



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products

First session
Geneva, Switzerland, 8–10 October 2018

10 October 2018

DECISION

FCTC/MOP1(15) Maximizing transparency of delegations from Parties and observers to the Meeting of the Parties, its subsidiary bodies and other Protocol meetings

The Meeting of the Parties (MOP),

R 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 any efforts by the tobacco industry to undermine or subvert strategies to combat illicit trade in tobacco products and the need to be informed of activities of the tobacco industry that have a negative impact on strategies to combat illicit trade in tobacco products;

Recognizing the importance of protecting sessions of the MOP 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 (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 Conference of the Parties (COP), its subsidiary bodies or any other bodies established pursuant to decisions of the COP;

Recalling recommendation 8.3 of the Guidelines, which states that Parties should ensure that representatives of 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 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;

Noting decision FCTC/COP8(12) by which the COP adopted a set of measures 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 its Guidelines;
- (b) to remain vigilant towards tobacco industry, and other vested interests, strategies and tactics to interfere in the setting and implementation of the Parties' public health policies with respect to tobacco control and policies to combat illicit trade in tobacco products;
- (c) to consider recommendations 4.9 and 8.3 of the Guidelines when designating members of their delegations to meetings of the MOP, its subsidiary bodies or any other bodies established pursuant to decisions of the MOP;

2. DECIDES:

- (a) to request the Convention Secretariat to remind Parties, in the invitations to the meetings of the MOP, its subsidiary bodies or any other bodies established pursuant to decisions of the Meeting of the Parties, of their obligations under Article 5.3 of the WHO FCTC and to 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 Meeting of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Meeting of the Parties”;

- (b) to require Parties, when designating their representatives to the meetings of the MOP, its subsidiary bodies or any other bodies established pursuant to decisions of the MOP, 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 2(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 interest forms as part of this internal process;

(d) the procedures set forth in paragraphs 2(a) to 2(c) apply *mutatis mutandis* to the designation of delegations from States non-Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (Protocol);

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 its capacities to complete these tasks in line with past practice:

(a) to collect and review all declaration of interest forms in reference to in paragraphs 3(a) to 3(e) for future sessions of the MOP 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 MOP of its findings to take appropriate actions to ensure compliance with Article 5.3 of the WHO FCTC;

(c) to report its findings to the MOP.

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 Meeting of the Parties (MOP) and submit the form to the Convention Secretariat at least 14 days in advance of the session of the MOP, 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, or any other industry with vested interests, 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 MOP or meetings of subsidiary bodies.
3. The Convention Secretariat within its capacities will screen the declarations received before the deadline, taking into account the 17th and 18th preambular paragraphs of the WHO FCTC, the 16th preambular paragraph of the Protocol, as well as Article 5.3 of the WHO FCTC and the guidelines for its implementation, and inform the Bureau of the MOP of its findings in order to take appropriate action to ensure compliance with Article 5.3 of the WHO FCTC.
4. Delegates who attend a session of the MOP, 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 MOP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat.

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 Meeting of the Parties (MOP) and submit the form to the Convention Secretariat at least 14 days in advance of the session of the MOP, 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, or any other industry with vested interests, 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 MOP or meetings of subsidiary bodies.
3. The Convention Secretariat within its capacities will screen the declarations received before the deadline, taking into account the 17th and 18th preambular paragraphs of the WHO FCTC, the 16th preambular paragraph of the Protocol, as well as Article 5.3 of the WHO FCTC and the guidelines for its implementation, and inform the Bureau of the MOP of its findings to take appropriate actions to ensure compliance with Article 5.3 of the WHO FCTC.
4. Delegates who attend a session of the MOP, 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 MOP, a meeting of subsidiary bodies or meetings convened by the Convention Secretariat.

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 Meeting of the Parties (MOP), 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 MOP, the meeting of a subsidiary body or meetings convened by the Convention Secretariat. The Convention Secretariat shall inform the Bureau of the MOP of its findings to take appropriate actions to ensure compliance with Article 5.3 of the WHO FCTC.
4. Accredited members of the media shall be granted entry into sessions of the MOP, 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 its capacities will screen the applications received before the deadline, taking into account the 17th and 18th preambular paragraphs of the WHO FCTC, the 16th preambular paragraph of the Protocol, as well as Article 5.3 of the WHO FCTC and the guidelines for its implementation, and inform the Bureau of the MOP of its findings in order to take appropriate action to ensure compliance with Article 5.3 of the WHO FCTC.

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 MOP session and will be made available to the Parties and accredited observers in advance of the session to which they are accredited.

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. The Convention Secretariat shall inform the Bureau of the MOP of its findings to take appropriate actions to ensure compliance with Article 5.3 of the WHO FCTC.
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 its 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 WHO FCTC, the 16th preambular paragraph of the Protocol, as well as Article 5.3 of the WHO FCTC and the guidelines for its implementation, and inform the Bureau of the MOP of its findings in order to take appropriate action to ensure compliance with Article 5.3 of the WHO FCTC.

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.

ANNEX 5

**Second session of the Meeting
of the Parties to the Protocol to Eliminate Illicit Trade in
Tobacco Products (MOP2)**

**Declaration of interest for observers to MOP2, 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) that 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, any entity working to further its interests, or any other industry with vested 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, any entity working to further the interests of the tobacco industry, or any other industry with vested interests.
- ☐ I declare that I am not affiliated with, or do not have a professional relationship with, the tobacco industry, any entity working to further its interests, or any other industry with vested 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 tick either one or both boxes, please explain below:

Signed by: *(full name and title)*

Date:

Signature:

ANNEX 6

Second session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (MOP2)		
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) that 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, any entity working to further its interests, or any other industry with vested 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, or any other industry with vested interests. <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, or any other industry with vested 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.) <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 tick either one or both boxes, please explain below: Signed by: <i>(full name and title)</i> Date: Signature:		

ANNEX 7

**Second session of the Meeting
of the Parties to the Protocol to Eliminate Illicit Trade in
Tobacco Products (MOP2)**

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) by 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, any entity working to further its interests, or any other industry with vested 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, any entity working to further the interests of the tobacco industry, or any other industry with vested interests.

☐ I declare that I am not affiliated with, or have a professional relationship with, the tobacco industry, any entity working to further its interests, or any other industry with vested 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 tick either one or both boxes, please explain below:

Signed by: (full name and title)

Date:

Signature:

(Second plenary meeting, 10 October 2018)

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