



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

Eighth session
Geneva, Switzerland, 1–6 October 2018

**Report of the Eighth session of the Conference of the Parties
to the WHO Framework Convention on Tobacco Control**

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1. OPENING OF THE SESSION

1. The Eighth session of the Conference of the Parties (COP8) to the WHO Framework Convention on Tobacco Control (WHO FCTC) was held at the International Conference Centre Geneva (CICG) in Geneva, Switzerland, from 1 to 6 October 2018. Representatives of 148 Parties to the Convention took part. Also present were representatives of six States non-Parties as well as four international intergovernmental organizations and 13 nongovernmental organizations (NGOs) accredited as observers.¹

2. The session was opened by the President of the Conference of the Parties (COP), Ms Preeti Sudan (India), who noted that, following the recent entry into force of the first protocol to the WHO FCTC, the Protocol to Eliminate Illicit Trade in Tobacco Products, the First session of the Meeting of the Parties to the Protocol would take place immediately following the present session of the COP. The recent High-level meeting on the prevention and control of noncommunicable diseases of the United Nations General Assembly (New York, 27 September 2018) had emphasized the key role of the WHO FCTC in reducing premature mortality from noncommunicable diseases. The WHO FCTC now has 181 Parties, the latest to ratify being Mozambique.

3. Ms Sudan read out a message from Mr Guterres, Secretary-General of the United Nations, in which Mr Guterres emphasized the importance of tobacco control for the achievement of the Sustainable Development Goals (SDGs), especially SDG3 related to health, and its potential contribution to human rights and climate change mitigation.

4. In his address, Dr Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (WHO) said that over 60% of the world population was now covered by one of the six packages of MPOWER tobacco control measures. Several countries had passed comprehensive tobacco control laws; others had increased tobacco taxes, introduced graphic health warnings and plain packaging for tobacco products or banned smoking in public places. A panel report by the World Trade Organization (WTO) had found the plain packaging law implemented in Australia to be consistent with WTO rules. He welcomed the entry into force of the Protocol and urged more Member States to accede to it. At the high-level meetings of the General Assembly on Ending Tuberculosis Control (New York, 26 September 2018) and the Prevention and Control of NCDs (New York, 27 September 2018) participants had stressed the importance of reducing tobacco use. Nevertheless, progress in tobacco control was too slow, particularly in low- and middle-income countries. He called upon all countries to increase tobacco taxes, which would both save lives and generate revenue for public health activities; to implement comprehensive bans on tobacco advertising, promotion and sponsorship; and to commit to universal health coverage based on resilient health systems and primary health care.

5. Mr Chikvaidze, Chef de Cabinet of the Director-General of the United Nations Office at Geneva, addressed the meeting on behalf of the Director-General, Mr Møller. The fact that 80% of the 1.1 billion smokers worldwide lived in low- and middle-income countries made tobacco use a development problem, affecting the most vulnerable people and straining already overstretched health systems. Young people formed a key demographic group that must be addressed through effective tobacco prevention policies or legislation. Partnerships with civil society, sports federations, the private sector, the mass media and others were crucial for the success of information campaigns about the risks of

¹ For the list of participants, see document FCTC/COP/8/DIV/Rev2 <http://www.who.int/fctc/cop/sessions/cop8/en/>

tobacco use. The WHO FCTC was a good example of the collaboration required to foster new partnerships, share lessons learned and find solutions to current challenges, in the spirit of the United Nations 2030 Agenda for Sustainable Development.

6. Dr da Costa e Silva, Head of the Secretariat of the WHO FCTC (Convention Secretariat), joined previous speakers in welcoming all participants, including Parties, States non-Parties and the many representatives of civil society. She has welcomed intergovernmental organizations and noted that the engagement at the international level with sectors beyond health has been of great benefit and has shown the power of multisectoral work to accelerate the implementation of the WHO FCTC. Tobacco control was essential for the achievement of the SDGs and the fight against climate change – both major themes of the current session. The entry into force of the Protocol – a unique and powerful tool to combat illicit trade in tobacco products – was a further reason to celebrate. She urged all Parties that had not yet done so to ratify or accede to the Protocol. Finally, she has noted the central role of women at COP8 in congratulating the first woman presiding COP and the two keynote speakers who were women and has extended warm welcome to Dr Haik Nikogosian, the former Head of the Convention Secretariat.

7. Link to all statements can be found at the end of this report.

1.1. Adoption of the agenda and organization of work

Documents FCTC/COP/8/1/Rev.1/ and FCTC/COP/8/1(annotated)

8. The COP adopted the provisional agenda as contained in document FCTC/COP/8/1/Rev. 1, on the provision that items 7.1 (measures to strengthen implementation of the Convention through coordination and cooperation) and 8.2 (maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings) were discussed before item 6 (treaty instruments and technical matters). The agenda is reproduced in Annex 1 of the present report and the list of documents in Annex 2.

9. In considering the organization of its work, it was agreed by the COP at its first plenary meeting that the discussion of items 1 to 5 of the agenda would be streamed on the Internet, either live or with a delay of a few minutes, and that the closing plenary meeting would be streamed in the same way, with the exception of any substantive discussion on items on which Committees A and B had been unable to reach agreement. All other meetings would be “open” meetings, attended only by Parties, States and regional economic integration organizations that were not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations with observer status. Canada was of the view that the sessions should be public but, in order to reach consensus, it put forward the proposal to have the Plenary sessions webcasted.

10. The COP agreed that Committee A would be entrusted with work on agenda items 6 and 7, and Committee B would focus on matters under agenda item 8. The remaining agenda items would be dealt with by the plenary.

1.2. Credentials of participants

Document FCTC/COP/8/2

11. In accordance with Rule 19 of the Rules of Procedure, the COP agreed at its first plenary meeting that the Bureau of the COP, with the assistance of the Convention Secretariat, would examine the

credentials of the delegates and would report thereon to the COP during the session. The report was duly produced as document FCTC/COP/8/2, on 3 October 2018. The COP adopted the relevant decision (FCTC/COP8(25), Credentials of the Parties) at its fourth plenary meeting on 3 October. It was announced on 4 October that the credentials of all Parties had been received in full and due form, and a revised report reflecting that fact was issued (document FCTC/COP/8/2/Rev.2).

1.3. Keynote address by the Head of the Convention Secretariat

Document FCTC/COP/8/DIV/3

12. In her address (link at the end of this report), Dr da Costa e Silva, Head of the Convention Secretariat, noted that much had been achieved with regard to WHO FCTC implementation, in particular by boosting the network of observers to the COP, increasing the number of Convention Secretariat knowledge hubs and establishing observatories to monitor the deceptive strategies of the tobacco industry. Further momentum had been gained from the inclusion of WHO FCTC implementation as a target under Sustainable Development Goal (SDG) 3, the delisting of the tobacco industry from the United Nations roster of private sector socially responsible companies, the recommendation by the Economic and Social Council of the United Nations that all United Nations agencies should adopt a policy not to accept funds from the tobacco industry, and the successful entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products. Plain packaging had also become an important endgame tool.

13. Despite progress, challenges persisted, and the time had come for Parties to assess their commitments, engagement and actions. Many Parties are still to implement the overdue time-bound requirements of Article 8, 11 and 13. Cross-border advertising posed a continual threat and the tobacco industry continued to undermine WHO FCTC implementation; new emerging products were gaining traction through aggressive marketing techniques and exploitation of legal loopholes. She called for policy coherence in the UN system as despite the ECOSOC resolution, some UN agencies are still being persuaded by the tobacco industry to directly or indirectly partner and use their funds. Every effort must therefore be made to ensure that the COP and the Convention Secretariat were free from any real or perceived conflict of interest. While the Convention remained linked to the health sector, cross-sectoral action would be essential to reduce tobacco supply. Underscoring the importance of the support of Parties in adopting the proposed workplan and budget for the period 2020–2021, and strengthening the mandate of the Convention Secretariat, reiterating its clear status of an entity hosted by WHO but with semi independence on treaty and technical matters that should be only mandated by COP and MOP, she urged them to take the right policy decisions to ensure that commercial profits were not above the interests of equity, development and sustainability.

2. APPLICATIONS FOR OBSERVER STATUS TO THE CONFERENCE OF THE PARTIES

Document FCTC/COP/8/3

14. The COP was asked to consider applications for observer status from two intergovernmental organization (IGO), the East African Community (EAC) and the African Capacity Building Foundation (ACBF), five nongovernmental organizations (NGO) and four applications by organizations that are neither an IGO nor an NGO: Tobacco Free Portfolios (TFP), Cancer Research UK (CRUK), Common Market for Eastern and Southern Africa (COMESA), Equal Right to Life (ERL), Indo-OIC Islamic

Chamber of Commerce and Industry (IICCI), International Network of Nicotine Consumer Organisations (INNCO), International Tax Stamp Association (ITSA), Makerere University School of Public Health – Centre for Tobacco Control in Africa (MakSPH-CTCA) and New World Hope Organization (NWHO).

15. The application of the East African Community (EAC) for observer status was deferred to COP8 to allow the EAC to submit additional information on its governing body decision. As the Convention Secretariat has not received additional information from the East African Community (EAC), the COP decided to deny the EAC observer status.

16. The COP decided to grant observer status to African Capacity Building Foundation, Tobacco Free Portfolios and Cancer Research UK in accordance with Rule 31.2 of the RoP. It denied observer status to the remaining organizations.

17. The COP adopted Decision FCTC/COP8(1) at its first plenary on 1 October 2018.

3. INVITED SPEAKER

18. The Attorney-General of Brazil, Minister Grace Maria Fernandes Mendonça, addressed COP8 as an invited speaker. Underscoring the severe health threats that tobacco consumption continued to pose the world over, she described the steps taken in Brazil to domesticate the provisions of the Convention, including a variety of legislative measures, such as the introduction of a minimum price for the sale of tobacco products, increased taxation on tobacco product revenue, the prohibition of the use of tobacco products in all public places, and standard-setting on the tar and carbon content of cigarettes. She drew particular attention to measures taken to counter the use of tobacco products among young people, which was an increasing challenge given the emergence of new, in particular flavoured, tobacco products. The regulatory framework that was established to ban flavors in tobacco products in Brazil has led to a constitutional challenge that was recently turned down by Brazilian Supreme Court of Justice. The scourge of tobacco would only be overcome by concerted joint action across borders and across sectors. Such action was essential to protect the health and the lives of all.

19. The link to Minister Grace Maria Fernandes Mendonça's statement is at the end of this report.

20. Ms Anne Bucher, Director-General, DG SANTE, European Commission, highlighted the ease with which young people were able to obtain tobacco products, and the increasing popularity of e-cigarettes e-shisha and flavoured tobacco products, which were particularly worrying. The need to protect present and future generations was especially pertinent in the context of the 2030 Agenda for Sustainable Development and the attainment of the SDGs. A health in all policies approach would be the key to effective tobacco control, and full implementation of the WHO FCTC was crucial for the attainment of the SDGs. Political commitment was essential but must be supported with the necessary resources. In the European Union, sustainable tobacco control measures involved all sectors and took account of the environmental impact of tobacco products and in particular their contribution to marine waste, and the economic impact on agriculture. Particular efforts were being made to offer attractive solutions to alternatives to tobacco cultivation. Despite those efforts, and significant development assistance to countries in other regions, tobacco still killed more than seven million people each year. The trend could only be reversed through a global solution applied by global leaders, free from interference from the tobacco industry.

21. The link to Ms Anne Bucher's statement is at the end of this report.

4. HIGH-LEVEL SEGMENT

Document FCTC/COP/8/INF.DOC./1

Tobacco Control and Global Climate Action¹

22. A High-level Segment was held by the COP for the first time on 1 October 2018. The objective was to increase the profile and visibility of the treaty and the COP and to inform delegates about growing concerns in specific areas of treaty implementation. The focus of the first High-level Segment was on the effect of tobacco cultivation, production and consumption on the environment (Article 18 of the WHO FCTC).

23. The President noted that the negative effect of tobacco use on the environment was a less well-known aspect of tobacco control and one on which very few Parties had taken action. She welcomed the panel of distinguished speakers who had been invited to highlight the subject of tobacco's environmental footprint.

24. H.E. Tina Gifty Naa Ayele Mensah, Deputy Minister of Health, Ghana said that WHO estimated that between six and seven million people died every year as a result of tobacco use, some 600 000 of whom died from tobacco smoke. It had been calculated that 4.5 trillion cigarette butts were thrown away each year. Deforestation to make way for tobacco planting and the resulting loss of woody biomass were also a concern. Ghana had cultivated tobacco with the arrival of British American Tobacco in 1948, although it had not produced large quantities since 2007. The country upheld and promoted key strategies on alternative manufacturing and livelihoods with particular reference to workers and growers and it had hosted several workshops on implementation of Articles 17 and 18 of the Convention. Ghana was working closely with UNDP in its middle and coastal zones to promote climate resilience. Smoking was banned in public places in Ghana. The best way to achieve sustainable development was to highlight and champion advocacy on protection of the environment, to pursue regional partnerships and involve the resources of all stakeholders.

25. Mr Paul Blokhuis, State Secretary for Health, Welfare and Sport, Ministry for Health, Welfare and Sport, the Netherlands, said that explicit commitments to tobacco control had been included in a coalition agreement formulated by the Government of the Netherlands in 2017. The ambition was to achieve a smoke-free generation by 2040. Progress had been made in reducing the numbers of smokers in his country: 90% of men had smoked in the 1950s as against a current prevalence rate of 23% although 9% of pregnant women still smoked. Political momentum had built in recent years: clear goals would be set, and measures and actions would be introduced, including higher taxes and plain packaging. Contact with the tobacco industry would be limited strictly to technical matters. Sports organizations, healthcare professionals, local communities and civil society were all involved in the effort to prevent the young from smoking and assisting the 80% of adult smokers who wished to quit. All should work together to build a global smoke-free generation. The Netherlands wished to propose its candidature to host the Ninth COP and Second MOP in 2020.

26. Dr Soumya Swaminathan, Deputy Director-General for Programmes, WHO, said that consideration should be given to the interconnected nature of the Sustainable Development Goals and

¹ As outcome of the High level meeting a draft Geneva Declaration was proposed and then rejected due to the lack of consensus

to the role played by health in achieving them. Tobacco use was intimately linked with climate change in terms of the life cycle of production, disposal of by-products and its effects on health. Each part of the life cycle must be dealt with, from providing sustainable employment opportunities for farmers whether in producing food or perhaps another product of higher value than tobacco. Many risk factors were outside the ambit of health ministries: according to WHO figures, 90% of the world's population did not breathe clean air, leading to respiratory and cardiovascular illnesses and impacting the brain development of children. The goal of preventing ill health included combating the risk of exposure to tobacco smoke.

27. Mr Paul Desanker, Manager of the Adaptation Programme at UNFCCC, speaking on behalf of Ms Patricia Espinosa, Executive Secretary of the UNFCCC, said that the Kyoto Protocol, the Paris Agreement and the forthcoming UNFCCC COP in Poland provided a framework for the efforts of the many who were fighting climate change and working diligently to reduce carbon emissions. State actors, NGOs and the private sector were involved in initiatives that included financing technology transfers and supporting the switch to sustainable livelihoods. Responsibility for tackling climate change was a collective endeavour that could also contribute to development. As the climate warmed, land use would become less secure. Tobacco production demanded significant amounts of water and resulted in deforestation. The move away from the cultivation of tobacco provided an opportunity to plant crops that would contribute to food security. It would be useful to explore ways in which support could be given to the joint objectives of the two conventions on climate change and tobacco control.

28. Responding to questions from the President, H.E. Tina Gifty Naa Ayele Mensah, Deputy Minister of Health, Ghana Mediator emphasized the initiatives taken by Ghana to combat tobacco use including encouraging small-scale farmers to grow crops other than tobacco and introducing public education and awareness campaigns.

29. Mr Paul Blokhuis, State Secretary for Health, Welfare and Sport, Ministry for Health, Welfare and Sport, the Netherlands, responding on the theme of tobacco industry interference, said that tobacco use was destructive for the planet and although the Netherlands did not suffer from deforestation, it had to deal with the pollution from cigarette butts. He supported the view that tobacco producers should be financially responsible for the damage they caused in poisoning people and the environment. The tobacco industry should also be prevented from producing malicious advertisements and products such as fake filters. The tobacco industry currently dominated the setting of ISO standards with respect to tobacco products and it should be excluded from that process.

30. Dr Soumya Swaminathan, Deputy Director-General for Programmes, WHO, highlighted the value of a multisectoral approach in the development of government policies. As India had shifted to renewable energy, its miners had been provided with alternative employment: the impact of moving farmers and growers of tobacco to other crops must be assessed and policies adopted accordingly.

31. Mr Paul Desanker, Manager of the Adaptation Programme at UNFCCC, speaking on behalf of Ms Patricia Espinosa, Executive Secretary of the UNFCCC, said that encouragement should be given to diversifying away from growing tobacco and ecosystem-based efforts made concerning the environments that had been degraded as a result of tobacco. Adaptation through Government policies would lead to the transformation of economics in the medium to long term.

5. GLOBAL PROGRESS IN IMPLEMENTATION OF THE WHO FCTC, FOLLOWED BY A GENERAL DEBATE

Document FCTC/COP/8/4

32. Dr da Costa e Silva, Head of the Convention Secretariat, drew attention to the report on global progress in implementation of the WHO FCTC which contained the implementation rates by article achieved to date. Interference by the tobacco industry had been cited as the most common challenge faced by Parties and it was still a threat to the success of the Convention. The Convention Secretariat would continue to collaborate with international partners and with all available tools in order to promote full implementation.

33. Tribute in memoriam was paid to public health and tobacco control advocate, Dr Sheila Ndyabangi (Uganda).

34. In the general debate that followed, participants hailed the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products, underlined the link between the objectives of the WHO FCTC and the targets of the Sustainable Development Goals (SDGs) and acknowledged the progress made globally to implement the Convention, in particular Article 8 (Protection from exposure to tobacco smoke), Article 11 (Packaging and labelling of tobacco products) and Article 12 (Education, communication, training and public awareness). Parties representing WHO regions highlighted notable developments such as measures to strengthen regional coordination and cooperation, combat the illicit trade in tobacco products and adopt or harmonize relevant legislation. Numerous examples were given of measures taken by Parties to reduce the demand for tobacco, including by implementing and progressively increasing taxation and pricing measures (Article 6), banning smoking in public spaces (Article 8), introducing plain packaging and pictorial warnings (Article 11) and raising public awareness of the negative effects of tobacco (Article 12). Several Parties provided information about successful litigations against the tobacco industry.

35. Notwithstanding the progress made, Parties expressed alarm at the rising health-related toll of the tobacco epidemic and the emergence of new and innovative tobacco products, in particular their appeal to non-smokers and young people, who were targeted specifically by the tobacco industry. Some Parties wished for further research on the health effects of such products and guidance on their control; one Party called for uniform rules for all tobacco products, irrespective of the levels of nicotine they delivered. Several Parties also pointed to the need for holistic and gender-sensitive measures, as well as those aimed at disadvantaged population groups, including indigenous peoples.

36. In addition to health concerns, several Parties drew attention to the correlation between tobacco production and climate change and called for action to curb the industry's devastating environmental impact, which included deforestation and land and water contamination. Parties were urged to increase support for tobacco farmers seeking economically viable alternative livelihoods (Article 17) and ramp up efforts to protect the environment and the health of persons (Article 18). Several Parties referred to the human rights dimension of tobacco control; others highlighted the respect for the sovereignty and specific circumstances of individual States.

37. Attention was drawn to major obstacles to implementation, including tobacco industry interference, which had impeded the development and implementation of policy and legislation in a number of countries. Parties called for strategic measures at global, regional and subregional levels and

renewed efforts to combat interference from the tobacco industry. Insufficient financial and sustainable resources were also cited as major obstacles. Several Parties requested the Convention Secretariat to seek alternative funding and step up activities to attract donors. Improved collaboration between the WHO and the Convention Secretariat was viewed positively and further cooperation was encouraged. A number of Parties welcomed the draft medium-term strategic framework on implementation of the WHO FCTC and called for its adoption by the COP.

38. All Parties were encouraged to involve all government ministries and multisectoral stakeholders in order to accelerate implementation of the Convention. The importance of international cooperation and knowledge sharing was also highlighted, including through South-South and triangular cooperation.

39. Observer countries present at the session were urged to become Parties to the Convention. Similarly, Parties that had yet to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products were encouraged to do so.

40. One observer country gave an account of measures taken with a view to the potential future ratification of the Convention; another called on all stakeholders to work together to accelerate the achievement of the nine global NCD targets of the WHO. A representative from a nongovernmental organization urged Parties to adopt the draft medium-term strategic framework in order to strengthen multisectoral measures and enhance international cooperation.

6. TREATY INSTRUMENTS AND TECHNICAL MATTERS

6.1. Protocol to Eliminate Illicit Trade in Tobacco Products

Documents FCTC/COP/8/5, FCTC/COP/8/6

41. The Convention Secretariat reported on its activities in relation to the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) between the Seventh and Eighth sessions of the Conference of the Parties to the WHO FCTC. Those activities were summarized in document FCTC/COP/8/5: Progress towards the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products.

42. A panel of experts established pursuant to Decision FCTC/COP7(6), prepared a report on their work in relation to the Protocol. The report was contained in document FCTC/COP/8/6: Report of the Panel of Experts on the Protocol to Eliminate Illicit Trade in Tobacco Products.

43. Parties welcomed the entry into force of the Protocol and commended the Convention Secretariat for its efforts to promote ratification. Parties that had not yet ratified or acceded to the Protocol were urged to do so as soon as possible. Some Parties indicated that they were in the process of introducing the required changes to their domestic legal framework and expected to be in a position to ratify the Protocol in the near future. One representative said that, in assessing her country's readiness to accede to the Protocol, her Government had identified some concerns regarding the introduction of a track and trace system, especially in relation to budgetary, personnel and technological requirements. Another representative said that his Government had put in place a range of measures to combat illicit trade in tobacco products and would assess the effectiveness of those measures before considering the introduction of other measures, including a track and trace system. Several parties reported on their activities to combat illicit trade in tobacco products, emphasizing the importance of international cooperation.

44. One Party proposed that the draft decision contained in document FCTC/COP/8/5 should be amended to acknowledge the role played by the WHO Secretariat and the WHO regional offices in promoting ratification of the Protocol. Another Party, highlighting the need for a clear distribution of tasks between the COP and the Meeting of Parties to the Protocol (MOP), proposed that the draft decision should be amended to call upon Parties “to ensure the coherent implementation of the provisions of the Convention and the Protocol, taking care in particular that the rules on packaging and labelling are applied in a manner compatible with the provisions on product traceability”. The same Party also proposed that the Convention Secretariat should be requested to report to each session of the COP, in consultation with the Bureau of the MOP, on progress in terms of Protocol membership and implementation.

45. The Committee considered amendments to the draft decision contained in document FCTC/COP/8/5.

46. In considering the proposal to replace “entry into force” by “promotion” in subparagraph 2 (a), some Parties said that they preferred the word “ratification”. After receiving legal advice and taking on board the request that the word “promotion” should be retained, a compromise solution to begin the subparagraph with the words “to advocate and support ratification, acceptance, approval, formal confirmation or accession to the Protocol as well as its promotion at appropriate fora ...” was agreed.

47. While the original proposer of a new subparagraph 2 (b) believed that a strong message should be sent out with respect to implementation of both the Convention and the Protocol, several Parties supported the view that the word “ensure” at the beginning of the subparagraph was too forceful for those who were not Parties to the Protocol. One Party suggested that, to avoid confusion, references to the Convention and the Protocol could be split into two separate paragraphs. It was pointed out that measures to assist in tracking and tracing of illicit products was dealt with under Article 15 of the Convention as well as in the Protocol. It was further noted that the words “as appropriate” appeared in paragraph 6 of Article 15 of the Convention and a compromise solution to use the words “ensure, as appropriate” in subparagraph 2 (b) received significant support.

48. Committee A approved the draft decision, which was transmitted to the COP for adoption, in the first report of Committee A (document FCTC/COP/8/A/R/1). At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(15).

6.2. Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the expert group

Document FCTC/COP/8/7

49. An Expert Group established pursuant to Decision FCTC/COP7(5), prepared a report on tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media, contained in document FCTC/COP/8/7. The Expert Group reviewed the evidence base, considered current issues regarding cross-border tobacco advertising, promotion and sponsorship (TAPS) and the depiction of tobacco in entertainment media, and proposed recommendations to strengthen implementation of Article 13 and the Article 13 implementation guidelines. A member of the Expert Group introduced the report, highlighting the seven recommendations put forward by the Group.

50. Parties thanked the Expert Group for its report and voiced general support for the recommendations and proposals contained therein. The need to update the Article 13 implementation

guidelines was acknowledged and strong support was expressed for the proposal to establish a working group to draft an addendum to the guidelines to provide guidance to Parties on effective action to address cross-border TAPS and the depiction of tobacco in the entertainment media. It was considered that the working group should be Party-driven, with additional experts called upon if needed. Members of the working group should be selected in accordance with Article 5.3 of the Convention.

51. It was suggested that a knowledge hub on Article 13 should be set up to facilitate sharing of information, best practices and expertise between national contact points. The development of educational materials on TAPS was also suggested. The Convention Secretariat and the WHO Secretariat were encouraged to work with the International Telecommunication Union to ensure that policies for the control of TAPS were integrated internationally.

52. While the importance of international collaboration to prevent cross-border TAPS was acknowledged, a few Parties were of the view that it would be premature to develop a protocol on the matter. The added value of a protocol should be assessed after the Article 13 guidelines had been revised and fully implemented. It was suggested that the draft decision contained in document FCTC/COP/8/7 should be amended to eliminate the reference to the development of a protocol and to reflect other comments made during the discussion.

53. The Committee considered amendments to the draft decision contained in document FCTC/COP/8/7. It was established that an editorial amendment was required to subparagraph 2 (f) so that the phrase concerning the invitation of observers to the Working Group referred to “up to three observers”.

54. There was broad support for the amendments proposed and for the renewed focus on combating tobacco advertising, promotion and sponsorship. Most Parties agreed with the proposal to establish an intersessional Working Group to develop an addendum to the WHO FCTC Guidelines for implementation of Article 13 and to include members with technical expertise. Some Parties believed that it would be inadvisable to qualify the reference to “tobacco-related products” with the phrase “such as ENDS” since a link with Article 13 might be inferred. Following informal discussions however, Parties supported the inclusion of an additional paragraph containing that phrase. Some Parties requested that the term “Information Hub” should be used in subparagraph 3 (b) to avoid confusion with the Secretariat’s existing “knowledge hubs”; furthermore, the term “information hub” was appropriate since the purpose of the hub was to propose collaborative work and exchange of information through the Secretariat. Some Parties queried whether there might be some duplication in the proposals that both the Working Group and the Knowledge Hub should establish a dedicated website on cross-border tobacco advertising, promotion and sponsorship.

55. It was agreed to hold a second round of informal discussions on the proposed amendments and to report the results to Committee A.

56. After further informal consultations, it was agreed that the Convention Secretariat would be requested to establish an information hub in the form of a dedicated website on cross-border TAPS and that the website would be made available in at least the six official United Nations languages. There had been some confusion among participants in the informal consultations over the meaning of the term “addendum”, and it was therefore decided to refer instead to “specific guidelines” to address cross-border TAPS and the depiction of tobacco in the entertainment media. As it had not been possible to reach consensus on a proposed amendment recalling that regulatory frameworks on tobacco advertising,

promotion and sponsorship should cover all tobacco products, including both traditional and emerging ones such as heated tobacco products, and should also consider ENDS, the Party that had proposed the amendment agreed to withdraw it. The references to a possible protocol on cross-border TAPS were deleted, reflecting the views expressed by numerous Parties.

57. Committee A approved the draft decision to be submitted to the COP for adoption. At its fifth plenary meeting, on 6 October, the COP adopted decision FCTC/COP8(17), as appended to the second report of Committee A (document FCTC/COP/8/A/R/2).

6.3 Progress report on technical matters related to Articles 9 and 10 (Regulation of contents and disclosure of tobacco products, including waterpipe and smokeless tobacco and heated tobacco products): report by WHO

Document FCTC/COP/8/8

6.3.1 Implementation of Articles 9 and 10 of the WHO FCTC

58. In accordance with decision FCTC/COP7(14), WHO prepared a progress report on the further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC. The progress report, contained in document FCTC/COP/8/8, discussed tobacco addictiveness reduction measures, market monitoring of novel tobacco products, building country testing capacity, and development of chemical methods for analysing cigarettes, waterpipe tobacco and smokeless tobacco. It incorporated deliberations and scientific recommendations of the WHO Study Group on Tobacco Product Regulation (TobReg) and the WHO Tobacco Laboratory Network (TobLabNet).

59. Parties welcomed the report, commending WHO's TobLabNet work on standard operating procedures for the measurement of nicotine in smokeless tobacco products and its activities to build laboratory and analysis capacity in Member States. One Party suggested that, in the interim, countries with no domestic laboratory capacity should send samples to WHO TobLabNet for analysis. Another said that regulation of tobacco products must be based on sound evidence of causal relationships and that strong data protection procedures must be in place for any disclosure mechanism. Strategies were needed to deal with compensatory behaviour among tobacco users following a reduction in the nicotine content of tobacco products.

60. Committee A considered a draft decision dealing with the regulation of content and disclosure of tobacco products, in which it was proposed, *inter alia*, to suspend the mandate of the working group established by the COP in its decision FCTC/COP1(15) to elaborate guidelines for the implementation of Articles 9 and 10. The sponsor of the draft decision explained that the working group had noticed slow progress in implementation in Articles 9 and 10 in recent years due to particular challenges faced by Parties. It was proposed to replace the working group with an expert group, which would examine the reasons for the low rate of implementation of Articles 9 and 10 and report to the COP at its Ninth session. The Convention Secretariat would suggest a list of experts from whom the members would be chosen. Many Parties supported that proposal and suggested that the expert group's membership should include the chairpersons of TobReg and TobLabNet and a representative of civil society with relevant expertise. They stressed that the expert group's work should not duplicate that of TobLabNet or TobReg.

61. Other Parties considered that the Working Group could still achieve useful results and that its work to date – including the partial guidelines on Articles 9 and 10 that had already been published and the group's preliminary work on the addictiveness and toxicity of tobacco products – should not be

wasted. One Party offered its services as an additional facilitator of the working group. Another suggested that the working group should be retained, and the expert group set up as well to provide the required expertise.

62. One Party suggested the addition of a new paragraph calling upon the Convention Secretariat, in cooperation with WHO, to hold a face-to-face meeting to review the available evidence on cigarette filter ventilation and to report on the meeting's findings to the COP at its Ninth session.

63. Many Parties called for the deletion of a reference to TobLabNet "methods", about which there was still considerable dispute. Others felt that TobLabNet and TobReg had produced much useful guidance, including the TobLabNet standard operating procedures available on the WHO website, which should be acknowledged: some considered that the TobLabNet methods might be useful to some Parties, depending on their specific regulatory framework. The sponsor of the draft decision explained that methods to measure and evaluate the content of tobacco products were relatively straightforward, employing scientific techniques such as gas chromatography. The measurement of emissions was much more complicated, however, involving the use of a cigarette-smoking machine which was programmed with parameters for the duration and frequency of inhalation: the choice of values for those parameters was by no means clear-cut. Neither the methods approved by the International Organization for Standardization nor the intensive smoking methods used more recently could give an accurate picture of tobacco use by real people in widely varying conditions.

64. At the suggestion of the President, it was agreed that amendments to the draft decision would be discussed in an informal meeting.

65. Following discussions in an informal drafting group, a new version of the draft decision was brought before the Committee. It provided for the new expert group to be selected by the COP Bureau in consultation with the Convention Secretariat and retained the reference to the TobLabNet methods, with some changes in the wording.

66. Committee A approved the draft decision, which was transmitted to the COP for adoption, in the third report of Committee A (document FCTC/COP/8/A/R/3). At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(21).

6.3.2 Novel heated tobacco products

67. The Committee considered a second draft decision entitled "Novel tobacco products including heated tobacco products" submitted by a Party. The purpose of the draft decision was to assist Parties in monitoring the use of novel tobacco products, developing appropriate regulatory measures and dealing with regulatory challenges relating to classification and emissions. The decision requested a comprehensive report on the health impacts and addictive potential of novel products; an examination of the chemical and physical processes undergone during use; and an assessment of whether available standard operating procedures for contents and emissions were applicable.

68. Many Parties welcomed the draft decision and indicated their wish to cosponsor it. Some participants pledged to provide technical support and to contribute laboratory analysis to a proposed report that would be compiled by independent scientists and experts. Scientific evidence was key to protecting and implementing the WHO FCTC and it was felt that further work on classification would assist Parties in combating the dissemination of misleading marketing. Some Parties requested that the title should be modified to read "Novel and emerging tobacco products including heated tobacco

products”. Some Parties indicated their willingness to receive additional training or technical assistance with respect to implementation of the decision.

69. Several Parties believed that the wording in the decision should be strengthened: in paragraph 4 the words “consider taking measures” could be replaced with “take measures” and the phrase “invites Parties to take note...” with “requests Parties to take note”. Several Parties requested that some or all the subparagraphs under paragraph 4 should be deleted on the grounds that all tobacco products were regulated by Parties in accordance with the WHO FCTC and therefore further detailed specifications concerning national laws and regulations that applied to one group of tobacco products might lead to confusion. If subparagraph 4(e) were to be retained, the word order should be inverted at the beginning so that it would read “ban or restrict”.

70. Following extensive consultations in an informal drafting group, a new version of the draft decision was brought before Committee A. The new version used the wording “novel and emerging tobacco products” throughout. The title was amended to remove the specific reference to “heated tobacco products”, although the term was retained in the body of the draft since those products were considered to be a serious new threat to public health that deserved to be singled out. New wording was added to indicate that the decision applied both to the products themselves and to any devices required to consume them. One Party argued strongly that, since so little evidence existed about the potential harm or benefit of the products, Parties should regulate them in accordance with their own legislation for the time being.

71. Committee A noted the report contained in document FCTC/COP/8/8. It approved the draft decision, which was transmitted to the COP for adoption in the third report of Committee A (document FCTC/COP/8/A/R/3). At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(22).

6.4. Progress report on technical matters related to Articles 4.2.d (gender issues), 5.3 (tobacco industry interference), 17 and 18 (alternative livelihoods and protection of the environment) and 19 (liability)

Document FCTC/COP/8/9

72. In accordance with decision FCTC/COP7(12), WHO prepared a paper reporting on evidence on tobacco use and its consequences among girls and women, boys and men, and vulnerable groups; on experiences from Parties on implementing gender-specific tobacco control policies; and policy options to be considered by Parties when developing and promoting gender-specific tobacco control policies.

73. At its Seventh session, the COP adopted decision FCTC/COP7(8) and requested the Convention Secretariat to continue promoting policy coherence on Article 5.3 within the United Nations system, to establish a knowledge hub for Article 5.3, to produce and disseminate best practices in the adoption and implementation of Article 5.3 and its guidelines, and to report on its awareness-raising activities to COP8. The report, contained in document FCTC/COP/8/9, summarized the progress made in the implementation of Article 5.3 by the Parties and detailed the work carried by the Convention Secretariat, in collaboration with WHO, other partners and international experts. A representative of the Convention Secretariat introduced the report.

74. In accordance with decision FCTC/COP7(10), the Convention Secretariat prepared a report on its activities to promote implementation of Articles 17 and 18. Following a request by COP7 in decision

FCTC/COP7(11), the Convention Secretariat also prepared a toolkit on Article 19, which was launched during the 17th World Conference on Tobacco or Health in March 2018 in Cape Town, South Africa.

75. The Chairperson noted that two draft decisions had been put forward by Parties, one entitled “Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry” and the other entitled “Progress report on technical matters related to Articles 4.2.d (gender issues), 5.3 (tobacco industry interference), 17 and 18 (alternative livelihoods and protection of the environment) and 19 (liability)”.

76. Parties acknowledged the importance of gender-specific tobacco control policies and strategies for reducing tobacco use among men and curbing the alarming rise in smoking among women. It was also considered important to take age and socioeconomic factors into account. Several parties underscored the need to discourage tobacco use among pregnant women and to protect women and girls from second-hand smoke. Since most second-hand smoke exposure occurred in homes, regulatory measures alone would not suffice to address the problem; social and cultural approaches were also needed. Parties also noted the need to counter industry marketing efforts that targeted women, especially young women. The WHO Secretariat and the Convention Secretariat were encouraged to continue their efforts to update relevant evidence and collect country experiences regarding gender-specific tobacco control.

77. The delegation of the Russian Federation, while affirming the need to take gender into account in tobacco control strategies, said that it was unfortunate that the authors of the WHO report on gender-responsive tobacco control appeared to have gone beyond the mandate set out in Decision FCTC/COP7(12). Accepted definitions and understandings had been misinterpreted and internationally accepted terminology had not been used. Moreover, the report dealt with topics which did not fall within the scope of the Convention and towards which the international community had not adopted an agreed approach. The Russian Federation could not agree with the conclusions in the report and wished to have its position noted in the report of the COP.

78. In relation to Articles 17 and 18 (alternative livelihoods and protection of the environment), it was stressed that any policies aimed at promoting alternatives to tobacco-farming must be evidence-based and locally relevant if they were to be workable. Otherwise, there would be a risk of destroying the livelihoods of tobacco farmers and breeding poverty, thus going against SDG 1. It was pointed out that women who were involved in tobacco production could be important agents of innovation and promotion of diversification.

79. In the initial discussion of the draft decision on protection of public health policies from commercial and other vested interests of the tobacco industry, some representatives commended the Convention Secretariat on its promotion of the model policy for agencies of the United Nations system on preventing tobacco industry interference, and welcomed the proposals for a fundraising strategy developed jointly with the International Labour Organization and other relevant United Nations agencies. There was general acceptance of the need to monitor the operations of the tobacco industry and maintain a database of information on policy submissions, research, marketing and financing of third parties by the tobacco industry.

80. However, some Parties warned that it went beyond the mandate of the COP to call directly for action by entities outside WHO. Some expressed concern that some of the activities proposed would impose an excessive financial and/or administrative burden, such as the proposal for national

programmes to monitor the operation of the tobacco industry in a specific jurisdiction. One Party said that the proposal for a study of options for holding the tobacco industry accountable for the harm it caused was not relevant to a draft decision on undue influence. Other Parties asked about the added value that the proposed action would bring over and above the measures already implemented by Parties and the Convention Secretariat, and asked for a detailed statement of the financial and human resources implications of the decision, particularly since those costs would be a factor in the budget debate under way in Committee B. A representative of the Convention Secretariat informed the meeting that the financial implications arising from the draft decision, before any amendments, would amount to approximately US\$ 120 000. Several Parties stressed the importance of ensuring the allocation of the necessary funding to enable the Convention Secretariat to implement the decision.

81. In respect of Articles 17 and 18, Parties expressed their support for studies and economic modelling of potential alternative crops and for measures to support vulnerable groups involved in tobacco-growing, especially women and children. One Party drew attention to the potential social and economic impact on tobacco growers of measures to eliminate tobacco-growing in countries where no alternative means of livelihood were yet available. Alternatives to tobacco-growing must be modelled and piloted to ensure that they were economically viable before the tobacco-growing infrastructure was dismantled. The adverse environmental effects of tobacco-growing must be distinguished from those of agriculture in general.

82. Regarding Article 19, it was pointed out that the report contained no information on the Convention Secretariat's progress in developing a database of experts and institutions that could provide Parties with technical assistance related to tobacco industry liability, as requested in decision FCTC/COP7(11). A representative of the Secretariat explained that it had not been possible to set up a database owing to lack of funding. Parties noted that Article 19 could be a powerful instrument for holding the tobacco industry accountable and urged the Secretariat to continue striving to develop a database and to report on its progress at the Ninth session of the COP. In the meantime, pending receipt of the funding needed to develop a database, it was suggested that the Convention Secretariat might prepare a list of experts and institutions, which could be circulated to the Convention focal points in the various regions. The list might include, inter alia, experts who had participated in the expert group that developed the toolkit on Article 19. The Head of the Convention Secretariat said that the suggestion could be accommodated in the Secretariat's workplan for the next biennium, with any cost associated with drawing up the list to be funded out of extrabudgetary resources.

83. In the initial discussion of the associated draft decision, one speaker requested a detailed statement of the financial and human resources implications of the decision and expressed concerns about some provisions that potentially went beyond the mandate of the COP. A number of Parties noted that references to recent developments – for example the emergence of e-cigarettes – that might reduce the demand for tobacco leaf should not give the impression that such developments were desirable in any way. A representative of the Convention Secretariat subsequently reported that the cost of developing a comprehensive communications plan aimed at raising awareness of tobacco industry tactics and activities was estimated at US\$ 20 000; the cost of setting up a database was estimated at US\$ 50 000.

84. Informal consultations were held, and the draft decisions were revised to reflect comments made during the discussions. Committee A, after considering some further amendments proposed by Parties and resolving several outstanding language-related issues, approved the two draft decisions, which were transmitted to the COP for adoption in the third report of Committee A (document FCTC/COP/8/A/R/3). At its fifth plenary meeting, on 6 October, the COP adopted decision FCTC/COP8(18), on protection of

public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry, and FCTC/COP8(19), on the implementation of 17 and 18 (alternative livelihoods and protection of the environment) .

6.5 Progress report on regulatory and market developments on electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS)

Document FCTC/COP/8/10

85. Upon the request of one Party, the Convention Secretariat, prepared a report on progress by Parties on the regulatory and market developments on electronic nicotine delivery systems and electronic non-nicotine delivery systems.

86. During the consideration of the report by Committee A, varying opinions were expressed about the potential risks and benefits of electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS) and their use in tobacco control. Many Parties pointed to the presumed, but as yet poorly researched, health risks associated with their use and the risk that they might act as a “gateway” to tobacco smoking, especially among young people, and undermine national efforts to discourage tobacco smoking. Some speakers said that the use of ENDS and ENNDS was less risky than tobacco smoking and therefore had a place in harm-reduction strategies aimed at adult smokers. The WHO Secretariat informed the Parties that release of a forthcoming WHO technical report series, prepared by the WHO Study Group on Tobacco Product Regulation.

87. Parties noted the lack of sound scientific evidence proving that the use of ENDS or ENNDS was, or was not, safe. They called for an evidence-based approach and the evaluation of existing studies in order to inform policy-making. One proposed that the use of ENDS and novel delivery systems should be included as indicators in the WHO FCTC Indicator Compendium. It was suggested that experts from Parties should be involved in the preparation of the report on the development of methods for the testing and measuring of the contents and emissions of ENDS and ENNDS by regional and international standards-development organizations, to be submitted by the WHO Secretariat to the COP at its Ninth session. Parties were requested to share their national data and experiences, using the reporting frameworks of the WHO FCTC or the Global action plan for the prevention and control of NCDs2013–2020.

88. Most Parties reported that they regulated ENDS in the same way as conventional tobacco products, particularly in respect of sales to young people, marketing and advertising. New regulatory measures should be flexible enough to cover novel products and delivery systems. Some Parties stated that measures to ban or regulate the use of ENDS and ENNDS should be a matter for national governments rather than intergovernmental bodies.

89. A majority of Parties welcomed the suggestion that the Convention Secretariat and the International Agency for Research on Cancer (IARC) should explore the possibility of preparing an IARC monograph on ENDS, provided that the necessary funding could be mobilized, but many felt that the study should not be extended to novel tobacco and nicotine delivery products in the first instance. One Party called for research in relation to conditions other than cancer, such as cardiovascular disease or chronic obstructive pulmonary disease. Parties requested that a further report on the issue of ENDS and ENNDS should be submitted to the COP at its Ninth session.

90. The Head of the Convention Secretariat, responding to the points raised, said that the issue had been included on the agenda of the COP at the request of the Bureau, in view of the continuing concern of governments about the unknown implications of the use of ENDS and ENNDS at both individual and population levels. The report gave details of the extent of ENDS and ENNDS use in a wide range of countries. The proposal that IARC, a highly respected research institution, should prepare a monograph on the use of ENDS was intended to bring together scientists from across the whole spectrum of opinion to discuss the factors that governments would need to consider in their decision-making. The Convention Secretariat would discuss the exact scope, objectives and approach of the proposed monograph with the new Director of IARC, who was due to take up her post in early 2019. Funding for the project would have to be found. Eventually, she envisaged that the COP might produce recommendations for a regulatory framework for ENDS and ENNDS.

91. The COP noted the report contained in document FCTC/COP/8/10, including the request that the Convention Secretariat should pursue the possibility of commissioning an IARC monograph on the use of ENDS.

7. REPORTING, IMPLEMENTATION ASSISTANCE AND INTERNATIONAL COOPERATION

7.1. Measures to strengthen implementation of the Convention through coordination and cooperation: report by the working group

Document FCTC/COP/8/11

92. At its Seventh session, the COP adopted decision FCTC/COP7(13) and established a Working Group to Strengthen the Implementation of the Convention through Coordination and Cooperation. The Working Group developed a medium-term strategic framework for the WHO FCTC, contained in document FCTC/COP/8/11, which also contained a draft decision. The report was introduced by two key facilitators of the Working Group, who expressed confidence that the medium-term strategic framework (MTSF) would accelerate the implementation of the Convention, serve as a tool for prioritizing the allocation of resources in order to address implementation gaps and contribute to the achievement of the Sustainable Development Goals. The Strategy would also provide a means of tracking progress and assessing results.

93. In the ensuing discussion, many Parties, including regional representatives speaking on behalf of the African, South-East Asia and Eastern Mediterranean regions, strongly supported the proposed MTSF and the draft decision proposed in document FCTC/COP/8/11, and several Parties volunteered for the pilot programme to validate the proposed implementation review. They commended the MTSF as a flexible mechanism that would enable Parties to accelerate their implementation of the FCTC, while adapting their activities to meet local needs, and welcomed its emphasis on technical and financial assistance, and on partnerships with civil society and other actors. It was felt that participation in the pilot projects would attenuate the isolation felt by some Parties in implementing the Convention: it would provide opportunities for Parties to share experiences and lessons learned, and help to develop national capacities for resource mobilization. Some noted that the MTSF should be aligned with the proposed workplan and budget for 2020–2021 and the WHO Global action plan for the prevention and control of noncommunicable diseases 2013–2020; the Convention Secretariat Knowledge Hubs should be updated to reflect the stated priorities. The MTSF must be updated regularly.

94. Other Parties expressed concern about a possible increase in the reporting and administrative burden, potential additional costs and the risk of duplication with existing mechanisms such as the biennial reporting mechanism, the coordination platform and reporting for the United Nations Sustainable Development Goals (SDGs); some questioned the added value to be gained from the MTSF vis-à-vis existing mechanisms. Other Parties asked how the indicators defined in the MTSF would be used and, conversely, how the operational objectives described in part 3 of the document would be evaluated, since no indicators had been defined for them. One representative questioned the cost-effectiveness of recruiting highly paid celebrities as goodwill ambassadors.

95. In particular, doubts were expressed about the proposed implementation review mechanism: would it be voluntary or mandatory, and what added value would it bring? One speaker noted that no decision could be taken about the proposed implementation review committee, since the draft terms of reference of that committee had not yet been revised, as requested by the COP at its Seventh session (see the report of the Seventh session, paras. 106–110). Another considered that available resources would be better spent on technical assistance than on peer reviews. Parties asked about the selection criteria for the pilot implementation review, with one speaker calling for all regions to be equally represented.

96. A representative of the Secretariat responded to the points raised. The MTSF was intended as a “road map” for implementation of the WHO FCTC, with milestones along the way which Parties would pursue at their own pace. It would optimize the use of existing resources and expand existing mechanisms rather than duplicating them; it would be a “living” document, with the indicators, in particular, being adapted over the years as Parties’ needs changed. The priorities expressed in the MTSF would be aligned with those of the workplan and budget under discussion at the current session.

97. The MTSF would not increase the reporting burden on Parties: 95% of the data required were already submitted for the Global Progress Report, and the remainder could be obtained from other WHO reporting mechanisms. Slight adjustments to a few indicators might be required. The Convention Secretariat would draw up a new communications plan, an evaluation plan and guidance for Parties wishing to align their national plans with the MTSF, and provide technical assistance, for instance in the form of regional workshops.

98. The total estimated cost of implementation of the MTSF was US\$ 280 000 of which US\$ 100 000 would be allocated to the proposed 10 pilot projects. Selection criteria for participation had yet to be determined. The projects would not involve in-country assessments but would operate through desk-based communication and support.

99. The implementation review mechanism would be entirely voluntary, and constructive in tone rather than judgmental. Following the discussion at the Seventh session of the COP, it was clear that the terms of reference of the implementation review committee required substantial revision: with the guidance of Parties at the current session, combined with the outcome of the pilot implementation reviews, the Convention Secretariat would prepare revised terms of reference for consideration at the Ninth session of COP.

100. Goodwill ambassadors raised the profile and visibility of the FCTC; their positions were honorary and therefore they were not paid for their contribution.

101. Following consultations in an informal drafting group, the draft decision was resubmitted to the Committee. The main remaining point of contention was the nature of the pilot implementation review.

A large majority of Parties welcomed the proposed implementation review mechanism, with provisional terms of reference drawn up by the Convention Secretariat, as a crucial element of the MTSF; the mechanism and terms of reference would be revised in the light of the outcomes of the pilot reviews, and the COP would have every opportunity to comment on and revise them at its Ninth session. It was agreed that two Parties from each region should participate in the pilot reviews, making a total of 12 rather than 10.

102. A small number of Parties felt strongly that the term “mechanism” implied the imposition of additional obligations that might duplicate existing reporting and implementation processes or be inappropriate for the situation of some Parties, and that Parties should be more involved in drawing up and approving the terms of reference of the implementation reviews. It should not be assumed that the implementation reviews would continue beyond the pilot phase or, if they did, that their terms of reference would automatically be based on those drawn up for the pilot reviews. After a lengthy debate and advice from a representative of the WHO Office of the Legal Counsel, the term “mechanism” was retained. New language was added to emphasize more clearly that the implementation reviews were completely voluntary and their results non-binding and that the outcome of the pilot project exercise, a costed strategy and related terms of reference would be submitted to the COP at its Ninth session for its further consideration.

103. The COP noted the report contained in document FCTC/COP/8/11.

104. Committee A approved the draft decision, which was transmitted to the COP for adoption. Two Parties said that they had not joined the consensus on the draft decision; one of them raised a concern about the application of Rule 50 of the Rules of Procedure of the COP. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(16).

7.2. Progress report implementation assistance and international cooperation

Document FCTC/COP/8/12

105. Committee A considered a report by the Convention Secretariat on progress on implementation assistance and international cooperation contained in *document FCTC/COP/8/12*. Section A provided an update on trade and investment issues, including agreements and legal challenges in relation to the implementation of the WHO FCTC; and Section B provided an update on international cooperation, including the Sustainable Development Goals and South-South and Triangular cooperation for the implementation of the WHO FCTC, global noncommunicable disease targets and human rights.

106. Parties welcomed the progress report, underlining the importance of mainstreaming the FCTC in the 2030 Sustainable Development Agenda and the wider relevance of the Convention, beyond SDG Target 3.a, to climate change and sustainable growth as well as its contribution to reinforcing partnerships and policy coherence. Several speakers affirmed their commitment to South-South and Triangular cooperation, highlighting the benefits to be derived from information sharing and knowledge hubs. Some Parties from developing countries requested assistance in enhancing their ability to analyse tobacco products, pointing out that, although they did not grow tobacco or manufacture tobacco products, they still had to deal with the effects of products that were offered for consumption by developed countries.

107. The Committee then considered a draft decision entitled “Promotion of the WHO FCTC through human rights” proposed by four Parties. Speakers warmly welcomed the draft decision and its focus on

human rights. One Party requested that the words “respect for” should be inserted before “human rights” in the title. One Party requested that the draft decision should begin with the words: “guided by the purpose and the principles of the Charter of the United Nations”. Parties debated whether action in the draft decision should be prefaced by the words “requests” or “encourages” since a request might have budgetary implications that would necessitate referral of the draft decision to Committee B.

108. Some Parties believed firmly that it was not appropriate to refer to General Comments by the United Nations Committee on Economic, Social and Cultural Rights or by the Committee on the Rights of the Child given that they contained the opinions of individual experts and were not part of an internationally agreed treaty, while others felt that it was important to highlight the role played by the treaty bodies in human rights. A request to add a reference to relevant intersessional meetings on human rights and the 2030 Sustainable Development Agenda organized in accordance with a resolution of the Human Rights Council, met with considerable support although one Party requested that it be deleted. Several amendments were debated, and it was agreed that consideration of the decision should continue in an informal drafting group.

109. Following the informal session, a revised version of the decision was presented to Committee A. Parties reported that significant progress had been made and that a number of regional groups had been able to agree on a majority of proposals. Nevertheless, some Parties indicated their wish to propose further amendments: one Party requested that a specific reference to the right to development be made in the title and that a new paragraph be inserted: “recalling further the Declaration on the Right to Development adopted by the United Nations General Assembly in 1986”¹ however, a majority of Parties that expressed a view believed that the reference to development would go beyond the originally agreed scope of the draft decision. The document was reviewed paragraph by paragraph and consensus was reached on most of the proposals that had been discussed and agreed by the informal group. Given that several Parties still wished to introduce fresh amendments, a further informal drafting group was formed.

110. At its tenth meeting on Saturday, 6 October 2018, the Committee was presented with a new version of the decision, which had been produced by the drafting group on the previous evening. Speaking on behalf of a regional group, one Party requested that a reference be made to articles 24 and 32 of the Convention on the Rights of the Child. Speaking on behalf of a group of countries, one Party (EU) expressed a firm desire to include a reference to the rights of the child given that children were vulnerable to the tobacco industry through the employment of child labour and their exposure to second-hand smoke and to advertising. It was not possible to include a reference to the International Covenant on Economic, Social and Cultural Rights since all Parties were not parties to that Convention.

111. Following a lengthy debate, one Party, summarizing a majority of views, proposed that the title of the decision should be: “Contribution of the WHO FCTC to the promotion and fulfilment of human rights” and that the proposals for deletion and addition of new text should be adopted bearing in mind the comments made in the meeting. With respect to the two paragraphs requesting action, the first paragraph could read “Urges Parties to consider including FCTC implementation efforts when engaging with UN human rights mechanisms” and the second part of the paragraph could be included. The second paragraph requesting action had been accepted by all Parties. Despite pleas for unity and eventual compromises on all sides, a Party representing one regional grouping regrettably informed the

¹ See: A/RES/41/128

Committee that further time was required to consult on the draft decision since a draft decision on human rights was a new departure for the COP.

112. Since it had been impossible to adopt the draft decision in the time available, the Chairperson proposed that the Bureau should be mandated to work with the Convention Secretariat on the action outlined in the second paragraph: "Requests the Secretariat to improve the coordination and collaboration with the Office of the United Nations High Commissioner for Human Rights (OCHCR), within their mandates, to raise awareness of the importance of the WHO FCTC implementation in the fulfilment of human rights"; and that work would continue with the regional representatives in order to prepare an agreed version of the draft decision for adoption at COP9, it was so agreed.

7.3. WHO FCTC implementation during complex emergency situations (item proposed by a Party)

113. The COP considered a report prepared by the Convention Secretariat (document FCTC/COP/8/13), together with a draft decision proposed by several Parties.

114. Parties acknowledged the need to provide support to enable countries to maintain tobacco control measures in complex emergencies and post-conflict situations. It was noted that tobacco use often increased in such contexts and that tobacco-producing countries, including some that were Parties to the Convention, sometimes took advantage of such situations to increase tobacco exports to countries grappling with complex emergencies, thereby increasing the availability of cheap tobacco products and exacerbating public health problems. Smuggling of tobacco products into emergency zones and fragile post-conflict environments was also a problem. The Protocol to Eliminate the Illicit Trade in Tobacco Products was seen as a useful tool for decreasing illicit flows of tobacco products into emergency zones, and the importance of further prioritizing membership in the Protocol and its implementation was stressed. The Convention Secretariat was encouraged to raise awareness and offer guidance to United Nations agencies, international organizations and non-governmental organizations engaged in emergency response activities on ways to maintain basic tobacco control measures in complex emergency situations.

115. General support was expressed for the practical actions proposed in the report and in the draft decision. However, several Parties pointed out that the draft decision contained a provision relating to temporary exemption from payment of voluntary assessed contributions for Parties facing complex emergencies, which was a matter that should be dealt with by Committee B, not Committee A. It was also pointed out that the Convention Secretariat was not competent to determine what constituted a complex emergency. A representative of the Office of the WHO Legal Counsel subsequently noted that he had been informed by staff of the WHO Health Emergencies Programme that there were criteria within the United Nations system for determining what constituted a complex emergency; he suggested that reference might therefore be made in the draft decision to Parties in a situation that had been characterized by the United Nations as a complex emergency.

116. Following a discussion within Committee A of whether the item should be referred to Committee B for consideration, one of Parties that had proposed the draft decision agreed to delete the reference to exemption from payment of voluntary assessed contributions, and Committee A decided to retain the item. An informal drafting group was formed to revise the draft decision in the light of the comments made during the discussion. Committee A subsequently approved the draft decision, which was

transmitted to the COP for adoption in the third report of Committee A (document FCTC/COP/8/A/R/3). At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(20).

8. BUDGETARY AND INSTITUTIONAL MATTERS

8.1. Performance and Progress Reports

Document FCTC/COP/8/14

117. In taking up the item, at its first meeting on the morning of Tuesday, 2 October 2018, Committee B had before it document FCTC/COP/8/14, containing: (a) a performance report for the 2016-2017 workplan and budget; (b) an interim performance report for the 2018-2019 workplan and budget; and (c) a progress report on hosting terms between the Convention Secretariat and WHO. The COP was invited to take note of the three reports.

118. In the ensuing discussion, several Parties expressed appreciation for the work of the Convention Secretariat, including its activities aimed at promoting implementation of the Convention, its successful efforts to reduce assessed contribution arrears and its achievement of a substantial surplus. A number also expressed support, however, for a request made by one Party representing a group of countries from one region for clarification concerning the minus balances – amounting in all to almost US\$ 3 million - relating to four of the activities listed in the description of expenditures. Others likewise endorsed the comments of another Party in lamenting the continuing absence of any indication as to whether the activities of the Convention Secretariat had been conducted as part of the 2016-2017 workplan and of any explanation concerning the figures set out in the statement of income and expenditure. One Party asked whether an auditor's report was available and another requested further information about the coordination of regional activities, including with respect to South-South cooperation. Suggestions by another Party included the need for: a breakdown of expenditures pertaining to each activity; a strategic plan for defining priorities and achieving specific goals; a budgetary allocation for intersessional work; the identification and sharing of good practices in respect of the implementation of the Convention; the provision of budgetary estimates for future activities; and the coordination of activities with those of the WHO in the area of noncommunicable diseases.

119. Concerning the progress report on hosting terms between the Convention Secretariat and the WHO, several Parties requested a further update after noting that the expected signing of the hosting arrangements had not taken place. By way of explanation, the Head of the Convention Secretariat referred to the information set out in paragraphs 61 and 62 of document FCTC/COP8/14, relating to the status of the Convention Secretariat vis-à-vis the WHO, saying that the lack of clarity on that score was impeding the finalization of those arrangements. She therefore suggested in the interest of progress that consideration might be given to the adoption of a decision aimed at providing the necessary clarity.

120. Another Party suggested the need for a breakdown of expenditures for each activity, pointing out that the COP, in order to make informed budget decisions, needs to know the planned activity, its approved budget, actual expenditures for that activity and the results achieved.

121. A Party speaking on behalf of one region emphasized the need for a consensus agreement on the hosting terms and another asked about the time frame for their finalization. In response, a representative of the WHO Office of the Legal Counsel stated that terms agreeable to both sides were still in development following lengthy discussions and that such terms would furthermore be subject to the WHO internal clearance procedure, which posed added complications. She assured Parties, however,

that she would relay their concerns to the Director-General of the WHO. For his part, the Senior Legal Adviser said that progress had been achieved towards finding the balance needed for an agreement on the hosting terms. Indeed, a final draft of those terms was nearing completion but included pending matters that called for discussion at a higher level. One Party, supported by others, suggested that Parties should be provided with written details of the concrete progress achieved towards a final draft, with a particular focus on those matters.

122. Following the exchange of views, the Head of the Convention Secretariat said that document FCTC/COP8/14 would be revised to incorporate additional information in the light of comments made. Given that the Convention Secretariat was subject to internal and external audit procedure through WHO, the WHO certification of the Convention Secretariat's full compliance with the Financial Rules and Regulations of the WHO would also be provided, together with the requested information concerning the current status of the discussions on the hosting arrangements.

123. At the fifth meeting of Committee B, on the morning of Thursday, 4 October, a representative of the Convention Secretariat presented document FCTC/COP/8/14(Rev.1), containing revised versions of: (a) the performance report for the 2016-2017 workplan and budget; and (b) the interim performance report for the 2018-2019 workplan and budget. In so doing, she drew attention to the changes introduced into those two reports on the basis of comments made concerning the initial versions, highlighting in particular the inclusion of: links, where appropriate, to relevant documents and website addresses; a new section entitled "Financial implementation"; and more detailed financial and other information in the tables set out in annex 1 and new annex 2. A copy of the current annual certificate confirming the Convention Secretariat's full compliance with the Financial Rules and Regulations of the WHO was also displayed on screen.

124. In the ensuing discussion, numerous Parties expressed their satisfaction with the outcome of the Convention Secretariat's work to improve the clarity of the reports through the incorporation of information vital to an overall understanding of the performance situation. In that context, one Party commented that the quality of the information presented in progress reports should in future be an overriding consideration and another said that the information should be structured to provide an accurate picture for assessment. Another suggested that future progress reports should also include any recommendations made concerning the work of the Convention Secretariat.

125. Responding to questions, the Head of the Convention Secretariat confirmed that the approved 2016—2017 workplan and budget had been fully implemented, with only minor activities outstanding, such as finalization of the needs assessment toolkit. As to the unexpected increase in extrabudgetary funds, it was primarily attributable to a grant provided by the Government of the United Kingdom as part of its official development assistance programme. She encouraged other Parties to follow suit by providing similar assistance for activities to promote implementation of the Convention in least developed countries in particular. On another note, relating to the fact that amounts shown as carried over represented commitments rather than actual funds, she pointed out that the Convention Secretariat was often obliged, owing to the non-payment of assessed contributions, to borrow the fund for activities in order to cover the salary costs of the positions approved by the workplan and budget with the assessed contributions. She also confirmed that the annual financial certificate issued by the WHO would in future be made available as a matter of course.

126. At its ninth meeting, on the evening of Friday, 5 October 2018, Committee B considered a draft decision, proposed by Maldives, on hosting arrangements between the Convention Secretariat and

WHO. One Party proposed various amendments to the draft decision, saying that they were aimed at simplifying the text and at promoting constructive collaboration between the Convention Secretariat and the WHO. A number of other Parties expressed support for the proposed amendments, including one speaking on behalf those in his region, who recalled the terms of decision FCTC/COP1(10) and stressed that the draft decision must reflect the unique status of the Convention Secretariat as a treaty body hosted by, but not embedded in, the WHO.

127. Following the discussion, Committee B approved the draft decision, as orally amended, for transmission to the plenary. It also took note of the progress and performance reports prepared by the Convention Secretariat.

128. At the fifth plenary meeting, on Saturday, 6 October 2018, the COP adopted the draft decision as decision FCTC/COP8(13).

8.2. Maximizing transparency of delegations from Parties and observers to the Conference of Parties, its subsidiary bodies and other WHO FCTC meetings

Document FCTC/COP/8/15

129. In taking up the item, also at its first meeting, Committee B had before it document FCTC/COP/8/15, concerning a set of measures, proposed by the Bureau elected by COP7, for maximizing the transparency of delegations from Parties and observers to the COP, its subsidiary bodies and other WHO FCTC meetings.

130. The COP was invited to take note of the document and to consider adoption of the related draft decision and the four annexes thereto, all of which were additionally contained in the document.

131. The representative of one Party, speaking also on behalf of another from the same region, presented a second draft decision entitled “States Parties, intergovernmental organizations, media and the public during sessions of the COP and meetings of its subsidiary bodies”. The draft decision, he said, reflected the views of Parties in his region and set out measures aimed at further maximizing transparency in the interest of ensuring compliance with Article 5.3 of the Convention.

132. To facilitate the discussion, a document comparing the two draft decisions was presented. Several Parties requested information on whether any other conferences of the parties to other international conventions required participants to declare conflicts of interest. In response, the Head of the Convention Secretariat underscored the unique nature of the WHO FCTC, which sought to eradicate a deadly product marketed and supplied by a single industry that continuously attempted to infiltrate the COP, influence its participants and water down its decisions. The need to maximize transparency and to declare any conflicts of interest flowed directly from article 5.3, and its accompanying guidelines, to which Parties had agreed to.

133. In the ensuing debate, the requirement for NGOs and members of the media and the public to complete declarations of interest forms before attending COP sessions was broadly supported. As regards IGOs, States non-Parties and Parties, several Parties were of the view that such declarations should be voluntary only; others favoured making them mandatory for all participants, without discrimination. Some speakers highlighted the need for Parties to lead by example, while others feared that adopting a mandatory approach risked the future participation of IGOs and infringed upon the sovereign right of States to nominate their own representatives. Several Parties emphasized that IGOs,

States non-Parties and Parties already conducted their own due diligence; the credentials they already supplied should therefore suffice. One Party pointed out that, at its previous meeting, Committee B had approved a draft decision on a Code of Conduct and Declaration of Interest for members of the Bureau of the COP and regional coordinators. Requiring declarations of interest from IGOs, States non-Parties and Parties was the next logical step.

134. In response to questions raised by Parties, the Senior Legal Officer of the Convention Secretariat clarified that declarations of interest pertained to individuals, not to the State or organization they represented. If an individual refused to submit a mandatory declaration of interest form, IGOs, States non-Parties and Parties could nominate another representative to attend in their stead.

135. A drafting group was formed to seek consensus on the matter.

136. At its eighth meeting, Committee B considered a revised draft decision, requiring representatives of IGOs and NGOs, and members of the media and the public, to complete declarations of interest. Parties and States non-Parties would only be required to indicate that, when designating their representatives, they had observed article 5.3 and been mindful of recommendations 4.9 and 8.3 of the Guidelines.

137. A number of amendments to the draft decision and its annexes were proposed. Parties agreed that official guest speakers would not be subject to the screening procedures. One participant pointed out the timely nature of the draft decision; the credentials of two individuals from the media had been revoked by the Bureau owing to their links with the tobacco industry. He would be interested to know what other action the Bureau could take. The Senior Legal Officer of the Convention Secretariat highlighted that, according to the draft decision, it was at the discretion of the Bureau of the COP to determine the appropriate actions to be taken. The representative of Nicaragua expressed reservations to the proposed decision, the provisions of which were contrary to its Constitution and the tripartite nature of its Government.

138. Committee B approved the revised draft decision, which was transmitted to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(12), taking note of the reservation by the representative of Nicaragua.

8.3. Proposed workplan and budget for the financial period 2020—2021

Documents FCTC/COP/8/16 ; FCTC/COP/8/INF.DOC./2

139. In accordance with Article 23 of the Convention, the COP was required to adopt the budget for the financial period until the next ordinary session. Committee B discussed the proposed workplan and budget for 2020—2021 contained in document FCTC/COP/8/16, which was supplemented by an explanatory note contained in document FCTC/COP/8/INF.DOC./2. The Committee was requested to approve a draft decision by which the proposed workplan and budget would be adopted.

140. While acknowledging positive efforts regarding efficiency savings, Parties noted that areas remained where further savings could be made. They were unable to accept the proposed 9.2% increase in assessed contributions because neither how the figure had been calculated nor the purpose of the new funding had been adequately explained in the documents. They requested clearer information on the allocation and implementation of the budgets for the bienniums 2016–2017 and 2018–2019 and on the alignment of those budgets with their respective budget lines and workplans and COP priorities, to

identify areas of duplication and determine whether funds were indeed being spent on those priorities. It was noted that significant savings could be made if COP did not establish additional working groups beyond those on Articles 9 and 10 and the implementation review mechanism. The value and prioritization of some of the activities under the item on assistance to Parties, which added considerably to the proposed budget, was also questioned. In addition, given that Protocol-related activities would henceforth be funded through the MOP budget, zero-nominal growth in assessed contributions should have been achievable by redistributing the resources that had previously been allocated to those activities. Therefore, Parties maintained their position of advocating zero-nominal growth. Furthermore, since numerous Parties remained in arrears, it seemed unreasonable to request an increase in assessed contributions from those that were upholding their financial commitment. It was also unclear how the request for an increase could be justified before the proposed workplan had been adopted. While the proposed increase in assessed contributions was not supported, extrabudgetary contributions were, of course, encouraged. The Convention Secretariat should be afforded greater scope to choose how it distributed those funds, and to prioritize activities in line with the MTSF to be adopted by COP8. Clarification was requested on the rationale behind the budget proposals pertaining to staffing in relation to the entry into force of the Protocol. A number of Parties had reservations about the impact of sharing the four core staff members (Head of the Convention Secretariat and heads of the three core functions: reporting and knowledge management; legal, trade and protocol; and governance and international cooperation) with the Protocol and expressed a preference for sharing only the Head of the Convention Secretariat and the Head of Legal, Trade and Protocol. Parties requested a redrafting of the proposed budget on the basis of a zero-nominal growth.

141. The Head of the Convention Secretariat explained that the proposed workplan and budget 2020–2021 had been prepared based on estimates, prior to the entry into force of the Protocol. The Secretariat had anticipated a request for zero-nominal growth and, with that in mind, had prepared a proposal for a revision to the proposed budget, by which the allocation for core staff would be apportioned 80% to the COP budget and 20% to the MOP budget, resulting in zero-nominal growth for the COP budget. That proportion had been calculated based on the difference in the number of Parties to the Treaty and the Protocol. It was important to note that funding for the core Convention Secretariat would subsequently be contingent on the adoption of the MOP budget. Parties were therefore encouraged to ensure that the MOP budget, as proposed, would be approved. All extrabudgetary contributions had been aligned with the workplan to the best extent possible; donors tended to express preferences for how their funds were to be spent, however, which meant that the Secretariat was not always in a position to prioritize exactly as it wished. Every effort was made in that regard, while remaining open to requests to implement new activities. Allocations for flights and per diem to allow representatives of least developed and lower- and middle-income countries to attend meetings of the COP would be maintained. Assessed contributions only covered the COP, Bureau meetings, the Convention Secretariat staff and some funding for working groups. To decrease costs, she suggested that the length of the COP could be reduced, and that development assistance could stop being funded from Secretariat contributions; however, the remaining areas were obligatory.

142. The Convention Secretariat's capacity was at its limits, and as such there was a high degree of dependence on support from NGOs and knowledge hubs. Other than a limited number of core staff members, all other posts were funded through extrabudgetary contributions or secondments from Parties. The increase in ratifications of the Convention and the Protocol, and the Protocol's entry into force were increasing the workload significantly. If zero-nominal growth was maintained, the Secretariat would ultimately be unable to function. Parties were therefore urged to reconsider, their stance on zero-nominal growth soon. A revised draft workplan and budget would, however, be prepared on that basis,

and taking account of the financial implications of other decisions of the present COP. Consideration must, however, be given to the relationship between the budgets of the COP and the MOP, and the allocation of specific staff to Protocol matters.

143. Welcoming the proposal for a revised proposed workplan and budget based on zero-nominal growth, participants suggested that in future, Party representatives in Geneva and in capitals should be invited to participate in informal discussions on the preparation of the workplan and budget, to increase transparency in budget management.

144. At its eighth meeting, Committee B considered a revised draft workplan and budget for the biennium 2020–2021, calculated on the basis of zero-nominal growth, and presented in alignment with the priority activity areas of the MTSF. Zero-nominal growth in assessed contributions had been achieved by changing several budget lines from core funding to extrabudgetary contributions, and by transferring 20% of the salary costs for four core staff members to the MOP budget, as the responsibilities of those staff members would be shared between the COP and the MOP. Parties welcomed the revised draft and commended the efforts made by the Convention Secretariat to accommodate their concerns regarding the proposed increase in assessed contributions. There were various proposals to shift an amount of assessed contributions from reporting activities to implementation activities, as the intergovernmental working groups and expert groups were vital for making progress in that area. However, reservations were expressed on the grounds that reporting was a mandatory, core activity and must, therefore, have guaranteed funding. Ultimately, it was agreed that core funding should be moved from the budget line on strengthening capacity of Parties to report, to the budget line on monitoring the implementation of the MTSF. Parties requested the Secretariat to present all budgets and progress and implementation reports to future COPs structured in line with the MTSF, with the goals and objectives in the strategy mapped against the work areas, their related activities and allocated budgets.

145. In response to a question from a Party, the Head of the Convention Secretariat confirmed that the MTSF pilot was guaranteed for 2020–2021 but would rely on extrabudgetary contributions for the remainder of 2018–2019. Allaying misgivings expressed regarding the contingency on MOP budget approval to fund the core staff posts and reservations regarding sharing staff with the Protocol, she explained that the arrangement would constitute a saving for the MOP budget, in comparison with the potential expense of recruiting additional core staff for the MOP. The expertise of those core staff would be essential in the initial stages of setting up the MOP. The MOP could discuss its staffing requirements in due course.

146. Committee B approved the draft decision, which was transmitted to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted Decision FCTC/COP/8(10).

8.4. Payment of the assessed contributions and measures to reduce Parties in arrears

Document FCTC/COP/8/17

147. Committee B considered document FCTC/COP/8/17 on the status of assessed contributions and Parties in arrears, which had been prepared by the Secretariat pursuant to Decision FCTC/COP7(23), and an accompanying draft decision.

148. Parties welcomed the report and commended the Convention Secretariat on the substantial efforts made to encourage Parties to settle their arrears; the significant reduction in the number of Parties in

arrears was a very positive development, testament both to those efforts and to the decision taken at COP 7 to cease referring to assessed contributions as "voluntary". Regarding the draft decision, clarification was requested on whether the sanctions proposed would be applied universally to all Parties in arrears, irrespective of the amount owing. In some cases, those amounts were very small, likely caused by bank transfer fees. Suspending the voting rights of those Parties could be considered excessive. Some participants expressed particular concern that countries in a state of emergency were often unable to uphold their financial obligations owing to circumstances beyond their control. They should not be subject to punitive measures that could have a negative impact on their tobacco control efforts and thus on public health. Information on why Parties were in arrears should also be made available, as well as the names of Parties and the amounts outstanding. Several Parties requested that individual invoices should be distributed to inform Parties exactly how much they owed. That information should be available on the WHO FCTC website. Practical assistance should be provided to those Parties struggling to make payments for administrative reasons. One Party requested information on the role of the Bureau in preparing the Secretariat report.

149. The Head of the Convention Secretariat recalled that under Decision FCTC/COP7(23), sanctions would not be applied to Parties that had submitted and were adhering to repayment plans. Parties in states of emergency could explain their attenuating circumstances in the repayment plan, and provide for the repayment of some arrears, where full repayment was not possible. In so doing, they would be exempt from sanctions. Individual invoices were indeed sent to Parties in arrears and were shared with national technical focal points, WHO country offices and permanent missions to the United Nations Office at Geneva. The Bureau had been informed that, pursuant to Decision FCTC/COP7(23), a note verbale had been sent to all Parties in arrears, inviting them to submit a proposed payment plan. Since no such plans had been received, the Convention Secretariat had informed the Bureau of the COP, which had requested the draft decision currently under consideration.

150. While expressing appreciation for that explanation, some Parties remained concerned that the formulation of a repayment plan could take time and resources and in its current wording, the decision would provide for sanctions against a Party that might have been unable to submit such a plan. The draft decision should therefore be revised to include an explicit reference to attenuating circumstances beyond the control of States Parties.

151. In the light of the foregoing and following informal discussions, amendments were proposed, centred on a non-punitive incremental increase in repayments, with due account taken of exceptional circumstances, as provided for in decision FCTC/COP7(23). It was proposed that a list of additional measures to be taken by the Secretariat to facilitate Parties' payments should be included, and that the Bureau's should take account of the situation of Parties in arrears and should recommend that COP9 apply the measures set out in paragraph 3(d) of decision FCTC/COP7(23).

152. While Parties recognized the spirit of consensus-seeking with which those, and further amendments had been proposed, several urged the Conference to adhere to the decision taken at COP7, by which Parties in arrears had been requested to present their justifications and plans for repayment by COP8, after which sanctions would be implemented, as provided for in decision FCTC/COP7(23). Any further decision counter to that would likely give rise to further discussions at COP9 and would be contrary to the practice of the World Health Assembly when addressing the situation of WHO Member States in arrears. Others felt that the imposition of such sanctions should be postponed at least until COP10 to give Parties in states of emergency leeway to take the necessary measures.

153. Concern was also expressed that the proposed list of efforts to be undertaken by the Secretariat to assist States Parties further would doubtless have implications for resources, which had not been taken into account. The Secretariat was already doing its utmost to encourage the repayment of arrears. Measures taken against Parties in arrears must not discourage them from meeting their obligations under the WHO FCTC.

154. A compromise proposal was discussed and accepted at the ninth meeting of Committee B, whereby COP8 would partially apply the sanctions provided for in the COP7, rescinding Parties' rights to appoint members of the Bureau or to serve as chairpersons of COP working groups, and COP9 would withdraw those Parties' voting rights if a payment plan or justification of arrears had not been forthcoming in the interim.

155. Committee B noted the report and approved the draft decision as amended, which was transmitted to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(9).

8.5. Convention Secretariat's fundraising strategies: Investment fund concept

Document FCTC/COP/8/18

156. In taking up the item, at its third meeting, on the morning of Wednesday, 3 October, Committee B had before it document FCTC/COP/8/18 containing a report prepared by the Convention Secretariat on the basis of decision FCTC/COP7(25), in which it was requested to raise funds and to consider various funding options, including the possibility for an international fund for tobacco control. The COP was invited to take note of the report, provide further guidance on its subject matter and consider the draft decision annexed to the report.

157. Commenting on the report, numerous Parties broadly welcomed the conceptual framework described therein for the development of a voluntary financial investment fund earning annual interest that would be directed to supporting implementation of the Convention. One Party, speaking on behalf of a group of countries from the same WHO Region, suggested that the modalities employed by similar existing funds should be explored to help in identifying the most effective means of achieving the objectives of the proposed voluntary fund in an open and transparent manner, including by way of measurable indicators and periodic reporting. He believed, however, that the tasks listed in paragraph 14 of the draft decision under consideration should be conducted by the Convention Secretariat, rather than by a working group. Another Party supported that view, whereas several others representing various WHO Regions expressed support for the establishment of such a group. As to the functions, principles and objectives set out in paragraph 12 of the draft decision, he said that they appeared to be sensible but would require further clarification nonetheless. Questions raised by other Parties, some of them speaking on behalf of WHO Regions, included those of the potential liability for any losses incurred by the proposed fund; the attractiveness of the fund to investors; minimum investment sums; eligibility criteria; and the involvement of the World Bank as the hosting agency.

158. In response to those and other questions submitted by Parties in writing, a representative of the Convention Secretariat outlined the background information provided in the report concerning the steps taken to develop the concept of an investment fund, saying that the result was not only innovative but unique. Indeed, the feasibility study undertaken had indicated a positive interest, including among funding experts and potential investors, in moving forward the concept through more work. Innovative options for increased funding were also being explored as a means of building the fund, if established,

for which the relatively small figure of US\$ 50 million had been chosen as the investment sum on the basis that it was an attainable target and would generate an estimated US\$ 2.5 million in support of activities to promote implementation of the Convention, as decided exclusively by the COP in line with the strategic plan. The aim was to gain access to such other revenues as whole-of-government funding, with the support of local health sectors, which would have the added benefit of raising the fund's profile beyond those sectors. No formal approaches to potential donors would be made, however, until the COP had given the green light for the Convention Secretariat to move the concept forward with a view to further consideration of all its aspects at COP9.

159. Concerning the management of the proposed fund, he said that the Convention Secretariat lacked the requisite expertise. The WHO had therefore been recommended as the hosting agency on two grounds: familiarity with the sector in which the WHO operated and the promise of the slow but stable investment growth achieved by the WHO's own similar investment portfolios, which were overseen by three reputable Geneva-based fund managers with whom the investment decisions lay. By contrast, the World Bank would levy a substantially higher management fee, exert more control over the manner of investment and offer a lower level of investment security. Should the present COP agree, however, that the concept should be moved forward, all feasible third-party management options would be further explored and presented to COP9 for consideration.

160. Large foundations would be among those eligible to donate to the fund and any individual or anonymous donors would be subject to due diligence procedures in respect of Article 5.3 of the Convention and the WHO Framework of Engagement with non-State Actors (FENSA). Only actual revenues generated by the investment fund would be available for use in the workplan and budget, both of which would therefore remain unaffected by income projections that failed to materialize. As to market risks, they would not in fact differ substantially from those to which central reserves were exposed. Donors would nonetheless be made fully aware that they would bear the sole responsibility for any loss of capital funds that might occur. Existing risk management agreements used by other funds could serve as models on that score.

161. In the event that the concept was taken forward with the approval of the current COP, any voluntary investment fund subsequently established pursuant to a COP9 decision could be operational within a short space of time insofar as the Convention Secretariat would have already engaged in the necessary dialogue with potential investors, including possibly an investor interested in providing the initial capital sum of US\$ 50 million. Substantial and smaller donations from Parties, according to capacity, would be equally welcome. The transparency of all donor-related matters would be ensured in line with the principles articulated in Article 5.3 of the Convention and FENSA and by way of key reporting requirements. A dispute resolution mechanism would furthermore need to be established, albeit that causes for dispute would remain very limited. Lastly, concerning the modalities for advancing the concept and garnering the necessary support for its fruition, he said that a small high-level expert group would be a more appropriate, legitimate and effective vehicle for that purpose than a working group.

162. Following the discussion, Committee B agreed to a proposal by the Chair that the draft decision should be revised in order to reflect the views expressed.

163. Committee B subsequently considered a revised version of the draft decision, which had been prepared by an informal drafting group. References to a working group had been replaced by "in consultation with expert advisers" and wording had been added on the issue of liability, to meet the

concerns raised by Parties in that regard. The decision would mandate the Convention Secretariat to begin consultations with potential donors following COP8. Parties commended the work of the drafting group and welcomed the revised draft. Two Parties cautioned that the resources required must come from extrabudgetary funds. The Committee agreed to further amend the draft to that effect.

164. Committee B approved the draft decision, which was transmitted to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(5).

8.6. Review of accreditation of observers to the Conference of the Parties

Document FCTC/COP/8/19

165. The Convention Secretariat, in accordance with Decision FCTC/COP7(17), prepared a report contained in document FCTC/COP/8/19, summarizing findings from a review of accreditation of international intergovernmental organizations and nongovernmental organizations with observer status to the COP.

166. One representative, speaking on behalf of the Africa group, noted the low levels of awareness of the Convention in intergovernmental bodies and regional economic integration organizations. Those bodies and organizations had an important role to play in WHO FCTC implementation and strengthening tobacco control. The support provided in that regard to African countries by NGOs was immensely valuable and greatly appreciated. The WHO Director General should be requested to encourage other United Nations agencies to allow the Convention Secretariat to participate in their operations. The COP should also call for the General Assembly of the United Nations to become a smoke-free environment. Parties should continue to strengthen their engagement with intergovernmental organizations to enhance implementation of the Convention.

167. Broad support was expressed for the draft decision annexed to the report, which was considered by Committee B at its second meeting. One Party proposed that the draft be amended to the effect that the Convention Secretariat, in consultation with the Bureau, would report to COP 9 on the measures IGOs had taken to protect their policies and activities from commercial and other vested interests of the tobacco industry, as well as on efforts to ensure their governing bodies endorsed their status as an observer to the Conference of the Parties, and to include recommendations on any further actions that may be required.

168. Committee B approved the draft decision, as amended, and transmitted it to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP took note of the report and adopted decision FCTC/COP8(3).

8.7. Relationship of the Convention Secretariat with other international entities: observer status

Document FCTC/COP/8/20

169. In its decision FCTC/COP7(19), the COP had requested the Convention Secretariat to initiate discussions with secretariats of international entities, with a view to apply observer status to their governing bodies, and to initiate applications for observer status as appropriate, in consultation with the Bureau. Document FCTC/COP/8/20 reported on the outcome of those discussions. The COP was invited to take note of the report and adopt a draft decision annexed to the document.

170. Acknowledging the importance of an intersectoral approach to promoting tobacco control, Parties commended the Convention Secretariat's ongoing efforts to initiate applications for observer status with other international entities. Parties had some concerns, however, which should be reflected in the draft decision. While efforts to engage in the governing bodies of other entities should be strengthened, due attention must be paid to the capacities of the Secretariat to do so; prioritizing applications could be useful in that regard. It was suggested that if the Convention Secretariat was not afforded observer status, representatives of the Convention Secretariat could be included in the WHO delegation to the meeting concerned. Governing body sessions could afford a prime opportunity to encourage international organizations to implement the Model policy for agencies of the United Nations system on preventing tobacco industry interference. The International Labour Organization (ILO) continued to receive funding from the tobacco industry and should, in particular, be urged to uphold the Model policy. Parties to the WHO FCTC were also ILO member States and should maintain a consistent stance on tobacco control issues at the governing bodies of both entities.

171. The Coordinator, Governance and International Cooperation described outreach efforts, and pointed out that if a given organization did not provide for permanent observer status, repeat applications would be required. In several cases where observer status had not been granted, the Convention Secretariat had indeed been included in WHO delegations. The Head of the Convention Secretariat added that there could, however, be occasions when, owing to restrictions on the number of delegates per delegation permitted to attend a given meeting, the Convention Secretariat might wish to join the delegation of other entities with which it worked closely, such as the United Nations Development Programme (UNDP) or the Food and Agriculture Organization of the United Nations (FAO). Responding to a request for clarification, the Senior Legal Officer of the Convention Secretariat said that there was no legal reason to prevent the Secretariat from requesting observer status to the governing bodies of organizations to which observer status for the COP had not been granted, such as ILO.

172. Following informal consultations, a revised version of the draft decision was circulated, which included an additional preambular provision recognizing the importance of the work of the Convention Secretariat to promote the implementation of the Model policy for agencies of the United Nations system on preventing tobacco industry interference, including at the governing bodies of the ILO. It called on Parties to promote tobacco control policy coherence in the governing bodies of intergovernmental organizations, in particular the ILO Governing Body. It also included requests for the Convention Secretariat to prioritize its attendance at the most relevant governing body meetings, to seek to engage with international entities that had not granted the Convention Secretariat observer status, as appropriate, as part of WHO or United Nations delegations, and to inform Parties of any relevant developments at the next session of the COP under the agenda item on international collaboration. One Party suggested that a clause should be added to encourage WHO to consider including the Convention Secretariat in its delegations to the meetings of international organizations, as appropriate.

173. After repeated expressions of concern regarding the singling out of ILO, the Head of the Convention Secretariat explained that serious discussions were underway at ILO on whether to continue to receive tobacco industry funding for a programme that addressed child labour in tobacco growing countries and protected the rights of tobacco growers. Those discussions were particularly sensitive, given the tripartite nature of the Organization; workers were largely against tobacco company funding, while employers wished to maintain it, and the governments' position was divided. The industry was exerting enormous pressure. A decision to continue to receive that funding, and thus flout the Model policy, would set a dangerous precedent that could quickly be followed by other agencies. The same States that were Party to the WHO FCTC were Members of the ILO and comprised part of its Governing

Body. Those States remained equally bound by the Convention whether they were attending a COP or an ILO meeting. As the major proponent of Article 5.3 of the WHO FCTC, the COP should not remain silent on the matter. Reference to the ILO governing bodies was not intended to "name and shame" the Organization, but rather to encourage ILO member States to continue those discussions.

174. In the light of that explanation, Committee B approved the draft decision, as amended, and transmitted it to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(6).

8.8. Possible amendments to the Rules of Procedure of the Conference of the Parties

Document FCTC/COP/8/21

175. The Bureau proposed a set of amendments to the Rules of Procedure of the Conference of the Parties contained in document FCTC/COP/8/21.

176. Committee B considered the document, and a draft decision on the matter, at its eighth meeting. It agreed to add definitions of the MOP and the Protocol, to introduce rules regarding the organization of joint intersessional meetings of the Bureaus of the COP and the MOP, and to provide for alternative arrangements in the event of the resignation of a regional coordinator or the latter's inability to attend a given meeting. Rules on the conduct of business of subsidiary bodies and the COP were also approved, including changes to the deadlines for submitting proposed additional agenda items and proposed amendments, in order to grant the Convention Secretariat more time to ensure that documents could be

processed effectively before meetings, in particular, to allow for timely translation into the working languages of the meeting.

177. Committee B approved the draft decision on its ninth meeting and recommended that the COP should adopt the amendments to the Rules of Procedure as proposed by the Bureau, with the revisions agreed.

178. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(11)

8.9. Strengthening synergies between the Conference of the Parties and the World Health Assembly: report by the WHO Director-General on resolutions and decisions of the Seventieth and Seventy-first World Health Assembly

Document FCTC/COP/8/22

179. In decision FCTC/COP7(18), the COP at its Seventh session invited the World Health Assembly to request the World Health Organization (WHO) Director-General to provide regular reports on resolutions and decisions of the World Health Assembly that were relevant to the implementation of the WHO FCTC.

180. The report submitted by the WHO Director-General on resolutions and decisions taken at the Seventieth and Seventy-first World Health Assembly relevant to the implementation of the WHO FCTC was contained in document FCTC/COP/8/22.

181. Committee B commended and duly noted the contents of the report contained in document FCTC/COP/8/22, which underscored the undeniable link between tobacco use and noncommunicable diseases (NCDs).

8.10. Code of Conduct of the Bureau to the Conference of the Parties and proposed measures to prevent and address possible conflicts of interest (perceived or existing) among the staff of the Convention Secretariat

Document FCTC/COP/8/23

182. As requested by the Bureau, the Convention Secretariat prepared a report introducing the draft Code of Conduct and Declaration of Interest for members of the Bureau of the COP and the regional coordinators, as contained in document FCTC/COP/8/23. The COP was invited to provide further guidance and to consider adopting the draft decision in the annex.

183. Broad support was expressed for the proposed Code of Conduct, which aimed to guide the actions of future members of the Bureau and regional coordinators, address potential conflicts of interest situations and ensure compliance with article 5.3 of the Convention, and for the draft decision contained in the annex.

184. In response to questions raised by Parties, the Senior Legal Officer of the Convention Secretariat said that Bureau members had approved the Code of Conduct and had voluntarily completed the declaration of interest form. He drew attention to paragraphs 17 (a) and (b) of the report, which outlined the actions to be taken in the event of a breach of the Code of Conduct, and paragraph 3 (d) of the draft decision, in which the Convention Secretariat was requested to report to the Ninth session of COP, and second session of MOP, on the progress made to implement the decision. He concluded by emphasizing that Bureau members were elected by the COP. Members found to have breached the Code of Conduct were obliged to resign; if they failed to do so, the COP would have to decide what further action to take.

185. Overall support was provided for measures to prevent and address possible conflicts of interest among the staff of the Convention Secretariat.

186. Committee B approved the draft decision, which was transmitted to the COP for adoption. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(4). ^[1]_[SEP]

8.11. Procedure for the selection and evaluation of the new Head of the Convention Secretariat (item proposed by a Party)

Document FCTC/COP/8/27

187. At the Sixth session, the COP adopted Decision FCTC/COP6(22) by which a “process for the appointment of the Head of the Convention Secretariat” was established. Following Rule 24ter of the Rules of Procedure of the COP, the Bureau of the COP was to make a recommendation for the appointment of the new Head of the Convention Secretariat to the WHO Director-General. Following the entry into force of the Protocol on 25 September 2018, the COP was invited to decide on amendments to the procedure in order to provide for a role for the Bureau of the Meeting of the Parties (MOP).

188. Document FCTC/COP/8/27 summarized the procedure for the selection and evaluation of the new Head of the Convention Secretariat; examined possible amendments to the procedure should Parties to the WHO FCTC decide that the Bureau of the MOP to the Protocol should play a role equivalent to the

one that would be played by the Bureau of COP; and proposed the establishment of the position of Executive Secretary of the Convention and its Protocols. The selection procedure required adoption by the two governing bodies – the COP and the MOP.

189. At its sixth meeting, the representative of one Party presented a second draft decision entitled “Appointment of the Head of the Convention Secretariat and Renewal of Term of Office”. Following a discussion, Committee B decided to consider the matter in restricted session. Committee B approved a revised draft decision on the appointment of the Head of the Convention Secretariat, which was transmitted to the COP for adoption. Additionally, one decision entitled “Expression of appreciation”, declaring Dr Haik Nikogosian as Head of the Convention Secretariat Emeritus, was adopted on the seventh meeting of Committee B.

190. At its fifth plenary meeting, on 6 October 2018, the COP adopted decisions FCTC/COP8(8) on “Appointment of the Head of the Convention Secretariat and Renewal of Term of Office” and FCTC/COP8(7) on “Expression of appreciation to Dr Haik Nikogosian”.

8.12. Coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products

Document FCTC/COP/8/28

191. At its tenth meeting, on Saturday, 6 October, Committee B took up agenda item 8.12, which had been proposed by a Party to the WHO FCTC. In considering the item, it had before it document FCTC/COP/8/28, containing a report prepared by the Convention Secretariat on areas of potential coordination between the governing bodies of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. The COP was invited to take note of the report and provide further guidance concerning the practical approaches proposed therein for facilitating such coordination. The Meeting of the Parties (MOP) to the Protocol would be invited to do likewise, considering the outcome of the deliberations on the subject at the present COP, including with respect to the draft decision annexed to the report.

192. In the ensuing discussion, one Party speaking on behalf of others from the same region was echoed by another in underlining the need for strong policy coherence between the governing bodies in the interest of synergy and non-duplication, notably in terms of their respective workplans and budgets. To ensure cost efficiency and effectiveness in its new function as the sole Secretariat serving both the WHO FCTC and the Protocol, the Convention Secretariat should promptly embark on the necessary restructuring process and, in so doing, seek to benefit from the experiences of other convention secretariats performing a similar function. Other Parties, two of them representing regions, joined him in expressing support for the draft decision prepared by the Convention Secretariat, to which a number of amendments were proposed and considered. In that context, the Head of the Convention Secretariat drew attention to decision FCTC/COP7(18), on strengthening synergy between the COP and the World Health Assembly, recalling that it set out the requirements concerning reporting between those two bodies on activities of mutual relevance.

193. Following the exchange of views and a response by the Senior Legal Officer of the WHO FCTC to a drafting query, Committee B approved the draft decision, as orally amended, for transmission to the plenary. It also took note of the report in document FCTC/COP/8/26.

194. At the fifth plenary meeting, also on Saturday, 6 October, the COP adopted the draft decision as decision FCTC/COP8(14).

9. DATES AND PLACE OF THE NINTH SESSION OF THE CONFERENCE OF THE PARTIES

Document FCTC/COP/8/24

195. The COP had before it a proposal, contained in document FCTC/COP/8/24, concerning the dates and place of the Ninth session of the COP.

196. The delegation of the Netherlands invited Parties to consider holding the Ninth session of the COP in the Netherlands.

197. The COP decided to accept the invitation of the Government of the Netherlands and to mandate the incoming Bureau to finalize the dates in consultation with the hosting Party and the Convention Secretariat.

198. A Party speaking on behalf of the WHO Region of the Americas announced that Paraguay wished to host COP10 and MOP3..

199. At its fifth plenary meeting, on 6 October 2018, the COP adopted decision FCTC/COP8(24), reflecting the above agreement.

10. ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE CONFERENCE OF THE PARTIES

Document FCTC/COP/8/25

200. The COP elected the following officers to constitute the Bureau of the Conference of the Parties for the period between the closure of the Eighth session and the closure of the Ninth session:

President: Mr Behzad Valizadeh (Islamic Republic of Iran)

Vice-Presidents: Mr Gert Jan Rietveld (Netherlands)

Dr Thar Tun Kyaw (Myanmar)

Dr Vincent Kumako (Togo)

Dr Sun Jin (China)

Dr Reina Roa (Panama)

201. The COP also decided that, of the five Vice-Presidents, Dr. Reina Roa should act as Rapporteur.

202. In accordance with Rule 24.2 of the Rules of Procedure of the COP, lots were drawn to determine the order in which the Vice-Presidents would serve in the event that the President was unable to do so. A lot was also drawn to determine which Vice-President would act as Rapporteur. The order presented in the above list is the order in which the lots were drawn.

203. At its fifth plenary meeting, on 6 October 2018, the COP adopted Decision FCTC/COP8(23), reflecting the above agreements.

11. ADOPTION OF THE PROVISIONAL REPORT OF THE EIGHTH SESSION OF THE CONFERENCE OF THE PARTIES

Document FCTC/COP/8/26

204. The provisional report before the Conference contained a summary of the proceedings and conclusions on each agenda item as of the afternoon of Thursday, 5 October 2018. The remaining proceedings would be included in a revised final version of the provisional report and all decisions adopted by COP8 would be annexed. The complete provisional report would be made available to the Parties for any corrections, for a period of 15 days, after the COP, in accordance with Rule 62 of the Rules of Procedure.

205. At its fifth plenary meeting, on 6 October 2018, the COP adopted the report, subject to its finalization by the Convention Secretariat, including the incorporation of any corrections received from the Parties in the 15-day period set aside for that purpose.

12. CLOSURE OF THE SESSION

206. Following the customary exchange of courtesies, the President declared the Eighth session of the Conference of the Parties closed.

ANNEX 1

AGENDA

1. Opening of the session

1.1. Adoption of the agenda and organization of work

Documents FCTC/COP/8/1 and FCTC/COP/8/1(annotated)

1.2. Credentials of participants

Document FCTC/COP/8/2

1.3. Keynote address by the Head of the Convention Secretariat

Documents FCTC/COP/8/DIV/3

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

Document FCTC/COP/8/3

3. Invited speakers

4. High-level segment

Document FCTC/COP/8/INF.DOC./1

5. Global progress in implementation of the WHO FCTC, followed by a general debate

Document FCTC/COP/8/4

6. Treaty instruments and technical matters

6.1. Protocol to Eliminate Illicit Trade in Tobacco Products

Documents FCTC/COP/8/5, FCTC/COP/8/6: report by the Expert Panel

6.2. Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the expert group

Document FCTC/COP/8/7

6.3. Progress report on technical matters related to Articles 9 and 10 (Regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products): report by WHO

Document FCTC/COP/8/8

6.4. Progress report on technical matters related to Articles 4.2.d (gender issues) 5.3 (tobacco industry interference), 17 and 18 (alternative livelihoods and protection of the environment) and 19 (liability)

Document FCTC/COP/8/9

6.5. Progress report on regulatory and market developments on electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS)

Document FCTC/COP/8/10

7. Reporting, implementation assistance and international cooperation

- 7.1. Measures to strengthen implementation of the Convention through coordination and cooperation: report by the working group

Documents FCTC/COP/8/11

- 7.2. Progress report implementation assistance and international cooperation

Document FCTC/COP/8/12

- a. Trade and investment issues, including agreements, and legal challenges in relation to the implementation of the WHO FCTC; and
- b. International cooperation including the Sustainable Development Goals, global NCD targets, human rights and South–South and Triangular cooperation for the implementation of the WHO FCTC.

- 7.3. WHO FCTC implementation during complex emergency situations (*item proposed by a Party*)

Document FCTC/COP/8/13

8. Budgetary and institutional matters

- 8.1. Performance and Progress reports

Document FCTC/COP/8/14

- a. Performance report for the 2016–2017 workplan and budget
- b. Interim performance report for the 2018–2019 workplan and budget
- c. Progress report on hosting terms between the Convention Secretariat and WHO.

- 8.2. Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings

Document FCTC/COP/8/15

- 8.3. Proposed workplan and budget for the financial period 2020–2021

Documents FCTC/COP/8/16; FCTC/COP/8/INF.DOC./2

- 8.4. Payment of the assessed contributions and measures to reduce Parties in arrears

Document FCTC/COP/8/17

- 8.5. Convention Secretariat's fundraising strategies: Investment fund concept

Document FCTC/COP/8/18

- 8.6. Review of accreditation of observers to the Conference of the Parties

Document FCTC/COP/8/19

- a. Review of accreditation of international intergovernmental organizations with the status of observers to the Conference of the Parties; and
- b. Review of accreditation of nongovernmental organizations with the status of observers to the Conference of the Parties.

- 8.7. Relationship of the Convention Secretariat with other international entities: observer status

Document FCTC/COP/8/20

- 8.8. Possible amendments to the Rules of Procedure of the Conference of the Parties

Document FCTC/COP/8/21

- 8.9. Strengthening synergies between the Conference of the Parties and the World Health Assembly: report by the WHO Director-General on resolutions and decisions of the Seventieth and Seventy-first World Health Assembly

Document FCTC/COP/8/22

- 8.10. Code of Conduct of the Bureau to the Conference of the Parties and proposed measures to prevent and address potential conflicts of interest (perceived or existing) among the staff in the Convention Secretariat

Document FCTC/COP/8/23

- 8.11. Procedure for the selection and evaluation of the new Head of the Convention Secretariat (*item proposed by a Party*)

Document FCTC/COP/8/27

- 8.12. Coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products (*item proposed by a Party*)

Document FCTC/COP/8/28

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

Document FCTC/COP/8/24

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

Document FCTC/COP/8/25

11. Adoption of the provisional report of the Eighth session of the Conference of the Parties

Document FCTC/COP/8/26

12. Closure of the session

ANNEX 2
LIST OF DOCUMENTS

FCTC/COP/8/1/REV.1	Provisional agenda
FCTC/COP/8/1(annotated)	Provisional agenda (annotated)
FCTC/COP/8/2	Credentials of participants
FCTC/COP/8/3	Applications for observer status to the Conference of the Parties
FCTC/COP/8/4	Global progress in implementation of the WHO FCTC, followed by a general debate
FCTC/COP/8/5	Protocol to Eliminate Illicit Trade in Tobacco Products: report by the Convention Secretariat
FCTC/COP/8/6	Protocol to Eliminate Illicit Trade in Tobacco Products: report by the Panel of Expert Group
FCTC/COP/8/7	Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the expert group
FCTC/COP/8/8	Progress report on technical matters related to Articles 9 and 10 (Regulation of contents and disclosure of tobacco products, including waterpipe and smokeless tobacco and heated tobacco products): report by WHO
FCTC/COP/8/9	Progress report on technical matters related to Articles 4.2.d (gender issues), 5.3 (tobacco industry interference), 17 and 18 (alternative livelihoods and protection of the environment) and 19 (liability)
FCTC/COP/8/10	Progress report on regulatory and market developments on electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS)
FCTC/COP/8/11	Measures to strengthen implementation of the Convention through coordination and cooperation: report by the working group
FCTC/COP/8/12	Progress report implementation assistance and international cooperation
FCTC/COP/8/13	WHO FCTC Implementation during complex emergency situations
FCTC/COP/8/14	Performance and Progress reports

FCTC/COP/8/15	Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings
FCTC/COP/8/16	Proposed workplan and budget for the financial period 2020–2021
FCTC/COP/8/17	Payment of the assessed contributions and measures to reduce Parties in arrears
FCTC/COP/8/18	Convention Secretariat's fundraising strategies: Investment fund concept
FCTC/COP/8/19	Review of accreditation of observers to the Conference of the Parties
FCTC/COP/8/20	Relationship of the Convention Secretariat with other international entities: observer status
FCTC/COP/8/21	Possible amendments to the Rules of Procedure of the Conference of the Parties
FCTC/COP/8/22	Strengthening synergies between the Conference of the Parties and the World Health Assembly: report by the WHO Director-General on resolutions and decisions of the Seventieth and Seventy-first World Health Assembly
FCTC/COP/8/23	Code of Conduct of the Bureau to the Conference of the Parties and proposed measures to prevent and address possible conflicts of interest (perceived or existing) among the staff of the Convention Secretariat
FCTC/COP/8/24	Date and place of the ninth session of the Conference of the Parties
FCTC/COP/8/25	Election of the President and Vice-Presidents of the Conference of the Parties
FCTC/COP/8/26	Adoption of the provisional report of the eighth session of the Conference of the Parties
FCTC/COP/8/27	Procedure for the selection and evaluation of the new Head of the Convention Secretariat
FCTC/COP/8/28	Coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products

INFORMATION DOCUMENTS

FCTC/COP/8/INF.DOC./1	High-level segment: Tobacco Control and Global Climate Action
FCTC/COP/8/INF.DOC./2	Proposed workplan and budget for the financial period 2020–2021

DIVERSE DOCUMENTS

FCTC/COP/8/DIV/1	List of Participants
FCTC/COP/8/DIV/2/REV.1	Guide for Delegates to the Conference of the Parties
FCTC/COP/8/DIV/3	Keynote address by the Head of the Convention Secretariat
FCTC/COP/8/DIV/4	Remarks by Mr. Michael Møller United Nations Under-Secretary-General Director-General of the United Nations Office at Geneva delivered by Mr David Chikvaidze, Chief of Staff, UNOG
FCTC/COP/8/DIV/5	Speech by Dr Tedros Adhanom Ghebreyesus Director-General, World Health Organization
FCTC/COP/8/DIV/6	Written message from the UN Secretary-General, Mr António Guterres
FCTC/COP/8/DIV/7	List of decisions

ANNEX 3

DECISIONS

FCTC/COP8(1)	Applications for the status of observer to the conference of the parties
FCTC/COP8(2)	Election of Officers of Committees A and B
FCTC/COP8(3)	Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties
FCTC/COP8(4)	Code of Conduct and Declaration of Interest for the Members of the Bureau and the Regional Coordinators of the Conference of the Parties to the WHO Framework Convention on Tobacco Control and on proposed measures preventing and addressing possible conflicts of interest at the Convention Secretariat
FCTC/COP8(5)	Convention Secretariat's fundraising strategies: Investment fund concept
FCTC/COP8(6)	Relationship of the Convention Secretariat with other international entities
FCTC/COP8(7)	Expression of appreciation to Dr Haik Nikogosian
FCTC/COP8(8)	Appointment of the Head of the Convention Secretariat and renewal of the term of office
FCTC/COP8(9)	Assessed Contributions
FCTC/COP8(10)	Workplan and budget for the financial period 2020-2021
FCTC/COP8(11)	Amendments to the Rules of Procedure of the Conference of the Parties
FCTC/COP8(12)	Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings
FCTC/COP8(13)	Hosting arrangements between the Convention Secretariat and WHO
FCTC/COP8(14)	Coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and of the Protocol to Eliminate Illicit Trade in Tobacco Products
FCTC/COP8(15)	Progress towards the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products
FCTC/COP8(16)	Measures to strengthen implementation of the Convention through coordination and cooperation
FCTC/COP8(17)	Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media
FCTC/COP8(18)	Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry
FCTC/COP8(19)	Implementation of Articles 17 and 18 (alternative livelihoods and protection of the environment)
FCTC/COP8(20)	Tobacco control in complex emergency situations
FCTC/COP8(21)	Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products, including waterpipe, smokeless tobacco and heated tobacco products)

FCTC/COP8(22)	Novel tobacco products including heated tobacco products
FCTC/COP8(23)	Election of the President and Vice-Presidents of the Conference of the Parties to the WHO FCTC
FCTC/COP8(24)	Date and place of the Ninth regular session of the Conference of the Parties to the WHO FCTC
FCTC/COP8(25)	Credentials of participants

FCTC/COP8(1) Applications for the status of observer to the Conference of the Parties

The Conference of the Parties (COP),

Having considered the applications for observer status submitted and contained in document FCTC/COP/8/3;

Recalling decision FCTC/COP7(1) point (b), which deferred consideration of the application for observer status submitted by the East African Community until the Eighth session of the COP,

1. DECIDES, in accordance with Rules 30 and 31 of its Rules of Procedure:
 - (a) to grant observer status to the following organizations:
 - African Capacity Building Foundation (ACBF)
 - Tobacco Free Portfolios (TFP)
 - Cancer Research UK (CRUK);
 - (b) to reject the application for observer status of the following organizations:
 - East African Community (EAC)
 - Common Market for Eastern and Southern Africa (COMESA)
 - Equal Right to Life (ERL)
 - Indo-OIC Islamic Chamber of Commerce and Industry (IICCI)
 - International Network of Nicotine Consumer Organisations (INNCO)
 - International Tax Stamp Association (ITSA)
 - Makerere University School of Public Health – Centre for Tobacco Control in Africa (MakSPH-CTCA)
 - New World Hope Organization (NWHO);
2. DECIDES to adopt the indicative list of criteria (see Annex);
 - a. MANDATES the Bureau, in accordance with Rule 24ter of the Rules of Procedure, to use the list of criteria to recommend to the COP whether to grant or reject applications from organizations for observer status.

Annex

Indicative list of criteria for the Bureau of the Conference of the Parties to analyse applications for observer status

In accordance with Rules 30.1 and 31.2 of the Rules of the Procedure of the Conference of the Parties (COP), only international intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs) can apply for observer status to the COP.

For such purposes, the procedure and requirements established in Rules 30.1 and 31.2 of the Rules of the Procedure of the COP shall be complied with.

Any organization that meets at least one of the following criteria, will not be granted observer status to the COP

A. For international intergovernmental organizations

- A.1 When the work of the IGO does not contribute to the implementation and purpose of the WHO Framework Convention on Tobacco Control (WHO FCTC).
- A.2 Where there is evidence that the organization has accepted funding from and/or has a vested interest in the tobacco industry.

B. For nongovernmental organizations

- B.1 When the organization's activities are limited to national scope.
- B.2 When the organization has accepted funding from and/or has any vested interest in the tobacco industry.
- B.3 When the organization is affiliated with the tobacco industry, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention.

(Second plenary meeting, 1 October 2018)

FCTC/COP8(2) Election of the officers of committees A and B

The following officers were elected to Committees A and B, pursuant to Rule 28 of the Rules of Procedure of the Conference of the Parties:

Committee A:	Chairperson	Dr Kavita Singh (Guyana)
	Vice-Chairpersons	Dr Ejla Alalawi (Bahrain)
		Dr Sungkyu Lee (Republic of Korea)
Committee B:	Chairperson	Dr Nuntavarn Vichit-Vadakan (Thailand)
	Vice-Chairpersons	Dr Ernest Zotoua (Côte d'Ivoire)
		Mrs Maria Brozmanová (Slovakia)

(Third plenary meeting, 2 October 2018)

FCTC/COP8(3) Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

The Conference of the Parties (COP),

Recalling the 17th and 18th preambular paragraphs and Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling also decisions FCTC/COP2(6), FCTC/COP4(23), FCTC/COP5(22), FCTC/COP6(23) and FCTC/COP7(16),

1. DECIDES, in accordance with Rule 30 of its Rules of Procedure:
 - (a) to request the Convention Secretariat, in consultation with the Bureau, to report to the Ninth session of the Conference of the Parties (COP9) on the measures international intergovernmental organizations (IGOs) that are observers to the COP have taken to protect their policies and activities from commercial and other vested interests of the tobacco industry, as well as on efforts to ensure their governing bodies endorse their status as an observer to the Conference of the Parties and to include recommendations of any further actions that may be required;
2. DECIDES, in accordance with Rule 31.3 of its Rules of Procedure:
 - (a) to maintain observer status of the following nongovernmental organizations (NGOs) that submitted a report:
 - (i) American Cancer Society; (ii) Campaign for Tobacco Free Kids; (iii) Corporate Accountability International; (iv) European Network for Smoking and Tobacco Prevention; (v) FDI World Dental Federation; (vi) Framework Convention Alliance on Tobacco Control; (vii) InterAmerican Heart Foundation; (viii) International Alliance of Women; (ix) International Council of Nurses; (x) International Network of Women Against Tobacco; (xi) International Pharmaceutical Federation; (xii) International Pharmaceutical Students' Federation; (xiii) International Union Against Tuberculosis and Lung Disease; (xiv) Southeast Asia Tobacco Control Alliance (SEATCA); (xv) Union for International Cancer Control; (xvi) World Federation of Public Health Associations; (xvii) World Heart Federation; (xviii) World Medical Association;
 - (b) to discontinue the observer status of one NGO (World Self-Medication Industry Association) as they reported a conflict of interest.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(4) Code of conduct and Declaration of Interest for the members of the Bureau and the Regional Coordinators of the Conference of the Parties to the WHO Framework Convention on Tobacco Control and on proposed measures preventing and addressing possible conflicts of interest at the Convention Secretariat

The Conference of the Parties (COP),

Taking into account the 18th preambular paragraph and Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Taking also into account Rules 6, 9, 19, 21–24, 24 bis, 24 ter and 24 quarter of the Rules of Procedure of the Conference of the Parties to the WHO FCTC;

Recognizing the central role Members of the Bureau of COP and Regional Coordinators play during the intersessional periods;

Acknowledging that Members of the Bureau of the COP and Regional Coordinators, by virtue of their role in providing guidance to the Convention Secretariat on the implementation of the workplans and budgets adopted by the COP, have access to privileged information in relation to the work of the Convention Secretariat and the implementation of the WHO FCTC;

Recognizing the central role of the staff members of the Convention Secretariat in supporting the implementation of the WHO FCTC and their access to privileged information needed for this task;

Noting that current Members of the Bureau of the COP and Regional Coordinators have already signed, on a voluntary basis, the Declaration of Interest form;

Having considered the report FCTC/COP/8/23 submitted by the Convention Secretariat,

1. URGES Parties:

- (a) to accelerate and strengthen implementation of Article 5.3 of the WHO FCTC and its guidelines;
- (b) to remain vigilant of tobacco industry efforts to undermine implementation of the WHO FCTC;
- (c) to nominate the candidates to be elected as Members of the Bureau of COP and Regional Coordinators, in line with Article 5.3 and recommendations 4.9 and 8.3 of its Guidelines;

2. DECIDES:

- (a) to adopt the Code of Conduct for the Members of the Bureau and Regional Coordinators of the COP and the Declaration of Interest form therein contained, as proposed in document FCTC/COP/8/23;
- (b) that upon their election, Members of the Bureau and Regional Coordinators of the COP shall abide by the provisions of the above-mentioned Code of Conduct during all of their tenure;
- (c) that upon their election, Members of the Bureau and Regional Coordinators of the COP shall submit, on a mandatory basis, the Declaration of Interest form contained in document FCTC/COP/8/23;

3. REQUESTS the Convention Secretariat:

- (a) to keep the Parties to the Convention informed on the status of implementation of this decision by members of the Bureau and Regional Coordinators;
- (b) to work and consult with WHO on the development of a Declaration of Interest form or appendix to the existing form applicable to all Convention Secretariat staff and personnel and agree on measures to be taken with respect to potential or actual conflicts of interest with the tobacco industry and its front groups and other vested commercial interests as appropriate;

- (c) to keep records of the submitted Declaration of Interest forms and report to the Bureau any potential conflict of interest emerging from the Declaration of Interest forms;
- (d) to report to the Ninth session of the COP and Second session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP), on the progress of the implementation of this decision.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(5) Convention Secretariat's fundraising strategies: investment fund concept

The Conference of the Parties (COP),

Recalling Articles 5.6 (General obligations) and 26 (Financial resources) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recognizing the importance of financial resources to support the implementation of the WHO FCTC;

Recalling that at its Seventh session the COP emphasized the need for the Convention Secretariat to raise funds in decision FCTC/COP7(25), and to consider various funding options, including the possibility for an international fund for tobacco control;

Having considered the Convention Secretariat's report contained in document FCTC/COP/8/18,

DECIDES to task the Convention Secretariat, subject to the availability of extra-budgetary contributions, in consultation with expert advisers, including those from the World Bank and WHO, to further expand on, and make recommendations for, the establishment and operation of a WHO FCTC investment fund, and report to the Ninth session of the COP on the following:

- (a) objectives and guiding principles of the investment fund;
- (b) governance and institutional arrangements for the investment fund, including the relationship to the COP, the Bureau and the Convention Secretariat;
- (c) legal status of the investment fund and its rules of procedures;
- (d) rules for and functions of the investment fund hosting agency;
- (e) definition of expected administrative costs;
- (f) description of possible operational modalities;
- (g) ensuring coherence with Article 5.3 of the Convention, decision FCTC/COP7(25);
- (h) rules for financial reporting, and for conflict resolution;
- (i) monitoring and evaluation;
- (j) applicable fiduciary standards and accountability mechanisms;
- (k) mechanisms for withdrawal from or the termination of the investment fund;
- (l) legal, financial, governance or any other potential safeguards for the COP, including matters on liability;

REQUESTS the Convention Secretariat to submit a report to the Ninth session of the COP in order for the COP to decide whether to launch the investment fund.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(6) Relationship of the Convention Secretariat with other international entities

The Conference of the Parties (COP),

Recalling Article 24.3(e) of the WHO Framework Convention on Tobacco Control (WHO/FCTC) and Article 34.2(e) of the Protocol to Eliminate Illicit Trade in Tobacco Products on the Convention Secretariat's function to ensure coordination with competent international and regional intergovernmental organizations and other bodies;

Recalling also decision FCTC/COP7(19) of the Seventh session of the COP on the relationship of the Convention Secretariat with other international entities on observer status;

Noting the work of the Convention Secretariat on international cooperation in general and with regard to observer status to international intergovernmental organizations (IGOs);

Recognizing the important work of the Convention Secretariat to promote the implementation of the "Model policy for agencies of the United Nations system on preventing tobacco industry interference";

Recognizing also the important role of participating in the governing body meetings of IGOs in promoting the profile and visibility of the WHO FCTC,

1. CALLS UPON Parties to promote tobacco control policy coherence in the governing bodies of the relevant IGOs, including the International Labour Organization (ILO);
2. REQUESTS the Convention Secretariat:
 - (a) to continue its efforts in international cooperation aimed at obtaining observer status to the governing bodies of IGOs indicated in decision FCTC/COP7(19) and follow up with those that have not responded;
 - (b) to prioritize its attendance at the most relevant meetings of IGOs' governing bodies;
 - (c) to seek to engage with international entities that have not granted the Convention Secretariat observer status, as appropriate;
 - (d) to inform Parties of any relevant developments at the next session of the COP under the international collaboration agenda point;
3. INVITES WHO to consider including Convention Secretariat staff in its delegations to relevant meetings of international entities.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(7) Expression of appreciation to Dr Haik Nikogosian

The Conference of the Parties (COP),

Expressing its profound gratitude to Dr Haik Nikogosian, Head of the Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) from June 2007 to June 2014, for his extraordinary leadership of the Convention Secretariat;

Paying tribute to his unwavering efforts and skillful stewardship to ensure the prominence of the implementation of the WHO FCTC in global health and in the 2030 Agenda for Sustainable Development;

Recognizing his resilience in overcoming important challenges encountered during the course of his tenure;

Acclaiming his tireless commitment to improve the health of all peoples around the world,

DECLARES Dr Haik Nikogosian Head of the Secretariat Emeritus of the WHO FCTC.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(8) Appointment of the Head of the Convention Secretariat and renewal of the term of office

The Conference of the Parties (COP),

Recalling decisions FCTC/COP1(10) on the establishment of a permanent secretariat of the Convention, FCTC/COP4(6) on the Head of the Convention Secretariat, FCTC/COP5(20) on the role of the Bureau of the COP, and FCTC/COP5(21) on the appointment and renewal of the term of office of the Head of the Convention Secretariat;

Taking note of the recommendations by the Bureau of the COP contained in document FCTC/COP/6/25 and of decision FCTC/COP6(22) on the establishment of a process for the appointment of the Head of the Convention Secretariat, term of office and possible renewal of the term of office;

Underscoring the importance of a rigorous, transparent and merit-based process to attract the best candidates, and ensure the selection of the most qualified individual,

1. DECIDES to establish the following process for the selection and appointment of the Head of the Convention Secretariat, and the following conditions for the renewal of the term of office:
 - (a) the Bureau of the COP – in consultation with the Regional Coordinators of the COP and of the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol), the Bureau of the MOP and the WHO Secretariat – shall prepare a job description for the position of Head of the Convention Secretariat and the selection criteria for the selection of candidates, taking into consideration the provisional selection criteria as contained in the Annex to this decision. The job description shall be based on the existing job description, Article 24.3 and other relevant Articles of the WHO FCTC and its Protocol, taking into account deliberations made by the COP at its Eighth session;

- (b) the Bureau of the COP shall submit the job description to the Director-General of WHO no later than eight months before the contract of the incumbent ends;
 - (c) the COP shall invite the Director-General of WHO: to advertise the post of Head of the Convention Secretariat, as submitted by the Bureau, no later than 30 days after receiving it; to ensure wide circulation of the advertised post, including by informing and inviting Parties to the WHO FCTC to encourage qualified candidates to apply using the WHO standard form for a curriculum vitae, limited to 3500 words; and to utilize the WHO Secretariat services to screen applications and perform reference checks;
 - (d) WHO secretariat services shall forward to the COP Bureau and the MOP Bureau a complete list of all applications received, along with recommendations as to which candidates should be shortlisted and brief reasons for the recommendations;
 - (e) the COP Bureau, in consultation with the MOP Bureau and with the support of one representative of the Director-General of WHO, shall decide on an initial shortlist of no more than six candidates to be interviewed, whom it considers to be the most qualified taking into account the job description and the criteria set out in the Annex to this decision;
 - (f) the WHO Secretariat services shall for transparency purposes communicate the list of candidates and the shortlist of candidates to be interviewed to the Parties of the WHO FCTC, through a dedicated and protected website to ensure at the same time the confidentiality of the process;
 - (g) following the interviews, the COP Bureau in consultation with the MOP Bureau, shall select the suitable candidate and recommend to the Director-General of WHO a single candidate;
 - (h) the COP Regional Coordinators, as referred to in Rule 24quater of the Rules of Procedure of the COP, and MOP Regional Coordinators will be invited to observe the complete selection process and will facilitate two-way communication with the Parties in their respective regions;
 - (i) the appointment of the Head of the Convention Secretariat shall be made by the Director-General of WHO, in consultation with the President of the COP and the President of the MOP;
 - (j) the term of office of the third and subsequent Heads of the Convention Secretariat shall be for a period of four years, with the possibility of a single renewal for a further four years following the process described above in operative paragraphs 1(a) to 1(h);
2. FURTHER DECIDES to mandate the COP Bureau to make recommendations to the COP at its Ninth session on the above-mentioned appointment process, based on the experience gained and comments received from Parties intersessionally, and on any other matters that should be considered for future appointments.

ANNEX

CRITERIA FOR THE SELECTION OF CANDIDATES FOR THE POSITION OF HEAD OF THE CONVENTION SECRETARIAT

- 3. A strong background in and knowledge of both technical and policy issues, as well as substantive experience, in public health and international cooperation.
- 4. Experience in international health, including working with international organizations and Member States, and maintaining strong links with the international tobacco control community, and preferably working experience in developing countries.

5. Demonstrable leadership skills and experience, including the ability to translate into action the COP's and MOP's vision for the Convention and the Protocol to Eliminate Illicit Trade in Tobacco Products.
6. Proven ability to deal effectively with the media, academic groups, United Nations entities, industry, political leaders and civil society, as well as public health and anti-illicit trade specialists.
7. Excellent communication and advocacy skills, including the ability to build consensus and the commitment to improve coordination with relevant United Nations entities.
8. Demonstrable competence in organizational management and financing for complex health-related organizations, including the ability to analyse organizational problems and find adequate solutions as well as to effectively mobilize resources to support the implementation of the Convention and the Protocol.
9. Sensitivity to cultural, social and political differences.
10. A strong commitment to the objectives and implementation of the Convention and the Protocol as well as to evidence-based promotion and protection of public health, in accordance with the principles of the Convention and the Protocol.
11. A health record compatible with carrying out the duties of the post.
12. Proven integrity and independence, including the ability to protect the Convention and the Protocol from commercial and other vested interests of the tobacco industry.
13. Proficiency in at least one of the six official languages of WHO and sufficient skills in a second official language.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(9) Assessed contributions

The Conference of the Parties (COP),

Reaffirming decision FCTC/COP7(23) and the report by the Convention Secretariat contained in document FCTC/COP/8/17;

Noting with concern that 60 Parties are in arrears, including some registering arrears for one or more biennium;

Welcoming with appreciation the overall spirit of commitment by Parties to meet their financial obligations to support the implementation of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC);

Emphasizing that Assessed Contributions are the mandatory financial contribution of each Party to the WHO FCTC in accordance with the agreed scale of assessment;

Noting the Secretariat's note verbale CSF/NV/18/02 through which, in compliance with decision FCTC/COP7(23), Parties in arrears of payment of Assessed Contributions were invited to submit their plan for making payments to clear the arrears by 31 March 2018;

Considering that a number of Parties in arrears have not submitted a plan of payment to the Secretariat, which in some cases may be due to exceptional circumstances,

1. URGES the Parties to pay their Assessed Contributions in full, at the beginning of the biennium, in order to ensure adequate resources to implement the workplan and budget adopted by the COP;
2. DECIDES, in accordance with decision FCTC/COP7(23) and following the Bureau's recommendations, to apply the following measures, with immediate effect to the Parties in arrears that have failed to submit, within the deadline established by the Head of the Convention Secretariat, their plan for making payments to clear their arrears:
 - (a) the Party shall not be eligible to become or nominate a member of the Bureau of the COP;
 - (b) the Party shall not be eligible to chair any subsidiary body or working group;
3. DECIDES, in accordance with decision FCTC/COP7(23) to apply paragraph 3 (d) of the said decision, with effect at the close of the Ninth session of the COP to those Parties that are in arrears in the payment of their Assessed Contributions due from them for the preceding two full calendar years at the time of the opening of the COP, if no plan for making payments has been established or if the plan is not being implemented fully, unless there are exceptional circumstances justifying different measures;
4. DECIDES that the measures imposed under 2 and 3 above shall lapse for any Party once that Party is no longer in arrears to the extent set out in decision FCTC/COP7(23);
5. REQUESTS the Convention Secretariat:
 - (a) to communicate this decision to all Parties in arrears in payment of Assessed Contributions as shown in the table of document FCTC/COP/8/17;
 - (b) to report at each COP session the status of Assessed Contributions and on actions in accordance with the measures adopted in paragraph 2;
 - (c) to continue to actively engage Parties on finding ways to make payments, including providing individual invoices and receipts for each Party, and clear payment information on the website of the Convention Secretariat, and enhancing coordination with regional and country offices of WHO, as well as assisting in the formulation of payment plans.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(10) Workplan and budget for the financial period 2020-2021

The Conference of the Parties (COP),

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

Recalling its decision FCTC/COP7(24) on the workplan and budget for the financial period 2018–2019;

Having considered the workplan and budget for the financial period 2020–2021 submitted by the Convention Secretariat contained in document FCTC/COP/8/16,

DECIDES:

- (a) to adopt the budget for the financial period 2020–2021 as is indicated in Annex 1 to this decision ;
- (b) to adopt the workplan for the financial period 2020–2021, as indicated in Annex 1 to this decision, taking into account the decisions taken by the COP at its Eighth session;
- (c) to establish the total amount of Assessed Contributions of Parties for the financial period 2020–2021 at the level of US\$ 8 800 522;
- (d) to request the Convention Secretariat, in coordination with the Bureau, to communicate the scale of assessment of Assessed Contributions for 2020–2021 to Parties following adoption of the scale of assessment by the United Nations General Assembly in late 2019;¹
- (e) to finance the travel and per diem of least-developed countries from Assessed Contributions until and including the Eighth session of the COP;
- (f) to finance, moreover, travel for low- and lower-middle income countries from Assessed Contributions and to cover the cost of the corresponding per diem with resources available in the extra-budgetary funds until and including the Eighth session of the COP;
- (g) to authorize the Convention Secretariat to request the payment of Assessed Contributions, including from countries that may have become a Party to the Convention between the Seventh and Eighth sessions of the COP, in line with the scale of assessment as indicated in paragraph 4 of the present decision;
- (h) to request the Head of the Convention Secretariat to implement the budget and workplan adopted by the COP, and to submit to the COP:
 - (i) an interim performance report on the workplan and budget for the financial period 2020–2021, along with a final performance report on the workplan and budget for the financial period 2018–2019, at its Ninth session;
 - (ii) a final performance report on the workplan and budget for the financial period 2018–2019 at its Ninth session;
- (i) to authorize the Convention Secretariat to seek and receive voluntary Extra-budgetary Contributions for activities in line with the workplan;
- (j) to encourage Parties to provide extra-budgetary contributions for meeting the objectives of the workplan;
- (k) to call on the Head of the Convention Secretariat to regularly update the Bureau on the status of budgets and workplans agreed upon by the COP;
- (l) to informally consult Parties prior to presenting the budget and workplan to the next session of the COP;
- (m) to request the Convention Secretariat to ensure that implementation of the workplan is fully aligned with the Medium-term Strategic Framework and the interim, performance and progress reports and that future budgets are presented to the Ninth session of the COP in the same format;
- (n) invites the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol) to cover the proportion of the shared core staff costs, including those of the Head of the Convention in their respective work plans and budgets;
- (o) requests the MOP to consider adopting a budget consistent with the shared staff costs as identified in the 2020–2021 budget of the COP.

¹ Based on the corresponding WHO scale of assessment for 2020–2021 and taking into account the difference of membership of WHO and that of the Convention.

ANNEX 1

Workplan and Budget 2020–2021

1	Governance				
	Main components/activities	Expected results and indicators	Activity cost (in US\$)		
			Assessed Contributions (AC)	Extra- budgetary	Total
1.1	Pre-COP arrangements				
1.1.1	6 Preparatory COP regional meetings				
	Two Convention Secretariat staff members’ travel and per diem to each region and travel support and per diem for eligible Parties	Questions in regard to COP documents and procedures clarified and support provided to regional discussions to better prepare for COP meeting and eligible Parties’ participation ensured.		176 150	176 150
1.1.2	Online tool (Training for delegations’ preparations)				
	(a) Development, creation	(a) Online tool launched.		68 200	68 200
	(b) Distribution, training and online support to users	(b) Online tool widely distributed, training sessions or online seminars conducted, and online support provided to users.		0	0
1.2	Conference of the Parties				
1.2.1	Logistics – overall organization				
	(a) Rentals, services, salaries of short-term conference staff and overtime of staff	(a) COP9 prepared and convened on time, overtime paid.	367 960		367 960
	(b) Interpreters salaries	(b) Interpretation provided.	340 026		340 026
	(c) Security	(c) Security provided.	51 000		51 000
	(d) Travel support for eligible Parties	(d) High participation of Parties.	304 550		304 550
	(e) Per diem for low- and lower-middle income (LMIC) countries	(e) High participation of Parties.		101 052	101 052
	(f) Reception	(f) Reception hosted.		90 000	90 000
((g) Screening of DOI for delegates as appropriate	(g) Registrations screened for DOIs completion	25 000		25 000
1.2.2	Evening session (4 evening sessions)				
		Four evening sessions convened.	65 000		65 000
1.2.3	Documentation (pre-, in- and post-session)				
	(a) Editing and translation of COP official documentation (pre-session)	(a) Official documentation available to Parties in the six languages no later than 60 days before the opening of the session.	200 000		200 000

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	(b) Editing, translation and printing of COP official documentation (in-session)	(b) Report, decisions, other documentation.	185 000		185 000
	(c) Salary of précis writers	(c) COP report finalized.	27 300		27 300
	(d) Editing and translation of COP report and verbatim (post session)	(d) COP report finalized and published; verbatim published.	25 000		25 000
1.2.4	Invited speakers	Travel support for one invited speaker in line with COP travel policy.		5500	5500

1.2.5	High-level Segment¹				
.5					
	(a) Travel and per diem for one VIP and one entourage per region	(a) High-level participants ensured with costs covered for LDCs high-level participants.		27 500	27 500
	(b) Security	(b) Security of the high-level participants ensured.		10 000	10 000
1.2.6	COP9 Campaign and media				

¹ COP travel policy shall apply. Cost calculated based on three VIPs and three entourage.

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	(a) Creative idea, campaign strategy, visuals, booth, promotion materials, website, two photographers; ¹ videographer and exhibition.	(a) Campaign and material produced.		45 000	45 000
	(b) Six months of Communication/media relations services (either by secondment or direct contract) ²	(b) Campaigned successfully implemented, and media accreditation, media relations and coverage of COP9 ensured.		137 000	137 000
	(c) COP9 software application (APP).	(c) Design and set up of the APP ensured and APP launched.	1000		1000
1.2.7	Bureau of the COP/Meetings				
	(a) Prepare and support the work of the Bureau and convene meetings	(a) Four meetings convened, including through video conferences/teleconferences and summary records prepared.	26 500		26 500
	(b) Travel support and per diem for the Bureau Members	(b) Bureau Members attended Bureau meetings and COP session.	124 665		124 665
	(c) Interpretation (3 languages)	(c) Good comprehension among the Bureau Members ensured.	11 000		11 000
	(d) Set up and maintenance of the secured online platform	(d) Access given to the Bureau Members and Regional Coordinators.	3000		3000
Subtotal Area of Work 1			1 757 001	660 402	2 417 403

2	Protocols, ³ guidelines and other possible instruments for implementation of the Convention ⁴				
	Main components/activities	Expected results and indicators	Activity cost (in US\$)**		
			AC	Extra-budgetary	Total
2.1	Intergovernmental working/experts groups				
	(a) Expert group (EG) on Articles 9 and 10 as decided by COP8, one meeting of the group and intersessional work of the key facilitators and the Convention Secretariat	(a) One meeting of the EG,progress report submitted to COP.	0	100 000	100 000

¹ Cost for two photographers: US\$ 7200 and cost estimate for one videographer: US\$ 3000.

² Calculation based on a P4 cost.

³ The reference to protocols is of a general nature;

⁴ In line with Article 7, Article 23.5(f) and (h), Article 24.3(a) and (g) and Article 33, and relevant decisions of the COP.

	(b) WG on Article 13 as decided by COP8, one meeting of the group and intersessional work of the key facilitators and the Convention Secretariat	(b) One meeting of the WG, progress report submitted to COP. /	50 000	35 000	85 000
	(c) WG on a topic on implementation assistance or the implementation review mechanism, if established by the COP. There needs to be a body that monitors the implementation of the Medium-term Strategic Framework (MTSF).	(c) Two meetings of the WG or the implementation review mechanism. Consultant hired to support the work of the implementation review mechanism. Supporting the work of the WG or implementation review mechanism provided by the Convention Secretariat.	150 000	130 000	280 000
Subtotal Area of Work 2			200 000	265 000	465 000

3.	Reporting under the WHO FCTC ¹				
	Main components/activities	Expected results and indicators	Activity cost (in US\$)		
			AC	Extra-budgetary	Total
3.1	Support for Parties in fulfilling their reporting obligations and global progress reports on implementation of the Convention				
	(a) Conduct the biennial reporting cycle in 2020	(a) Reports received, confirmed and feedback provided to Parties. Web-based database of reports maintained and updated. Regular reminders sent to Parties, information technology (IT) assistance is provided upon request.	50 000		50 000
	(b) Analyse Parties’ reports and develop the 2020 Global Progress Report (identify trends, areas of progress, challenges in implementation and areas/articles of the Convention proposed for further exploration)	(b) 2020 Global Progress Report published online and disseminated to stakeholders. (c) Involve consultants and Knowledge Hubs (KH) in the analysis of relevant data submitted by the Parties.	100 000		100 000
	(c) Strengthen capacity of Parties to report	(d) Organize and/or participate in regional and subregional workshops on reporting prior to the 2022 reporting period to strengthen reporting capacity in the Parties. (e) Develop the second edition of the WHO FCTC Indicator Compendium to cover policy indicators of the core reporting questionnaire (including expert meetings, consultant work). (f) Advice and assistance to individual Parties provided as requested, mostly through electronic means of communication.		250 000	250 000
Subtotal Area of Work 3			150 000	250 000	400 000

¹ In line with Article 20.5, Article 21, Article 23.5 (a), (b) and (d), and Article 24.3(b) and (c), and relevant decisions of the COP.

4.	Facilitate enhanced implementation of the WHO FCTC through the provision of technical assistance to Parties in implementing provisions of the Convention, with particular focus on developing-country Parties and Parties with economies in transition (including but not limited to activities of the FCTC2030)				
	Main components/activities	Expected results and indicators	Activity cost (in US\$)		
			AC	Extra-budgetary	Total
4.1	Direct Assistance to Parties				
	(a) Needs assessments missions, post-needs assessment assistance and follow-up support to Parties	(a) Needs assessment missions carried out upon request in at least four Parties, post needs assessment assistance provided and follow-up support provided to Parties.	0	800 000	800 000
	(b) Development of investment/business cases and follow-up support to Parties	(b) Investment/business cases conducted in at least two Parties and follow-up support provided to Parties.	0	800 000	800 000
	(c) Provide technical assistance to Parties for a specific issue upon request giving priority to the time-bound measures	(c) Up to six Parties assisted in implementation of selected WHO FCTC provisions directly through the Convention Secretariat staff, panel of experts or KH staff.	0	900 000	900 000
	(d) Direct assistance to Parties for the implementation of Articles 17 and 18	Research and pilot projects conducted in at least 6 tobacco growing countries		240 000	240 000
4.2	Assistance to Parties by sharing lessons and evidence through South-South and Triangular cooperation				
	(a) Assist and facilitate interested partners in South–South and Triangular Collaboration	(a) At least four projects identified and implemented.	0	500 000	500 000
	(b) Encourage the use of the South–South networking platform on the WHO FCTC Coordination Platform	(b) Number of visitors and collaborative work initiated.	0	50 000	50 000
	(c) Evaluate efficacy and sustainability of South–South projects	(c) Evaluation conducted and results published.	0	40 000	40 000
4.3	Assistance to Parties through training, knowledge sharing and sharing of good practices and networking				
	(a) Global, regional or subregional workshops on specific challenges in the implementation of the WHO FCTC	(a) Two global and six regional/subregional workshops organized by the Secretariat or co-organized with WHO Regional Offices or other UN agencies on identified challenges for the implementation of the WHO FCTC.	0	600 000	600 000
	(b) KHs: Coordinate the work of the existing KHs and their provision of assistance to Parties in line with COP decisions	(b) Ensure that KHs provide assistance to an increasing number of Parties through training programmes, workshops, direct assistance, webinars and other communication channels. Support the existing knowledge hubs as appropriate and consider establishing additional hubs, if need be. Assist the hubs with the development and	0	300 000	300 000

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		implementation of their workplans, request annual reports to be provided to the Convention Secretariat. Issue a newsletter on the work of the KHs on a regular basis (5–6 issues per year), in PDF and html formats.			
	(c) Establishment of a Knowledge Hub for Article 13	KH established	0	50 000	50 000
	(c) Observatories on Article 5.3: coordinate and assist the Knowledge Hub for Article 5.3 to oversee and assist the work of existing observatories and advise those Parties that would like to engage in tobacco industry monitoring	(c) Promote establishment of tobacco industry monitoring projects, including observatories, in line with the guide for Parties on how to establish and operate tobacco industry observatories. Support projects implemented by individual tobacco industry observatories.	0	250 000	250,000
	(d) Sustain appropriate communication channels to enhance communication with the Parties	(d) Maintain and continuously update mailing lists and other communication channels.	0	50 000	50,000
	(e) Development of e-learning tools	(e) Two e-learning courses developed.	0	300 000	300 000
4.4	Assistance to Parties through the development of toolkits, manuals and publications				
	(a) Preparation of toolkits and manuals to assist in the implementation	(a) Two toolkits developed.	0	300 000	300 000
	(b) Publication of global, regional and national studies	(b) Two global, two regional and two national studies published.	0	120 000	120 000
	(c) Preparation of policy recommendation report on novel tobacco products	Policy report prepared	0	50 000	50 000
	(d) Preparation of policy recommendation options report on Art 17 and 18	Policy report prepared	0	50 000	50 000
4.5	Monitoring and evaluation				
	(a) Monitoring and evaluation of projects and activities to assist Parties on the implementation of the WHO FCTC	(a) At least one project monitored and evaluated and reports published.	0	100 000	100 000
Subtotal Area of Work 4			0	5 500 000	5 500 000

5.	Coordination with international and regional intergovernmental organizations and other bodies
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	Main components/activities	Expected results and indicators	Activity cost (in US\$)		
			AC	Extra-budgetary	Total
5.1	Promoting international cooperation including with IGOs and NGOs observers to COP				
	(a) Develop an operational plan on international cooperation by the Convention Secretariat	(a) Operational plan developed and implemented.	0	0	0
	(b) Apply for observer status for all relevant international intergovernmental organizations (IGOs) for the COP; with a specific focus for the UN General Assembly (UNGA) and the United Nations Economic and Social Council (ECOSOC)	(b) Observer status to relevant agencies or treaty secretariats.	0	0	0
	(c) Invite relevant IGOs to become observer to the COP	(c) IGOs and Regional development banks becoming observers to the COP.	0	0	0
	(d) Increase visibility of the Convention Secretariat	(d) Attend meetings of governing bodies of organizations where the Convention Secretariat has observer status, meetings of UN entities, regional financial institutions and economic integration organizations, development partners, and other organizations, as relevant.	0	15 000	15 000
	(e) Increase visibility of the Convention in meetings organized by civil society	(e) Participation in meetings and events organised by civil society including the World Conference on Tobacco or Health.	0	15 000	15 000
	(f) Increase visibility and activities in ECOSOC and UNGA to increase action on SDG agenda	(f) Attendance of ECOSOC management meeting and High-level Political Forum on the SDGs and the relevant UNGA sessions.	0	10 000	10 000
	(g) Promote international multisectoral approach to tobacco control	(g) Signing Memoranda of Understanding with IGO observers or treaty secretariats.	0	0	0
	(h) Increase cooperation with other secretariats of UN treaty bodies including human rights treaties	(h) Visit selected convention secretariats and organize informal meeting with treaty secretariats.	0	10 000	10 000
5.2	Coordination with UNIATF and promote NCDs global agenda				
	(a) Continue to implement multisectoral assistance activities to Parties in cooperation with members of the UN Interagency Task Force on the Prevention and Control of Noncommunicable Diseases (UNIATF) and the Global Coordinating Mechanism on NCDs (GCM/NCD)	(a) Participation in at least four meetings of the Task Force and GCM/NCD, coordination of two WHO FCTC specific annual sessions, and contribution to the Secretary-General’s report to the United Nations Economic and Social Council and GCM/NCD products.	0	10 000	10 000

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	(b) Maintain working relationships concerning tobacco-related data exchange with UN agencies to assist with the monitoring and evaluation of progress made in WHO FCTC implementation and to strengthen implementation of the WHO FCTC	(b) At least three agreements for regular exchange of tobacco-related data concluded between the Convention Secretariat, WHO, and other UN agencies and partners.	0	0	0
5.3	Action in support of SDG 3, Target 3.a				
	(a) Awareness raising and resource mobilization for SDG 3, Target 3.a and Financing for Development Action Agenda	(a) Communication material on investment cases in tobacco control.	0	30 000	30 000
	(b) Monitoring SDGs	(b) Conduct an annual expert meeting to follow up and promote progress in meeting SDG 3, Target 3.a.	0	110 000	110 000
Subtotal for Area of work 5			0	200 000	200 000

6	Administration and management, and other arrangements and activities ¹				
	Main components/activities	Expected results and indicators	Activity cost (in US\$)		
			AC	Extra-budgetary	Total
6.1	General administration and management				
	(a) General administration, staff and finance management	(a) Workplans and administrative arrangements customized within WHO's global management system (GSM). Collection of Assessed Contributions close to 100% by the end of the biennium.	60 000	0	60 000
	(b) Resource mobilization	(b) 30–40% of extra-budgetary funds raised.	0	14 000	14 000
	(c) Investment Trust Fund (ITF)	(c) Expert meeting to further consider the development of the ITF and to develop the terms of reference.	0	100 000	100 000
	(d) Prepare portfolio of grant proposals	(d) Portfolio of grant proposals prepared, incorporating a range of subjects, values and geographical distribution.	0	0	0
6.2	Awareness raising, publications, website and web applications and implementation of communications plan ²				

¹ In line with Article 24.3(d), (f) and (g), and relevant decisions of the COP.

² Activities under this section will be subject to consideration of a communication plan that will be presented to COP8 for consideration.

(a) Disseminate information to the WHO FCTC technical and official focal points and to Observers to COP focal points	(a) On average two meetings per year held with permanent missions of Parties in Geneva. Newsletters and publications disseminated to Parties' focal points and observers to COP and website regularly updated.	0	152 00	152 00
(b) Updating of the WHO FCTC website in the six WHO official languages	(b) Selected website information in six languages	0	100 000	100 000
(c) Feeding WHO FCTC social media channels on Facebook, Twitter and YouTube	(d) WHO FCTC in social media.	0	50 000	50 000
(d) Printing and disseminating technical WHO FCTC basic and technical publications	(e) Documents printed and disseminated.	0	40 000	40 000
(e) Increase profile and visibility of the Convention internationally at conferences and other events	(f) Participating and including a booth at the World Conference on Tobacco or Health (WCTOH) and in selected international meetings.	0	50 000	50 000
(f) World No Tobacco Day (WNTD)	(f) Support World No Tobacco Day (WNTD) campaign.	0	40 000	40 000
(g) Celebrating WHO FCTC anniversaries	(g) Activities organized around anniversaries of the treaty.	0	84 000	84 000
(h) Printing and disseminating rules of procedure if amended by COP	(h) Rules of procedure printed.	0	10 000	10 000
(i) UN tobacco control newsroom	(i) Regular update of newsroom in English (only).	0	10 000	10 000
(j) Office equipment for the Secretariat including IT devices	(j) Purchase of necessary office and IT equipment.	15 872	20 000	35 872
Subtotal for Area of work 6		75 872	533 200	609 072
Grand Total Activities		2 182 873	7 128 882	9 591 475

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Area of Work	Activity cost in US\$		
	AC	Extra-budgetary	Total
1. Governance	1 757 001	660 402	2 417 403
2. Protocols, guidelines and other possible instruments for implementation of the Convention	200 000	265 000	465 000
3. Reporting under the WHO FCTC ¹	150 000	250 000	400 000
4. Provision of technical assistance to Parties in implementing provisions of the Convention (including but not limited to activities of the FCTC2030)	0	5 500 000	5 500 000
5. Coordination with international and regional intergovernmental organizations and other bodies	0	200 000	200 000
6. Administration and management, and other arrangements and activities ²	75 872	533 200	609 072
Grand Total Activities	2 182 873	7 408 602	9 591 475

¹ In line with Article 20.5, Article 21, Article 23.5 (a), (b) and (d), and Article 24.3(b) and (c), and relevant decisions of the COP.

² In line with Article 24.3(d), (f) and (g), and relevant decisions of the COP.

ANNEX 2

GROSS STAFF COSTS BREAKDOWN (US\$)¹

Fixed-term staff		<u>Biennial cost</u>
<u>Professional staff</u>		
1.	D2 (one post) (80% time)	642 400
2.	P5 (three posts) (80% time)	1 588 800
3.	P4 (two posts)	1 096 000
4.	P3 (two posts)	886 000
Subtotal (eight posts)		4 213 200
 <u>General category staff</u>		
1.	G6 (one post)	384 000
2.	G5 (three posts)	1 008 000
Subtotal (four posts)		1 392 000
Total (12 posts)		5 605 200
Additional staff costs (pending extra-budgetary funding, secondments)		
<u>Professional staff</u>		
1.	P5 (one)	662 000
2.	P3 (four posts)	1 772 000
3.	P2 (two posts)	700 000
4.	P1 (two posts)	242 200
Subtotal (Nine posts)		3 376 200
<u>General category staff</u>		
1.	G5 (one post)	336 000
2.	G4 (one post)	288 000
3.	G3 (one post)	257 000
Subtotal (three posts)		881 000
Total (12 posts)		4 257 200
Total staff cost		9 862 400

¹ Indicative costs for core Convention Secretariat staff based on WHO's latest available standard gross salary costs for 2016–2017; possible changes in 2018–2019 will be reflected once they become available in a revised staff cost breakdown to be communicated to the Parties by note verbale. As indicated above, current staff contracts are funded through Assessed Contributions; costs for additional proposed staff positions would be financed through Extra-budgetary Contributions. The fulfilment of the staff plan, and possible adjustments, will depend on the actual availability of funds and the evolving workload. The staff plan does not include possible short-term assignments and secondments that would be based on actual needs and resources available.

ANNEX 3

Total proposed budget 2020–2021

	Covered by AC In US\$	Covered by extra-budgetary funds	Total
1. Activity cost	2 182 873	7 408 602	9 591 475
2. Staff costs	5 605 200	4 257 000	9 862 400
3. Total direct costs	7 788 073	11 665 802	19 453 875
4. Programme support costs (13%)	1 012 449	1 516 554	2 529 004
5. Grand total	8 800 522	13 182 356	21 982 879

ANNEX 4

Comparison of budget lines between adopted Workplan and Budget 2018–2019 and proposed Workplan and Budget 2020–2021 (US\$)

	Covered by AC			Covered by extra-budgetary funds			Total		
	In US\$			In US\$			In US\$		
	2018–2019	2020–2021	Increase (%increase)	2018–2019	2020–2021	Increase (%increase)	2018–2019	2020–2021	Increase (%increase)
1. Activity cost	2 262 400	2 182 873	-79 527 (-3.5%)	5 717 750	7 408 602	1 690 852 (29.6%)	7 980 150	9 591 475	1 611 325 (20.2%)
2. Staff costs	5 525 673	5 605 200	79 527 (1.4%)	3 830 528	4 257 000	426 672 (11.1%)	9 356 201	9 862 400	506 199 (5.4%)
3. Total direct costs	7 788 073	7 788 073	0 (0%)	9 548 278	11 665 802	2 117 524 (22.2%)	17 336 351	19 453 875	2 117 524 (12.2%)
4. Programme support costs (13%)	1 012 449	1 012 449	0 (0%)	1 241 276	1 516 554	275 278 (22.2 %)	2 253 726	2 529 004	275 278 (12.2%)
5. Grand Total	8 800 522	8 800 522	0 (0%)	10 789 554	13 182 356	2 392 802 (22.2%)	19 590 077	21 982 879	2 392 802 (12.2%)

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(11) Amendments to the Rules of Procedure of the Conference of the Parties

The Conference of the Parties (COP),

Recalling that its Rules of Procedure were adopted at its First session held in 2006, and amended at its Sixth session in decision FCTC/COP6(24) (2014), and in its Seventh session in decision FCTC/COP7(28) (2016);

Noting the report by the Convention Secretariat submitted to the Eighth session of the COP (document FCTC/COP/8/21/REV.1) on possible amendments to the Rules of Procedure of the COP;

Recognizing the importance of updating the Rules of Procedure of the COP to facilitate the effective functioning of the COP;

Recognizing also that with the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products it is necessary to consider ways to facilitate coordination among the governing bodies of the WHO Framework Convention on Tobacco Control and of the Protocol to Eliminate Illicit Trade in Tobacco Products,

1. ADOPTS the proposals for amendments to the Rules of Procedure of the COP contained in the Annex to the present draft decision;
2. DECIDES to request the COP Bureau, with the support of the Regional Coordinators, to work with the Bureau of the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products, the Convention Secretariat and the WHO Office of the Legal Counsel:
 - (a) to conduct a review of its Rules of Procedure and to identify rules to which amendments could be made to ensure coordination between the COP and the MOP;
 - (b) to draft proposals for amendments to the Rules of Procedure and to submit them for consideration at the Ninth session of the COP in 2020.

ANNEX

Rule	Proposed amendments
Rule 2 Definitions	<p>10. “public” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rules 30 and 31, respectively, accredited media and members of the public;</p> <p>“Meeting of the Parties” means the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products established by Article 33 of the Protocol.</p> <p>“Protocol” means the Protocol to Eliminate Illicit Trade in Tobacco Products, adopted on 12 November 2012 at the Fifth session of the Conference of the Parties to the WHO FCTC.</p>
Rule 9 Agenda	<p>The Secretariat shall, in consultation with the Bureau, include in a supplementary provisional agenda any item proposed by a Party which reaches the Secretariat between the dispatch of the provisional agenda for a regular session and 30 days before the opening day of the session, provided that it falls within the scope of Rule 7 of the Rules of Procedure.</p>

Rule	Proposed amendments
Rule 18 Representation and Credentials	The credentials of representatives, as well as the names of alternates and advisers shall be submitted to the Secretariat if possible no later than 24 hours after the opening of the session. Any subsequent change in the composition of the delegation shall also be submitted to the Secretariat. Credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs, the Minister of Health, or any other competent government authority or, in the case of a regional economic integration organization, by the competent authority of that organization.
Rule 24bis	<p>5. Joint intersessional meetings of the Bureau of the Conference of the Parties and the Bureau of the Meeting of the Parties shall be held to deal with any matters for which a coordinated decision of both Bureaus or of the Conference of the Parties and the Meeting of the Parties is required.</p> <p>6. The joint intersessional meetings of the Bureaus shall be held at the request of either the Bureau of the Conference of the Parties or the Bureau of the Meeting of the Parties, or when it is mandated by the rules of procedure of the Conference of the Parties or the rules of procedure of the Meeting of the Parties or by a decision of the Conference of the Parties or Meeting of the Parties.</p>
Rule 24ter	1. (a) to make a recommendation, having consulted with the Bureau of the Meeting of the Parties, to the Director-General of WHO regarding the appointment of the Head of the Secretariat;
Rule 24quater Officers	<p>3. If an officer of the regional coordinator Party resigns or is otherwise unable to complete the assigned term of office or perform the functions of that office, a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office. If no representative from the same Party can be identified, a representative of a Party from the same WHO region shall be designated.</p> <p>4. Where a regional coordinator is unable to attend a meeting, an alternate of the same Party shall be designated by the Party concerned.</p>
Rule 27(2) Subsidiary Bodies	Sessions or meetings of subsidiary bodies shall be open, unless the Conference of the Parties or the subsidiary body concerned decides that they shall be public or restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.
Rule 32 Conduct of Business	Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides that they shall be open or restricted. Unless the Parties decide otherwise, accredited media shall be entitled to attend at the open sessions of the Conference of the Parties. This rule shall be implemented in accordance with Article 5.3 of the Convention.
Rule 33 Conduct of Business	Proposals and amendments to proposals shall normally be introduced by the Parties in writing, in one of the official languages, and handed to the Secretariat, which shall circulate copies to delegations. Proposals and amendments shall not be considered if they have been circulated less than three days before the meeting in all official languages of the Conference of the Parties. The Conference of the Parties may, however, permit the discussion and consideration of proposals, amendment to proposals or procedural motions, even though such proposals, amendment to proposals or motions have not been circulated, or have only been circulated the same day.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(12) Maximizing transparency of delegations from Parties and Observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings

The Conference of the Parties (COP),

Reaffirming the determination of the Parties to protect their public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in accordance with national law;

Emphasizing the need to be alert to interference by the tobacco industry in tobacco control efforts of the Parties and the need to be informed of activities of the tobacco industry that interfere with the implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recognizing the importance of protecting sessions of the COP and its subsidiary bodies while also upholding the WHO Accountability Framework to “make available reliable and timely information about existing conditions, decisions and actions relating to its activities, in an accessible, visible and understandable fashion, unless the information is deemed confidential”;

Recalling recommendation 4.9 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC (the Guidelines), which states that 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 COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP;

Recalling also recommendation 8.3 of the Guidelines, which states that Parties should ensure that representatives of a State-owned tobacco industry do not form part of delegations to any meetings of the COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP;

Recalling further document FCTC/COP/6/27 on attendance of members of the public in meetings of the COP and its subsidiary bodies, noting document FCTC/COP/7/30 on maximizing transparency of Parties’ delegations, intergovernmental organizations (IGOs), nongovernmental organizations (NGOs) and civil society groups during sessions of the COP and meetings of its subsidiary bodies, and also noting document FCTC/COP/8/15 presenting a set of measures proposed by the Bureau elected by the Seventh session of the COP to maximize transparency of delegations from Parties and observers to the COP, its subsidiary bodies and other WHO FCTC meetings,

1. URGES the Parties:

- (a) to accelerate and strengthen implementation of Article 5.3 of the WHO FCTC and of the Guidelines;
- (b) to remain vigilant towards tobacco industry strategies and tactics to interfere in the setting and implementation of their public health policies with respect to tobacco control;
- (c) to consider recommendations 4.9 and 8.3 of the Guidelines when designating members of their delegations to meetings of the COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP;

2. DECIDES:

- (a) to request the Convention Secretariat to remind Parties, in the invitations to the meetings of the COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP, of their obligations under Article 5.3 of the WHO FCTC and be mindful of recommendations 4.9 and 8.3 of the Guidelines. For this purpose, the Convention Secretariat shall include the following sentence in its invitations:

“The Convention Secretariat respectfully reminds Parties to observe Article 5.3 of the WHO FCTC and to be mindful of the recommendations 4.9 and 8.3 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC when designating their representatives to the meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties”;
- (b) to require Parties, when designating their representatives to the meetings of the COP, its subsidiary bodies or any other bodies established pursuant to decisions of the COP, to indicate, by any means or format of their preference (e.g. in the accreditation document or in a separate letter), that they have observed Article 5.3 of the WHO FCTC and have been mindful of the recommendations 4.9 and 8.3 of the Guidelines. In this regard, the Parties shall indicate the following:

“When designating its representatives to the [name of the meeting], [name of the Party] has observed Article 5.3 of the WHO FCTC and has been mindful of the recommendations 4.9 and 8.3 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC”;
- (c) in accordance with their internal procedures and domestic legislation, Parties may determine the procedures outlined in paragraph (b) that they deem appropriate and are in line with Article 5.3 of the WHO FCTC, as well as recommendations 4.9 and 8.3 of the Guidelines. Parties may utilize the declaration-of-interests forms as part of this internal process;
- (d) the procedures set forth in paragraphs 2 (a) to 2 (c) above applies mutatis mutandis to the designation of delegations from States non-Parties to the WHO FCTC;

3. DECIDES to adopt:

- (a) the screening and accreditation process for representatives of IGOs, as described in Annex 1 to the present decision, and to require all individuals to complete and submit declaration-of-interest forms 14 days in advance of the session or meeting they wish to attend;
- (b) the screening and accreditation process for representatives of NGOs, as described in Annex 2 to the present decision, and to require all individuals to complete and submit declaration-of-interest forms 14 days in advance of the session or meeting they wish to attend;
- (c) the screening and accreditation process for members of the media, as described in Annex 3 to the present decision, and to require all individuals to complete and submit declaration-of-interest forms 30 days in advance of the session or meeting they wish to attend;
- (d) the screening and accreditation process for members of the public, as described in Annex 4 to the present decision, and to require all individuals to complete and submit declaration-of-interest forms 30 days in advance of the session or meeting they wish to attend;
- (e) the documents contained in Annexes 5 to 7 to the present decision as the declarations-of-interest forms to be completed and submitted to the Convention Secretariat by representatives nominated by IGOs and NGOs, as well as by members of the media and the public;
- (f) that official guest speakers shall not be subject to these procedures;

4. REQUESTS the Convention Secretariat, taking into account their capacities to complete these tasks in line with past practice:
 - (a) to collect and review all declaration-of-interest forms in reference to in subparagraphs 3(a) to 3(e) for future sessions of the COP and meetings of its subsidiary bodies in order to avoid any actual, potential or apparent conflict of interest;
 - (b) to inform the Bureau of the COP of their findings to take appropriate actions to ensure compliance with Article 5.3 of the Convention;
 - (c) to report its findings to the COP.

ANNEX 1

PROCEDURES FOR SCREENING AND ISSUANCE OF BADGES TO MEMBERS OF THE DELEGATION OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS THAT ARE ACCREDITED AS OBSERVERS

1. Each member of the delegation of an intergovernmental organization (IGO) that has been accredited as an observer will be required to complete a declaration-of-interest form in conjunction with their nomination as a delegate to the Conference of the Parties (COP) and submit the form to the Convention Secretariat at least 14 days in advance of the session of the COP, meeting of a subsidiary body or meeting convened by the Convention Secretariat to which they have been nominated.
2. The declaration-of-interest form would require applicants to declare whether they are affiliated with or have received funds from the tobacco industry in the past five years or entities working to further its interests, in addition to providing their affiliation and contact details. In the absence of the declaration of interest, the member of the delegation would not be eligible to attend any session of the COP or meetings of subsidiary bodies.
3. The Convention Secretariat within their capacities will screen the declarations received before the deadline, taking into account the 17th and 18th preambular paragraphs of the Convention, as well as Article 5.3 of the Convention and the guidelines for its implementation, and inform the Bureau of the COP of their findings in order to take appropriate action to ensure compliance with Article 5.3 of the Convention.
4. Delegates who attend a session of the COP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat will be issued a badge for the duration of the session or meeting that includes their name, photograph and affiliation.
5. The delegate will be required to show a valid form of identification, such as passport or similar national ID, before collecting their badge, which will include their name, country and photograph.
6. The declaration-of-interest forms of all members of the delegation of the IGO that are accredited observers shall be made available to the Parties and accredited observers prior to the session of the COP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat.

Application to Meetings of the Parties

7. The above rules shall also apply *mutatis mutandis* to Meetings of the Parties to any protocols of the Convention, as appropriate.

ANNEX 2

**PROCEDURES FOR SCREENING AND ISSUANCE OF BADGES TO MEMBERS OF THE
DELEGATION OF NONGOVERNMENTAL ORGANIZATIONS THAT ARE ACCREDITED AS
OBSERVERS**

1. Each member of the delegation of the nongovernmental organization (NGO) that has been accredited as an observer will be required to complete a declaration-of-interest form in conjunction with their nomination as a delegate to the Conference of the Parties (COP) and submit the form to the Convention Secretariat at least 14 days in advance of the session of the COP, meeting of a subsidiary body or meeting convened by the Convention Secretariat to which they have been nominated.
2. The declaration-of-interest form would require applicants to declare whether they are affiliated with or have received funds from the tobacco industry in the past five years or entities working to further its interests, in addition to providing their affiliation and contact details. In the absence of the declaration of interest, the member of the delegation would not be eligible to attend any session of the COP or meetings of subsidiary bodies.
3. The Convention Secretariat within their capacities will screen the declarations received before the deadline, taking into account the 17th and 18th preambular paragraphs of the Convention, as well as Article 5.3 of the Convention and the guidelines for its implementation, and inform the Bureau of the COP of their findings to take appropriate actions to ensure compliance with Article 5.3 of the Convention.
4. Delegates who attend a session of the COP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat will be issued a badge for the duration of the session or meeting that includes their name, photograph and affiliation.
5. Delegates will be required to show a valid form of identification, such as passport or similar national ID, before collecting their badge, which will include their name, country and photograph.
6. The declaration-of-interest forms of all members of the delegation of the NGO that are accredited as observers shall be made available to the Parties and accredited observers prior to the session of the COP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat.

Application to Meetings of the Parties

7. The above rules shall also apply *mutatis mutandis* to Meetings of the Parties to any protocols of the Convention, as appropriate.

ANNEX 3

**PROCEDURES FOR SCREENING AND ISSUANCE OF BADGES
TO MEMBERS OF THE MEDIA**

1. Credentials for representatives of the media who wish to attend sessions of the Conference of the Parties (COP), meetings of subsidiary bodies or meetings convened by the Convention Secretariat shall be issued in line with current United Nations policies and WHO policies for media accreditation to the World Health Assembly.
2. Specifically, members of the media shall be required to submit to the Convention Secretariat at least 60 days in advance a letter from their editor-in-chief or equivalent supervisor, the date and event for which accreditation is required, and presentation of a press identification card and national passport.
3. In addition, members of the media shall be required to complete and submit a declaration-of-interest form 30 days in advance of the session of the COP, the meeting of a subsidiary body or meetings convened by the Convention Secretariat.
4. Accredited members of the media shall be granted entry into sessions of the COP, meetings of subsidiary bodies or meetings convened by the Convention Secretariat with badges unique to the media, and which will include their name, country, position and title, and photograph.
5. The Convention Secretariat within their capacities will screen the applications received before the deadline, taking into account the 17th and 18th preambular paragraphs of the Convention, as well as Article 5.3 of the Convention and the guidelines for its implementation, and inform the Bureau of the COP of their findings in order to take appropriate action to ensure compliance with Article 5.3 of the Convention.

Distribution of the list of members of the media

6. The list of names and status/affiliations of members of the media will be communicated to the Bureau before the opening of a COP session and will be made available to the Parties and accredited observers in advance of the session to which they are accredited.

Application to Meetings of the Parties

7. The above rules shall also apply *mutatis mutandis* to Meetings of the Parties to any protocols of the Convention, as appropriate.

ANNEX 4

**PROCEDURES FOR SCREENING AND ISSUANCE OF BADGES
TO MEMBERS OF THE PUBLIC**

1. Members of the public shall be required to submit to the Convention Secretariat at least 60 days in advance a letter of intent to attend, with the date and event convened by the Convention Secretariat for which accreditation is required, together with a résumé describing their professional background and affiliations over the past five years.
2. In addition, members of the public shall be required to complete and submit a declaration-of-interest form 30 days in advance of the event convened by the Convention Secretariat for which accreditation has been approved.
3. Members of the public shall be granted entry into the event convened by the Convention Secretariat for which accreditation has been approved with badges unique to the public, and which will include their name, country, position and title, and photograph.
4. The Convention Secretariat within their capacities and in line with past practice will screen the applications received before the deadline, taking into account the 17th and 18th preambular paragraphs of the Convention, as well as Article 5.3 of the Convention and the guidelines for its implementation, and inform the Bureau of the COP of their findings in order to take appropriate action to ensure compliance with Article 5.3 of the Convention.

Distribution of the list of members of the public

5. The list of names of members of the public will be communicated to the Bureau before the opening of the event convened by the Convention Secretariat for which accreditation has been approved and will be made available to the Parties and accredited observers in advance of the session to which they are accredited.

Application to Meetings of the Parties

6. The above rules shall also apply *mutatis mutandis* to Meetings of the Parties to any protocols of the Convention, as appropriate.

ANNEX 5

**Ninth session of the Conference
of the Parties to the WHO FCTC (COP9)
October 2020**

**Declaration of interest for observers to COP, meeting of a subsidiary body,
or meeting convened by the Convention Secretariat**
All fields below must be completed

Country/Organization:

☐ International intergovernmental organization (IGO), please specify:

☐ Nongovernmental organization (NGO), please specify:

Declaration of interest (please tick if applicable):

☐ I declare that I and/or the organization(s) which I am representing do/does not receive any direct or indirect financial assistance, funding, other than taxes, or other fiscal duties, court-mandated payments, or settlements from the tobacco industry, or any entity working to further its interests, nor have I/we within the past five years.

☐ I declare that I am not and have not been employed in the past five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ I declare that I am not affiliated with, or do not have a professional relationship with the tobacco industry, or any entity working to further its interests. (NOTE: the notion of “professional relationship” used in this paragraph is to be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

☐ I declare that the above information is true to the best of my knowledge, and understand that my accreditation may be rejected or revoked if the information is inaccurate.

If you are unable to check either one or both boxes, please explain below:

Signed by: *(full name and title)*

Date:

Signature:

ANNEX 6

Ninth session of the Conference of the Parties to the WHO FCTC (COP9) October 2020		
Declaration of interest for members of the media <i>All fields below must be completed</i>		
Date: <i>(to be completed by the Registration Desk officer)</i>		Badge No.:
Title:	Family Name:	First Name:
Home address: Email: Tel: Fax:		
Media company represented: Your position and title: Your supervisor: Address: Tel: Fax:		
Address during session:		
Declaration of interest (please tick if applicable): <input type="checkbox"/> I declare that I and/or the organization(s) which I am representing do/does not receive any financial assistance, funding, other than taxes, or other fiscal duties, court mandated payments, or settlement from the tobacco industry, or any entity working to further its interests, nor have I/we within the past five years. <input type="checkbox"/> I declare that I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry. <input type="checkbox"/> I declare that I am not affiliated with, or have a professional relationship with the tobacco industry, or any entity working to further its interests. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control). <input type="checkbox"/> I declare that the above information is true to the best of my knowledge, and understand that my accreditation may be rejected or revoked if the information is inaccurate. If you are unable to check either one or both boxes, please explain below: Signed by: <i>(full name and title)</i> Date: Signature:		

ANNEX 7

**Ninth session of the Conference
of the Parties to the WHO FCTC (COP9)
October 2020**

Declaration of interest for members of the public
All fields below must be completed

Country:

Organization:

Declaration of interest (please tick if applicable):

☐ I declare that I and/or the organization(s) which I am employed do/does not receive any financial assistance, funding, other than taxes, or other fiscal duties, court mandated payments, or settlement from the tobacco industry, or any entity working to further its interests, nor have I/we within the past five years.

☐ I declare that I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ I declare that I am not affiliated with, or have a professional relationship with the tobacco industry, or any entity working to further its interests. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

☐ I declare that the above information is true to the best of my knowledge, and understand that my accreditation may be rejected or revoked if the information is inaccurate.

If you are unable to check either one or both boxes, please explain below:

Signed by: *(full name and title)*

Date:

Signature:

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(13) Hosting arrangements between the Convention Secretariat and WHO

The Conference of the Parties (COP),

Recalling decision FCTC/COP1(10) on the establishment of a permanent secretariat of the Convention, by which the Convention Secretariat was established “within the World Health Organization and located in Geneva”;

Reaffirming the COP’s decision that the Head of the Convention Secretariat shall be responsible and accountable to the COP for the delivery of treaty and technical activities and shall submit reports on its activities to the COP, copied to the Director-General of WHO, as appropriate, and that the Head of the Convention Secretariat shall be responsible and accountable to the Director-General of WHO on administrative and staff management matters and also on technical activities where appropriate;

Recalling that the COP established that the Convention Secretariat shall conduct a work programme based on Article 24.3 of the Convention, as well as Articles 21.3, 22.2, and 23.5 thereof, and any additional tasks assigned to it by the COP, according to priorities and within budgetary allocations agreed by the COP;

Recalling also that the COP decided that the Convention Secretariat shall cooperate with relevant WHO departments on implementation of the Convention, with a view to ensuring transparency, efficiency, cost-effectiveness and avoidance of duplication;

Recalling further decision FCTC/COP7(20), which requested the Bureau of the COP to oversee and guide the preparation of the draft hosting terms between the Convention Secretariat and WHO, as well as their subsequent conclusion;

Emphasizing the unique status of the Convention Secretariat as a treaty body hosted within WHO;

Taking note of the progress report of the Convention Secretariat contained in document FCTC/COP/8/14,

1. REQUESTS the Convention Secretariat to work with WHO to ensure that the hosting terms reflect the overarching primacy of the COP in relation to the work programme of the Convention Secretariat, according to priorities and within budgetary allocations agreed by the COP;
2. REQUESTS the Bureau of the COP to oversee and guide the preparation of the draft hosting terms between the Convention Secretariat and WHO, as well as their subsequent conclusion, in accordance with the institutional set-up described in decision FCTC/COP1(10);
3. INVITES WHO to prioritize and facilitate administrative and financial procedures necessary to give effect to the decisions of the COP.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(14) Coordination among the Governing Bodies of the WHO Framework Convention on Tobacco Control and of the Protocol to Eliminate Illicit Trade in tobacco products

The Conference of the Parties (COP),

Recognizing the important role of the governing bodies of the WHO Framework Convention on Tobacco Control (WHO FCTC) and of the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol) to provide guidance and policy direction on the implementation of the two treaties;

Reaffirming the need to ensure policy coherence through a coordinated policy-making process between the governing bodies under the two treaties;

Acknowledging the need to restructure the Convention Secretariat to better serve the two treaties and their governing bodies, building on the existing structure of the Convention Secretariat;

Mindful that learning from the experience of other conventions and treaties on the coordination among governing bodies under the conventions and their protocols and agreements will be beneficial to governing bodies of the WHO FCTC and the Protocol;

Taking note of COP report FCTC/COP8/28 and MOP report FCTC/MOP/1/15,

1. DECIDES to establish as a formal requirement for Parties hosting a regular session of the COP to also host a session of the MOP immediately following the COP at the same geographic location and under the same circumstances, regardless of whether or not the host Party is also a Party to the Protocol;
2. REQUESTS the Convention Secretariat:
 - (a) to gather experience from other treaty governing bodies of conventions and their protocols and update Bureaus of the COP and MOP on the findings;
 - (b) to explore and implement possible approaches to facilitate coordination as presented in the document under the guidance of the Bureaus elected by the COP and MOP;
 - (c) to report on progress at the Second session of the MOP and the Ninth session of the COP;
3. INVITES the Director-General of the World Health Organization:
 - (a) to note recommendations of the Bureaus elected by the COP and the MOP and to facilitate the proposal for restructuring of the Convention Secretariat, including but not limited to human resource issues and related matters.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(15) Progress towards the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products

The Conference of the Parties (COP),

Recognizing the work carried out by the Convention Secretariat to promote the entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol) since its adoption in decision FCTC/COP5(1);

Recalling decision FCTC/COP6(6) mandating the Convention Secretariat to establish a Panel of Experts on the Protocol to Eliminate Illicit Trade in Tobacco Products (Panel of Experts);

Recognizing the contribution of WHO, including its regional offices, in the promotion of the Protocol;

Recalling decision FCTC/COP7(6) requesting the Panel of Experts to intensify its work and establishing priorities for its work;

Noting with satisfaction and appreciation the outcome of the work of the Panel of Experts and welcoming the reports in documents FCTC/COP/8/5 and FCTC/COP/8/6,

1. CALLS UPON all Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) that have not done so, to ratify, accept, approve, formally confirm or accede to the Protocol at the earliest opportunity, with a view to a more comprehensive membership of the Protocol;
2. CALLS UPON all Parties to the WHO FCTC:
 - (a) to advocate and support the ratification, acceptance, approval, formal confirmation or accession to the Protocol as well as its promotion, including at appropriate fora such as the World Customs Organization (WCO), the United Nations Office on Drugs and Crime (UNODC), the World Trade Organization (WTO), the World Bank and other relevant international organizations of which they are members;
 - (b) to ensure, as appropriate, the coherent implementation of the provisions of the Convention and the Protocol, taking care in particular that the rules on packaging and labelling are applied in a manner compatible with the provisions on product traceability;
3. REQUESTS the Convention Secretariat:
 - (a) to continue to promote, as a priority, the ratification, acceptance, approval, formal confirmation or accession to the Protocol;
 - (b) to continue its engagement with relevant international intergovernmental and nongovernmental organizations in order to support the ratification, acceptance, approval, formal confirmation or accession to and the implementation of the Protocol;
 - (c) to report, in consultation with the Bureau of the Meeting of the Parties to the Protocol, on progress in terms of the number of Parties to the Protocol and implementation of the Protocol to each session of the COP.

(Ninth plenary meeting, 6 October 2018)

FCTC/COP8(16) Measures to strengthen implementation of the Convention through coordination and cooperation

The Conference of the Parties (COP),

Recalling Article 23.5 of the WHO Framework Convention on Tobacco Control (WHO FCTC), which stipulates that the COP shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation;

Recalling also that decision FCTC/COP7(13) established a working group to develop a medium-term strategic framework (MTSF) to guide the development of biennial workplans, budgets and implementation support;

Recalling further the report of the expert group on reporting arrangements under the WHO FCTC (document FCTC/COP7/15) to make recommendations for the review of Parties' support and assistance needs for consideration of the COP;

Noting with satisfaction the outcome of the working group resulting in the draft MTSF, and thankful for the work of Parties that participated in the consultation processes;

Recognizing that strategic plans for treaties evolve over time, and that a treaty's strategic plan cannot introduce new obligations for Parties, participation in the review is voluntary and the results are non-binding,

1. ADOPTS the MTSF as contained in Annex 1 of document FCTC/COP/8/11 as a living document to be reviewed as necessary;
2. INVITES Parties:
 - (a) to consider utilizing the MTSF as a guide in setting national priorities and developing programmes and plans;
 - (b) to assess implementation of the programmes and plans deriving from the MTSF by utilizing the appropriate indicators proposed in the MTSF;
3. REQUESTS the Convention Secretariat:
 - (a) to draft the workplans and budgets proposed to the COP so that they are aligned with the MTSF; to collect baseline data for the range of indicators identified in the MTSF;
 - (b) to conduct, through the voluntary participation of up to 12 Parties, a pilot project exercise for an Implementation Review Mechanism, and the development of its terms of reference, as appropriate, and to report to the Ninth session of the COP on the outcome of the pilot project and present a costed strategy, and related terms of reference, for its further consideration;
 - (c) to report, on a biennial basis, on the progress in implementation of the MTSF, as part of its regular biennial global reports on the implementation of the Convention.

(Ninth plenary meeting, 6 October 2018)

FCTC/COP8(17) Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media

The Conference of the Parties (COP),

Recalling Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling also the WHO FCTC Guidelines for implementation of Article 13 approved by the Third session of the COP;

Recalling further decision FCTC/COP7(5) on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media, through which the COP requested the Convention Secretariat to establish an Expert Group mandated to provide recommendations and to report back to the COP;

Having considered the Report by the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media that was established under decision FCTC/COP7(5);

Recalling the proposed actions set out in document FCTC/COP/4/10;

Recognizing the challenge Parties face in addressing and controlling cross-border advertising, including tobacco advertising, promotion and sponsorship (TAPS) in entertainment media;

Acknowledging the need for further guidance to Parties on how Article 13 of the WHO FCTC and the Article 13 Guidelines can be comprehensively implemented to address both cross-border advertising and TAPS in entertainment media, particularly in the light of technological advancements in the way that media is delivered;

Acknowledging the need for a global voluntary platform for information exchange to help Parties with cross-border enforcement;

Reaffirming the need for international coordination and collaboration to successfully address and control cross-border advertising and TAPS in entertainment media, and the role that South-South and Triangular cooperation might play in advancing the implementation of Article 13 of the WHO FCTC;

Recognizing the importance of addressing cross-border advertising in a comprehensive manner that bridges all existing implementation gaps at the national, regional and global levels;

Mindful that there is a variation among Parties in terms of the existence of cross-border advertising and TAPS in entertainment media;

Recognizing that there are successful national experiences in prohibiting cross-border advertising and TAPS in entertainment media;

Recalling that Article 13.8 of the WHO FCTC provides for Parties to consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship;

Recalling also decisions FCTC/COP1(16) and FCTC/COP2(8) relating to consideration of the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship, as set out in WHO FCTC Article 13.8,

1. CALLS ON Parties to consider:

- (a) actions necessary to fully implement Article 13 of the WHO FCTC in accordance with the time-bound obligations under Article 13.2 of the WHO FCTC;
- (b) continuing the implementation of actions in decision FCTC/COP7(5), including monitoring cross-border TAPS and the depiction of tobacco in the entertainment media;
- (c) the recommendations made by the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media in their report referenced in document FCTC/COP/8/7;
- (d) assessing the current situation relating to cross-border TAPS and the depiction of tobacco in the entertainment media and the readiness of the regulatory framework to stop such forms of TAPS within their jurisdictions;
- (e) engaging in South–South and Triangular cooperation to share effective measures to address TAPS, including cross-border TAPS and the depiction of tobacco in the entertainment media,

2. DECIDES:

- (a) to establish an intersessional Working Group to develop specific guidelines to address cross-border TAPS and the depiction of tobacco in the entertainment media under Article 13 of the WHO FCTC, taking account of technological advances over the past decade such as the Internet and mobile communications. The existing guidelines for the implementation of Article 13 remain fully relevant and shall not be examined by the Working Group;
- (b) to request the Working Group to take into account the report of the Expert Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in the Entertainment Media (FCTC/COP/8/7) and other previous work, notably documents FCTC/COP/4/10 and FCTC/COP/3/9;
- (c) that the Working Group shall be composed of up to 12 members, and to ensure regional balance, Parties from each of the six WHO regions may nominate up to two members from their region and that such regional nominations shall be coordinated by Regional Coordinators;
- (d) that priority for membership of the Working Group should be afforded to Parties with specific expertise and appropriate technical experience relevant to the mandate of the Working Group;
- (e) that the Convention Secretariat shall invite up to two other international intergovernmental organizations with specific expertise in the matter, such as the International Telecommunication Union, to participate in the Working Group as observers and should also invite the relevant expert from WHO to participate in the Working Group as an observer;
- (f) that the Convention Secretariat may invite up to three additional observers to the Working Group to represent civil society organizations that are observers to the COP;
- (g) that the Convention Secretariat may invite as necessary up to three additional experts to contribute to the work of the Working Group;
- (h) that the Working Group shall work mainly through electronic means; however, the Working Group shall have, subject to financial resources, at least one face-to-face meeting;

- (i) that the Working Group shall submit for consideration of the Ninth Session of the COP a draft text for specific guidelines to address cross-border TAPS and the depiction of tobacco in the entertainment media under Article 13 of the WHO FCTC;

3. REQUESTS the Convention Secretariat:

- (a) to make the necessary arrangements, including budgetary arrangements, for the Working Group to complete its work;
- (b) to establish an information hub in the form of a dedicated website, in at least the six official United Nations languages, on cross-border tobacco advertising, promotion and sponsorship as recommended in document FCTC/COP/4/10;
- (c) to continue efforts to provide technical assistance and materials to support Parties to implement Article 13.

(Ninth plenary meeting, 6 October 2018)

FCTC/COP8(18) Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry

The Conference of the Parties (COP),

Recalling the 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 implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Noting with concern the aggressive and/or misleading tactics of the tobacco industry, and the utilization of global philanthropic approaches to finance or partner with health, scientific and economic networks and, consequently, undermine the Parties' obligations under Article 5.3 of the WHO FCTC as well as the overall objectives of the Convention;

Noting also that the global tobacco industry is a specialized oligopoly that controls the whole tobacco supply chain and often exploits the social and economic vulnerability of tobacco growers to create political alliances to undermine tobacco control policies in national and international levels;

Recognizing that the tobacco industry and those representing its interests have been attempting to associate themselves with United Nations agencies, initiatives and programmes, including in the area of addressing the Sustainable Development Goals (SDGs) and programmes to control noncommunicable diseases (NCDs);

Recalling that tobacco industry interference remains one of the greatest obstacles to the implementation of the Convention and undermines tobacco-control efforts at the global, regional and country levels, particularly exacerbating the challenges faced by developing countries and countries with economies in transition;

Acknowledging with appreciation the efforts of the Convention Secretariat in promoting the model policy on preventing tobacco industry interference among organizations of the United Nations system, complying with the WHO Framework of Engagement with non-State Actors, raising awareness along with WHO about the dangers posed and the need to reject partnership with the tobacco industry-funded organizations and initiatives, and the establishment of the Convention Secretariat's Knowledge Hub for Article 5.3, which has made available its technical resources and services to the Parties in promoting implementation of Article 5.3 of the WHO FCTC and its guidelines;

Recognizing the landmark resolutions adopted by the United Nations Economic and Social Council (ECOSOC) in 2017 and 2018 to call on organizations of the United Nations system not to accept funding from the tobacco industry and develop their own model policies, and noting with appreciation the delisting of the tobacco industry from the United Nations Global Compact as adopted by its Board in July 2017;

Noting with concern that some international intergovernmental organizations are continuing to receive funds from the tobacco industry;

Recognizing that the active participation of and partnership with civil society, as specified in the Preamble and in Article 4.7 of the WHO FCTC, is essential to the effective implementation of Article 5.3 of the WHO FCTC,

ENCOURAGES Parties:

- (a) to continuously monitor, in accordance with Article 5.3 of the WHO FCTC and its guidelines, tobacco industry activities in their respective jurisdictions;
- (b) to strengthen, where necessary, their awareness-raising efforts about the tobacco industry or related third-party funding among research institutions, target government agencies, and pertinent international intergovernmental and nongovernmental organizations, and to consider adopting policies that would prevent the use of such institutions' research outputs in policy development;
- (c) to foster international cooperation by requiring the tobacco industry to provide information on its activities such as research, marketing, lobbying including policy submissions, funding of third parties/nongovernmental organizations, and by making such information publicly accessible, in accordance with Article 5.3 of the WHO FCTC and its guidelines;
- (d) to further enhance policy coherence within governments and require that all government sectors relevant to the implementation of the Convention, not only the health sector, comply with the requirements of Article 5.3 of the WHO FCTC, and reflect the same in positions put forward in different governing bodies of the United Nations system;
- (e) to seek assistance on implementing Article 5.3 of the WHO FCTC and its guidelines from the Convention Secretariat's Knowledge Hub for Article 5.3, as appropriate, and utilize the resources made available by the same, including observatories;
- (f) to promote, in international and regional organizations in which they are represented, as well as among non-State actors, particularly those working on SDGs and NCDs, the adoption of policies to prevent tobacco industry interference, reflecting the spirit of Article 5.3 of the WHO FCTC;
- (g) to promote national and international cooperation to enhance implementation of Article 5.3 of the WHO FCTC in relation to Articles 17, 18 and 19 of the WHO FCTC to reduce tobacco industry interference in tobacco control policies;

2. REQUESTS the Convention Secretariat:

- (a) to develop and implement, with the support of the Convention Secretariat's Knowledge Hub for Article 5.3, as appropriate, a comprehensive communications plan aimed at raising awareness of tobacco-industry tactics and activities among international and regional government organizations as well as non-State actors, particularly those working on SDGs and NCDs, and in other international developmental initiatives/platforms;
- (b) to set up, through or with support from the Convention Secretariat's Knowledge Hub for Article 5.3, a resource database comprising evidence-based information, such as tobacco-industry policy submissions and funded groups, derived from the Parties and observatories and other evidence-based information from WHO and observers to the COP;

- (c) to continue requiring observers to report on any activities that they carry out in the area of Article 5.3 of the WHO FCTC and its guidelines, and take such reports into consideration in its evaluation of the eligibility of observers;
 - (d) to fully comply with its mandate as provided under decision FCTC/COP/7(11) and report on progress at the Ninth session of the COP;
 - (e) to report on the outcomes and progress made to the Ninth session of the COP as part of the report of the Convention Secretariat's activities;
3. INVITES the observers to the COP, in particular the international intergovernmental organizations and nongovernmental organizations, to also promote, as part of their work, policies to prevent tobacco industry interference, including with the Parties, organizations of the United Nations system and other forums, as appropriate.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(19) Implementation of Articles 17 and 18 (alternative livelihoods and protection of the environment)

The Conference of the Parties (COP),

Considering that the implementation of Articles 17 and 18 of the WHO Framework Convention on Tobacco Control (WHO FCTC) can contribute to the achievement of some goals of the 2030 Agenda for Sustainable Development, namely, Goal #2 (Zero hunger), Goal #3 (Good health and Well-being), Goal #6 (Clean water and Sanitation), Goal #8 (Decent Work and Economic growth), Goal #12 (Responsible consumption and production), Goal #13 (Climate action), Goal #14 (Life below water), and Goal #15 (Life on land);

Recalling decisions FCTC/COP6(14) and FCTC/COP7(8), both of which are entitled Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry, and recognizing the importance of implementing Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC) on both the global and local levels;

Recalling also its decision FCTC/COP7(13) on Measures to strengthen implementation of the Convention through coordination and cooperation;

Recognizing that international cooperation and South–South and Triangular cooperation are key to advancing the implementation of the WHO FCTC worldwide, as well as the relevant role of Knowledge Hubs in facilitating exchange of information and cooperation between Parties and providing technical assistance;

Recognizing that the tobacco industry tactics continue to be an important barrier to implementation of the Convention, as noted in the 2018 Global Progress Report on Implementation of the WHO FCTC, affecting the implementation of Article 5.3 at the national and global levels;

Considering that tobacco industry internal documents disclose strategies to control the voices of tobacco growers as a way to block tobacco control policies at national and international levels;¹

¹ Tobacco Tactics. International Tobacco Growers Association.
http://www.tobaccotactics.org/index.php/International_Tobacco_Growers_Association

Recalling that in order to block WHO FCTC implementation, tobacco industry argues that measures to reduce tobacco consumption under the Convention will extinguish the economic benefits of tobacco growing to local and national economic and reduce employment;^{1,2,3,4,5,6}

Noting that Articles 17 and 18 are the least implemented articles of the Convention, according to the 2018 Global Progress Report on Implementation of the WHO FCTC (FCTC/COP/8/4);

Recalling decisions FCTC/COP4(9), FCTC/COP5(8) and FCTC/COP6(11) on Economically sustainable alternatives to tobacco growing, and considering that farmers who live in a situation of poverty are the most vulnerable to the social disruption and poverty caused by tobacco farming (bonded labour and child labour) and that tobacco growers should be engaged in policy development concerning Articles 17 and 18 in line with Article 5.3 of the WHO FCTC and its guidelines;

Considering the high prevalence of child and youth labour and research showing that among farm families that substituted tobacco growing for other crops, this prevalence has dropped significantly;⁷

Noting with concern the finding of the report entitled “Cigarette smoking: an assessment of tobacco’s global environmental footprint across its entire supply chain, and policy strategies to reduce it”;⁸

¹ Lown EA, McDaniel PA, Malone RE. Tobacco is “our industry and we must support it”: Exploring the potential implications of Zimbabwe’s accession to the Framework Convention on Tobacco Control. *Globalization and Health*. 2016;12:2 <https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-015-0139-3>

² Bertrab AX. Mexican tobacco growers: Economically shunned by industry, still used as lobbyists. The Center for Public Integrity. May 31, 2011. <https://www.publicintegrity.org/2011/05/31/4773/mexican-tobacco-growers-economically-shunned-industry-still-used-lobbyists>

³ Tobacco Industry Watch. 01 november 2016. Tobacco industry applies pressure on the COP & Government of India. <https://tobaccowatch.seatca.org/index.php/2016/11/01/tobacco-industry-applies-pressure-on-the-cop-government-of-india/>

⁴ Southeast Asia Tobacco Control Alliance. ITGA misleads farmers, undermines the COP. <https://seatca.org/?p=2229>

⁵ Campaign For Tobacco-Free Kids. November 2011. Tobacco Industry Front Group: The International Tobacco Growers’ Association. https://www.tobaccofreekids.org/assets/global/pdfs/en/IW_interference_ITGA_fact_sheet.pdf

⁶ Tobacco control playbook. November 16th, 2017. Does tobacco control harm tobacco growers? <https://tobaccoplaybook.net/en/015-tobacco-growers.html>

⁷ Bonato, Amadeu. A. Perfil da produção e da agricultura familiar produtora de tabaco na Região Sul do Brasil (um olhar a partir da concepção do desenvolvimento e diversificação dos meios de vida).

⁸ <http://www.who.int/fctc/publications/WHO-FCTC-Environment-Cigarette-smoking.pdf>

Noting that the last Progress Reports on WHO FCTC implementation (FCTC/COP/6/5, FCTC/COP/7/4, FCTC/COP/8/9) have already shown a global decrease on tobacco consumption¹ that may reflect on less demand for tobacco leaves;^{2,3,4,5,6,7,8,9,10,11;}

Considering the measurable outcomes of Implementation of Articles 17 and 18 and its impact indicators defined in decision FCTC/COP6(11) Policy options and Recommendations on economically sustainable alternatives to tobacco growing (in relation to articles 17 and 18 of the WHO FCTC);

Noting that the demand for tobacco leaves may diminish;

Understanding that the implementation of Articles 17 and 18, through the switching to viable economic alternatives, is a central measure to safeguard the livelihoods and health of tobacco farmers, that may be affected by a future reduction of tobacco demand, and a tool to enhance Article 5.3 to protect tobacco control measures from tobacco industry interference;

DECIDES:

- (a) to invite Parties to support and strengthen the implementation of Articles 17 and 18 of WHO FCTC as a mean to safeguard tobacco growers livelihoods and to address tobacco industry national and international efforts to block tobacco control policies;
- (b) to invite Parties to engage in collaboration across sectors aimed at mitigating the environmental damage caused by tobacco;
- (c) to invite Parties to raise awareness, in accordance with Article 17 and Article 18 of WHO FCTC on the impact of tobacco cultivation, production and consumption on both the terrestrial and marine environment and the health of persons;
- (d) to invite Parties to encourage farmers, including through technical assistance, to switch to viable alternatives to tobacco farming;
- (e) to invite Parties to share best practices to address the environmental externalities associated with tobacco growing and manufacturing;

REQUESTS the Convention Secretariat:

- (a) to continue to engage and support Parties to prepare national action plans in accordance with the Policy Options and Recommendations for the Implementation of Articles 17 and 18 and to

¹ Chung-Hall J, Craig L, Gravely S, Sandone N and Fong GT. Impact of the WHO FCTC over the first decade: a global evidence review prepared for the Impact Assessment Expert Group. Tob Control 2018; 0:1–10. <https://tobaccocontrol.bmj.com/content/early/2018/06/07/tobaccocontrol-2018-054389>

² The Wall street Journal. April 25, 2018. Philip Morris Shares Suffer Biggest Daily Fall in a Decade on Declining Cigarette Volume. <https://www.wsj.com/articles/philip-morris-stock-sees-worst-day-in-a-decade-on-declining-cigarette-volume-1524159359>

³ Tobacco Reporter. February 6, 2018. JTI volumes down in 2017. <https://www.tobaccoreporter.com/2018/02/jti-volumes-down-in-2017/>

⁴ Tobacco Reporter. April 21, 2017. PMI's cigarette volumes tumble <https://www.tobaccoreporter.com/2017/04/pmis-cigarette-volumes-tumble/>

⁵ Market Screener. 02/22/2018. British American Tobacco: Shares Fall on LFL Volume Decrease – Update <https://www.marketscreener.com/BRITISH-AMERICAN-TOBACCO-4001163/news/British-American-Tobacco-Shares-Fall-on-LFL-Volume-Decrease-Update-26033455/>

⁶ Tobacco Reporter. April 20, 2018. [PMI's volumes falter](https://www.tobaccoreporter.com/2018/04/pmis-volumes-falter/). <https://www.tobaccoreporter.com/2018/04/pmis-volumes-falter/>

⁷ British American Tobacco. The global market. http://www.bat.com/group/sites/UK__9D9KCY.nsf/vwPagesWebLive/DO9DCKFM

⁸ Tobacco Reporter. February 1, 2016. [Stuck on tobacco](https://www.tobaccoreporter.com/2016/02/stuck-on-tobacco/). <https://www.tobaccoreporter.com/2016/02/stuck-on-tobacco/>

⁹ Tobacco Reporter September 14, 2018. Fall in sales falling. <https://www.tobaccoreporter.com/2018/09/fall-in-sales-falling/>

¹⁰ Tobacco Reporter. February 4, 2016. Universal lowers crop estimates. <https://www.tobaccoreporter.com/2016/02/universal-lowers-estimates-for-2016-big-leaf-crops>

¹¹ Bloomberg Businessweek. 5 January 2018. World's Third-Largest Tobacco Company Keeps Losing Customers at Home. <https://www.bloomberg.com/news/articles/2018-01-05/world-s-third-largest-tobacco-company-keeps-losing-customers-at-home>

support research and pilot projects in tobacco growing countries, ensuring tobacco growers participation in policy development through their legitimate representatives taking into account what is expressed in the preamble to this decision related to Article 5.3;

- (b) to promote international cooperation and exchange of information on implementation of Articles 17 and 18, specially through South-South and Triangular cooperation with WHO FCTC Knowledge Hub on International Cooperation, considering experiences with the implementation of the Policy Options and Recommendations for Articles 17 and 18 as a tool to enhance the implementation of Article 5.3;
- (c) to facilitate the inclusion of measurable outcomes and impact indicators of implementation of Articles 17 and 18 as defined in decision FCTC/COP6(11) in the biannual progress report of the WHO FCTC;
- (d) to seek and continue collaboration with other United Nations bodies, as appropriate, and with relevant international organizations, including regional and subregional organizations to support Parties in the implementation of Articles 17 and 18;
- (e) to identify and recommend options and sustainable practices to enhance the implementation of alternative livelihoods to tobacco growing and measures to mitigate social, cultural, environmental, economical and occupational risks of tobacco production, in line with 2030 Agenda for Sustainable Development.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(20) Tobacco control in complex emergency situations

The Conference of the Parties (COP),

Acknowledging the great challenge in implementing the WHO Framework Convention on Tobacco Control (WHO FCTC) during complex emergency situations;

Realizing the need to control the damage that complex emergency situations cause to tobacco control;

Understanding that there is need to give greater attention to the prevention and control of noncommunicable diseases (NCDs) in countries facing complex emergencies, including tobacco control measures towards the achievement of the Sustainable Development Goals (SDGs);

Noting that complex emergency situations can lead to an increase in tobacco use, addiction and the risk of tobacco-related diseases;

Acknowledging the importance and comprehensiveness of the report (FCTC/COP/8/13) prepared by the Convention Secretariat in this regard and taking note of the proposed practical actions within,

1. REQUESTS the WHO FCTC Secretariat, regarding Parties that are in a situation that has been characterized by the United Nations to be a complex emergency situation:
 - (a) to provide technical support upon request and financial support, where appropriate, to tobacco control activities;
 - (b) to propose to the COP for such countries, a temporary exemption from submitting a full report on the implementation of the WHO FCTC, and to work with those countries to submit a summary report;
2. CALLS UPON Parties facing complex emergencies to continue to fulfil their obligations under the WHO FCTC to the extent possible, and more importantly:

- (a) to continue the appropriate level of surveillance for tobacco control;
- (b) to maintain the already existing gains in tobacco control, especially in:
 - (i) existing tobacco control laws;
 - (ii) infrastructure for tobacco control;
 - (iii) cessation services, where appropriate;
 - (iv) awareness-raising among different population groups, including displaced persons;
 - (v) training of the health workforce on tobacco control issues;
 - (vi) collecting and providing information on illicit tobacco trade to the Convention Secretariat;
- (c) to pay special attention to Article 5.3 of the WHO FCTC and related Guidelines;
- (d) in post-complex emergency situations, Parties shall fully implement their obligations under the WHO FCTC.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(21) Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products)

The Conference of the Parties (COP),

Recognizing the Parties' obligations set out in Article 9 (Regulation of the contents of tobacco products) and Article 10 (Regulation of tobacco product disclosures) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling decision FCTC/COP1(15) to establish a working group to elaborate guidelines for implementation of Articles 9 and 10 of the WHO FCTC, and decision FCTC/COP2(14) to extend the work of the working group to include product characteristics, such as design features, to the extent that they affect the objectives of the WHO FCTC;

Recalling also decision FCTC/COP4(10) to adopt partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC and to mandate the working group to continue its work in elaborating guidelines in a step-by-step process, and to submit draft guidelines on addictiveness and toxicity to future sessions of the COP for consideration;

Noting decision FCTC/COP5(6) to adopt further partial guidelines;

Recalling decision FCTC/COP7(14) to, among other actions, adopt further partial guidelines, in particular the recommendation that Parties should consider specifying that information on the contents of tobacco products be collected using standards agreed by the Parties to the Convention or recommended by the WHO Tobacco Laboratory Network such as Official Method SOP 04, entitled Standard operating procedure for determination of nicotine in cigarette tobacco filler;

Mindful of the Progress Report by the WHO on technical matters related to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/8/8);

Recognizing that Parties are facing particular challenges in implementing Article 9, as evidenced by the average implementation rate of 48% reported in the *2018 Global progress report on implementation of*

the WHO Framework Convention on Tobacco Control, and the use of the partial guidelines for that article reported by only 44% of the Parties;

Mindful of the intensified attempts by the tobacco industry and any entities and individuals working to further the interests of the tobacco industry to influence the work carried out in product regulation under the auspices of the Convention;

1. WELCOMES the report by WHO to the COP on the progress in relation to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/8/8) and thanks both WHO and the participating laboratories for their work in assessing the applicability of WHO Tobacco Laboratory Network standard operating procedures to the testing of contents and emissions of other tobacco products and in validating additional analytical methods;
2. DECIDES to suspend the mandate of the working group until the Ninth Session of the COP, established through decision FCTC/COP1(15) and amended through subsequent decisions, to elaborate guidelines for implementation of Articles 9 and 10 of the WHO FCTC;
3. REQUESTS the Bureau:
 - a) to consult the Parties with respect to the working group on the implementation of Articles 9 and 10, on a long-term plan for developing further guidance on these Articles, a possible short and medium-term programme of work, and the appropriate working methods for the working group;
 - b) to report back to the Ninth session of the COP for its consideration.
4. REQUESTS the Convention Secretariat to establish, in accordance with guidance from the Bureau, an expert group to examine the reasons for low implementation of Articles 9 and 10 of the Convention, and related partial guidelines, by Parties and set out the terms of reference of the expert group taking into account the following:
 - a) Each WHO region will be represented by two experts, selected by the Bureau, in consultation with the Parties;
 - b) The chairs of the WHO Tobacco Laboratory Network (WHO TobLabNet) and the WHO Study Group on Tobacco Product Regulation (TobReg), and representation from the WHO, will be invited to be members of the expert group;
 - c) Key informants in the topics under consideration, with field experience in implementation of Articles 9 or 10 of the Convention and in addressing challenges in tobacco product regulation, will be selected by the Bureau, in consultation with the Convention Secretariat, as appropriate, and will be invited to attend;
 - d) Two representatives of civil society with relevant expertise, and who are observers accredited to the COP, will be invited to attend as observers;
 - e) The Convention Secretariat will make the necessary arrangements, subject to availability of extra-budgetary funds, for the expert group to complete its work using, as much as possible, electronic means of communication;
5. MANDATES the Expert Group:
 - a) to provide a detailed analysis of factors that impede implementation of Articles 9 and 10, and related partial guidelines, including adoption of the test methods referenced therein;
 - b) to describe the methodology used to arrive at their findings and the limitations to their study;

- c) to identify and present positive experiences from Parties in addressing barriers to their implementation of these articles and related partial guidelines, and examples of successful international cooperation in this respect;
 - d) to prepare a report to be submitted to the Ninth session of the COP covering the above points as well as recommending ways the COP could use their findings;
6. ALSO REQUESTS the Convention Secretariat to explore the feasibility of establishing a global Knowledge Hub to support Parties in their implementation of Articles 9 and 10 of the Convention and its partial guidelines;
7. ENCOURAGES Parties to acknowledge and implement the WHO Tobacco Laboratory Network methods, as referenced in the Articles 9 and 10 Partial Guidelines, as appropriate, and FURTHER REQUESTS the Convention Secretariat to invite WHO to continue to provide support in synergy with other WHO FCTC work in facilitating take-up of the WHO Tobacco Laboratory Network resources and capacity-building activities, upon the request of Parties ;
8. REQUESTS the Convention Secretariat in cooperation with the WHO to hold a face-to-face meeting on cigarette ventilation, with a wide range of relevant experts, Party representatives and observers accredited to the COP independent from the tobacco industry, to gain an overview of the latest scientific evidence on the impact of cigarette ventilation on cigarette use and report back their findings to the Ninth session of the COP.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(22) Novel and emerging tobacco products

The Conference of the Parties (COP),

Recalling the WHO Framework Convention on Tobacco Control (WHO FCTC), and in particular its Article 6 (Price and tax measures to reduce the demand for tobacco), Article 7 (Non-price measures to reduce the demand for tobacco), Article 8 (Protection from exposure to tobacco smoke), Article 9 (Regulation of the contents of tobacco products), Article 10 (Regulation of tobacco product disclosures), Article 11 (Packaging and labelling of tobacco products) and Article 13 (Tobacco advertising, promotion and sponsorship);

Noting the report of WHO to the Sixth session of the COP (FCTC/COP/6/14) on the evolution of new tobacco products, related marketing strategies, and the conclusions and recommendations provided in that report, including on their toxicity, addictive potential, perception and potential impact on public health;

Recalling decision FCTC/COP7(14) to inter alia invite WHO to continue to monitor and examine market developments and usage of novel and emerging tobacco products, such as “heat-not-burn” tobacco products, and to report progress to future sessions of the COP;

Noting the report of WHO on technical matters related to Articles 9 and 10 of the WHO FCTC which covers market developments of heated tobacco products (document FCTC/COP/8/8);

Noting also that heated tobacco products are being marketed with claims of “reduced risk” “cleaner alternatives to conventional cigarettes” and smoke-free alternatives to smoking conventional cigarettes;

Recognizing heated tobacco products are tobacco products and are therefore subject to the provisions of the WHO FCTC;

Recognizing also that the properties of certain novel and emerging tobacco products such as heated tobacco products may pose regulatory challenges regarding their definition and classification, e.g. in relation to the emissions they produce, and that these may pose challenges for the comprehensive application of the WHO FCTC;

Recognizing further that some Parties have adopted various regulatory strategies with respect to heated tobacco products, in particular concerning their inclusion in smoke-free legislation;

Noting that the new generation of heated tobacco products have not been on the market for long, which results in very few Parties having experience regulating them or having insufficient measures to regulate the devices used to heat the tobacco;

Noting also that there is currently limited guidance to guide Parties on the classification and regulation of heated tobacco products,

1. THANKS WHO for its report to the COP on technical matters related to Articles 9 and 10 of the WHO FCTC, relevant publications cited therein and in particular the background document on the market monitoring of heated tobacco products cited therein (document FCTC/COP/8/8);
2. REQUESTS the Convention Secretariat to invite WHO and, as appropriate, the WHO Tobacco Laboratory Network (TobLabNet):
 - (a) to prepare a comprehensive report, with scientists and experts, independent from the tobacco industry, and competent national authorities, to be submitted to the Ninth session of the COP on research and evidence on novel and emerging tobacco products, in particular heated tobacco products, regarding their health impacts including on non-users, their addictive potential, perception and use, attractiveness, potential role in initiating and quitting smoking, marketing including promotional strategies and impacts, claims of reduced harm, variability of products, regulatory experience and monitoring of Parties, impact on tobacco control efforts and research gaps, and to subsequently propose potential policy options to achieve the objectives and measures outlined in paragraph 5 of the present decision;
 - (b) to examine the chemical and physical processes these products are undergoing during use, including the characterization of emissions;
 - (c) to assess whether the available standard operating procedures for contents and emissions are applicable or adaptable to heated tobacco products;
 - (d) to advise, as appropriate, on suitable methods to measure the contents and emissions of these products;
3. REQUESTS the Convention Secretariat:
 - (a) to examine possible challenges these products are posing for the comprehensive application of the WHO FCTC and in particular those articles and guidelines referring to definitions/terminology and to tobacco smoke, while considering the need to adapt these guidelines;
 - (b) to advise, as appropriate, on the adequate classification of novel and emerging tobacco products such as heated tobacco products to support regulatory efforts and the need to define new product categories;
4. INVITES Parties to take note of the report produced by WHO (document FCTC/COP/8/8);

5. REMINDS Parties about their commitments under the WHO FCTC when addressing the challenges posed by novel and emerging tobacco products such as heated tobacco products and devices designed for consuming such products, and consider prioritizing the following measures in accordance with the WHO FCTC and national law:
 - (a) to prevent the initiation of novel and emerging tobacco products;
 - (b) to protect people from exposure to their emissions and to explicitly extend the scope of smoke-free legislation to these products in accordance with Article 8 of the WHO FCTC;
 - (c) to prevent health claims from being made about novel and emerging tobacco products;
 - (d) to apply measures regarding advertising, promotion and sponsorship of novel and emerging tobacco products in accordance with Article 13 of the WHO FCTC;
 - (e) to regulate the contents and the disclosure of the contents of novel and emerging tobacco products in accordance with Articles 9 and 10 of the WHO FCTC;
 - (f) to protect tobacco-control policies and activities from all commercial and other vested interests related to novel and emerging tobacco products, including interests of the tobacco industry, in accordance with Article 5.3 of the WHO FCTC;
 - (g) to regulate, including restrict, or prohibit, as appropriate, the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products, as appropriate to their national laws, taking into account a high level of protection for human health;
 - (h) to apply, where appropriate, the above measures to the devices designed for consuming such products;
6. INVITES Parties, the Convention Secretariat and WHO to comprehensively monitor market developments and the use of novel and emerging tobacco products, including the relevant questions in all appropriate surveys and reports such as the WHO FCTC reporting instrument and to report on it at regular intervals.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(23) Election of the President and the five Vice-Presidents of the Conference of the Parties to the WHO FCTC

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

1. ELECTS the following officers to constitute the Bureau of the COP:

President: Mr Behzad Valizadeh from the Islamic Republic of Iran, for the Eastern Mediterranean Region

Vice-Presidents¹: Mr Gert Jan Rietveld from the Netherlands for the European Region
Dr Thar Tun Kyaw from Myanmar, for the South-East Asia Region
Mr Vincent Kumako from Togo, for the African Region

¹ See Rule 21 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control on Officers. Lots will be drawn to determine the order in which the Vice-Presidents would serve in the place of the President.

Dr Sun Jin, from China for the Western Pacific Region

Dr Reina Roa from Panama, for the Region of the Americas

2. DECIDES that, of the five Vice-Presidents, the following should act as Rapporteur¹:

Rapporteur: Dr Reina Roa from Panama, for the Region of the Americas

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(24) Date and place of the Ninth regular session of the Conference of the Parties to the WHO FCTC

The Conference of the Parties (COP),

Taking into account Article 23 of the WHO Framework Convention on Tobacco Control and Rule 3 of the Rules of Procedure, which provides that the sessions of the Conference of the Parties shall be held at the seat of the Secretariat, unless the Conference of the Parties decides otherwise;

Considering that the following option has been proposed for the convening of the Ninth session of the Conference of the Parties (COP9):

1. DECIDES that COP9 will be held in the Netherlands with dates to be confirmed after agreement between the hosting Party and the incoming Bureau, in consultation with the Convention Secretariat.

(Fifth plenary meeting, 6 October 2018)

FCTC/COP8(25) Credentials of participants

The Conference of the Parties (COP),

RECOGNIZES the validity of the credentials of the representatives of the following Parties:

Afghanistan, Algeria, Angola, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte D'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Eswatini, Ethiopia, European Union, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mexico, Mongolia, Montenegro, Mozambique,

¹ A lot will also be drawn to determine which Vice-President will act as Rapporteur.

Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, (Bolivarian Republic of) Venezuela, Viet Nam, Zambia and Zimbabwe.

(Third plenary meeting, 3 October 2018)

Links to statements and speeches are at the following COP8 official site:

http://www.who.int/fctc/cop/sessions/cop8/additional_documents/en

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