is essential for making progress in preventing interference by the tobacco industry with the formulation of public health policies on tobacco control. Article 20.4 of the Convention provides the basis for collecting and exchanging knowledge and experience with respect to tobacco industry practices, taking into account and addressing the special needs of developing country Parties and Parties with economies in transition.

36. Efforts have already been made to coordinate the collection and dissemination of national and international experience with regard to the strategies and tactics used by the tobacco industry and to the monitoring of tobacco industry activities. Parties would benefit from sharing legal and strategic expertise for countering tobacco industry strategies. Article 21.4 of the Convention provides that information exchange should be subject to national laws regarding confidentiality and privacy.

Recommendations

37. As the strategies and tactics used by the tobacco industry evolve constantly, these guidelines should be reviewed and revised periodically to ensure that they continue to provide effective guidance to Parties on protecting their public health policies on tobacco control from tobacco industry interference.

38. Parties reporting via the existing reporting instrument of the Framework Convention should provide information on tobacco production and manufacture and the activities of the tobacco industry that affect the Convention or national tobacco control activities. To facilitate this exchange, the Convention Secretariat should ensure that the principal provisions of these guidelines are reflected in the next phases of the reporting instrument, which the Conference of the Parties will gradually adopt for use by Parties.

39. In view of the paramount importance of preventing tobacco industry interference in any public health policy with respect to tobacco control, the Conference of the Parties may, in the light of experience with implementing these guidelines, consider whether there is a need to elaborate a protocol in relation to Article 5.3 of the Convention.

USEFUL SOURCES OF INFORMATION

Relevant literature

Brandt AM. *The cigarette century. The rise, fall, and deadly persistence of the product that defined America*. New York, Basic Books, 2007.

Chapman S. *Making smoking history. Public health advocacy and tobacco control*. Oxford, Blackwell Publishing, 2007.

Callard C, Thompson D, Collishaw N. *Curing the addiction to profits: a supply-side approach to phasing out tobacco*. Ottawa, Canadian Centre for Policy Alternatives and Physicians for a Smoke-free Canada, 2005.

Feldman EA, Bayer R (Editors). *Unfiltered: conflicts over tobacco policy and public health*. Boston, Harvard University Press, 2004.

Gilmore A et al. Continuing influence of tobacco industry in Germany. *Lancet*, 2002, 360:1255.

Hastings G, Angus K. *The influence of the tobacco industry on European tobacco control policy*. In: *Tobacco or health in the European Union. Past, present and future*. Luxembourg, Office for Official Publications of the European Commission, 2004:195–225.

Lavack A. *Tobacco industry denormalization campaigns: a review and evaluation*. Ottawa, Health Canada, 2001.

Mahood G. *Tobacco industry denormalization. Telling the truth about the tobacco industry's role in the tobacco epidemic*. Toronto, Campaign for Tobacco Industry Denormalization, 2004.

Pan American Health Organization. *Profits over people. Tobacco industry activities to market cigarettes and undermine public health in Latin America and the Caribbean*. Washington DC, Pan American Health Organization, 2002.

Simpson D. Germany: still sleeping with the enemy. *Tobacco Control*, 2003, 12:343–344.

Hammond R, Rowell A. *Trust us. We're the tobacco industry*. Baltimore, Johns Hopkins University Press, 2001.

World Health Organization. *Tobacco company strategies to undermine tobacco control activities at the World Health Organization*. Geneva, World Health Organization, 2000.

World Health Organization. *Tobacco industry and corporate social responsibility – an inherent contradiction*. Geneva, World Health Organization, 2004.

Yach D, Bialous S. Junking science to promote tobacco. *American Journal of Public Health*, 2001, 91:1745–1748.

Web resources

WHO sites:

Tobacco Free Initiative: <http://www.who.int/tobacco/en/>

WHO publications on tobacco: <http://www.who.int/tobacco/resources/publications/en/>

WHO European Regional Office:
<http://www.euro.who.int/healthtopics/HT2ndLv1Page?HTCode=smoking>

Tobacco control in the Americas (in English and Spanish):
<http://www.paho.org/english/ad/sde/ra/Tobabout.htm>

Sites with general, regional or national information and topics related to tobacco control:

Action on Smoking and Health, UK (and special page for the tobacco industry):
http://www.newash.org.uk/ash_r3iitasl.htm

Corporate Accountability International and the Network for Accountability of Tobacco Transnationals:
www.stopcorporateabuse.org

Economics of tobacco control: <http://www1.worldbank.org/tobacco/>

European Commission:
http://ec.europa.eu/health/ph_determinants/life_style/Tobacco/tobacco_en.htm

European Network for Smoking Prevention: <http://www.ensp.org/>

Framework Convention Alliance for Tobacco Control: <http://www.fctc.org/>

International Union for Health Promotion and Education: <http://www.iuhpe.org/?page=18&lang=en>

Model Legislation for Tobacco Control manual:
http://www.iuhpe.org/?lang=en&page=publications_report2

Tobacco industry: http://tobacco.health.usyd.edu.au/site/supersite/links/docs/tobacco_ind.htm

Smokefree Partnership: <http://www.smokefreepartnership.eu/>

Thailand Health Promotion Institute: <http://www.thpinhf.org/>

Tobaccopedia: the online tobacco encyclopaedia: <http://www.tobaccopedia.org/>

More links to tobacco sites:

Various international and national tobacco control web sites:
<http://www.tobacco.org/resources/general/tobsites.html>

National tobacco control web sites:
<http://www.smokefreepartnership.eu/National-Tobacco-Control-websites>

Centre de ressources anti-tabac: <http://www.tabac-info.net/>

Comité National Contre le Tabagisme (France): <http://www.cnct.org>

Office Français de Prévention du Tabagisme: <http://www.ofp-asso.fr/>

Latest news on smoking and tobacco control: <http://www.globalink.org/news/fr>

Ministère de la santé, de la jeunesse et des sports: <http://www.sante.gouv.fr/>

Latest news on smoking and tobacco control: <http://www.globalink.org/news/es>

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(8) Elaboration of a technical report on price and tax policies (in relation to Article 6 (*Price and tax measures to reduce the demand for tobacco*))

The Conference of the Parties,

Recalling Article 6 (*Price and tax measures to reduce the demand for tobacco*) of the WHO Framework Convention on Tobacco Control, under which the Parties recognize that price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons,

DECIDED to invite WHO's Tobacco Free Initiative, through the Convention Secretariat, to develop a comprehensive technical report relating to price and tax policies, based on expert advice, for presentation to the fourth session of the Conference of the Parties.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(9) Elaboration of guidelines for implementation of Articles 9 and 10 (*Regulation of the contents of tobacco products and Regulation of tobacco product disclosures*)

The Conference of the Parties,

Recalling its decisions FCTC/COP1(15) and FCTC/COP2(14) on the elaboration of guidelines for implementation of Articles 9 (*Regulation of the contents of tobacco products*) and 10 (*Regulation of tobacco product disclosures*) of the WHO Framework Convention on Tobacco Control;

Noting the information contained in the report of the working group to the third session of the Conference of the Parties on the progress of its work.¹

1. DECIDED to mandate the working group to:
 - (1) continue its work, elaborating guidelines in a step-by-step process, and to submit a first set of draft guidelines to the Conference of the Parties for consideration at its fourth session;
 - (2) continue to monitor the areas set out in its previous progress report,² which include dependence liability and toxicology;
 - (3) continue to examine the challenges and potential approaches to setting up a global data repository;
2. REQUESTED the Convention Secretariat to invite WHO's Tobacco Free Initiative to undertake the following work:
 - (1) submit a report for consideration by the Conference of the Parties at its fourth session which:

¹ Document FCTC/COP/3/6.

² Document A/FCTC/COP/2/8.

- (a) identifies best practices in reporting to regulators as regards contents, emissions and product characteristics, including electronic systems;
- (b) identifies best practices in informing the public;
- (c) collects information on legal cases and analyses the legal issues related to tobacco product disclosures;

(2) validate, within five years, the analytical chemical methods for testing and measuring the cigarette contents and emissions identified as priorities in the progress report of the working group,¹ using the two smoking regimens set out in paragraph 18 of that report, and inform the Conference of the Parties through the Convention Secretariat on a regular basis of the progress made;

(3) monitor scientific progress; when appropriate, design and validate methods for testing and measuring the product characteristics identified in paragraph 33 of the progress report of the working group; and inform the Conference of the Parties, through the Convention Secretariat, on a regular basis of the progress made;

3. ALSO DECIDED, in accordance with decision FCTC/COP2(14):

(1) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to complete its work, and to ensure, in consultation with the Bureau, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the draft guidelines to the Conference of the Parties;

(2) to adopt the timeline set out below:

Make the draft guidelines, as requested, accessible by the Parties for their comments	At least six months before the fourth session of the Conference of the Parties
Submission to the Convention Secretariat for editing and translation	At least three months before the fourth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the fourth session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(10) Guidelines for implementation of Article 11 (*Packaging and labelling of tobacco products*)

The Conference of the Parties,

Recalling Article 7 (*Non-price measures to reduce the demand for tobacco*) of the WHO Framework Convention on Tobacco Control, which states that the Conference of the Parties shall propose appropriate guidelines for the implementation of Articles 8 to 13 of the Convention;

Recalling its decision FCTC/COP2(14) to establish a working group to elaborate guidelines on the implementation of Article 11 (*Packaging and labelling of tobacco products*) of the Convention and to present draft guidelines to the Conference of the Parties at its third session;

Emphasizing that the aim of these guidelines is to assist Parties to meet their obligations under Article 11 of the Convention and that they are not intended to increase Parties' obligations under this Article,

1. ADOPTED the guidelines for implementation of Article 11 (*Packaging and labelling of tobacco products*) of the Convention contained in the Annex to this decision;
2. DECIDED:
 - (1) to request the Convention Secretariat to make accessible, via a web site, the studies, research and other reference material used in the development of the guidelines for implementation of Article 11 (*Packaging and labelling of tobacco products*) of the Convention;
 - (2) to request the Convention Secretariat to take into consideration the guidelines for the implementation of Article 11 (*Packaging and labelling of tobacco products*) of the Convention when elaborating a draft of the Group 3 questions for the reporting instrument used by Parties to fulfil their reporting obligations under Article 21 of the Convention;
 - (3) to request the Convention Secretariat to invite WHO's Tobacco Free Initiative to establish and maintain, in consultation with those Parties that wish to provide pictorial health warnings and messages, a central international database of such warnings and messages, which may be either copyright-free or require a licence, including those that are granted free of charge;
 - (4) to request the Convention Secretariat to encourage the use of the central international database of pictorial health warnings and messages;
 - (5) to request the Convention Secretariat to facilitate, upon request, the granting of licences between Parties where a licence is required for the use of pictorial health warnings and messages;
 - (6) to encourage each Party, taking into account its obligations under Article 22 of the Convention, and noting Article 26.5(a) of the Convention, to include in its periodic reports on its implementation of the Convention any action it has taken under subparagraphs (3) and (5) of this decision;
 - (7) to consider at its fifth session whether to initiate a review of these guidelines.

ANNEX

Guidelines for implementation of Article 11 (*Packaging and labelling of tobacco products*) of the WHO Framework Convention on Tobacco Control

PURPOSE, PRINCIPLES AND USE OF TERMS

Purpose

1. Consistent with other provisions of the WHO Framework Convention on Tobacco Control and the intentions of the Conference of the Parties to the Convention, these guidelines are intended to

assist Parties in meeting their obligations under Article 11 of the Convention, and to propose measures that Parties can use to increase the effectiveness of their packaging and labelling measures. Article 11 stipulates that each Party shall adopt and implement effective packaging and labelling measures within a period of three years after entry into force of the Convention for that Party.

Principles

2. In order to achieve the objectives of the Convention and its protocols and to ensure successful implementation of its provisions, Article 4 of the Convention states that Parties shall be guided, *inter alia*, by the principle that every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke.

3. Globally, many people are not fully aware of, misunderstand or underestimate the risks for morbidity and premature mortality due to tobacco use and exposure to tobacco smoke. Well-designed health warnings and messages on tobacco product packages have been shown to be a cost-effective means to increase public awareness of the health effects of tobacco use and to be effective in reducing tobacco consumption. Effective health warnings and messages and other tobacco product packaging and labelling measures are key components of a comprehensive, integrated approach to tobacco control.

4. Parties should consider the evidence and the experience of others when determining new packaging and labelling measures and aim to implement the most effective measures they can achieve.

5. As provided for in Articles 20 and 22 of the Convention, international collaboration and mutual support are fundamental principles for strengthening the capacity of Parties to implement fully and improve the effectiveness of Article 11 of the Convention.

Use of terms

6. For the purposes of these guidelines:

- “legal measures” means any legal instrument that contains or establishes obligations, requirements or prohibitions, according to the law of the relevant jurisdiction. Examples of such instruments include, but are not limited to acts, laws, regulations and administrative or executive orders;
- “insert” means any communication inside an individual package and/or carton purchased at retail by consumers, such as a miniature leaflet or brochure.
- “onsert” means any communication affixed to the outside of an individual package and/or carton purchased at retail by consumers, such as a miniature brochure beneath the outer cellophane wrapping or glued to the outside of the cigarette package.

DEVELOPING EFFECTIVE PACKAGING AND LABELLING REQUIREMENTS

7. Well-designed health warnings and messages are part of a range of effective measures to communicate health risks and to reduce tobacco use. Evidence demonstrates that the effectiveness of health warnings and messages increases with their prominence. In comparison with small, text-only health warnings, larger warnings with pictures are more likely to be noticed, better communicate health risks, provoke a greater emotional response and increase the motivation of tobacco users to quit and to decrease their tobacco consumption. Larger picture warnings are also more likely to retain their

effectiveness over time and are particularly effective in communicating health effects to low-literacy populations, children and young people. Other elements that enhance effectiveness include locating health warnings and messages on principal display areas, and at the top of these principal display areas; the use of colour rather than just black and white; requiring that multiple health warnings and messages appear concurrently; and periodic revision of health warnings and messages.

Design elements

Location

8. Article 11.1(b)(iii) of the Convention specifies that each Party shall adopt and implement effective measures to ensure that health warnings and messages are large, clear, visible and legible. The location and layout of health warnings and messages on a package should ensure maximum visibility. Research indicates that health warnings and messages are more visible at the top rather than the bottom of the front and back of packages. Parties should require that health warnings and messages be positioned:

- on both the front and back (or on all main faces if there are more than two) of each unit packet and package, rather than just one side, to ensure that health warnings and messages are highly visible, recognizing that the frontal display area is the one most visible to the user for most package types;
- on principal display areas and, in particular, at the top of the principal display areas rather than at the bottom to increase visibility; and
- in such a way that normal opening of the package does not permanently damage or conceal the text or image of the health warning.

9. Parties should consider requiring, in addition to the health warnings and messages referred to in paragraph 8, further health warnings and messages on all sides of a package, as well as on package inserts and onserts.

10. Parties should ensure that health warnings and messages are not obstructed by other required packaging and labelling markings or by commercial inserts and onserts. Parties should also ensure, when establishing the size and position of other markings, such as tax stamps and markings as per the requirements of Article 15 of the Convention, that such markings do not obstruct any part of the health warnings and messages.

11. Parties should consider introducing other innovative measures regarding location, including, but not limited to, requiring health warnings and messages to be printed on the filter overwrap portion of cigarettes and/or on other related materials such as packages of cigarette tubes, filters and papers as well as other instruments, such as those used for water pipe smoking.

Size

12. Article 11.1(b)(iv) of the Convention specifies that health warnings and messages on tobacco product packaging and labelling should be 50% or more, but no less than 30%, of the principal display areas. Given the evidence that the effectiveness of health warnings and messages increases with their size, Parties should consider using health warnings and messages that cover more than 50% of the principal display areas and aim to cover as much of the principal display areas as possible. The text of health warnings and messages should be in bold print in an easily legible font size and in a specified style and colour(s) that enhance overall visibility and legibility.

13. If a border is required, Parties should consider excluding the space dedicated to framing health warnings and messages from the size of the health warning or message itself when calculating the percentage of display area occupied by them, that is to say the space dedicated to the frame should be added to the total percentage of space occupied by the health warnings and messages and not included within it.

Use of pictorials

14. Article 11.1(b)(v) of the Convention specifies that health warnings and messages on tobacco product packaging and labelling may be in the form of or include pictures or pictograms. Evidence shows that health warnings and messages that contain both pictures and text are far more effective than those that are text-only. They also have the added benefit of potentially reaching people with low levels of literacy and those who cannot read the language(s) in which the text of the health warning or message is written. Parties should mandate culturally appropriate pictures or pictograms, in full colour, in their packaging and labelling requirements. Parties should consider the use of pictorial health warnings on both principal display areas (or on all main faces if there are more than two) of the tobacco products packaging.

15. Evidence shows that, when compared with text-only health warnings and messages, those with pictures:

- are more likely to be noticed;
- are rated more effective by tobacco users;
- are more likely to remain salient over time;
- better communicate the health risks of tobacco use;
- provoke more thought about the health risks of tobacco use and about cessation;
- increase motivation and intention to quit; and
- are associated with more attempts to quit.

16. Pictorial health warnings and messages may also disrupt the impact of brand imagery on packaging and decrease the overall attractiveness of the package.

17. When creating pictures for use on tobacco product packaging, Parties should obtain, where possible, ownership or full copyright of images, instead of allowing graphic designers or other sources to retain copyright. This provides maximum flexibility to use the images for other tobacco control interventions, including mass media campaigns and on the Internet. It may also enable Parties to grant licences to other jurisdictions to use the images.

Colour

18. The use of colour, as opposed to black and white, affects the overall noticeability of pictorial elements of health warnings and messages. Therefore, Parties should require full colour (four-colour printing), rather than black and white, for pictorial elements of health warnings and messages. Parties should select contrasting colours for the background of the text in order to enhance noticeability and maximize the legibility of text-based elements of health warnings and messages.

Rotation

19. Article 11.1(b)(ii) of the Convention specifies that health warnings and messages shall be rotating. Rotation can be implemented by having multiple health warnings and messages appearing concurrently or by setting a date after which the health warning and message content will change. Parties should consider using both types of rotation.

20. The novelty effect of new health warnings and messages is important, as evidence suggests that the impact of health warnings and messages that are repeated tends to decrease over time, whereas changes in health warnings and messages are associated with increased effectiveness. Rotation of health warnings and messages and changes in their layout and design are important to maintain saliency and enhance impact.

21. Parties should specify the number of health warnings and messages that are to appear concurrently. Parties should also require that health warnings and messages in a specified series be printed so that each appears on an equal number of retail packages, not just for each brand family but also for each brand within the brand family for each package size and type.

22. Parties should consider establishing two or more sets of health warnings and messages, specified from the outset, to alternate after a specified period, such as every 12–36 months. During transition periods, when an old set of health warnings and messages is being replaced by a new set, Parties should provide for a phase-in period for rotation between sets of health warnings and messages, during which time both sets may be used concurrently.

Message content

23. Using a range of health warnings and messages increases the likelihood of impact, as different health warnings and messages resonate with different people. Health warnings and messages should address different issues related to tobacco use, in addition to harmful health effects and the impact of exposure to tobacco smoke, such as:

- advice on cessation;
- the addictive nature of tobacco;
- adverse economic and social outcomes (for example, annual cost of purchasing tobacco products); and
- the impact of tobacco use on significant others (premature illness of one's father due to smoking, for example, or death of a loved one due to exposure to tobacco smoke).

24. Parties should also consider innovative content for other messages, such as adverse environmental outcomes and tobacco industry practices.

25. It is important to convey health warnings and messages in an effective manner; the tone should be authoritative and informative but non-judgemental. Health warnings and messages should also be presented in simple, clear and concise language that is culturally appropriate. Health warnings and messages can be presented in various formats, such as testimonials and positive and supportive information.

26. Evidence suggests that health warnings and messages are likely to be more effective if they elicit unfavourable emotional associations with tobacco use and when the information is personalized

to make the health warnings and messages more believable and personally relevant. Health warnings and messages that generate negative emotions such as fear can be effective, particularly when combined with information designed to increase motivation and confidence in tobacco users in their ability to quit.

27. The provision of advice on cessation and specific sources for cessation help on tobacco packaging, such as a web site address or a toll-free telephone “quit line” number, can be important in helping tobacco users to change their behaviour. Parties should be aware that an increased demand for cessation-related services might require additional resources.

Language

28. Article 11.3 of the Convention specifies that each Party shall require that the warnings and other textual information specified in Article 11.1(b) and Article 11.2 appear on each unit packet and package of tobacco products, as well as on any outside packaging and labelling of such products, in the Party’s principal language or languages.

29. In jurisdictions where there is more than one principal language, health warnings and messages can be displayed on each principal display area in more than one language, or, alternatively, a different language can be used for different principal display areas. Where appropriate, different languages or language combinations could also be used in different regions of a jurisdiction.

Source attribution

30. An attribution statement gives an identified source for the health warnings and messages on tobacco product packaging. There are, however, mixed views about whether they should form part of health warnings and messages. Some jurisdictions have provided a source attribution statement in order to increase the credibility of the health warnings and messages, while others have decided not to include a source attribution out of concern that it might detract from the impact of the warning. Where a source attribution statement is required, it is often located at the end of the health warning, in a smaller font size than the rest of the warning. Ultimately, Party-specific circumstances, such as beliefs and attitudes among target population subgroups, will determine whether the use of source attribution is likely to increase credibility or reduce impact.

31. If required, a source attribution statement should specify a credible expert source, such as the national health authority. The statement should be small enough not to detract from the overall noticeability and impact of the message, while being large enough to be legible.

Information on constituents and emissions

32. Article 11.2 of the Convention specifies that each unit packet and package of tobacco products, and any outside packaging and labelling of such products, shall, in addition to the warnings specified in Article 11.1(b), contain information on relevant constituents and emissions of tobacco products as defined by national authorities.

33. In implementing this obligation, Parties should require that relevant qualitative statements be displayed on each unit packet or package about the emissions of the tobacco product. Examples of such statements include “smoke from these cigarettes contains benzene, a known cancer-causing substance” and “smoking exposes you to more than 60 cancer-causing chemicals”. Parties should also require that this information be shown on parts of the principal display areas or on an alternative display area (such as the side of packaging) not occupied by health warnings and messages.

34. Parties should not require quantitative or qualitative statements on tobacco product packaging and labelling about tobacco constituents and emissions that might imply that one brand is less harmful than another, such as the tar, nicotine and carbon monoxide figures or statements such as “these cigarettes contain reduced levels of nitrosamines”.

35. The above three paragraphs should be read in conjunction with paragraphs 43–45.

PROCESS FOR DEVELOPING EFFECTIVE PACKAGING AND LABELLING REQUIREMENTS

Product category considerations

36. Article 11.1(b) of the Convention requires each Party to adopt and implement effective measures to ensure that each unit packet or package of tobacco products and any outside packaging and labelling of such products carry health warnings and messages. There should be no exemptions for small-volume companies or brands or for different types of tobacco products. Parties should consider requiring different health warnings and messages for different tobacco products such as cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis and water pipe tobacco, in order to better focus on the specific health effects related to each product.

Different types of packaging

37. Parties should have a comprehensive understanding of the many different types of tobacco product packaging found within their jurisdiction, and should indicate how the proposed health warnings and messages will apply to each type and shape of packaging such as tins, boxes, pouches, flip-tops, slide and shell packages, cartons, transparent wrappers, clear packaging or packages containing one product unit.

Targeting population subgroups

38. Parties should consider designing warnings that target subgroups, such as youth, and adapting the number of health warnings and their rotation accordingly.

Pre-marketing testing

39. Depending on the available resources and time, Parties should consider pre-marketing testing to assess the effectiveness of the health warnings and messages on the intended target population. Pre-marketing testing can permit identification of unintended effects, such as inadvertently increasing the craving to smoke, and assessment of their cultural appropriateness. Consideration should be given to inviting civil society organizations not affiliated with the tobacco industry to contribute to this process. Ultimately, pre-marketing testing can be less costly than changes to legal measures at a later stage.

40. Parties should note that pre-marketing testing need not be long, complex or expensive. Valuable information can be obtained from simple focus groups of the target population, and Internet-based consultation is a quick and inexpensive alternative. Pre-marketing testing can be undertaken in parallel with the drafting of legal measures to avoid undue delay in implementation.

Public information and involvement

41. Parties should inform the public of proposals to introduce new health warnings and messages. Public support will assist Parties in introducing the new health warnings and messages. Parties should ensure, however, that public information and involvement do not unduly delay implementation of the Convention.

Supporting communication activity

42. The introduction of new health warnings and messages is more effective when it is coordinated with a broader, sustained public information and education campaign. Timely information should be provided to the media, as media coverage can increase the educational impact of new health warnings and messages.

DEVELOPING EFFECTIVE PACKAGING AND LABELLING RESTRICTIONS**Preventing packaging and labelling that is misleading or deceptive**

43. Article 11.1(a) of the Convention specifies that Parties shall adopt and implement, in accordance with their national law, effective measures to ensure that tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about the product's characteristics, health effects, hazards or emissions, including any term, descriptor, trademark or figurative or other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than others. These may include terms such as "low tar", "light", "ultra-light" or "mild", this list being indicative but not exhaustive. In implementing the obligations pursuant to Article 11.1(a), Parties are not limited to prohibiting the terms specified but should also prohibit terms such as "extra", "ultra" and similar terms in any language that might mislead consumers.

44. Parties should prohibit the display of figures for emission yields (such as tar, nicotine and carbon monoxide) on packaging and labelling, including when used as part of a brand name or trademark. Tar, nicotine and other smoke emission yields derived from smoking-machine testing do not provide valid estimates of human exposure. In addition, there is no conclusive epidemiological or scientific evidence that cigarettes with lower machine-generated smoke yields are less harmful than cigarettes with higher smoke emission yields. The marketing of cigarettes with stated tar and nicotine yields has resulted in the mistaken belief that those cigarettes are less harmful.

45. Parties should prevent the display of expiry dates on tobacco packaging and labelling where this misleads or deceives consumers into concluding that tobacco products are safe to be consumed at any time.

Plain packaging

46. Parties should consider adopting measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style (plain packaging). This may increase the noticeability and effectiveness of health warnings and messages, prevent the package from detracting attention from them, and address industry package design techniques that may suggest that some products are less harmful than others.

LEGAL MEASURES

Drafting

47. In drafting legal measures with respect to tobacco product packaging and labelling, Parties should consider issues such as who will be responsible for their administration, the available approaches for ensuring compliance and enforcement, and the level or levels of government involved.

Administration

48. Parties should identify the authority or authorities responsible for overseeing implementation of tobacco product packaging and labelling measures. Parties should consider ensuring that the relevant authority responsible for tobacco control matters is the same as that which administers the legal measures. In the event that the administration is made the responsibility of another area of government, the relevant health authority should provide input into label specifications.

Scope

49. Parties should ensure that the packaging and labelling provisions related to Article 11 of the Convention apply equally to all tobacco products sold within the jurisdiction, and that no distinction is made between products that are manufactured domestically or imported or intended for duty-free sale within a Party's jurisdiction. Parties should consider circumstances in which measures would apply to exported products.

Costs

50. Parties should ensure that the cost of placing health warnings and messages, as well as information on constituents and emissions, on tobacco product packaging is borne by the tobacco industry.

Liability

51. Consistent with Article 19 of the Convention, Parties should consider including provisions to make it clear that the requirement to carry health warnings and messages or to convey any other information about a tobacco product does not remove or diminish any obligation of the tobacco industry, including, but not limited to, obligations to warn consumers about the health hazards arising from tobacco use and exposure to tobacco smoke.

Specific provisions

52. Parties should ensure that clear, detailed specifications are provided for in their legal measures in order to limit the opportunity for tobacco manufacturers and importers to deviate in the implementation of health warnings and messages, as well as to prevent inconsistencies among tobacco products. In drafting such measures, Parties should review, inter alia, the following list:

- packaging and products (please refer to paragraph 37);
- language(s) to be used in mandated text of health warnings and messages and in information on constituents and emissions on packaging, including how languages should appear if there is more than one language;

- rotation practice and time frames, including the number of health warnings and messages to appear concurrently as well as specifications of transition periods and deadlines within which the new health warnings and messages must appear;
- distribution practices, in order to obtain equal display of health warnings and messages on retail packages, not just for each brand family but also for each brand within the brand family for each package size and type;
- how text, pictures and pictograms of health warnings and messages should actually appear on packaging (including specification of location, wording, size, colour, font, layout, print quality), including package inserts, onserts and interior messages;
- different health warnings and messages for different types of tobacco product, where appropriate;
- source attribution, if appropriate, including placement, text and font (similar detailed specifications as for the health warnings and messages themselves); and
- prohibition of promotion by means that are false, misleading, deceptive or likely to create an erroneous impression, in accordance with Article 11.1(a) of the Convention.

Source document

53. Parties should consider providing a “source document”, which contains high-quality visual samples of how all health warnings and messages and other information are to appear on packaging. A source document is particularly useful in the event that the language used in the legal measures is not sufficiently clear.

Adhesive labels and covers

54. Parties should ensure that adhesive labels, stickers, cases, covers, sleeves, wrapping and tobacco manufacturers’ promotional inserts and onserts do not obscure, obliterate or undermine health warnings and messages. For example, adhesive labels might be allowed only if they cannot be removed and are used only on metal or wood containers that hold products other than cigarettes.

Legal responsibility for compliance

55. Parties should specify that tobacco product manufacturers, importers, wholesalers and retail establishments that sell tobacco products bear legal responsibility for compliance with packaging and labelling measures.

Penalties

56. In order to deter non-compliance with the law, Parties should specify a range of fines or other penalties commensurate with the severity of the violation and whether it is a repeat violation.

57. Parties should consider introducing any other penalty consistent with a Party’s legal system and culture that may include the creation and enforcement of offences and the suspension, limitation or cancellation of business and import licences.

Enforcement powers

58. Parties should consider granting enforcement authorities the power to order violators to recall non-compliant tobacco products, and to recover all expenses stemming from the recall, as well as the power to impose whatever sanctions are deemed appropriate, including seizure and destruction of non-compliant products. Further, Parties should consider making public the names of violators and the nature of their offence.

Supply deadline

59. In order to ensure the timely introduction of health warnings and messages, legal measures should specify a single deadline by which manufacturers, importers, wholesalers and retailers must only supply tobacco products that comply with the new requirements. The time allocated need only be enough to allow manufacturers and importers to organize the printing of new packages. It has been considered that a period of up to 12 months from the enactment of the legal measures should suffice in most circumstances.

Review

60. Parties should recognize that the drafting of legal measures for packaging and labelling of tobacco products is not a one-time exercise. Legal measures should be reviewed periodically and updated as new evidence emerges and as specific health warnings and messages wear out. When undertaking periodic reviews or updates, Parties should take into account their experience in using their packaging and labelling measures, the experiences of other jurisdictions, as well as industry practices in this area. Such reviews or updates can help identify weaknesses and loopholes and highlight areas in which the language used in the measures should be clarified.

ENFORCEMENT

Infrastructure and budget

61. Parties should consider ensuring that the infrastructure necessary for compliance and enforcement activities exists. Parties should also consider providing a budget for such activities.

Strategies

62. To enhance compliance, Parties should inform stakeholders of the requirements of the law before it comes into force. Different strategies might be required for different stakeholders, such as tobacco manufacturers, importers and retailers.

63. Parties should consider using inspectors or enforcement agents to conduct regular spot checks of tobacco products at manufacturing and importing facilities, as well as at points of sale, to ensure that packaging and labelling comply with the law. It may not be necessary to create a new inspection system if mechanisms are already in place that could be extended to inspect business premises as required. Where applicable, stakeholders should be informed that tobacco products will undergo regular spot checks at points of sale.

Response to non-compliance

64. Parties should ensure that their enforcement authorities are prepared to respond quickly and decisively to instances of non-compliance. Strong, timely responses to early cases will make it clear that compliance is expected and will facilitate future enforcement. Parties should consider making the results of enforcement action public in order to send a strong message that non-compliance will be investigated and action will be taken.

Complaints

65. Parties should consider encouraging the public to report violations in order to further promote compliance with the law. It might be helpful to establish an enforcement contact point for reporting alleged cases of non-compliance. Parties should ensure that complaints are investigated and dealt with in a timely and thorough manner.

MONITORING AND EVALUATING PACKAGING AND LABELLING MEASURES

66. Parties should consider monitoring and evaluating their packaging and labelling measures to assess their impact as well as to identify where improvements are needed. Monitoring and evaluation also contribute to the body of evidence that can assist the efforts of other Parties in implementing their packaging and labelling measures.

67. Monitoring of the tobacco industry's compliance should be initiated immediately after legal measures have come into force and should be conducted continuously thereafter.

Impact on populations

68. It is important to assess the impact of packaging and labelling measures on the target populations. Parties should consider measuring aspects such as noticeability, comprehension, credibility, informativeness, recall and personal relevance of health warnings and messages, health knowledge and perceptions of risks, intentions to change behaviour and actual behavioural changes.

Baseline and follow-up

69. Parties should consider adopting strategies to evaluate the impact of packaging and labelling measures both before and at regular intervals after they are implemented.

Resources

70. The extent and complexity of actions to evaluate the impact of tobacco product packaging and labelling measures will vary among Parties, depending on the objectives and the availability of resources and expertise.

Dissemination

71. Parties should consider publishing, or making available to other Parties and to the public, the results gathered from monitoring of compliance and evaluating impact.

INTERNATIONAL COOPERATION

72. International cooperation is essential for progress in such an important, constantly changing area as tobacco control. Several articles of the Convention provide for exchanges of knowledge and experience to promote progress in implementation, with a particular focus on the needs of developing country Parties and Parties with economies in transition. Cooperation among Parties to promote the transfer of technical, scientific and legal expertise and technology, as required by Article 22, would strengthen the implementation of Article 11 of the Convention globally. One example of such cooperation would be the provision of licences quickly, easily and without cost from Parties to other jurisdictions seeking to use their pictorial health warnings. International cooperation would also help to ensure that consistent and accurate information relating to tobacco products is provided globally.

73. Parties should endeavour to share legal and other expertise in countering tobacco industry arguments against packaging and labelling measures.

74. Parties should consider reviewing the reports of other Parties, pursuant to Article 21 of the Convention, to enhance their knowledge of international experience with respect to packaging and labelling.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(11) Elaboration of guidelines for implementation of Article 12 ***(Education, communication, training and public awareness)***

The Conference of the Parties,

Recalling its decision FCTC/COP2(14) establishing a working group to elaborate guidelines for implementation of Article 12 (*Education, communication, training and public awareness*) of the WHO Framework Convention on Tobacco Control;

Noting the report of the working group to the third session of the Conference of the Parties on the progress of its work;¹

Mindful of the discussions on the report during the third session of the Conference of the Parties, to elaborate guidelines for implementation of Article 12 (*Education, communication, training and public awareness*) of the Framework Convention,

1. DECIDED to request the working group established by decision FCTC/COP2(14) to elaborate guidelines for implementation of Article 12 (*Education, communication, training and public awareness*) of the Framework Convention to continue its work and to submit draft guidelines to the Conference of the Parties for consideration at its fourth session;

2. ALSO DECIDED, in accordance with decision FCTC/COP2(14):

(1) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to complete its work and to ensure, in consultation with the Bureau, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the draft guidelines to the Conference of the Parties;

¹ Document FCTC/COP/3/8.

(2) to adopt the timeline set out below:

Make the draft guidelines, as requested, accessible by the Parties for their comments	At least six months before the fourth session of the Conference of the Parties
Submission to the Convention Secretariat for editing and translation	At least three months before the fourth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the fourth session of the Conference of the Parties (Rule 8, Rules of Procedure of the Parties)

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(12) Guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*)

The Conference of the Parties,

Taking into account Article 7 (*Non-price measures to reduce the demand for tobacco*) and 13 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control;

Reaffirming the eleventh preambular paragraph of the WHO Framework Convention on Tobacco Control, which emphasizes the serious concerns about the impact of all forms of advertising, promotion and sponsorship aimed at encouraging the use of tobacco products;

Emphasizing that these guidelines are to assist Parties in meeting their obligations under Article 13 of the Convention and to provide guidance for implementation of this Article,

ADOPTED the guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the Convention contained in the Annex to this decision.

ANNEX

Guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control

PURPOSE AND OBJECTIVES

1. The purpose of these guidelines is to assist Parties in meeting their obligations under Article 13 of the WHO Framework Convention on Tobacco Control. They draw on the best available evidence and the experience of Parties that have successfully implemented effective measures against tobacco advertising, promotion and sponsorship. They give Parties guidance for introducing and enforcing a comprehensive ban on tobacco advertising, promotion and sponsorship or, for those Parties that are not in a position to undertake a comprehensive ban owing to their constitutions or constitutional principles, for applying restrictions on tobacco advertising, promotion and sponsorship that are as comprehensive as possible.

2. These guidelines provide guidance on the best ways to implement Article 13 of the Convention in order to eliminate tobacco advertising, promotion and sponsorship effectively at both domestic and international levels.
3. The following principles apply:
 - (a) It is well documented that tobacco advertising, promotion and sponsorship increase tobacco use and that comprehensive bans on tobacco advertising, promotion and sponsorship decrease tobacco use.
 - (b) An effective ban on tobacco advertising, promotion and sponsorship should, as recognized by Parties to the Convention in Articles 13.1 and 13.2, be *comprehensive* and applicable to *all* tobacco advertising, promotion and sponsorship.
 - (c) According to the definitions in Article 1 of the Convention, a comprehensive ban on all tobacco advertising, promotion and sponsorship applies to *all* forms of *commercial communication, recommendation or action* and all forms of *contribution* to any event, activity or individual with the *aim, effect, or likely effect* of promoting a tobacco product or tobacco use either *directly or indirectly*.
 - (d) A comprehensive ban on tobacco advertising, promotion and sponsorship should include *cross-border advertising, promotion and sponsorship*. This includes both out-flowing advertising, promotion and sponsorship (originating from a Party's territory) and in-flowing advertising, promotion and sponsorship (entering a Party's territory).
 - (e) To be effective, a comprehensive ban should address *all persons or entities* involved in the production, placement and/or dissemination of tobacco advertising, promotion and sponsorship.
 - (f) Effective *monitoring, enforcement and sanctions* supported and facilitated by strong *public education and community awareness programmes* are essential for implementation of a comprehensive ban on tobacco advertising, promotion and sponsorship.
 - (g) *Civil society* has a central role in building support for, developing and ensuring compliance with laws addressing tobacco advertising, promotion and sponsorship, and it should be included as an active partner in this process.
 - (h) Effective *international cooperation* is fundamental to the elimination of both domestic and cross-border tobacco advertising, promotion and sponsorship.

Scope of a comprehensive ban

4. The scope of a comprehensive ban on tobacco advertising, promotion and sponsorship is outlined in general terms in subsection "Overview" (paragraphs 5–11) below, while the following subsections (paragraphs 12–34) address aspects that could pose special challenges for regulators in introducing a comprehensive ban.

Overview

5. A ban on tobacco advertising, promotion and sponsorship is effective only if it has a broad scope. Contemporary marketing communication involves an integrated approach to advertising and

promoting the purchase and sale of goods, including direct marketing, public relations, sales promotion, personal selling and online interactive marketing methods. If only certain forms of direct tobacco advertising are prohibited, the tobacco industry inevitably shifts its expenditure to other advertising, promotion and sponsorship strategies, using creative, indirect ways to promote tobacco products and tobacco use, especially among young people.

6. Therefore, the effect of a partial advertising ban on tobacco consumption is limited. This is recognized in Article 13 of the Convention, which lays down the basic obligation to ban tobacco advertising, promotion and sponsorship. According to Article 13.1 of the Convention, “Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products”.

7. To implement the comprehensive ban laid down in Articles 13.1 and 13.2 of the Convention, Parties should ban advertising, promotion and sponsorship as defined in Article 1(c) and (g) of the Convention. Article 1(c) defines “tobacco advertising and promotion” as “any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”. Article 1(g) defines “tobacco sponsorship” as “any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”.

8. It is important to note that both “tobacco advertising and promotion” and “tobacco sponsorship” cover promotion not only of particular tobacco products but also of tobacco use generally; not only acts with a promotional aim but also acts that have a promotional effect or are likely to have a promotional effect; and not only direct promotion but also indirect promotion. “Tobacco advertising and promotion” is not restricted to “communications”, but also includes “recommendations” and “actions”, which should cover at least the following categories: (a) various sales and/or distribution arrangements¹; (b) hidden forms of advertising or promotion, such as insertion of tobacco products or tobacco use in various media contents; (c) association of tobacco products with events or with other products in various ways; (d) promotional packaging and product design features; and (e) production and distribution of items such as sweets and toys or other products that resemble cigarettes or other tobacco products.² It is also important to note that the definition of “tobacco sponsorship” covers “any form of contribution”, financial or otherwise, regardless of how or whether that contribution is acknowledged or publicized.

9. Promotional effects, both direct and indirect, may be brought about by the use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco manufacturers or importers, and colours or schemes of colours associated with tobacco products, manufacturers or importers, or by the use of a part or parts of words, designs, images and colours. Promotion of tobacco companies themselves (sometimes referred to as corporate promotion) is a form of promotion of tobacco products or tobacco use, even without the presentation of brand names or trademarks. Advertising, including display and sponsorship of smoking accessories such as cigarette papers, filters and equipment for rolling cigarettes, as well as imitations of tobacco products, may also have the effect of promoting tobacco products or tobacco use.

¹ For instance, incentive schemes for retailers, display at points of sale, lotteries, free gifts, free samples, discounts, competitions (whether the purchase of tobacco products is required or not) and incentive promotions or loyalty schemes, e.g. redeemable coupons provided with purchase of tobacco products.

² This text reflects the spirit of Article 16.1 of the Convention, which obliges Parties to “adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit sales of tobacco products to persons under the age set by domestic law, national law or eighteen. These measures may include [...] (c) prohibiting the manufacture and sale of sweets, snacks, toys or any other object in the form of tobacco products which appeal to minors”.

10. Legislation should avoid providing lists of prohibited activities that are, or could be understood to be, exhaustive. While it is often useful to provide examples of prohibited activities, when legislation does so, it should make clear that they are only examples and do not cover the full range of prohibited activities. This can be made clear by using terms like “including but not limited to” or catch-all phrases such as “or any other form of tobacco advertising, promotion or sponsorship”.

11. An indicative (non-exhaustive) list of forms of advertising, promotion and sponsorship that fall under the ban in Article 13 of the Convention is attached in the appendix to these guidelines.

Recommendation

A comprehensive ban on tobacco advertising, promotion and sponsorship, should cover:

- all advertising and promotion, as well as sponsorship, without exemption;
- direct and indirect advertising, promotion and sponsorship;
- acts that aim at promotion and acts that have or are likely to have a promotional effect;
- promotion of tobacco products and the use of tobacco;
- commercial communications and commercial recommendations and actions;
- contribution of any kind to any event, activity or individual;
- advertising and promotion of tobacco brand names and all corporate promotion; and
- traditional media (print, television and radio) and all media platforms, including Internet, mobile telephones and other new technologies as well as films.

Retail sale and display

12. Display of tobacco products at points of sale in itself constitutes advertising and promotion. Display of products is a key means of promoting tobacco products and tobacco use, including by stimulating impulse purchases of tobacco products, giving the impression that tobacco use is socially acceptable and making it harder for tobacco users to quit. Young people are particularly vulnerable to the promotional effects of product display.

13. To ensure that points of sale of tobacco products do not have any promotional elements, Parties should introduce a total ban on any display and on the visibility of tobacco products at points of sale, including fixed retail outlets and street vendors. Only the textual listing of products and their prices, without any promotional elements, would be allowed. As for all aspects of Article 13 of the Convention, the ban should also apply in ferries, airplanes, ports and airports.

14. Vending machines should be banned because they constitute by their very presence a means of advertising or promotion under the terms of the Convention.¹

Recommendation

Display and visibility of tobacco products at points of sale constitutes advertising and promotion and should therefore be banned. Vending machines should be banned because they constitute, by their very presence, a means of advertising and promotion.

Packaging and product features²

15. Packaging is an important element of advertising and promotion. Tobacco pack or product features are used in various ways to attract consumers, to promote products and to cultivate and promote brand identity, for example by using logos, colours, fonts, pictures, shapes and materials on or in packs or on individual cigarettes or other tobacco products.

16. The effect of advertising or promotion on packaging can be eliminated by requiring plain packaging: black and white or two other contrasting colours, as prescribed by national authorities; nothing other than a brand name, a product name and/or manufacturer's name, contact details and the quantity of product in the packaging, without any logos or other features apart from health warnings, tax stamps and other government-mandated information or markings; prescribed font style and size; and standardized shape, size and materials. There should be no advertising or promotion inside or attached to the package or on individual cigarettes or other tobacco products.

17. If plain packaging is not yet mandated, the restriction should cover as many as possible of the design features that make tobacco products more attractive to consumers such as animal or other figures, "fun" phrases, coloured cigarette papers, attractive smells, novelty or seasonal packs.

Recommendation

Packaging and product design are important elements of advertising and promotion. Parties should consider adopting plain packaging requirements to eliminate the effects of advertising or promotion on packaging. Packaging, individual cigarettes or other tobacco products should carry no advertising or promotion, including design features that make products attractive.

Internet sales

18. Internet sales of tobacco inherently involve advertising and promotion as defined in the Convention. The problem is not only limited to advertising and promotion but also includes sales to minors, tax evasion and illicit trade.

¹ Banning vending machines because they amount to advertising or promotion complements the provisions of Article 16 of the Convention on protecting minors. The possible measures described in Article 16.1 include "ensuring that tobacco vending machines under [each Party's] jurisdiction are not accessible to minors and do not promote sale of tobacco products to minors"; and Article 16.5 stipulates that "... a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines".

² See also the guidelines for implementation of Article 11 of the Convention, which address plain packaging with regard to health warnings and misleading information.

19. The most direct way of avoiding tobacco advertising or promotion on the Internet is to ban tobacco sales on the Internet.¹ The ban should apply not only to entities that sell the products but also to others, including credit card companies that facilitate payment and postal or delivery services for the products.

20. To the extent that Internet sales are not yet banned, restrictions should be imposed, allowing only textual listing of products with prices, with no pictures or promotion features (e.g. any references to low prices).

21. Given the covert nature of tobacco advertising and promotion on the Internet and the difficulty of identifying and reaching wrongdoers, special domestic resources are needed to make these measures operational. Measures recommended in decision FCTC/COP3(14) to eliminate cross-border tobacco advertising, promotion and sponsorship, in particular identifying contact points and dealing with notifications from other Parties, would help to ensure that domestic enforcement efforts are not undermined.

Recommendation

Internet sales of tobacco should be banned as they inherently involve tobacco advertising and promotion.

Brand stretching and brand sharing

22. “Brand stretching” occurs when a tobacco brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive colour combinations) is connected with a non-tobacco product or service in such a way that the tobacco product and the non-tobacco product or service are likely to be associated.

23. “Brand sharing” occurs when a brand name, emblem, trademark, logo or trade insignia or any other distinctive feature (including distinctive colour combinations) on a non-tobacco product or service is connected with a tobacco product or tobacco company in such a way that the tobacco product or company and the non-tobacco product or service are likely to be associated.

24. “Brand stretching” and “brand sharing” should be regarded as tobacco advertising and promotion in so far as they have the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

Recommendation

Parties should ban “brand stretching” and “brand sharing”, as they are means of tobacco advertising and promotion.

¹ Options for regulating Internet sales are being discussed by the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products.

Corporate social responsibility¹

25. It is increasingly common for tobacco companies to seek to portray themselves as good corporate citizens by making contributions to deserving causes or by otherwise promoting “socially responsible” elements of their business practices.

26. Some tobacco companies make financial or in-kind contributions to organizations, such as community, health, welfare or environmental organizations, either directly or through other entities. Such contributions fall within the definition of tobacco sponsorship in Article 1(g) of the Convention and should be prohibited as part of a comprehensive ban, because the aim, effect or likely effect of such a contribution is to promote a tobacco product or tobacco use either directly or indirectly.

27. Tobacco companies may also seek to engage in “socially responsible” business practices (such as good employee–employer relations or environmental stewardship), which do not involve contributions to other parties. Promotion to the public of such otherwise commendable activities should be prohibited, as their aim, effect or likely effect is to promote a tobacco product or tobacco use either directly or indirectly. Public dissemination of such information should be prohibited, except for the purposes of required corporate reporting (such as annual reports) or necessary business administration (e.g. for recruitment purposes and communications with suppliers).

28. Tobacco industry public education campaigns, such as “youth smoking prevention campaigns” should be prohibited on the basis that they involve “contributions” when implemented by other parties or represent corporate promotion if conducted by the industry itself.

Recommendation

The Parties should ban contributions from tobacco companies to any other entity for “socially responsible causes”, as this is a form of sponsorship. Publicity given to “socially responsible” business practices of the tobacco industry should be banned, as it constitutes advertising and promotion.

Legitimate expression

29. Implementation of a comprehensive ban on tobacco advertising, promotion and sponsorship should not prevent legitimate journalistic, artistic or academic expression or legitimate social or political commentary. Examples include news images with coincidental tobacco-related content in the background, the depiction of historical personalities or presentation of views on regulation or policy. Nevertheless, appropriate warnings or disclaimers may be required.

30. In some cases, journalistic, artistic or academic expression or social or political commentary may contain elements that are not justified for editorial, artistic, academic, social or political reasons and must be regarded as advertising, promotion or sponsorship rather than genuine editorial, artistic or academic content or genuine social or political commentary. This is obviously the case if an insertion is made for commercial, tobacco-related reasons, for example, paid placement of tobacco products or images in the media.

¹ The guidelines on Article 5.3 of the Convention, elaborated by a working group established by the Conference of the Parties, address this subject from the perspective of protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry.

Recommendation

Implementation of a comprehensive ban on tobacco advertising, promotion and sponsorship need not interfere with legitimate types of expression, such as journalistic, artistic or academic expression or legitimate social or political commentary. Parties should, however, take measures to prevent the use of journalistic, artistic or academic expression or social or political commentary for the promotion of tobacco use or tobacco products.

Depictions of tobacco in entertainment media

31. The depiction of tobacco in entertainment media products, such as films, theatre and games, can strongly influence tobacco use, particularly among young people. Therefore, Parties should take the following measures:

- Implement a mechanism requiring that when an entertainment media product depicts tobacco products, use or imagery of any type, the responsible executives at each company involved in the production, distribution or presentation of that entertainment media product certify that no money, gifts, free publicity, interest-free loans, tobacco products, public relations assistance or anything else of any value has been given in exchange for the depiction.
- Prohibit the depiction of identifiable tobacco brands or tobacco brand images in association with, or as part of the content of, any entertainment media product.
- Require the display of prescribed anti-tobacco advertisements at the beginning of any entertainment media product that depicts tobacco products, use or images.
- Implement a ratings or classification system that takes into account the depiction of tobacco products, use or images in rating or classifying entertainment media products (for example, requiring adult ratings which restrict access of minors) and that ensures that entertainment media aimed at children (including cartoons) do not depict tobacco products, use or imagery.

Recommendation

Parties should take particular measures concerning the depiction of tobacco in entertainment media products, including requiring certification that no benefits have been received for any tobacco depictions, prohibiting the use of identifiable tobacco brands or imagery, requiring anti-tobacco advertisements and implementing a ratings or classification system that takes tobacco depictions into account.

Communication within the tobacco trade

32. The objective of banning tobacco advertising, promotion and sponsorship can usually be achieved without banning communications within the tobacco trade.

33. Any exception to a comprehensive ban on tobacco advertising, promotion and sponsorship for the purpose of providing product information to actors within the tobacco trade should be defined and applied strictly. Access to such information should be restricted to those persons who make trading decisions and who consequently need the information.

34. Tobacco manufacturers' newsletters can be exempted from the comprehensive ban on tobacco advertising, promotion and sponsorship, but only if they are destined exclusively for the

manufacturer's employees, contractors, suppliers and other business partners and only to the extent that their distribution is limited to those persons or entities.

Recommendation

Any exception to a comprehensive ban on tobacco advertising, promotion and sponsorship to allow communication within the tobacco trade should be defined and applied strictly.

Constitutional principles in relation to a comprehensive ban

35. Any Party whose constitution or constitutional principles impose constraints on undertaking a comprehensive ban should, under Article 13 of the Convention, apply restrictions that are as comprehensive as possible in the light of those constraints. All Parties are obliged to undertake a comprehensive ban unless they are “not in a position” to do so “*due to* [their] constitution or constitutional principles”. This obligation is to be interpreted in the context of the “recogni[tion] that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products”, and in the light of the Convention’s overall objective “to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke” (Article 3 of the Convention).

36. It is acknowledged that the question of how constitutional principles are to be accommodated is to be determined by each Party’s constitutional system.

Obligations related to Article 13.4 of the Convention

37. Under Articles 13.2 and 13.3 of the Convention, Parties are obliged to undertake a comprehensive ban on tobacco advertising, promotion and sponsorship (or apply restrictions that are as comprehensive as possible in light of their constitution or constitutional principles). Some forms of tobacco advertising, promotion and sponsorship can be expected to persist in Parties that have not yet met their obligations under Articles 13.2 and 13.3 of the Convention. In addition, some very limited forms of relevant commercial communication, recommendation or action might continue to exist after a comprehensive ban has been implemented, and some forms of tobacco advertising, promotion and sponsorship may continue in Parties whose constitutions or constitutional principles prevent a comprehensive ban.

38. Any form of tobacco advertising, promotion or sponsorship that is not prohibited is obliged to meet the requirements of Article 13.4 of the Convention. Notably, these requirements include to “prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions” (13.4(a)); to “require that health or other appropriate warnings or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship” (13.4(b)); and to “require, if [a Party] does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited” (13.4(d)).

39. Parties should prohibit the use of any term, descriptor, trademark, emblem, marketing image, logo, colour and figurative or any other sign¹ that promotes a tobacco product or tobacco use, whether directly or indirectly, by any means that are false, misleading or deceptive or likely to create an erroneous impression about the characteristics, health effects, hazards or emissions of any tobacco

¹ These phrases are taken from Article 11.1(a) of the Convention, with the addition of the word “colour”, which the working group recognizes can be used to convey a misleading impression about the characteristics, health effects or hazards of tobacco products.

product or tobacco products, or about the health effects or hazards of tobacco use. Such a prohibition should cover, inter alia, use of the terms “low tar”, “light”, “ultra-light”, “mild”, “extra”, “ultra” and other terms in any language that may be misleading or create an erroneous impression.¹

40. Parties should consider giving health or other warnings and messages accompanying any tobacco advertising, promotion and sponsorship at least equal prominence to the advertising, promotion or sponsorship. The content of the required warnings and messages should be prescribed by the relevant authorities and should effectively communicate the health risks and addictiveness of tobacco use, discourage the use of tobacco products and increase motivation to quit tobacco use. In order to maximize their effectiveness, the warnings or other messages required by Parties under Article 13.4(b) of the Convention should be consistent with the warnings or other messages on packaging that the Convention requires under Article 11.

41. Parties should require disclosure by the tobacco industry to relevant governmental authorities of any advertising, promotion and sponsorship in which it engages. The disclosures should be made at regular intervals prescribed by law and in response to specific requests. They should include, both in total and by brand, information about:

- the kind of advertising, promotion or sponsorship, including its content, form and type of media;
- the placement and extent or frequency of the advertising, promotion or sponsorship;
- the identity of all entities involved in the advertising, promotion and sponsorship, including advertising and production companies;
- in the case of cross-border advertising, promotion or sponsorship originating from a Party’s territory, the territory or territories in which it is intended to be, or may be, received; and
- the amount of financial or other resources used for the advertising, promotion or sponsorship.

42. Parties should make the information readily available to the public (e.g. via the Internet)² while ensuring the protection of trade secrets.

43. While the obligations stated in Article 13.4(d) of the Convention regarding disclosure of expenditures by the tobacco industry on advertising, promotion and sponsorship that is not yet prohibited apply only to Parties that do not have a comprehensive ban, all Parties should implement the recommended measures in line with Article 13.5, which encourages Parties to implement measures beyond their obligations under Article 13.4. Requiring disclosure by the tobacco industry of expenditures on all advertising, promotion and sponsorship in which it engages may help Parties that consider that they have a comprehensive ban to identify any advertising, promotion or sponsorship not covered by the ban or engaged in by the tobacco industry in contravention of the ban. Disclosure requirements may have the added benefit of discouraging the tobacco industry from engaging in tobacco advertising, promotion or sponsorship in which it might otherwise engage.

¹ See Article 11.1(a) and the guidelines on Article 11 of the Convention.

² This provision supports the obligation under Article 12(c) to promote public access to a wide range of information on the tobacco industry as relevant to the objectives of the Convention.

Recommendation

Parties should meet the requirements of Article 13.4 of the Convention regarding any form of tobacco advertising, promotion or sponsorship that is not prohibited. Parties should prohibit all promotion of a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression; mandate health or other appropriate warnings or messages; and require regular disclosure by the tobacco industry to authorities of any advertising, promotion and sponsorship in which it engages. Parties should make the disclosed information readily available to the public.

Consistency

44. Domestic bans and their effective enforcement are the cornerstones of any meaningful comprehensive ban on tobacco advertising, promotion and sponsorship at the global level. Contemporary media platforms such as the Internet, films and direct broadcast satellite easily cross borders, and many forms of advertising, promotion and sponsorship regulated by domestic rules, such as event sponsorship, are broadcast and disseminated widely to other States. Moreover, advertising and promotion are often linked to products such as items of clothing and technological devices or appear in publications, and thus move from one State to another when these items move.

45. It is obvious that the effectiveness of domestic bans can be undermined unless there is international cooperation.

Cross-border advertising, promotion and sponsorship originating from a Party's territory (out-flowing material)

46. Article 13.2 of the Convention states that “a comprehensive ban shall include, subject to the legal environment and technical means available to [each] Party, a comprehensive ban on cross-border advertising, promotion and sponsorship *originating from its territory*”.

47. Implementation of the ban should cover, for example, all publications and products printed or produced within the territory of a Party, whether they are targeting persons within the Party's territory or persons in the territories of other States. It is often difficult to differentiate between publications or products targeting or actually used in the originating State and those targeting and used in other States.

48. The ban should also apply to the placing of tobacco advertising, promotion and sponsorship on the Internet or another cross-border communications technology by any person or entity within the territory of a Party, whether the material is targeting persons outside or inside that Party's territory.

49. Moreover, the ban should also apply to any person or entity that broadcasts tobacco advertising, promotion and sponsorship that could be received in another State.

50. A comprehensive ban on advertising, promotion and sponsorship originating from a Party's territory should also ensure that a Party's nationals – natural persons or legal persons – do not engage in advertising, promotion or sponsorship in the territory of another State, irrespective of whether it is imported back to their State of origin.

Cross-border advertising, promotion and sponsorship entering a Party's territory

51. Article 13.7 of the Convention states that “Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties

as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law”.

52. Implementation of the ban should cover, for example, publications and products printed or produced in other States entering the territory of a Party or targeting persons in that territory. Parties should consider carrying out sampling checks for imported consignments of printed publications. If such publications are printed, published or distributed by nationals of a Party or by entities established in a Party’s territory, they should be held liable and the ban should be enforced to the fullest extent possible.¹ The ban should also apply to all Internet content that is accessible within a Party’s territory and to any other audio, visual or audiovisual material broadcast into or otherwise received in a Party’s territory, whether or not it is targeting persons in the territory of that Party.

Recommendation

Parties with a comprehensive ban or restrictions on tobacco advertising, promotion and sponsorship should ensure that any cross-border tobacco advertising, promotion and sponsorship originating from their territory is banned or restricted in the same manner as domestic tobacco advertising, promotion and sponsorship. Parties should make use of their sovereign right to take effective actions to limit or prevent any cross-border tobacco advertising, promotion and sponsorship entering their territory, whether from Parties that have restrictions or from non-Parties, recognizing that in some cases effective actions might have to be addressed in a protocol.

Responsible entities

53. The responsible entities should be defined widely, covering the entire marketing chain. Primary responsibility should lie with the initiator of advertising, promotion or sponsorship, usually tobacco manufacturers, wholesale distributors, importers, retailers and their agents and associations.

54. Moreover, many other entities are involved in tobacco advertising, promotion and sponsorship and should also be held responsible.

55. Responsibility cannot be attributed in the same manner to all entities as their involvement in the production, placement and dissemination of tobacco advertising, promotion and sponsorship varies. In the case of tobacco sponsorship, the responsible entities are those that make any relevant form of contribution, those that receive any relevant form of contribution and any intermediaries that facilitate the making or receiving of any relevant form of contribution. When tobacco advertising and promotion involve communication, the way in which entities should be held responsible depends on their role in the production and dissemination of the content of the communication and the possibilities they have to control it. The disseminator should be made responsible in so far as it is aware of, or was in a position to become aware of, the content of the advertising and promotion. This is true for whatever media or communications technology is involved, but it applies especially to controlling content on the Internet and disseminated via direct broadcast satellite.

56. In relation to all forms of media and communications:

- Persons or entities that produce or publish content (e.g. advertising agencies, designers, publishers of newspapers and other printed materials, broadcasters and producers of films,

¹ A Party may also enforce its ban against non-nationals in some circumstances. How to address nationals of other Parties may be the subject of provisions of a possible protocol on cross-border advertising, promotion and sponsorship.

television and radio programmes, games and live performances, and Internet, mobile phone, satellite and game content producers) should be banned from including tobacco advertising, promotion and sponsorship.

- Persons or entities such as media and events organizers, sportspeople, celebrities, film stars and other artists should be banned from engaging in tobacco advertising, promotion and sponsorship.
- Particular obligations (for example, remove or disable access to content) should be applied to other entities involved in analogue or digital media and communication (such as social networking sites, Internet service providers and telecommunication companies), once they have been made aware of tobacco advertising, promotion and sponsorship.

In the case of legal entities, the responsibility should normally lie with the company, not with an individual employee.

57. A contract, agreement or arrangement concerning tobacco advertising, promotion or sponsorship should be held invalid if it is agreed in violation of a comprehensive ban.

58. In relation to the Internet, for example, there are five principal categories of responsible entity upon which bans or particular obligations should be imposed.

- *Content producers* create the content or cause it to be created. These include tobacco companies, advertising agencies and producers of television programmes, films and games that are distributed online. Content producers should be *banned* from including tobacco advertising, promotion or sponsorship in the content they produce.
- *Content publishers* include publishers and entities that select content before it is made available to Internet users (e.g. Internet sites of newspapers or broadcasters). Content publishers should be *banned* from including tobacco advertising, promotion or sponsorship in the content they make available.
- *Content hosts* are entities that control Internet-connected computer servers on which content is stored, including entities that aggregate content produced by others without selecting the content before they make it available to Internet users (such as social networking Internet sites). Content hosts should have an *obligation to remove or disable access to* tobacco advertising, promotion and sponsorship *once they have been made aware of the content*.
- *Content navigators* are entities, such as Internet search engines, that facilitate the location of content by users of communications services. Content navigators should have an *obligation to disable access to* tobacco advertising, promotion and sponsorship *once they have been made aware of the content*.
- *Access providers* are entities that provide end-user access to communications services, such as Internet service providers and mobile telephone companies. Access providers should have an *obligation to disable access to* tobacco advertising, promotion and sponsorship *once they have been made aware of the content*.

59. Unlike the obligations on content producers, content publishers and content hosts, Parties could limit the obligations on content navigators and access providers to using reasonable efforts to disable access in light of what is technically possible.

Recommendation

The entities responsible for tobacco advertising, promotion and sponsorship should be defined widely, and the way in which they are held responsible should depend on their role.

- Primary responsibility should lie with the initiator of advertising, promotion or sponsorship, usually tobacco manufacturers, wholesale distributors, importers, retailers and their agents and associations.
- Persons or entities that produce or publish media content should be banned from including tobacco advertising, promotion and sponsorship in the content they produce or publish.
- Persons or entities (such as events organizers, sportspeople and celebrities) should be banned from engaging in tobacco advertising, promotion and sponsorship.
- Particular obligations, for example, to remove content should be applied to other entities involved in analogue or digital media after they have been made aware of the tobacco advertising, promotion and sponsorship.

Domestic enforcement of laws on tobacco advertising, promotion and sponsorship

Sanctions

60. Parties should introduce and apply effective, proportionate and dissuasive penalties (including fines, corrective advertising remedies and licence suspension or cancellation). In order that the penalties imposed be effective deterrents they should be graded and commensurate with the nature and seriousness of the offence(s), including a first offence, and should outweigh the potential economic benefits to be derived from the advertising, promotion or sponsorship.

61. Repeat infringements should incur a highly significant penalty for a manufacturer or responsible entity. In the case of frequent or flagrant infringements, more stringent sanctions should be imposed, including possible imprisonment. Sanctions should also include the obligation to remedy the infringement, for example by:

- removal of the advertising, promotion or sponsorship;
- publication of court decisions in a manner to be determined by the court and at the expense of the party or parties designated by the court; and
- funding of corrective or counter-advertising.

62. Sanctions should be applied to the conduct of entities and not only to individuals (including corporate entities that can be held responsible for the conduct of related corporate entities outside the territory but with an effect within the territory). Sanctions should also be applied to the conduct of managers, directors, officers and/or legal representatives of corporate entities when those individuals bear responsibility for the corporate entity's conduct.

63. Licensing of tobacco manufacturers, wholesale distributors, importers and retailers can be an effective method for controlling advertising, promotion and sponsorship. A licence would be granted or renewed only if the applicant could ensure compliance with the legal requirements. In cases of non-compliance, the licence could be withdrawn for a certain time or cancelled. For responsible entities not

directly involved in producing or selling tobacco (such as broadcasters) when such entities are required to be licensed, compliance with the provisions on tobacco advertising, promotion and sponsorship should be included in the criteria for granting, renewing, suspending or revoking a licence.

64. If deterrent sanctions are in place, enforcement authorities might be successful in putting an end to illegal practices without court proceedings (e.g. by contacts, meetings, warnings, administrative decisions and periodic penalty payments).

Monitoring, enforcement and access to justice

65. Parties should designate a competent, independent authority to monitor and enforce the laws and entrust it with the necessary powers and resources. This agency should have the power to investigate complaints, seize unlawful advertising or promotion, and pronounce on complaints and/or initiate appropriate legal proceedings.

66. Civil society and citizens should be involved in the monitoring and effective enforcement of the ban. Civil society organizations, notably entities such as public health, health care, prevention, youth protection or consumer organizations, can be expected to undertake rigorous monitoring, and legislation should specify that members of the public may initiate complaints.

67. In addition, civil law options should be made available to oppose tobacco advertising, promotion and sponsorship. National law should enable any interested person or nongovernmental organization to initiate legal action against illegal tobacco advertising, promotion and sponsorship.

68. The enforcement programme may include a toll-free telephone complaint hotline, an Internet web site or a similar system to encourage the public to report violations.

Recommendation

Parties should introduce and apply effective, proportionate and dissuasive penalties. Parties should designate a competent, independent authority to monitor and enforce the law and entrust it with the necessary powers and resources. Civil society should be involved in the monitoring and enforcement of the law and have access to justice.

Public education and community awareness

69. In the spirit of Article 12 of the Convention,¹ Parties should promote and strengthen public awareness of tobacco advertising, promotion and sponsorship in all sectors of society, using all available communication tools. Parties should, inter alia, adopt appropriate measures to promote broad access to effective, comprehensive public education and awareness programmes that underline the importance of a comprehensive ban, educate the public concerning its necessity and explain why advertising, promotion and sponsorship by the tobacco industry is unacceptable.

70. Engaging the support of the community to monitor compliance and report violations of laws against tobacco advertising, promotion and sponsorship is an essential element of enforcement. In order for members of the community to perform this role, they must be made aware of the problem and understand the law and the ways in which they can act on breaches.

¹ "Education, communication, training and public awareness".

71. Parties should implement public education and awareness programmes, inform members of the community about existing laws on tobacco advertising, promotion and sponsorship, the steps that can be taken to inform the relevant government agency of any advertising, promotion or sponsorship, and the steps that can be taken against a person who has engaged in tobacco advertising, promotion or sponsorship in breach of the law.

Recommendation

Parties should promote and strengthen, in all sectors of society, public awareness of the need to eliminate tobacco advertising, promotion and sponsorship, the laws against it, and the ways in which members of the public can act on breaches of these laws.

International collaboration

72. The effectiveness of efforts to eliminate tobacco advertising, promotion and sponsorship depends not only on the initiatives undertaken by individual Parties but also on the extent to which Parties cooperate in addressing tobacco advertising, promotion and sponsorship. Effective international cooperation will be essential to the elimination of both domestic and cross-border tobacco advertising, promotion and sponsorship.

73. Parties to the Convention already have undertaken commitments with respect to international cooperation, including under Article 13.6 (*Cooperation in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising*); Article 19 (*Liability*); Article 20 (*Research, surveillance and exchange of information*); particularly Article 20.4 (*Exchange of publicly available, scientific, technical, socioeconomic, commercial and legal information, as well as information regarding the practices of the tobacco industry*); Article 21 (*Reporting and exchange of information*); Article 22 (*Cooperation in the scientific, technical, and legal fields and provision of related expertise*); and Article 26 (*Financial resources*).

74. In addition to the recommendations in these guidelines, the Conference of the Parties also takes note of the recommendations of the working group on other measures with respect to facilitation of the exchange of information and other cooperation between Parties that would contribute to the elimination of cross-border advertising, promotion and sponsorship.¹ Such measures to eliminate domestic tobacco advertising, promotion or sponsorship are also beneficial, recognizing that Parties would benefit from sharing information, experience and expertise in respect of *all* tobacco advertising, promotion and sponsorship, not only cross-border tobacco advertising, promotion and sponsorship.

APPENDIX

Indicative (non-exhaustive) list of forms of tobacco advertising, promotion and sponsorship within the terms of the Convention

- communication through audio, visual or audiovisual means: print (including newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and CDs, games (computer games, video games or online games), other digital communication platforms (including the Internet and mobile phones) and theatre or other live performance;

¹ Decision FCTC/COP3(14).

- brand-marking, including in entertainment venues and retail outlets and on vehicles and equipment (e.g. by use of brand colours or schemes of colours, logos or trademarks);
- display of tobacco products at points of sale;
- tobacco product vending machines;
- Internet sales of tobacco products;
- brand stretching and brand sharing (product diversification);
- product placement (i.e. the inclusion of, or reference to, a tobacco product, service or trademark in the context of communication (see above), in return for payment or other consideration);
- provision of gifts or discounted products with the purchase of tobacco products (e.g. key rings, T-shirts, baseball hats, cigarette lighters);
- supply of free samples of tobacco products, including in conjunction with marketing surveys and taste testing;
- incentive promotions or loyalty schemes, e.g. redeemable coupons provided with purchase of tobacco products;
- competitions, associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
- direct targeting of individuals with promotional (including informational) material, such as direct mail, telemarketing, “consumer surveys” or “research”;
- promotion of discounted products;
- sale or supply of toys or sweets that resemble tobacco products;
- payments or other contributions to retailers to encourage or induce them to sell products, including retailer incentive programmes (e.g. rewards to retailers for achieving certain sales volumes);
- packaging and product design features;
- payment or other consideration in exchange for the exclusive sale or prominent display of a particular product or particular manufacturer’s product in a retail outlet, at a venue or at an event;
- sale, supply, placement and display of products at educational establishments or at hospitality, sporting, entertainment, music, dance and social venues or events;
- provision of financial or other support to events, activities, individuals or groups (such as sporting or arts events, individual sportspeople or teams, individual artists or artistic groups, welfare organizations, politicians, political candidates or political parties), whether or not in exchange for publicity, including corporate social responsibility activities; and

- provision of financial or other support by the tobacco industry to venue operators (such as pubs, clubs or other recreational venues) in exchange for building or renovating premises to promote tobacco products or the use or provision of awnings and sunshades.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(13) Recommendations on possible key elements of a protocol on cross-border advertising, promotion and sponsorship (in relation to Article 13)

The Conference of the Parties,

Taking into account Article 13.8 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control;

Recalling its decisions FCTC/COP1(16) and FCTC/COP2(8);

Recognizing the work undertaken by the expert group on cross-border advertising, promotion and sponsorship established pursuant to decision FCTC/COP1(16);

Recognizing the work undertaken by the working group on Article 13 (*Tobacco advertising, promotion and sponsorship*) of the Convention established by decision FCTC/COP2(8),

DECIDED to take note of the recommendations of the working group on possible key elements of a protocol on cross-border advertising, promotion and sponsorship of tobacco products, as annexed to this decision, which would be complementary to the guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the Convention.¹

ANNEX

Recommendations on possible key elements of a protocol on cross-border advertising, promotion and sponsorship

Having taken into account, as requested by the Conference of the Parties, the report of the expert group on cross-border advertising, promotion and sponsorship presented to the Conference of the Parties at its second session, the working group recommends that if the Conference of the Parties decides, either now or at some time in the future, to commence negotiation of a protocol on cross-border advertising, promotion and sponsorship, without prejudice to the right of the Conference of the Parties to decide the scope of those negotiations, that consideration be given to the following areas for possible inclusion in such a protocol:

¹ Decision FCTC/COP3(12).

- notification and response procedures in relation to cross-border tobacco advertising, promotion and sponsorship, including obligations to acknowledge receipt of notification, to take measures to investigate, and to respond to the notifying party;¹
- cooperation between relevant enforcement agencies in relation to the investigation of possible breaches of the law and the bringing of enforcement proceedings, including with respect to the exchange of information, searches of premises or records and the obtaining of evidence (production of documents and interviewing of witnesses);²
- exercise of jurisdiction over cross-border tobacco advertising, promotion or sponsorship in order to address the possibility that agencies in multiple Parties bring enforcement proceedings against the same entity with regard to the same conduct or, alternatively, that no agency brings enforcement proceedings in the expectation that an agency in another Party or Parties will do so;³
- recognition and enforcement of foreign judgements, acknowledging that a Party may obtain a judgement against a body that is not located in its territory and has no assets in its territory.⁴

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(14) Measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship (in relation to Article 13)

The Conference of the Parties,

Recalling its decision FCTC/COP2(8) establishing a working group to elaborate guidelines for implementation of Article 13 (*Tobacco advertising, promotion and sponsorship*) of the WHO Framework Convention on Tobacco Control and to present recommendations on key elements of a protocol on cross-border advertising, promotion and sponsorship, which would be complementary to these guidelines, and on any other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship;

Taking into account its decisions FCTC/COP3(12) and FCTC/COP3(13),

¹ See document FCTC/COP/2/10, paragraph 21.

² See document FCTC/COP/2/10, paragraphs 17–21.

³ See document FCTC/COP/2/10, paragraphs 22–26.

⁴ See document FCTC/COP/2/10, paragraphs 27–28.

1. DECIDED:
 - (a) to take note of the recommendations of the working group on measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship, as contained in the Annex to this decision;
 - (b) to further consider the recommendations at its fourth session;
2. REQUESTED the Convention Secretariat to assess the implications of the recommendations and propose options for further work, and to report to the fourth session of the Conference of the Parties.

ANNEX

Recommendations on measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship

1. In its deliberations, the working group noted that international cooperation was essential to the elimination of both domestic and cross-border tobacco advertising, promotion and sponsorship. The working group had been mandated by the Conference of the Parties to provide recommendations on other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship. Those recommendations are provided below.

Recommendations

2. The working group, having taken into account that the effectiveness of efforts to eliminate cross-border tobacco advertising, promotion and sponsorship depends not only on initiatives undertaken by individual Parties but also on the extent to which Parties cooperate in addressing cross-border tobacco advertising, promotion and sponsorship, and that Parties to the Convention have already undertaken commitments with respect to international cooperation, including under Article 13.6 (*Cooperation in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising*); Article 19 (*Liability*); Article 20 (*Research, surveillance and exchange of information*); particularly Article 20.4 (*Exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding the practices of the tobacco industry*); Article 21 (*Reporting and exchange of information*); Article 22 (*Cooperation in the scientific, technical, and legal fields and provision of related expertise*); and Article 26 (*Financial resources*), recommends:

- (1) that the questions on Article 13 of the Convention in the reporting instrument adopted by the Conference of the Parties:¹
 - be revised to reflect the principal provisions of the guidelines on Article 13 to be adopted by the Conference of the Parties at its third session;²

¹ Decision FCTC/COP1(14).

² See decision FCTC/COP3(12), Annex.

- be revised to include the following question: “Are you precluded by your constitution or constitutional principles from undertaking a comprehensive ban on all tobacco advertising, promotion and sponsorship? If yes, please give details”; and
 - be moved from the section “Optional questions” to the section “Core questions”;
- (2) that a web site be set up and facilitated which could be used as a knowledge hub on matters of cross-border advertising, promotion and sponsorship, and as a means for notifying instances of cross-border advertising, promotion and sponsorship. Relevant material should be regularly uploaded onto the web site. The web site should, while ensuring the protection of personal data and trade secrets, have:
- (i) a section accessible only by Parties including:
 - (a) an up-to-date list of Parties’ contact points;
 - (b) a register of experts who can provide technical assistance and training on relevant matters; and
 - (c) other information provided by Parties or the Convention Secretariat that is to be shared only with Parties;
 - (ii) a section accessible by Parties and observers that includes:
 - (a) a facility for reporting instances of cross-border advertising, promotion and sponsorship; and
 - (b) information provided by Parties or the Convention Secretariat that is to be shared only with Parties and observers but not with the public;
 - (iii) a section accessible by the public including:
 - (a) information provided by Parties or the Convention Secretariat that may be shared with the public;
 - (b) evidence of the impact of cross-border tobacco advertising, promotion and sponsorship and the effectiveness of bans on tobacco advertising, promotion and sponsorship; and
 - (c) links to the web sites of other relevant bodies;
- (3) that Parties, while ensuring the protection of personal data and trade secrets:
- identify a contact point on matters of tobacco advertising, promotion and sponsorship to the Convention Secretariat and notify the Convention Secretariat of any changes in details;
 - when notified by another Party of cross-border tobacco advertising, promotion and sponsorship that appears to originate, or have originated, from its territory, acknowledge the notification and inform the notifying party within a reasonable time of any investigation or other action taken in response to the notification;

-
- use the web site to share relevant information with other Parties and, as appropriate, observers and the public, particularly in relation to:
 - persons or entities responsible for the production, placement and/or dissemination of cross-border tobacco advertising, promotion and sponsorship;
 - new and emerging methods and forms of cross-border tobacco advertising promotion and sponsorship;
 - developments in technology;
 - lessons learnt in dealing with cross-border tobacco advertising promotion and sponsorship;
 - research needs and opportunities;
 - legislation or regulations, including links to such legislation or regulations;
 - breaches, or suspected breaches, of legislation or regulations and the origin of notifications or complaints made;
 - where appropriate, pending investigations or enforcement action;
 - where appropriate, the outcomes of any relevant investigations or enforcement action;
 - jurisprudence, including links to such jurisprudence;
 - education, training or public awareness programmes planned or implemented;
 - notify the Convention Secretariat about experts, whether governmental or nongovernmental, who can provide technical assistance and training to Parties on relevant matters;
- (4) that the following tasks be carried out at the international level in a manner to be decided by the Conference of the Parties:
- transmission of the notification, from a Party or an observer, of an instance of cross-border tobacco advertising, promotion or sponsorship to the relevant contact point in the Party from whose territory the cross-border tobacco advertising, promotion or sponsorship appears to be originating or to have originated;
 - identification of experts, whether governmental or nongovernmental, who can provide technical assistance and training to Parties on relevant matters;
 - updating Parties on relevant developments, including new and emerging methods and forms of cross-border advertising, promotion and sponsorship and relevant developments in technology, and also communicating such developments, as appropriate, to observers and the public;

- facilitation of the provision of technical assistance to Parties in respect of cross-border tobacco advertising, promotion and sponsorship;
- assessment of research needs in relation to cross-border tobacco advertising, promotion and sponsorship, and communication of those needs to Parties, research funding bodies and interested researchers;
- liaison with pertinent bodies, including relevant international and regional intergovernmental organizations and relevant nongovernmental organizations, in respect of implementation of Article 13 of the Convention;
- coordination of efforts by Parties to find new technologies to assist in eliminating cross-border tobacco advertising, promotion and sponsorship;
- promotion of public awareness on matters relating to cross-border tobacco advertising, promotion and sponsorship;
- provision of regular reports on the progress of Parties in implementing Article 13 of the Convention, which may include recommendations for the review or amendment of the guidelines for implementation of Article 13; and
- provision of regular reports on the effectiveness of the arrangements established to facilitate international cooperation with respect to cross-border tobacco advertising promotion and sponsorship, and on ways in which the effectiveness of those arrangements might be enhanced;

(5) that observers to the Conference of the Parties be invited to provide relevant information to the Convention Secretariat with respect to cross-border tobacco advertising, promotion and sponsorship, including:

- persons or entities responsible for the production, placement and/or dissemination of cross-border tobacco advertising, promotion and sponsorship;
- new and emerging methods and forms of cross-border tobacco advertising, promotion and sponsorship;
- developments in technology;
- research needs and opportunities; and
- education, training or public awareness programmes planned or implemented;

(6) that the Convention Secretariat examine mechanisms for providing any assistance to give Parties effective access to the arrangements of the kind referred to in subparagraphs (2), (3) and (4), taking into account the particular needs of developing countries and countries with economies in transition, and that it communicate relevant information to the Parties;

(7) that an expert group on cross-border tobacco advertising, promotion and sponsorship be established and mandated with the following functions:

- keeping the Conference of the Parties up to date on relevant developments in technology, in cross-border tobacco advertising, promotion and sponsorship and in

best practices for responding to cross-border tobacco advertising, promotion and sponsorship;

- monitoring and reviewing the guidelines for implementation of Article 13 of the Convention and the arrangements established to facilitate international cooperation between Parties with respect to cross-border tobacco advertising, promotion and sponsorship; and
- reporting to the Conference of the Parties, through the Convention Secretariat, on the performance of its functions.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(15) Elaboration of guidelines for implementation of Article 14
(Demand reduction measures concerning tobacco dependence and cessation)

The Conference of the Parties,

Recalling its decision FCTC/COP2(14), which requests the Convention Secretariat to elaborate, in consultation with Parties particularly interested in the issue, a first report on tobacco dependence and cessation in relation to Article 14 (*Demand reduction measures concerning tobacco dependence and cessation*) of the WHO Framework Convention on Tobacco Control; and

Noting the report on tobacco dependence and cessation presented by the Convention Secretariat for consideration by the Conference of the Parties at its third session (document FCTC/COP/3/10),

1. DECIDED:

- (1) to establish a working group for the elaboration of guidelines for implementation of Article 14 (*Demand reduction measures concerning tobacco dependence and cessation*) of the Convention, which shall present a progress report or, if possible, draft guidelines for consideration by the Conference of the Parties at its fourth session;
- (2) to request the working group to take into account the report presented by the Convention Secretariat for consideration by the Conference of the Parties at its third session;¹
- (3) to request the Convention Secretariat to invite relevant intergovernmental and nongovernmental organizations with specific expertise in this area to actively participate in and contribute to the work of the working group;
- (4) to establish initial membership of the working group as follows:

Key facilitators: Iran (Islamic Republic of), Uruguay

Partners: Botswana, Brazil, Burkina Faso, Burundi, France, Germany, Ghana, India, Mali, Mexico, Namibia, New Zealand, Nigeria, Republic of Korea, Russian Federation,

¹ Document FCTC/COP/3/10.

Solomon Islands, South Africa, Syrian Arab Republic, Thailand, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zambia;

(5) to set 31 January 2009 as the deadline for other Parties to announce to the Convention Secretariat their participation as partners in the working group;

2. ALSO DECIDED, in accordance with decision FCTC/COP2(14):

(1) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to complete its work and to ensure, in consultation with the Bureau, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the draft guidelines to the Conference of the Parties;

(2) to adopt the timeline set out below:

Make the progress report or, if possible, draft guidelines accessible, as requested, by the Parties for their comments	At least six months before the fourth session of the Conference of the Parties
Submission to the Convention Secretariat for editing and translation	At least three months before the fourth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the fourth session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(16) Working group on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18)

The Conference of the Parties,

Taking into account Articles 17, 18, 20.1(a), 22.1(b) and 26.3 of the WHO Framework Convention on Tobacco Control;

Recalling its decision FCTC/COP1(17) on the establishment of a study group on alternative crops, and its decision FCTC/COP2(13) on the continuation of this work by the study group on economically sustainable alternatives to tobacco growing;

Noting the report of the study group on economically sustainable alternatives to tobacco growing;¹

Considering that the pursuit of alternative livelihoods to tobacco growing should be addressed with a long-term sustainable approach and from a development perspective, as it involves health, social, environmental and economic aspects beyond substitution of one economic activity for another;

¹ Document FCTC/COP/3/11.

Reaffirming the commitment of Parties to Article 5.3 of the Convention;

Mindful of the important work being undertaken under the umbrella of the United Nations Ad Hoc Interagency Task Force on Tobacco Control, especially by the broad range of agencies that have recognized expertise in this area including, among others, the United Nations Food and Agriculture Organization, the United Nations Development Programme, the United Nations Environment Programme and the World Bank,

DECIDED:

(1) to establish a working group on economically sustainable alternatives to tobacco growing to replace the study group established by the Conference of the Parties in its decisions FCTC/COP1(17) and FCTC/COP2(13), and to mandate the working group:

(a) to develop a standardized methodological framework for comprehensive assessment of the viability and sustainability of tobacco growing and alternative livelihoods including, but not limited to, alternative cropping systems, and taking into account health, social, environmental and economic factors;

(b) to standardize, for the purposes of the Convention, the terminology, instruments and variables used in this area in line with international standards and practices;

(c) to promote the development of studies on the effects of tobacco growing on health, the environment and the social structures in developing country Parties and Parties with economies in transition;

(d) to identify and actively promote exchanges of information and experience between countries undertaking initiatives to assist farmers in switching to alternative livelihoods to tobacco growing;

(e) to assess existing sources of information, research, experience, best practices and regulations covering the status of tobacco growing, employment and the role of the tobacco industry, and to collect and share them as appropriate;

(f) to promote synergies and avoid duplication of efforts by identifying and developing mechanisms and areas of cooperation with relevant intergovernmental organizations¹ and nongovernmental organizations with expertise in the promotion of sustainable alternative livelihoods to tobacco growing, e.g. alternative cropping systems; and

(g) to elaborate, based on the above, and as deemed appropriate by the working group, policy options and recommendations for implementation of Articles 17 and 18 of the Convention for consideration by the Conference of the Parties;

¹ The International Labour Organization, the United Nations Development Programme, the United Nations Environment Programme, the United Nations Food and Agricultural Organization, the United Nations Industrial Development Organization, the United Nations Office on Drugs and Crime, the World Bank and other agencies represented in the United Nations Ad Hoc Interagency Task Force on Tobacco Control, as relevant.

- (2) to request the working group to present a progress report to the Conference of the Parties at its fourth session, which will include, if possible, a first set of policy options and recommendations for implementation of Articles 17 and 18 of the Convention;
- (3) to establish initial membership of the working group as follows:
- Key facilitators: Brazil, Greece, India, Mexico
- Partners: Bangladesh, Ghana, Iran (Islamic Republic of), Lao People's Democratic Republic, Mali, Philippines, Syrian Arab Republic, Thailand, Turkey, United Republic of Tanzania;
- (4) to set 31 January 2009 as the deadline for Parties to announce to the Convention Secretariat their participation as partners in the working group;
- (5) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise on the matter to participate in the working group, as requested by the Convention Secretariat;
- (6) to request the Convention Secretariat to make the necessary arrangements, including budgetary arrangements, for the working group to undertake its work, and to ensure, in consultation with the Bureau, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the progress report to the Conference of the Parties;
- (7) to adopt the timeline set out below:

Make the progress report, as requested, accessible by the Parties for their comments	At least six months before the fourth session of the Conference of the Parties
Submission to the Convention Secretariat for editing and translation	At least three months before the opening day of the fourth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the fourth session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(17) Reporting and exchange of information

The Conference of the Parties,

Recalling decision FCTC/COP1(14), which provided the basis for the reporting arrangements under the WHO Framework Convention on Tobacco Control as well as decision FCTC/COP2(9) providing guidance for the further development of the reporting instrument;

Taking into account that the Bureau of the Conference of the Parties at its meeting on 23 and 24 April 2008 accepted the revised Group 1 questions for provisional use by Parties, pending a decision of the Conference of the Parties at its third session;

Noting the reports of the Parties as contained in document FCTC/COP/3/14 presented by the Convention Secretariat;

Noting the revised Group 1 questions and the Group 2 questions prepared by the Convention Secretariat under the guidance of the Bureau, and with the assistance of competent entities within WHO, contained in documents FCTC/COP/3/15 and FCTC/COP/3/16;

Recognizing that increased international collaboration, exchanges of information and mutual assistance are critical elements of the Convention;

Taking into account the need for constant assessment of the reporting system under the WHO Framework Convention on Tobacco Control in order to track progress, to improve the comparability of data and to highlight the challenges and opportunities in implementation, particularly with respect to standardization of data between countries and the provision of information concerning trends in policy implementation and enforcement;

Also taking into account the conclusions and recommendations of the open-ended informal working group which revised the draft Group 2 questions at the third session of the Conference of the Parties,

DECIDED:

- (1) to adopt the format for the submission of Parties' reports for Group 1 questions as set out in the reporting instrument contained in document FCTC/COP/3/15;
- (2) to adopt the format for the submission of Parties' reports for Group 2 questions as set out in the reporting instrument contained in document FCTC/COP/3/16 Rev.1 and annexed to this decision;
- (3) to mandate the Convention Secretariat to develop, with the involvement of interested Parties, as well as relevant nongovernmental organizations with specific expertise in this area, a set of step-by-step instructions to assist in completing Group 2 questions, and to make those instructions available to Parties in a separate document published on the Internet within six months of the adjournment of the third session of the Conference of the Parties;
- (4) to mandate the Bureau to adopt amendments to the Group 2 questions;
- (5) to request the Convention Secretariat to assist Parties, upon request, in meeting their reporting obligations under the Convention;
- (6) to request that the Convention Secretariat, under the guidance of the Bureau, and with the assistance of competent authorities within WHO, in particular the Tobacco Free Initiative, as well as relevant intergovernmental and nongovernmental organizations with specific expertise in this area, provide a report on measures:
 - (a) to improve the comparability of data over time;
 - (b) to standardize collected data within and between Parties;
 - (c) to develop indicators and definitions for use by Parties' national and international data collection initiatives; and
 - (d) to further harmonize with other data collection initiatives,

and submit that report to the Conference of the Parties for consideration at its fourth session.

ANNEX

**PHASE 2 (GROUP 2 QUESTIONS) OF THE REPORTING INSTRUMENT UNDER THE
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL**

1. ORIGIN OF THE REPORT

1.1	NAME OF CONTRACTING PARTY	
1.2	Information on national contact responsible for preparation of the report:	
	Name and title of contact officer	
	Full name of institution	
	Mailing address	
	Telephone number	
	Fax number	
	E-mail	
1.3	Signature of government official submitting the report:	
	Name and title of officer	
	Full name of institution	
	Mailing address	
	Telephone number	
	Fax number	
	E-mail	
	Web page	
1.4	Period of reporting	
1.5	Date the report was submitted	

2. TOBACCO CONSUMPTION AND RELATED HEALTH, SOCIAL AND ECONOMIC INDICATORS

(with reference to Articles 19.2(a), 20.2, 20.3(a), as well as Articles 6.2(a), 6.2(b), 6.3 and 15.5 as referred to in the respective subsections)

2.1	PREVALENCE OF TOBACCO USE		
2.1.1	Smoking prevalence in the adult population (all)		
	<i>(Please provide prevalence data for total adult population, and identify the age considered, e.g. 15 years old and over, 18–64 years; see 2.1.1.2)</i>		
		Prevalence (%) <i>(please include all smoking tobacco products in prevalence data)</i>	Average number of the most-consumed smoking tobacco product used per day
	MALES		
	Current smokers		
	Daily smokers		
	Occasional smokers		
	Former smokers		
	Never smokers		
	FEMALES		
	Current smokers		
	Daily smokers		
	Occasional smokers		
	Former smokers		
	Never smokers		
	TOTAL (males and females)		
	Current smokers		
	Daily smokers		
	Occasional smokers		
	Former smokers		
	Never smokers		

2.1.1.1	Please indicate the smoking tobacco products included in calculating prevalence for question 2.1.1:	
2.1.1.2	Please indicate the age range to which the data used to answer question 2.1.1 refer:	
2.1.1.3	Please indicate the year and source of the data used to answer question 2.1.1:	
2.1.1.4	Please provide the definitions of “current smoker”, “daily smoker”, “occasional smoker”, “former smoker” and “never smokers” used in this report.	
2.1.1.5	Please provide a brief explanation of the trend in smoking prevalence in the adult population in the past three years or since submission of your last report.	
2.1.2	Smoking prevalence in the adult population (by age groups) <i>(If data are available, please provide prevalence data by age group, and identify the age group considered, preferably by 10-year categories, e.g. 25–34, 35–44 years)</i>	
	Age group (adults)	Prevalence (%) <i>(please include all smoking tobacco products in prevalence data)</i>
	MALES	
	Current smokers ¹	
	FEMALES	
	Current smokers ¹	

¹ Please provide here data on either all current smokers or daily smokers only, whichever is available.

	TOTAL (males and females)	
Current smokers ¹		

2.1.2.1	Please indicate the smoking tobacco products included in calculating prevalence for question 2.1.2:
2.1.2.2	Please indicate the year and source of the data used to answer question 2.1.2:
2.1.2.3	Please provide a brief explanation of the trend in current smoking prevalence by age group in the past three years or since submission of your last report, if data are available.

2.1.3	Prevalence of smokeless tobacco use in the adult population (all)	
	<i>(Please provide prevalence data for total adult population, and identify the age considered in 2.1.3.2, e.g. 15 years old and over, 18–64 years; see 2.1.3.2)</i>	
		Prevalence (%) <i>(please include all smokeless tobacco products in prevalence data)</i>
	MALES	
	Current users	
	Daily users	
	Occasional users	
	Former users	

¹ Please provide here data on either all current smokers or daily smokers only, whichever is available.

	Never users	
	FEMALES	
	Current users	
	Daily users	
	Occasional users	
	Former users	
	Never users	
	TOTAL (males and females)	
	Current users	
	Daily users	
	Occasional users	
	Former users	
	Never users	
2.1.3.1	Please indicate the smokeless tobacco products included in calculating prevalence for question 2.1.3:	
2.1.3.2	Please indicate the age range to which the data used to answer question 2.1.3 refer:	
2.1.3.3	Please indicate the year and source of the data used to answer question 2.1.3:	
2.1.3.4	Please provide the definitions of “current user”, “daily user”, “occasional user”, “former user” and “never user” (of smokeless tobacco products) used in this report in the space below.	
2.1.3.5	Please provide a brief explanation of the trend in smokeless tobacco use in the adult population in the past three years or since submission of your last report.	

2.1.4	Prevalence of smokeless tobacco use in the adult population (current users) by age group <i>(If data are available, please provide prevalence data by age group, and identify the age group considered, preferably by 10-year categories, e.g. 25–34; 35–44 years)</i>			
		Age group (adults) <table border="1" style="float: right; margin-left: 20px;"> <thead> <tr> <th data-bbox="901 499 1070 533">Prevalence (%)</th> </tr> </thead> <tbody> <tr> <td data-bbox="901 544 1412 611"><i>(please include all smokeless tobacco products in prevalence data)</i></td> </tr> </tbody> </table>	Prevalence (%)	<i>(please include all smokeless tobacco products in prevalence data)</i>
Prevalence (%)				
<i>(please include all smokeless tobacco products in prevalence data)</i>				
MALES				
Current users ¹				
FEMALES				
Current users ¹				
TOTAL (males and females)				
Current users ¹				
2.1.4.1	Please indicate the smokeless tobacco products included in the answer to question 2.1.4:			

¹ Please provide data on either all current users or daily users only, whichever is available.

2.1.4.2	Please indicate the year and source of the data used to answer question 2.1.4:
2.1.4.3	Please provide a brief explanation of the trend in current use of smokeless tobacco by adult age groups in the past three years or since submission of your last report.

2.1.5		Tobacco use by ethnic group(s)			
		Ethnic group(s)	Prevalence (%) <i>(please include all smoking or smokeless tobacco products in prevalence data)</i>		
			Males	Females	Total (males and females)
	Current users				
2.1.5.1	Please indicate the tobacco products included in the answer to question 2.1.5:				
2.1.5.2	Please indicate the age range to which the data used to answer question 2.1.5 refer:				
2.1.5.3	Please indicate the year and source of the data used to answer question 2.1.5:				

2.1.6	Tobacco use by young persons			
		Age range	Prevalence (%) <i>(please include all smoking or smokeless tobacco products in prevalence data)</i>	
			Smoking tobacco	Smokeless tobacco
	Boys			
Current users ¹				
	Girls			
Current users ¹				
	TOTAL (boys and girls)			
Current users ¹				
2.1.6.1	Please indicate the tobacco products included in calculating prevalence for question 2.1.6:			
2.1.6.2	Please indicate the year and source of the data used to answer question 2.1.6:			
2.1.6.3	Please provide the definition of “current smoking/tobacco use” used to answer question 2.1.6 in the space below.			

¹ Please provide data on either all current users or daily users only, whichever is available.

2.1.6.4	Please provide a brief explanation of the trend in tobacco use by young persons in the past three years or since submission of your last report.

2.2	EXPOSURE TO TOBACCO SMOKE
2.2.1	Do you have any data on exposure to tobacco smoke in your population? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.2.2	If you answered “Yes” to question 2.2.1, please provide details in the space below (e.g. exposure by gender, at home, in the workplace, on public transport).
2.2.3	Please indicate the year and source of the data used to answer question 2.2.1:

2.3	TOBACCO-RELATED MORTALITY
2.3.1	Do you have information on tobacco-related mortality in your population? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.3.2	If you answered “Yes” to question 2.3.1, what is the estimated total number of deaths attributable to tobacco use in your population? <i>field to be inserted</i>
2.3.3	If available, please provide any additional information on mortality attributable to tobacco use (e.g. lung cancer, cardiovascular diseases) in your jurisdiction.
2.3.4	Please indicate the year and source of the data used to answer questions 2.3.2 to 2.3.3, and please submit a copy of the study you refer to:

2.4	TOBACCO-RELATED COSTS
2.4.1	Do you have information on the economic burden of tobacco use in your population, e.g. the overall cost of tobacco use imposed on your society? <input type="checkbox"/> Yes <input type="checkbox"/> No
2.4.2	If you answered “Yes” to question 2.4.1, please provide details (e.g. direct (health care-related) and indirect costs and, if possible, the method used to estimate these costs).
2.4.3	Please indicate the year and source of the data used to answer question 2.4.2, and please submit a copy of the study you refer to:

2.5	SUPPLY OF TOBACCO AND TOBACCO PRODUCTS <i>(with reference to Articles 6.2(b), 20.4(c), and 15.5)</i>				
2.5.1	Licit supply of tobacco products				
	Product	Unit (e.g. <i>pieces, tonnes</i>)	Domestic production	Exports	Imports
	Smoking tobacco products				
	Smokeless tobacco products				
	Other tobacco products				
	Tobacco	Leaves			
2.5.2	Please provide information on the volumes of duty-free sales (e.g. product, unit, quantity), if available.				
2.5.3	Please indicate the year and source of the data used to answer questions 2.5.1 and 2.5.2:				

2.6	SEIZURES OF ILLICIT TOBACCO PRODUCTS (with reference to Article 15.5)				
2.6.1		Year	Product	Unit (e.g. millions of pieces)	Quantity seized
	Smoking tobacco products				
	Smokeless tobacco products				
	Other tobacco products				
2.6.2	Do you have any information on the percentage of smuggled tobacco products on the national tobacco market? <input type="checkbox"/> Yes <input type="checkbox"/> No				
2.6.3	If you answered “Yes” to question 2.6.2, what percentage of the national tobacco market do smuggled tobacco products constitute? <i>field to be inserted</i>				
2.6.4	If you answered “Yes” to question 2.6.3 and you have information available, what is the trend over the past three years or since submission of your last report in the percentage of smuggled tobacco products in relation to the national tobacco market?				
2.6.5	Please provide any further information on illicit or smuggled tobacco products.				
2.6.6	Please indicate the year and source of the data used to answer questions in section 2.6:				
2.7	TOBACCO-GROWING				
2.7.1	Is there any tobacco-growing in your jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No				
2.7.2	If you answered “Yes” to question 2.7.1, please provide information on the number of workers involved in tobacco-growing. If available, please provide this figure broken down by gender.				

2.7.3	Please provide, if available, the share of the value of tobacco leaf production in the national gross domestic product. <i>field to be inserted</i>
2.7.4	Please indicate the year and source of the data used to answer questions in section 2.7:

2.8	TAXATION OF TOBACCO PRODUCTS <i>(with reference to Articles 6.2(a) and 6.3)</i>				
2.8.1	What proportion of the retail price of the most popular price category of tobacco product consists of taxes (e.g. sum of excise, sales and import duties (if applicable) and value added tax/goods and services tax (VAT/GST))? <i>field to be inserted</i>				
2.8.2	How are the excise taxes levied (what types of taxes are levied)?				
	• Specific tax only	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
	• Ad valorem tax only	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
	• Combination of specific and ad valorem taxes	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
	• More complex structure (<i>please explain: field to be inserted</i>)				
2.8.3	If available, please provide details on the rates of taxation for tobacco products at all levels of Government and be as specific as possible (specify the type of tax, e.g. VAT, sales, import duties)				
		Product	Type of tax	Rate or amount	Base of tax ¹
	Smoking tobacco products				
	Smokeless tobacco products				
	Other tobacco products				

¹ The “base of the tax” should clearly indicate on what the tax rate or amount is based. If the tax is expressed as a percentage (e.g. ad valorem tax), the base of the tax is the actual value of the good that is taxed; for example, 45% of the manufacturer’s price, 30% of the retail price. In this case the “base” is the manufacturer’s price or retail price. If the tax is expressed as an amount (e.g. specific tax), the base of the tax is the volume (number of pieces or by weight) of goods that is taxed. For example, if a tax is US\$ 5 per 100 cigarettes, the amount of tax is US\$ 5 and the base of the tax is 100 cigarettes.

2.8.4	Please briefly describe the trends in taxation for tobacco products in the past three years or since submission of your last report in your jurisdiction.
2.8.5	Do you earmark any percentage of your taxation income for funding any national plan or strategy on tobacco control in your jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No (In reference to Article 26)
2.8.6	If you answered “Yes” to question 2.8.5, please provide details in the space below.
2.8.7	Please indicate the year and source of the data used to answer questions 2.8.1 to 2.8.6:

2.9	PRICE OF TOBACCO PRODUCTS (with reference to Article 6.2(a))				
2.9.1	Please provide the retail prices of the three most widely sold brands of domestic and imported tobacco products at the most widely used point of sale in your capital city.				
		Most widely sold brand		Number of units or amount per package	Retail price
		Smoking tobacco products	Smokeless tobacco products		
	Domestic				
	Imported				
2.9.2	Please indicate the year and source of the data used to answer question 2.9.1.				

2.9.3	Please provide the currency used to complete the “Rate or amount” section of question 2.8.3 and the “Retail price” section of question 2.9.1. If known, please provide the exchange rate of this currency to US dollars as well as the date of this exchange rate.
2.9.4	Please briefly describe the trend in the prices of tobacco products in the past three years or since submission of your last report in your jurisdiction.

3. LEGISLATION, REGULATION AND POLICIES

3.1	<i>Article</i>	GENERAL OBLIGATIONS (with reference to Article 5)		
3.1.1	5	General obligations		
3.1.1.1	5.1	Have you developed and implemented comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with the Convention?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.1.2	5.1	If you answered “No” to question 3.1.1.1, have you partially developed and implemented tobacco control strategies by including tobacco control in national health, public health or health promotion strategies, plans and programmes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.1.3	5.1	If you answered “No” to question 3.1.1.2, is any aspect of tobacco control that is referred to in the Convention included in any national strategy, plan or programme?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.1.4	5.2(a)	Have you established or reinforced and financed		
		• a focal point for tobacco control	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• a tobacco control unit	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• a national coordinating mechanism for tobacco control	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.1.5	If you answered “Yes” to any of the questions under 3.1.1.4, please provide details (e.g. the nature of the national coordinating mechanism, the institution to which the focal point for tobacco control or the tobacco control unit belongs).			
3.1.1.6	Please provide a brief description of the progress made in implementing Article 5.1 and 5.2 (<i>General obligations</i>) in the past three years or since submission of your last report.			

3.1.1.7	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.1.2	5.3	Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.1.2.1		– protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.2.2		– ensuring that the public has access, in accordance with Article 12(c), to a wide range of information on tobacco industry activities relevant to the objectives of the Convention, such as in a public repository?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.1.2.3	If you answered “Yes” to any of the questions under 3.1.2.1 or 3.1.2.2, please provide details in the space below.			
3.1.2.4	Please provide a brief description of the progress made in implementing Article 5.3 in the past three years or since submission of your last report.			
3.1.2.5	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			

3.2	MEASURES RELATING TO THE REDUCTION OF DEMAND FOR TOBACCO <i>(with reference to Articles 6–14)</i>			
3.2.1	6	Price and tax measures to reduce the demand for tobacco		
		<p>Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:</p> <p><i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i></p>		
3.2.1.1	6.2(a)	– tax policies and, where appropriate, price policies on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.1.2	6.2(b)	– prohibiting or restricting, as appropriate, sales to international travellers of tax- and duty-free tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.1.3		– prohibiting or restricting, as appropriate, imports by international travellers of tax- and duty-free tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.1.4	<p>Please provide a brief description of the progress made in implementing Article 6 (<i>Price and tax measures to reduce the demand for tobacco</i>) in the past three years or since submission of your last report.</p>			
3.2.1.5	<p>If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.</p>			

3.2.2	8.2	Protection from exposure to tobacco smoke			
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:			
		<i>(Please check "Yes" or "No". For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>			
3.2.2.1		– protection from exposure to tobacco smoke in indoor workplaces?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.2.2		If you answered "Yes" to question 3.2.2.1, how comprehensive is the protection from exposure to tobacco smoke in the following indoor workplaces:	Complete	Partial	None
		• government buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• health-care facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• educational facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• private workplaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• other <i>(please specify: field to be inserted)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2.2.3		– protection from exposure to tobacco smoke in public transport?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.2.4		If you answered "Yes" to question 3.2.2.3, how comprehensive is the protection from exposure to tobacco smoke in the following types of public transport:	Complete	Partial	None
		• airplanes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• ground public transport (buses, trolleybuses, trams)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• motor vehicles used as places of work (taxis, ambulances, delivery vehicles)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• other <i>(please specify: field to be inserted)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2.2.5		– protection from exposure to tobacco smoke in indoor public places?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

3.2.2.6		If you answered “Yes” to question 3.2.2.5, how comprehensive is the protection from exposure to tobacco smoke in the following indoor public places:	Complete	Partial	None
		• cultural facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• bars	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• nightclubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• restaurants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2.2.7		Please provide a brief summary of complete and partial measures, with specific details of the partial measures that have been implemented.			
		• Protection from exposure to tobacco smoke in indoor workplaces			
		• Protection from exposure to tobacco smoke in public transport			
		• Protection from exposure to tobacco smoke in indoor public places			
3.2.2.8	Please provide a brief description of the progress made in implementing Article 8 (<i>Protection from exposure to tobacco smoke</i>) in the past three years or since submission of your last report.				
3.2.2.9	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.				

3.2.3	9	Regulation of the contents of tobacco products			
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:			
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>			
3.2.3.1		– testing and measuring the contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.3.2		– testing and measuring the emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.3.3		– regulating the contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.3.4		– regulating the emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

3.2.3.5	Please provide a brief description of the progress made in implementing Article 9 (<i>Regulation of the contents of tobacco products</i>) in the past three years or since submission of your last report.
3.2.3.6	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.

3.2.4	10	Regulation of tobacco product disclosures								
		<p>Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:</p> <p><i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i></p>								
3.2.4.1		<p>– requiring manufacturers or importers of tobacco products to disclose to Government authorities information about the:</p> <table border="1" data-bbox="399 1070 1356 1205"> <tr> <td data-bbox="399 1070 981 1137">• contents of tobacco products?</td> <td data-bbox="981 1070 1173 1137"><input type="checkbox"/> Yes</td> <td data-bbox="1173 1070 1356 1137"><input type="checkbox"/> No</td> </tr> <tr> <td data-bbox="399 1137 981 1205">• emissions of tobacco products?</td> <td data-bbox="981 1137 1173 1205"><input type="checkbox"/> Yes</td> <td data-bbox="1173 1137 1356 1205"><input type="checkbox"/> No</td> </tr> </table>			• contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	• emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
• emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
3.2.4.2		<p>– requiring public disclosure of information about the:</p> <table border="1" data-bbox="399 1256 1356 1391"> <tr> <td data-bbox="399 1256 981 1323">• contents of tobacco products?</td> <td data-bbox="981 1256 1173 1323"><input type="checkbox"/> Yes</td> <td data-bbox="1173 1256 1356 1323"><input type="checkbox"/> No</td> </tr> <tr> <td data-bbox="399 1323 981 1391">• emissions of tobacco products?</td> <td data-bbox="981 1323 1173 1391"><input type="checkbox"/> Yes</td> <td data-bbox="1173 1323 1356 1391"><input type="checkbox"/> No</td> </tr> </table>			• contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	• emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
• contents of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
• emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No								
3.2.4.3	Please provide a brief description of the progress made in implementing Article 10 (<i>Regulation of tobacco product disclosures</i>) in the past three years or since submission of your last report.									
3.2.4.4	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.									

3.2.5	11	Packaging and labelling of tobacco products		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.2.5.1	11	– requiring that packaging, individual cigarettes or other tobacco products do not carry advertising or promotion?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.2	11.1(a)	– requiring that packaging and labelling do not promote a product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.3	11.1(b)	– requiring that each unit packet and package of tobacco products carry health warnings describing the harmful effects of tobacco use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.4	11.1(b)(i)	– ensuring that the health warnings are approved by the competent national authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.5	11.1(b)(ii)	– ensuring that the health warnings are rotated?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.6	11.1(b)(iii)	– ensuring that the health warnings are clear, visible and legible?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.7	11.1(b)(iv)	– ensuring that the health warnings occupy no less than 30% of the principal display areas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.8		– ensuring that the health warnings occupy 50% or more of the principal display areas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.9	11.1(b)(v)	– ensuring that health warnings are in the form of, or include, pictures or pictograms?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.10		If you answered “Yes” to question 3.2.5.9, does the Government own the copyright to these pictures and pictograms?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.11		If you answered “Yes” to question 3.2.5.10, would you grant a non-exclusive and royalty-free licence for the use of health warnings developed in your jurisdiction with other Parties?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.5.12	11.2	– requiring that each unit packet and package of tobacco products contain information on relevant constituents and emissions of tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.13	11.3	– requiring that the warnings and other textual information appear on each unit packet and package and on any outside packaging and labelling in the principal language or languages of the country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.5.14	Please provide a brief description of the progress made in implementing Article 11 (<i>Packaging and labelling of tobacco products</i>) in the past three years or since submission of your last report.			
3.2.5.15	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.2.6	12	Education, communication, training and public awareness		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.2.6.1	12(a)	– educational and public awareness programmes? (<i>Please refer to programmes implemented since submission of your two-year report.</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.6.2		If you answered “Yes” to question 3.2.6.1, to whom are these programmes targeted?		
		• adults or the general public	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• children and young people	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• men	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• women	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• pregnant women	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• ethnic groups	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.6.3		If you answered “Yes” to question 3.2.6.1, do you reflect the following key differences among targeted population groups in educational and public awareness programmes?		
		• age	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• gender	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• educational background	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• cultural background	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• socioeconomic status	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.6.4	12(b)	If you answered “Yes” to question 3.2.6.1, do these educational and public awareness programmes cover:		
		• health risks of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• health risks of exposure to tobacco smoke?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• benefits of the cessation of tobacco use and tobacco-free lifestyles?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	12(f)	• adverse economic consequences of		
		○ tobacco production?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		○ tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• adverse environmental consequences of		
		○ tobacco production?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		○ tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.6.5	12(e)	If you answered “Yes” to question 3.2.6.1, does development and implementation of these educational and public awareness programmes ensure the active participation of:		
		• public agencies?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• nongovernmental organizations not affiliated with the tobacco industry?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• private organizations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.6.6	12	Are the elaboration, management and implementation of communication, education, training and public awareness programmes guided by research and do they undergo pre-testing, monitoring and evaluation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.6.7	12(d)	Are appropriate and special training or sensitization and awareness programmes on tobacco control addressed to:		
		• health workers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• community workers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• social workers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• media professionals?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• educators?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• decision-makers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• administrators?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.6.8	Please provide a brief description of the progress made in implementing Article 12 (<i>Education, communication, training and public awareness</i>) in the past three years or since submission of your last report.			
3.2.6.9	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.2.7	13	Tobacco advertising, promotion and sponsorship		
		Have you adopted and implemented, where appropriate, any legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes:		
		<i>(Please check "Yes" or "No". For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.2.7.1	13.2	– instituting a comprehensive ban on all tobacco advertising, promotion and sponsorship?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered "No" to question 3.2.7.1, please proceed to question 3.2.7.3.				

3.2.7.2		If you answered “Yes” to question 3.2.7.1, does your ban cover:		
		• display and visibility of tobacco products at points of sales?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the domestic Internet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the global Internet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• brand stretching and/or brand sharing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• product placement as a means of advertising or promotion?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the depiction of tobacco or tobacco use in entertainment media products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• tobacco sponsorship of international events or activities and/or participants therein?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• contributions from tobacco companies to any other entity for “socially responsible causes” and/or any other activities implemented under the umbrella of “corporate social responsibility” by the tobacco industry?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• cross-border advertising, promotion and sponsorship originating from your territory?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	13.7	• the same forms of cross-border advertising, promotion and sponsorship entering your territory for which domestic regulation apply?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please proceed to question 3.2.7.12.				
3.2.7.3	13.2	If you answered “No” to question 3.2.7.1. are you precluded by your constitution or constitutional principles from undertaking a comprehensive ban on tobacco advertising, promotion and sponsorship?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.4	13.3	– applying restrictions on all tobacco advertising, promotion and sponsorship?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.5	13.3	– applying restrictions on cross-border advertising, promotion and sponsorship originating from your territory with cross-border effects?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.7.6	13.4(a)	– prohibiting those forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.7	13.4(b)	– requiring that health or other appropriate warnings or messages accompany all tobacco advertising, promotion and sponsorship?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.8	13.4(c)	– restricting the use of direct or indirect incentives that encourage the purchase of tobacco products by the public?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.9	13.4(d)	– requiring the disclosure to relevant Government authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.10	13.4(e)	– restricting tobacco advertising, promotion and sponsorship on:		
		• radio?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• television?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• print media?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the domestic Internet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the global Internet?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other media (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.11	13.4(f)	– restricting tobacco sponsorship of:		
		• international events and activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• participants therein?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Whether you answered “Yes” or “No” to question 3.2.7.1, are you:				
3.2.7.12	13.6	– cooperating with other Parties in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.7.13	13.7	– imposing penalties for cross-border advertising equal to those applicable to domestic advertising, promotion and sponsorship originating from your territory in accordance with national law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.7.14	Please provide a brief description of the progress made in implementing Article 13 (<i>Tobacco advertising, promotion and sponsorship</i>) in the past three years or since submission of your last report.			
3.2.7.15	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.2.8	14	Demand reduction measures concerning tobacco dependence and cessation		
		<p>Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:</p> <p><i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages)</i></p>		
3.2.8.1	14.1	– developing and disseminating appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.8.2	14.1	– programmes to promote cessation of tobacco use, including:		
		• media campaigns emphasizing the importance of quitting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• programmes specially designed for women and/or pregnant women?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• local events, such as activities related to World No Tobacco Day or National No Smoking Day, if appropriate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.8.3	14.2(a)	– design and implementation of programmes aimed at promoting the cessation of tobacco use, in such locations as:		
		• educational institutions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• health-care facilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• workplaces?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• sporting environments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.8.4	14.2(b)	– inclusion of diagnosis and treatment of tobacco dependence and counselling services for cessation of tobacco use in national programmes, plans and strategies for:			
		• tobacco control?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• health?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• education?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.8.5		– inclusion of programmes on the diagnosis and treatment of tobacco dependence in your health-care system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.8.6	14.2(b)	If you answered “Yes” to question 3.2.8.5, which structures in your health-care system provide programmes for the diagnosis and treatment of tobacco dependence?			
		• primary health care	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• secondary and tertiary health care	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• specialist health-care systems (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• specialized centres for cessation counselling and treatment of tobacco dependence	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• rehabilitation centres	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.2.8.7	14.2(b)	If you answered “Yes” to question 3.2.8.5, are the services provided in these settings covered by public funding or reimbursement schemes?			
		• primary health care	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• secondary and tertiary health care	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• specialist health-care systems (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• specialized centres for cessation counselling and treatment of tobacco dependence	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• rehabilitation centres	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None

3.2.8.8	14.2(b)	If you answered “Yes” to question 3.2.8.5, which health and other professionals are involved in programmes offering treatment for tobacco dependence and counselling services?		
		Health professionals including:		
		• physicians	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• dentists	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• family doctors	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• practitioners of traditional medicine	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other medical professionals (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• nurses	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• midwives	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• pharmacists	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		Community workers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		Social workers	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		Others (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.8.9	14.2(c)	– training on tobacco dependence treatment incorporated into the curricula of health professional training at pre- and post-qualification levels at the following schools:		
		• medical?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• dental?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• nursing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• pharmacy?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.8.10	14.2(d)	– facilitating accessibility and/or affordability of pharmaceutical products for the treatment of tobacco dependence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.2.8.11	14.2(d)	If you answered “Yes” to question 3.2.8.10, which pharmaceutical products are available for the treatment of tobacco dependence in your jurisdiction?		
		• nicotine replacement therapy	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• bupropion	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• varenicline	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.2.8.12	14.2(d)	If you answered “Yes” to question 3.2.8.10, are the costs of treatment with these products covered by public funding or reimbursement?			
		• nicotine replacement therapy	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• bupropion	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• varenicline	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
		• other (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Fully	<input type="checkbox"/> Partially	<input type="checkbox"/> None
3.2.8.13	Please provide a brief description of the progress made in implementing Article 14 (<i>Demand reduction measures concerning tobacco dependence and cessation</i>) in the past three years or since submission of your last report.				
3.2.8.14	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.				

3.3	MEASURES RELATING TO THE REDUCTION OF THE SUPPLY OF TOBACCO (with reference to Articles 15–17)			
3.3.1	15	Illicit trade in tobacco products		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following: (Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)		
3.3.1.1	15.2	– requiring marking of all unit packets and packages to assist in determining the origin of the product?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.2	15.2(a)	– requiring marking of all unit packets and packages to assist in determining whether the product is legally sold on the domestic market?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.3.1.3	15.2(a)	– requiring that unit packets and packages of tobacco products for retail and wholesale use that are sold on the domestic market carry the statement: “Sales only allowed in ...” or carry any other effective marking indicating the final destination of the product?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.4	15.2(b)	– developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.5	15.3	– requiring that marking is presented in legible form or appears in the principal language or languages of the country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.6	15.4(a)	– requiring the monitoring and collection of data on cross-border trade in tobacco products, including illicit trade?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.7	15.4(a)	If you answered “Yes” to question 3.3.1.6, do you facilitate the exchange of this information among customs, tax and other authorities, as appropriate, and in accordance with national law and applicable bilateral and multilateral agreements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.8	15.4(c)	– requiring that confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products derived from illicit trade are destroyed, using environment-friendly methods where possible, or disposed of in accordance with national law?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.9	15.4(d)	– adopting and implementing measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.10	15.4(e)	– enabling the confiscation of proceeds derived from illicit trade in tobacco products?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.3.1.11	15.6	– promoting cooperation between national agencies and relevant regional and international intergovernmental organizations in investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products, with special emphasis on cooperation at regional and subregional levels?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.12	15.7	– licensing or other actions to control or regulate production and distribution in order to prevent illicit trade?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.1.13	Please provide a brief description of the progress made in implementing Article 15 (<i>Illicit trade in tobacco products</i>) in the past three years or since submission of your last report.			
3.3.1.14	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.3.2	16	Sales to and by minors		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.3.2.1	16.1	– prohibiting the sales of tobacco products to minors? If “Yes”, please specify the legal age: <i>field to be inserted</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.2	16.1(a)	– requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.3	16.1(a)	– requiring that, in case of doubt, each tobacco purchaser provide appropriate evidence of having reached full legal age?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.3.2.4	16.1(b)	– banning the sale of tobacco products in any manner by which they are directly accessible, such as open store shelves?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.5	16.1(c)	– prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.6	16.1(d)	– prohibiting the sale of tobacco products from vending machines?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered “Yes” to question 3.3.2.6, please proceed to question 3.3.2.8.				
3.3.2.7	16.1(d)	If you answered “No” to question 3.3.2.6, do you ensure that tobacco vending machines are not accessible to minors and/or do not promote the sale of tobacco products to minors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.8	16.2	– prohibiting and/or promoting the prohibition of the distribution of free tobacco products:		
		• to the public?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• to minors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.9	16.3	– prohibiting the sale of cigarettes individually or in small packets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.10	16.6	– providing for penalties against sellers and distributors in order to ensure compliance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.11	16.7	– prohibiting the sales of tobacco products by minors?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.3.2.12	Please provide a brief description of the progress made in implementing Article 16 (<i>Sales to and by minors</i>) in the past three years or since submission of your last report.			
3.3.2.13	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			

3.3.3	17	Provision of support for economically viable alternative activities			
		Have you adopted and implemented, where appropriate, measures or programmes on any of the following:			
		<i>(Please check "Yes" or "No". For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>			
3.3.3.1	17	– promoting economically viable and sustainable alternatives for:			
		• tobacco growers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
		• tobacco workers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
		• tobacco individual sellers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
3.3.3.2		Please provide a brief description of the progress made in implementing Article 17 (<i>Provision of support for economically viable alternative activities</i>) in the past three years or since submission of your last report.			
3.3.3.3		If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.4		OTHER MEASURES AND POLICIES <i>(with reference to Articles 18–21)</i>			
3.4.1	18	Protection of the environment and the health of persons			
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:			
		<i>(Please check "Yes" or "No". For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>			
3.4.1.1	18	– implementing measures in respect of tobacco cultivation within your territory, which take into consideration:			
		• the protection of the environment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• the health of persons in relation to the environment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.4.1.2	18	– implementing measures in respect of tobacco manufacturing within your territory, which take into consideration:			
		• the protection of the environment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
		• the health of persons in relation to the environment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

3.4.1.3	Please provide a brief description of the progress made in implementing Article 18 (<i>Protection of the environment and the health of persons</i>) in the past three years or since submission of your last report.			
3.4.1.4	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			
3.4.2	19	Liability		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check “Yes” or “No”. For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.4.2.1	19.1	– dealing with criminal and civil liability, including compensation where appropriate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.2.2	19.1	If you answered “Yes” to question 3.4.2.1, has any person in your jurisdiction launched any criminal and/or civil liability action, including compensation where appropriate, against any tobacco company in relation to any adverse health effect caused by tobacco use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.2.3	19.1	If you answered “Yes” to question 3.4.2.1, have you taken, as appropriate, any legislative, executive, administrative and/or other action against the tobacco industry for full or partial reimbursement of medical, social and other relevant costs related to tobacco use in your jurisdiction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.2.4	Please provide a brief description of any progress made, as appropriate, in implementing Article 19 (<i>Liability</i>) in the past three years or since submission of your last report.			
3.4.2.5	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			

3.4.3	20	Research, surveillance and exchange of information		
		Have you adopted and implemented, where appropriate, legislative, executive, administrative or other measures or have you implemented, where appropriate, programmes on any of the following:		
		<i>(Please check "Yes" or "No". For affirmative answers, you may provide a brief summary in the space provided at the end of the sections or send the relevant documentation to the Convention Secretariat. Please provide documentation, if available, in one of the six official languages.)</i>		
3.4.3.1	20.1(a)	– developing and/or promoting research that addresses:		
		• determinants of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• consequences of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• social and economic indicators related to tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• tobacco use among women, with special regard to pregnant women?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• the determinants and consequences of exposure to tobacco smoke?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• identification of effective programmes for the treatment of tobacco dependence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• identification of alternative livelihoods?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other (<i>please specify: field to be inserted</i>)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.3.2	20.1(b)	– training and support for all persons engaged in tobacco control activities, including research, implementation and evaluation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.3.3	20.3(a)	– a national system for epidemiological surveillance of:		
		• patterns of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• determinants of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• consequences of tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• social, economic and health indicators related to tobacco consumption?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• exposure to tobacco smoke?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• other relevant information (<i>please specify: field to be inserted</i>)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3.4.3.4	20.4	– regional and global exchange of publicly available national:		
		• scientific, technical, socioeconomic, commercial and legal information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• information on the practices of the tobacco industry?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• information on the cultivation of tobacco?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.3.5	20.4(a)	– an updated database of:		
		• laws and regulations on tobacco control?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• information about the enforcement of laws on tobacco control?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		• pertinent jurisprudence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.4.3.6	Please provide a brief description of the progress made in implementing Article 20 (<i>Research, surveillance and exchange of information</i>) in the past three years or since submission of your last report.			
3.4.3.7	If you have any relevant information pertaining to or not covered in this section, please provide details in the space below.			

4. INTERNATIONAL COOPERATION AND ASSISTANCE

Note: The goal of this section is to assist the Convention Secretariat in matching available skills and resources with identified needs at national, subregional, regional and international levels.

	<i>Article</i>		Assistance provided	Assistance received
		Pursuant to Article 21.1(c) and in accordance with Article 26, have you either provided or received financial or technical assistance (be it through unilateral, bilateral, regional, subregional or other multilateral channels, including relevant regional and international intergovernmental or nongovernmental organizations and financial and development institutions) for the development and strengthening of multisectoral, comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition in any of the following areas:		
4.1	22.1(a)	– development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

4.2	22.1(b)	– provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.3	22.1(c)	– appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.4	22.1(d)	– provision of the necessary material, equipment and supplies, as well as logistic support, for tobacco control strategies, plans and programmes?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.5	22.1(e)	– identification of methods for tobacco control, including comprehensive treatment of nicotine addiction?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.6	22.1(f)	– promotion of research to increase the affordability of comprehensive treatment of nicotine addiction?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.7	If you answered “Yes” to any of questions 4.1–4.6, please identify the Party or Parties from which assistance was received or to which assistance was provided.			
4.8	Please provide information about any assistance provided or received in the space below.			
4.9	If you have not received or provided assistance in any of the aforementioned areas, please identify any financial or technical assistance that may be under consideration, if appropriate.			
4.10	Have you encouraged relevant regional and international intergovernmental organizations and financial and development institutions in which you are represented to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>(Please refer to Article 26.4.)</i>			
4.11	If you answered “Yes” to question 4.10, please provide details in the space below.			
5. PRIORITIES AND COMMENTS				
5.1	What are the priorities for implementation of the WHO Framework Convention on Tobacco Control in your jurisdiction?			

5.2	Have you identified any specific gaps between the resources available and the needs assessed for implementing the WHO Framework Convention on Tobacco Control? <input type="checkbox"/> Yes <input type="checkbox"/> No
5.3	If you answered “Yes” to question 5.2, please provide details in the space below.
5.4	What, if any, are the constraints or barriers, other than lack of resources, you have encountered in implementing the Convention? <i>(Please refer to Article 21.1(b))</i>
5.5	Please provide any relevant information not covered elsewhere that you consider important.
5.6	Your suggestions for further development and revision of the reporting instrument:

End of reporting instrument

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(18) Logo of the WHO Framework Convention on Tobacco Control

The Conference of the Parties

DECIDED

- (1) to adopt a design as the logo of the WHO Framework Convention on Tobacco Control on the understanding that the logo shall be evaluated by the Parties and tested by the Convention Secretariat, and that a report on the evaluation shall be presented to the Conference of the Parties at its fourth session;
- (2) to adopt for this logo the abbreviation “FCTC”, in association with the emblem of the World Health Organization, as well as the name of the Convention, which is “WHO Framework Convention on Tobacco Control”, in all six official languages of the Conference of the Parties, as shown in the Annex to this decision;
- (3) that in view of the necessity of obtaining suitable legal protection:
 - (a) appropriate measures should be taken by the Convention Secretariat with a view to preventing the unauthorized use, in particular for commercial purposes by means of trademarks or commercial labels, of the logo, abbreviation and name of the WHO Framework Convention on Tobacco Control; and
 - (b) each Party to the WHO Framework Convention on Tobacco Control, pending the coming into effect within its territory of any such measure or prohibition, should endeavour to prevent any unauthorized use of the logo, abbreviation and name of the WHO Framework Convention on Tobacco Control, in particular for commercial purposes by means of trademarks or commercial labels.

ANNEX





(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(19) Workplan and budget for the financial period 2010–2011

The Conference of the Parties

Reaffirming its decision FCTC/COP1(9) on adoption of the Financial Rules of the Conference of the Parties to the WHO Framework Convention on Tobacco Control;

Recalling its decision FCTC/COP2(11) on the budget and workplan for the financial period 2008–2009,

DECIDED:

(1) to adopt the total budget of US\$ 12 840 000 for the financial period 2010–2011 as follows:

		US\$
I.	Fourth session of the Conference of the Parties	2 400 000
II.	Elaboration of protocols, guidelines and other possible instruments for the implementation of the Convention	4 600 000
III.	Reporting arrangements under the Convention (including the report of the Convention Secretariat on its activities)	1 430 000
IV.	Assistance to Parties in implementation of the Convention, with particular focus on developing country Parties and Parties with economies in transition	2 600 000
V.	Coordination with international and regional intergovernmental organizations and other bodies and other arrangements and activities	1 810 000
	Total	12 840 000

(2) to adopt the workplan for the financial period 2010–2011, as indicated in the Annex to this decision, taking into account the decisions taken by the Conference of the Parties at its third session;

(3) to adopt the table showing the distribution of voluntary assessed contributions for financial period 2010–2011, as indicated in Appendix 1 to this decision;

(4) to request the Head of the Convention Secretariat to implement the Conference of the Parties budget and workplan, and to submit to the Conference of the Parties:

(a) an interim performance report along with a final detailed performance report on the budget and workplan for the financial period 2008–2009, at its fourth session, and

(b) a final performance report on the budget and workplan for the financial period 2010–2011 in line with the model used by WHO in its performance reports to Member States, at its fifth session;

(5) to authorize the Convention Secretariat to seek and receive voluntary extrabudgetary contributions for activities in line with the workplan;

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- (6) to encourage Parties to the Convention to provide extrabudgetary contributions for meeting the objectives of the workplan;
- (7) to review progress with the workplan and budget for the financial period 2010–2011 at the fourth session of the Conference of the Parties and make revisions, if necessary, in light of the availability of funds that are necessary for its full implementation;
- (8) to request more efficient coordination between WHO's Tobacco Free Initiative and the Convention Secretariat in order to avoid duplication of efforts and to maximize the use of available resources;
- (9) to call on the Head of the Convention Secretariat to submit to Parties no later than 60 days before the opening day of the fourth session of the Conference of the Parties to the Convention, a complete proposed workplan and budget for the financial period 2012–2013 that covers:
- (a) suggested priorities for work;
 - (b) a detailed explanation of the suggested work;
 - (c) a detailed budget for each major area of work, including staffing costs;
- (10) to call on the Head of the Convention Secretariat to keep the Bureau regularly updated on the status of budget and workplans agreed by the Conference of the Parties.
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ANNEX

Workplan and budget for the financial period 2010–2011¹

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
1.	Fourth session of the Conference of the Parties (Article 24.3(a) and Article 23)	Preparing for and convening the fourth session of the Conference of the Parties Preparation and dissemination of post-session reports and communication	The fourth session of the Conference of the Parties prepared and convened on time Post-session reports delivered to Parties within six months	2 400 000
2.	Elaboration of protocols, guidelines and other possible instruments for implementation of the Convention (Article 24.3(a) and (g), Article 7 and Article 33)			4 600 000
2.1	Development of a protocol on illicit trade in tobacco products		Draft protocol prepared and submitted to the Conference of the Parties six months before the opening day of the fourth session of the Conference	
2.1.1	Fourth session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products	Preparing for and convening the fourth session of the Intergovernmental Negotiating Body		1 900 000
2.1.2	Additional staff support			400 000

¹ See Appendix 2 for explanatory note.

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
2.1.3	Intersessional work	Intersessional work in expert and regional groups, and the extension of the third session from six to eight working days, as recommended by the Intergovernmental Negotiating Body		950 000 ¹
2.2	Elaboration of guidelines on Articles 9 and 10 (<i>Regulation of the contents of tobacco products and Regulation of tobacco product disclosures</i>)	One meeting of the Working Group, in combination with intersessional work of key facilitators and the Convention Secretariat	Progress report of the Working Group, including, if possible, draft guidelines, submitted for consideration of the fourth session of the Conference of the Parties, according to the timeline and procedure identified by the third session of the Conference	225 000
2.3	Elaboration of guidelines on Article 12 (<i>Education, communication, training and public awareness</i>)	One meeting of the Working Group, in combination with intersessional work by key facilitators and the Convention Secretariat	Progress report of the Working Group, including, if possible, draft guidelines, submitted for consideration by the fourth session of the Conference of the Parties, according to the timeline and procedure identified by the third session of the Conference	225 000
2.4	Elaboration of guidelines for implementation of Article 14 (<i>Demand reduction measures concerning tobacco dependence and cessation</i>)	Two meetings of the Working Group established by the Conference of the Parties, in combination with intersessional work by key facilitators and the Convention Secretariat	Report of the Working Group, including, if possible, draft guidelines, submitted for consideration by the fourth session of the Conference of the Parties, according to	450 000

¹ Subtotal for Intergovernmental Negotiating Body: US\$ 3 250 000.

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
			the timeline and procedure identified by the third session	
2.5	Working Group on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18)	Two meetings of the Working Group, established by the Conference of the Parties, in combination with intersessional work by key facilitators and the Convention Secretariat	Report of the Working Group, including if possible, policy options and recommendations submitted for consideration by the fourth session of the Conference of the Parties, according to the timeline and procedure identified by the third session	450 000
3.	Reporting arrangements under the Convention (Article 24.3(b), (c) and (d), and Article 21)			1 430 000
3.1	Summary of Party reports on the progress on implementation of the Convention internationally	Convention Secretariat to prepare the draft summary report based on analysis of the Party reports received Two expert meetings to support the process	Two annual summary reports, for 2010 and 2011, prepared and submitted to the Conference of the Parties	250 000
3.2	Support to Parties in fulfilling their reporting obligations	Receiving and analysing the periodic reports of Parties on implementation of the Convention; maintaining and updating the web-based database of reports; and providing feedback to Parties on reports Intercountry and country workshops on the reporting instrument and preparation of reports	The percentage of Parties submitting their reports on time and as required by the reporting instrument increased The web-based database of reports of the Parties is up to date and easy to use At least 10 inter-country workshops organized to cover all regions	650 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
		Providing advice and assistance on individual requests by the Parties	Technical assistance provided to at least 25 Parties requiring substantial assistance	
3.3	Reviewing the reporting arrangements under the Convention	A report on: (a) proposed measures to implement the provisions of decision FCTC/COP1(14) on the review of reporting arrangements under the Convention; (b) measures to improve data collection and comparability of data in line with decision FCTC/COP3(17)	Report submitted on time to the fourth session of the Conference of the Parties	180 000
3.4	Report of the Convention Secretariat	Preparing the report of the Convention Secretariat on its activities to be submitted to the Conference of the Parties	Report of the Secretariat prepared and submitted on time for consideration at the fourth session of the Conference of the Parties	350 000
4.	Assistance to Parties in implementation of the Convention, with a particular focus on developing country Parties and Parties with economies in transition with a view to promoting harmonization and alignment of tobacco control policies at country level (Article 24.3(c) and (g), Article 22 and Article 26)			2 600 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
4.1	Advice on and promotion of access to available resources and mechanisms of assistance	<p>Updating and disseminating the database on resources available internationally for implementation of the Convention</p> <p>Providing support in needs assessment, project development and submission of proposals for funding</p>	<p>A comprehensive database of available resources fully operational and actively disseminated by the time of the fourth session of the Conference of the Parties</p> <p>At least 25 Parties supported in needs assessment, project development and submission of proposals for funding</p>	850 000
4.2	Promotion of transfer of technical, scientific and legal expertise and technology	<p>Facilitating transfer of technical, scientific and legal expertise in line with implementation guidelines adopted by the Conference of the Parties in relation to articles of the Convention</p> <p>Preparing a report on the promotion of transfer of expertise and technology under the Convention for consideration at the fourth session of the Conference of the Parties, in line with Article 22.2 of the Convention</p> <p>Establishing a process to identify and initiate cooperation agreements with Parties wishing to facilitate the transfer of expertise and technology</p>	<p>At least 25 developing country Parties and Parties with economies in transition assisted for transfer/receiving expertise and technology</p> <p>A report by the Convention Secretariat on the status and arrangements for promoting the transfer of expertise and technology for consideration of the Conference of the Parties is developed and submitted to the fourth session of the Conference</p> <p>At least three agreements/exchange of letters established with Parties on facilitating the transfer of expertise and technology</p>	425 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
4.3	Advice and support on compilation and communication of information on treaty matters	<p>Dissemination of, and awareness-raising on, treaty instruments</p> <p>Providing advice on treaty- specific matters, both those frequently requested and those specifically requested by Parties</p> <p>Providing support in preparatory work towards the fourth session of the Conference of the Parties</p>	<p>Treaty implementation instruments, particularly the guidelines on different articles, widely acknowledged and utilized in Parties</p> <p>At least 10 intercountry workshops organized in all regions on treaty matters, including dissemination of treaty instruments, and assistance provided towards preparations for the fourth session of the Conference of the Parties</p>	955 000
		<p>Providing advice and support for the implementation of the treaty measures that require a deadline</p>	<p>At least 30 Parties assisted on treaty-specific aspects by providing advice, information and clarifications</p>	
4.4	Promoting South–South cooperation in the exchange of scientific, technical and legal expertise as relevant to the implementation of the Convention	<p>Conducting a review of existing cooperation</p> <p>Expert meeting to elaborate recommendations for strengthening this area of work</p> <p>Four pilot demonstration projects in different regions</p>	<p>Report containing the outcome of the review and expert meeting prepared for submission to the fourth session of the Conference of the Parties</p> <p>Demonstration projects analysed and results disseminated</p>	370 000
5	Coordination with international and regional intergovernmental organizations and other bodies, and other arrangements and activities (Article 24.3(e), (f) and (g), Article 23.5(g) and Article 25)			1 810 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
5.1	Coordination with international and regional intergovernmental organizations and other bodies	Joint reviews and agreements of cooperation with intergovernmental organizations with substantial technical relevance and potential to support the implementation of the decisions of the Conference of the Parties	At least five reviews and agreements concluded by the fourth session of the Conference of the Parties Review of instruments available for joint use is accomplished with secretariats of treaties in related areas	570 000
		Report of the Convention Secretariat on services and information available in relevant international organizations as a means of strengthening the implementation of the Convention, for consideration at the fourth session of the Conference of the Parties, in line with Article 23.5(g)	The report prepared and delivered on time for consideration at the fourth session of the Conference Report of the Secretariat prepared and submitted on time for consideration at the fourth session of the Conference	
5.2	Review of accreditation of nongovernmental organizations in line with Rule 31.3 of the Rules of Procedure of the Conference of the Parties	Conducting the review	Report submitted on time to the fourth session of the Conference of the Parties	140 000
5.3	Support to the intersessional tasks of the Bureau of the Conference of the Parties and the Bureau of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products	Preparing and convening the meetings of the Bureau Follow-up on decisions of the Bureau	Intersessional meetings of the Bureau of the Conference of the Parties (on average, every three to four months) and the Bureau of the Intergovernmental Negotiating Body (on average, every six months), with additional meetings via videoconference as necessary	300 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
5.4	General administration and management, budget, finance, planning and fundraising activities		<p>Workplans and administrative arrangements customized and run within WHO's global management system</p> <p>Payment of voluntary assessed contributions facilitated with the aim of at least 95% collection by the end of the biennium</p> <p>Fund-raising mechanism in the Convention Secretariat fully established, and extrabudgetary contributions for fulfilling the 2010–2011 workplan promoted and received</p>	450 000
5.5	Participation in professional meetings and staff training, communication, advocacy, web site, publications	<p>Identifying important professional meetings and ensuring that technical staff attend and participate as necessary</p> <p>Developing and implementing communication strategy to ensure public and political awareness and visibility of the Convention, particularly in relation to meetings of the Conference of the Parties and subsidiary bodies, and key developments such as adoption of convention instruments, global progress reports</p>	<p>Each staff member attends at least one training course a year, and each technical officer participates/makes a presentation at least once a year in major international meetings</p> <p>Decisions of the Conference of the Parties, as well as documents of the Conference of particular technical importance, such as the summary reports and implementation guidelines, published in all six languages and actively disseminated</p>	350 000

	Area of work	Main components/activities	Expected results and indicators	Budget (US\$)
		Global advocacy and visibility for the Convention, advisory group to support the process	Press releases and briefings on treaty developments (on average every three months), the Convention web site re-designed and updated regularly	

APPENDIX 1

**Voluntary assessed contributions to the WHO Framework Convention on Tobacco Control
for the financial period 2010–2011**

	Parties to the Convention	Percentage	US\$
1	Albania	0.00767	680
2	Algeria	0.10862	9 635
3	Angola	0.00383	340
4	Antigua and Barbuda	0.00256	227
5	Armenia	0.00256	227
6	Australia	2.28373	202 567
7	Austria	1.13362	100 553
8	Azerbaijan	0.00639	567
9	Bahrain	0.04217	3 741
10	Bangladesh	0.01278	1 133
11	Barbados	0.01150	1 020
12	Belarus	0.02556	2 267
13	Belgium	1.40837	124 923
14	Belize	0.00128	113
15	Benin	0.00128	113
16	Bhutan	0.00128	113
17	Bolivia	0.00767	680
18	Botswana	0.01789	1 587
19	Brazil	1.11957	99 306
20	Brunei Darussalam	0.03323	2 947
21	Bulgaria	0.02556	2 267
22	Burkina Faso	0.00256	227
23	Burundi	0.00128	113
24	Cambodia	0.00128	113
25	Cameroon	0.01150	1 020
26	Canada	3.80456	337 465
27	Cape Verde	0.00128	113
28	Central African Republic	0.00128	113
29	Chad	0.00128	113
30	Chile	0.20574	18 249
31	China	3.40841	302 326
32	Colombia	0.13418	11 902
33	Comoros	0.00128	113
34	Congo	0.00128	113
35	Cook Islands	0.00128	113
36	Costa Rica	0.04089	3 627
37	Croatia	0.06389	5 667

	Parties to the Convention	Percentage	US\$
38	Cyprus	0.05623	4 987
39	Democratic People's Republic of Korea	0.00895	793
40	Democratic Republic of the Congo	0.00383	340
41	Denmark	0.94450	83 777
42	Djibouti	0.00128	113
43	Dominica	0.00128	113
44	Ecuador	0.02684	2 380
45	Egypt	0.11246	9 975
46	Equatorial Guinea	0.00256	227
47	Estonia	0.02045	1 814
48	European Community	3.19475	283 374
49	Fiji	0.00383	340
50	Finland	0.72074	63 929
51	France	8.05269	714 273
52	Gambia	0.00128	113
53	Georgia	0.00383	340
54	Germany	10.96144	972 280
55	Ghana	0.00511	453
56	Greece	0.76163	67 556
57	Grenada	0.00128	113
58	Guatemala	0.04089	3 627
59	Guinea	0.00128	113
60	Guyana	0.00128	113
61	Honduras	0.00639	567
62	Hungary	0.31181	27 657
63	Iceland	0.04728	4 194
64	India	0.57505	51 007
65	Iran (Islamic Republic of)	0.23002	20 403
66	Iraq	0.01917	1 700
67	Ireland	0.56867	50 441
68	Israel	0.53544	47 494
69	Italy	6.49096	575 749
70	Jamaica	0.01278	1 133
71	Japan	21.24547	1 762 200
72	Jordan	0.01533	1 360
73	Kazakhstan	0.03706	3 287
74	Kenya	0.01278	1 133
75	Kiribati	0.00128	113
76	Kuwait	0.23258	20 630
77	Kyrgyzstan	0.00128	113
78	Lao People's Democratic Republic	0.00128	113
79	Latvia	0.02300	2 040
80	Lebanon	0.04345	3 854

	Parties to the Convention	Percentage	US\$
81	Lesotho	0.00128	113
82	Libyan Arab Jamahiriya	0.07923	7 028
83	Lithuania	0.03961	3 514
84	Luxembourg	0.10862	9 635
85	Madagascar	0.00256	227
86	Malaysia	0.24280	21 536
87	Maldives	0.00128	113
88	Mali	0.00128	113
89	Malta	0.02172	1 927
90	Marshall Islands	0.00128	113
91	Mauritania	0.00128	113
92	Mauritius	0.01406	1 247
93	Mexico	2.88448	255 853
94	Micronesia (Federated States of)	0.00128	113
95	Mongolia	0.00128	113
96	Montenegro	0.00128	113
97	Myanmar	0.00639	567
98	Namibia	0.00767	680
99	Nauru	0.00128	113
100	Nepal	0.00383	340
101	Netherlands	2.39363	212 315
102	New Zealand	0.32714	29 018
103	Nicaragua	0.00256	227
104	Niger	0.00128	113
105	Nigeria	0.06134	5 441
106	Niue	0.00128	113
107	Norway	0.99945	88 651
108	Oman	0.09329	8 275
109	Pakistan	0.07540	6 688
110	Palau	0.00128	113
111	Panama	0.02939	2 607
112	Papua New Guinea	0.00256	227
113	Paraguay	0.00639	567
114	Peru	0.09968	8 841
115	Philippines	0.09968	8 841
116	Poland	0.64023	56 788
117	Portugal	0.67345	59 735
118	Qatar	0.10862	9 635
119	Republic of Korea	2.77713	246 332
120	Romania	0.08945	7 934
121	Russian Federation	1.53361	136 031
122	Rwanda	0.00128	113

	Parties to the Convention	Percentage	US\$
123	Saint Lucia	0.00128	113
124	Samoa	0.00128	113
125	San Marino	0.00383	340
126	Sao Tome and Principe	0.00128	113
127	Saudi Arabia	0.95600	84 797
128	Senegal	0.00511	453
129	Serbia	0.02684	2 380
130	Seychelles	0.00256	227
131	Singapore	0.44343	39 332
132	Slovakia	0.08051	7 141
133	Slovenia	0.12268	10 882
134	Solomon Islands	0.00128	113
135	South Africa	0.37059	32 871
136	Spain	3.79306	336 445
137	Sri Lanka	0.02045	1 814
138	Sudan	0.01278	1 133
139	Swaziland	0.00256	227
140	Sweden	1.36876	121 409
141	Syrian Arab Republic	0.02045	1 814
142	Thailand	0.23769	21 083
143	The former Yugoslav Republic of Macedonia	0.00639	567
144	Timor-Leste	0.00128	113
145	Togo	0.00128	113
146	Tonga	0.00128	113
147	Trinidad and Tobago	0.03450	3 060
148	Turkey	0.48688	43 186
149	Tuvalu	0.00128	113
150	Uganda	0.00383	340
151	Ukraine	0.05751	5 101
152	United Arab Emirates	0.38593	34 232
153	United Kingdom of Great Britain and Northern Ireland	8.48845	752 925
154	United Republic of Tanzania	0.00767	680
155	Uruguay	0.03450	3 060
156	Vanuatu	0.00128	113
157	Venezuela (Bolivarian Republic of)	0.25558	22 670
158	Viet Nam	0.03067	2 720
159	Yemen	0.00895	793
160	Zambia	0.00128	113
	Total	100.00000	8 747 727

APPENDIX 2

**Draft workplan and budget for the financial period 2010–2011
Explanatory note****Total budget**

1. The total approved budget for the financial period 2008–2009 was US\$ 12 960 000. The proposed total budget for the financial period 2010–2011 is US\$ 12 840 000.
2. The WHO Framework Convention on Tobacco Control has been consolidated by the substantial number of new countries that have become Parties to it in recent years. Although this has increased the needs and costs associated with servicing the treaty, the growing number of Parties also provides an opportunity to share this cost increase, maintaining the individual contributions of Parties within the existing range.
3. The Convention is currently in an active stage of progress: new countries are joining, treaty instruments are being developed, immediate deadlines for implementation are being respected and treaty processes established. Budget increases over the first three or four biennia are generally to be expected for treaty bodies in their early stages. The budget, and particularly the voluntary assessed contributions of Parties, is expected to stabilize after the initial period.

Voluntary assessed contributions

4. The number of Parties to the WHO Framework Convention on Tobacco Control was 113 at the first session of the Conference of the Parties and 146 at the second session. The total amount of voluntary assessed contributions, however, remained unchanged at US\$ 8 010 000 between the budget for 2006–2007 and the budget for 2008–2009.
5. The number of Parties has since increased to 160 at the third session of the Conference – a 41.6% increase over the first session. This increase, and the growth it implies in work to respond to the needs of the Parties, engenders increased operational expenses. The number of Parties is expected to increase further to at least 165 by the end of 2009, taking into account the ratification processes that have been completed, or that are close to completion, in several countries.
6. Total voluntary assessed contributions in the proposed budget for 2010–2011 are set at US\$ 8 747 727, a 9.21% increase compared with the first and current biennial budgets. However, this increase will not, in general, affect voluntary assessed contributions paid by individual Parties. According to the proposed budget, these will remain close to the levels identified in the budgets for 2006–2007 and for 2007–2008, with some differences reflecting variations in WHO scales of assessment, which serve as the basis for calculations. The difference between the total budget and total voluntary assessed contributions will be covered by voluntary extrabudgetary contributions.

Extrabudgetary funds

7. It is planned that extrabudgetary funds will be US\$ 4 090 000, which should make it possible to respond to the core needs that have been identified in the draft workplan. It should be noted that some items in the workplan may need more funds owing to the increasing needs that arise as more countries become Parties to the Convention, and taking into account the needs assessments to be conducted in several countries. Any additional extrabudgetary funds, beyond the US\$ 4 090 000 mentioned above,

will be directed at tackling these supplementary needs, with a particular focus on the needs of developing country Parties and Parties with economies in transition.

Workplan

8. The draft workplan generally maintains the composition of the workplan for 2008–2009. It addresses measures outlined in different articles of the Convention, particularly those specifically requiring or envisaging action by the Conference of the Parties and the Convention Secretariat, as well as decisions taken by the Conference that require action. The structure is slightly modified to give more prominence and clarity to several core activities, such as the elaboration of protocols and guidelines and the provision of implementation assistance to Parties in need – activities that were described under “other arrangements and activities” in the workplan for 2008–2009.

9. Some items of the draft workplan reflect the outcome of the third session of the Conference of the Parties. These include the further work on Articles 9 and 10, Article 12, Article 14, Article 17 and Article 18, based on the review of the relevant reports at the third session of the Conference.

10. A fourth session of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products is budgeted, based on the report of that body to the Conference of the Parties¹ and the subsequent decision of the Conference outlining the possibility that negotiations may not be finalized at the third session of the Intergovernmental Negotiating Body. The increased cost from US\$ 1.8 million, as adopted by the second session of the Conference of the Parties² for sessions of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products, to US\$ 1 900 000 in the proposed budget reflects the support for participation of delegates from low- and lower-middle income countries that became Parties to the Convention after the second session of the Conference. The budget for the Intergovernmental Negotiating Body also takes into account the recommendations made by that body for intersessional work and for possible follow-up efforts after its third session, as well as an additional staff cost in line with its budget, approved by the Conference of the Parties in decision FCTC/COP2(11). Adjustments may be needed in order to reflect the guidance of the third session of the Conference of the Parties in respect of the Intergovernmental Negotiating Body process.

11. The increased cost for the fourth session of the Conference of the Parties (US\$ 2 400 000) compared with the cost for sessions of the Conference identified in previous biennial budgets (US\$ 1 800 000) reflects the support to countries that became Parties to the Convention after the second session, as described above, for the fourth session of the Intergovernmental Negotiating Body, as well as the cost for post-session documentation and the staff cost associated with the organization of the Conference previously reflected in other budget lines.

12. It should be noted that the workplan is being adopted relatively early, more than a year before the start of the financial period. Many areas of work are in active development, requiring prompt attention and a continuity of purpose and several of them will also be reported to the fourth session of the Conference of the Parties, scheduled for 2010. Some activities may therefore already require early commencement or initial work in 2009 in order to meet the deadlines in 2010. This was also the case when implementing the current workplan for the period 2008–2009, which was adopted in the summer of 2007.

¹ Document FCTC/COP/3/4.

² Decision FCTC/COP2(11).

13. Although the work on treaty instruments would require fewer meetings of subsidiary bodies compared with the current biennium, there are several additional elements in the draft workplan that would require maintaining, and even slightly increasing, the total biennial budget. First, the plan includes work envisaged by several articles of the Convention, such as Article 22.2 and Article 23.5(g) that were not previously considered. Secondly, plans for assistance to developing country Parties and Parties with economies in transition are being substantially expanded, with the coverage of new elements such as the promotion of South–South cooperation. Other new elements of the draft workplan include several reports concerning international coordination and observer organizations to be presented at the fourth session of the Conference of the Parties in line with the provisions of the Convention, the decisions of the Conference and the review of the reporting arrangements under the Convention.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(20) Recommendation by Committee A

The Conference of the Parties DECIDED to approve the recommendation by Committee A that in view of the ambiguity of the word “term” in Rule 28.1 of its Rules of Procedure, the Conference of the Parties should, when establishing subsidiary bodies under Rule 25, consider defining the duration of the term of office of the officers of those bodies.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(21) Recommendation by Committee B

The Conference of the Parties DECIDED to approve the recommendation by Committee B that, should the projected budget gap for the period 2008–2009 of about US\$ 1 035 000 occur as projected, the Convention Secretariat should give priority to the organizing of the work of the Conference of the Parties and its subsidiary bodies.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(22) Date and venue of the fourth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties, in accordance with Rules 3 and 4 of its Rules of Procedure,

DECIDED:

- (1) that its fourth session would be held in Uruguay in the last quarter of 2010, subject to the conclusion of an appropriate host agreement between Uruguay and the Convention Secretariat by 30 May 2009;
- (2) the exact venue and dates would be decided by the Bureau after receiving confirmation by the Convention Secretariat of the conclusion of a host agreement.

(Fourth plenary meeting, 22 November 2008)

FCTC/COP3(23) Election of the officers

The Conference of the Parties, pursuant to Rule 21 of its Rules of Procedure,

1. ELECTED the following officers to constitute the Bureau of the Conference of the Parties:

President: Mr T.D. Mseleku (South Africa)

Vice-Presidents:¹
Dr A.M. Al-Bedah (Saudi Arabia)
Mr C. Otto (Palau)
Mr A.M.M. Nasiruddin (Bangladesh)
Dr C. Chocano (Peru)
Mr J.G.H. Draijer (Netherlands)

2. DECIDED that, of the five Vice-Presidents, the following should act as Rapporteur:

Rapporteur: Mr J.G.H. Draijer (Netherlands)

(Fourth plenary meeting, 22 November 2008)

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¹ In accordance with Rule 24 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, lots were drawn to determine the order in which the Vice-Presidents would serve in the place of the President. The order presented in this list is the order in which the lots were drawn.

LIST OF PARTICIPANTS PARTIES

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National Counterpart for Tobacco Control
Programme

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ANGOLA

Chief delegate

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Ministry of Health

Delegate(s)

Dra. M.F.C.W.C. Manuel
Chief of Cabinet, Health Promotion, National
Directorate of Public Health

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AUSTRALIA

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Delegate(s)

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Mr S. Commar
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Deputy chief delegate

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Mr G. Seiter
Austrian Honorary Consul, Durban

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Delegate(s)

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