



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

Seventh session
Delhi, India, 7–12 November 2016

12 November 2016

DECISION

FCTC/COP7(28) Amendments to the Rules of Procedure of the Conference of the Parties to the WHO FCTC

The Conference of the Parties (COP),

Recalling that its Rules of Procedure had been adopted at its first session held in 2006 and had been amended during its sixth session held in 2014;

Having considered the proposals contained in document FCTC/COP/7/31;

ADOPTS the proposals for amendments to the Rules of Procedure of the COP contained in the Annex 1 of the present decision.

ANNEX 1

Proposed amendments to the Rules of Procedure

Rule / Issue	Proposed amendment	Rationale
Rule 1 Applicability	<u>Insert at the end of the paragraph:</u> “These Rules of Procedure shall apply mutatis mutandis to the Meetings of the Parties of any Protocol if so provided in that Protocol, or if the Meeting of the Parties to that Protocol so decides.”	To align the RoP with Article 33.4 of the Protocol to Eliminate Illicit Trade in Tobacco Products, and to provide a legal basis for application of the RoP to Meetings of the Parties (MoPs) of future Protocols to the WHO FCTC.
Rule 2.10 Definition of “public sessions or meetings”	<u>Amend as follows (new language in bold print):</u> “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 , and members of the public;”	To provide a legal basis for attendance at public sessions by IGOs (Rule 30) as well as NGOs (Rule 31), thus aligning this Rule with Rule 2.11 on “open” sessions or meetings. The current wording refers only to Rule 31.
Rule 4.5 Timing of extraordinary sessions of the COP	<u>Amend as follows (new language in bold print):</u> “Extraordinary sessions held at the written request of a Party shall take place not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 above.”	To stipulate the same time line for extraordinary as for regular sessions, in accordance with a common approach in treaties and international organizations (also followed by the World Health Assembly (WHA), Rule 2 of the RoP).
Rule 5 Deadline for notification of the date and venue of COP sessions	<u>Amend as follows (new language in bold print):</u> “The Secretariat shall notify all Parties of the dates and venue of regular and extraordinary sessions at least sixty days in advance. ”	To stipulate the same deadline for regular and extraordinary sessions, in accordance with a common approach in treaties and international organizations.
Rule 21 Terms of office	<u>New paragraph 3bis:</u> “No Party shall be represented on the Bureau for more than two consecutive terms, unless the Parties of the relevant WHO Region	To encourage rotation within each Region while providing flexibility in this respect, also ensuring consistency with

	decide otherwise.”	Rule 28.1 on terms of office for members of subsidiary bodies.
Rule 24.1 Officers unable to complete their term	<u>Insert at the end of the paragraph:</u> “If no representative from the same Party can be identified, a representative of a Party from the same WHO Region shall be designated.”	To provide increased flexibility through the option of designating a representative of the same region rather than the same Party to replace a member of the Bureau who is unable to complete his/her term of office.
Rule 24 quinquies (new) Committees of the COP	<p><u>Insert after Rule 24 quater:</u></p> <p>“COMMITTEES OF THE CONFERENCE OF THE PARTIES</p> <p>Rule 24 quinquies</p> <ol style="list-style-type: none"> 1. The committees of the Conference of the Parties shall be: <ol style="list-style-type: none"> (a) Committee A, generally entrusted with work on treaty instruments and technical matters (b) Committee B, generally entrusted with work on reporting, implementation assistance, international cooperation, and institutional and budgetary matters <p>In addition to these two committees, the Conference of the Parties may establish other committees as it may consider necessary.</p> 2. Each delegation shall be entitled to be represented on each committee by one or more of its representatives and advisers. 3. At the beginning of each session, the plenary, at the recommendation of the Bureau, shall allocate items of the agenda to the two committees in such a way that they thematically group the issues and ensuring a 	<p>The negotiating history of the RoP of the COP to the WHO FCTC shows that the section on subsidiary bodies (Rules 25–28) is based on the corresponding sections of the RoP of a number of treaties addressing subsidiary bodies that are separate from the COP, established by the COP to develop a particular aspect of its work through dedicated meetings, with their own mandate, budget, work plan, and Bureau. This interpretation is supported by the wording of Rules 25–28¹.</p> <p>The COP to the WHO FCTC has from the outset conducted its work in two committees. Unlike subsidiary bodies, these are part of the working arrangements of the COP. The committees are not currently addressed in the RoP.</p> <p>The purpose of the proposed amendment is to introduce a set of rules adapted to and applying explicitly to the committees of the COP. The proposed language takes into</p>

¹ For example, Rule 25.2 addresses the “mandate, objectives, duration and budget” of subsidiary bodies, and thus clearly refers to bodies separate from the COP. Rule 27.1 provides that the COP “shall decide on the dates and venue of the sessions of the subsidiary bodies”, with the option of holding them “in parallel with” the sessions of the COP.

	<p>proper balance in the work. Thereafter, the Bureau, at the recommendation of the chairpersons of the committees, may make adjustments as required.</p> <p>4. Each committee shall elect a chairperson and two vice-chairpersons, with due regard to representation of each WHO region. The Bureau shall facilitate the process for nominations in this respect.</p> <p>5. The chairpersons shall have, in relation to the meetings of the committee concerned, the same powers and duties as the President of the Conference of the Parties in relation to plenary meetings.</p> <p>6. The meetings of the committees shall be held in public unless the committee concerned decides that they shall be open or restricted. This rule shall be implemented in accordance with Article 5.3 of the Convention.</p> <p>7. Subject to any decision of the Conference of the Parties</p> <p>The procedure governing the conduct of business and voting by the committees shall conform mutatis mutandis to the rules relative to the conduct of business and voting in plenary meetings.</p> <p>8. Each committee may establish such drafting groups as it considers necessary. The Chairperson of each drafting group shall apply the rules applicable to committees to the work of such drafting groups only insofar as he or she considers it advisable with a view to expediting the dispatch of business.”</p>	<p>account the relevant sections of the RoPs of the WHA (Rules 32–39; 83–84), as well as the existing practice of the COP with regards to its committees.</p>
<p>Rule 60</p>	<p><u>Replace the current language with the following:</u> “Verbatim records of plenary meetings of the Conference of the Parties and reports of each session of the Conference of the Parties and each session of its subsidiary bodies shall be</p>	<p>As part of the efficiency measures adopted by decision FCTC/COP 5(19), the summary records of the committees were replaced, starting at COP 6, by a</p>

	made in the six working languages. Reports shall reflect the proceedings and incorporate any decisions and resolutions and shall be prepared by the Rapporteur with the support of the Secretariat, and provisionally adopted before the close of the session.”	meeting report adopted at the end of the sessions of the COP and its subsidiary bodies, while the verbatim report of the plenary session was retained. Rules 60 and 62–64 do not currently reflect this change of practice, nor do they reflect the difference between public, open and restricted sessions as defined in Rules 2.10–2.12. They also fail to define the function of the Rapporteur.
Rule 62	<u>Replace the current language with the following:</u> The provisional version of the reports referred to in rule 60 shall be sent as soon as possible to delegations, who shall inform the Secretariat in writing not later than fifteen days after the date of receipt of any corrections they wish to have made.	The proposed amendments are intended to rectify these inconsistencies.
Rule 63	<u>Replace the current language with the following:</u> “As soon as possible after the close of a public or open session or meeting, the Secretariat shall transmit the report to all Parties and observers. The reports of restricted meetings shall be transmitted to the participants only.”	
Rule 64	<u>Replace current language with the following:</u> “The reports of all public and open sessions or meetings and verbatim records of plenary meetings of the Conference of the Parties shall be published.”	

(Fifth plenary meeting, 12 November 2016)

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