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

Geneva, Switzerland, 1–6 October 2018
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 6 States non-Parties as well as 4 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. The Director-General said that over 60% of the world population was now covered by one of the six packages of MPOWER tobacco control measures. Several countries, including Kenya and Uganda, 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 States to accede to it. Just a few days before, at the United Nations General Assembly, Member States had launched the Tobacco-Free Finance Pledge, a commitment by States to encourage greater awareness of the issue of lending to, investing in and insuring tobacco companies. At the high-level meeting of the General Assembly on tuberculosis control (New York, 26 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 o

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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 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 Convention Secretariat, joined previous speakers in welcoming all participants, particularly the many representatives of civil society.

1.1. Adoption of the agenda and organization of work

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

7. 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.

8. 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.

9. 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.

10. The following representatives were elected to serve as officers of Committees A and B, pursuant to Rule 28 of the Rules of Procedure (RoP) of the COP (Decision COP8(x):
Committee A:
Dr Kavita Singh (Guyana), Chairperson
Dr Ejlal AlAlawi (Bahrain) and Dr Sunkyu Lee (Republic of Korea), Vice-Chairpersons

Committee B:
Dr Nuntavarn Vichit-Vadakan (Thailand), Chairperson
Ms Maria Brozmanová (Slovakia) and Dr Ernest Zotoua (Côte d’Ivoire), Vice-Chairpersons

1.2. Credentials of participants

Document FCTC/COP/8/2

1.3. 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(x), 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).

1.4. Keynote address by the Head of the Convention Secretariat

Document FCTC/COP/8/DIV/3

11. In her address (see Annex X), 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.

12. Despite progress, challenges persisted and the time had come for Parties to assess their commitments, engagement and actions. 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. 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, she urged them to take the right policy decisions to change 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

13. 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).

14. 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.

15. 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.

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

3. INVITED SPEAKER

17. 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 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.

18. Minister Grace Maria Fernandes Mendonça’s statement is reproduced in Annex X of this report.
19. 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 tobacco cultivation. Despite those efforts, and significant development assistance to countries in other regions, tobacco still killed more than 7 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.

20. Ms Anne Bucher's statement is reproduced in Annex X of this report.

4. HIGH-LEVEL SEGMENT

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

Tobacco Control and Global Climate Action

21. 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).

22. The President remarked 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.

23. 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 a number of 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 Ghana in public places. 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.
24. 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 9th COP and 2nd MOP in 2020.

25. 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 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.

26. Mr Paul Desanker, Manager of the Adaptation Programme at UNFCC, speaking on behalf of Ms Patricia Espinosa, Executive Secretary of the UNFCC, said that the Kyoto Protocol, the Paris Agreement and the forthcoming UNFCC 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.

27. Responding to questions from the President, H.E. Tina Gifty Naa Ayele Mensah, Deputy Minister of Health, Ghana, 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.

28. 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 buts. 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.

29. 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.

30. Mr Paul Desanker, Manager of the Adaptation Programme at UNFCC, speaking on behalf of Ms Patricia Espinosa, Executive Secretary of the UNFCC, 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.

31. A representative of the South-East Asia Region said that, in the absence of a hosting country, the Region would coordinate the summary of the deliberations for inclusion in the Geneva declaration.

32. It was so agreed.

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

Document FCTC/COP/8/4

33. 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.

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

35. 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). Representatives of 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). A number of Parties provided information about successful litigations against the tobacco industry.
36. Notwithstanding the progress made, Parties expressed alarmed 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.

37. 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). A number of Parties referred to the human rights dimension of tobacco control; others highlighted the respect for the sovereignty and specific circumstances of individual States.

38. 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 Convention Secretariats 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.

39. 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.

40. 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.

41. 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
42. 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.

43. A panel of experts established pursuant to Decision FCTC/COP/7(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.

44. 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.

45. 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.

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

47. 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 forums…” was agreed.

48. 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, in order 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.

49. It was agreed that a final text reflecting those views would be submitted to the plenary for its consideration.

6.2. *Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the expert group*  
*Document FCTC/COP/8/7*

50. 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.

51. 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.

52. 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.

53. While the importance of international collaboration to prevent cross-border TAPS was acknowledged, a number of 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.

54. 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 (e) so that the phrase concerning the invitation of observers to the Working Group referred to “up to three observers”.

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55. 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) in order 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.

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

57. 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 (e) so that the phrase concerning the invitation of observers to the Working Group referred to “up to three observers”.

58. 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, a majority of 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) in order 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.

59. 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.

60. 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(x), 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 (continued)

Document FCTC/COP/8/8

61. 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).

62. Parties welcomed the report, commending WHO’s 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 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.

63. 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 made little progress in recent years owing to a lack of relevant country experience. 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.

64. 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.
65. 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.

66. 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.

67. The Committee considered a 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 of 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 inversed at the beginning so that it would read “ban or restrict”.

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

71. 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.

72. 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.

73. 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.

74. 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)”.

75. 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 with regard to gender-specific tobacco control.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. With regard to 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. The Secretariat has committed to implement the database of experts and institutions pending funds and to include it in the workplan and budget 2020/2021.

82. 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 – e.g. 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.

83. Informal consultations were held and the draft decisions were revised to reflect comments made during the discussion.

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

84. At its seventh session, the COP requested the Convention Secretariat, in decision FCTC/COP7(9), to prepare a report on progress by Parties on the regulatory and market developments on electronic nicotine delivery systems and electronic non-nicotine delivery systems.

85. 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. A representative of the WHO Secretariat drew attention to a forthcoming WHO technical report that would provide evidence on the effectiveness of ENDS as a smoking cessation tool.

86. 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 NCDs 2013–2020.
87. 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.

88. 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.

89. 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.

90. 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

91. 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.

92. 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 medium-term strategic framework (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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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 (LEG/SAS): 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.

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

100. 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.

101. 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.

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

103. 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 xxx plenary meeting, on xxx 2018, the COP adopted decision FCTC/COP8(X).

8. BUDGETARY AND INSTITUTIONAL MATTERS

8.1. Performance and Progress Reports

Document FCTC/COP/8/14

104. 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.

105. 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.

106. 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.

107. 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. He assured Parties, however, that he 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.

108. 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.

109. 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.

110. 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 show the actual availability of funding so as 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.

111. 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 from the WHO to cover its salary costs. She also confirmed that the annual financial certificate issued by the WHO would in future be made available as a matter of course.

[...TO BE COMPLETED....]

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

112. 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.

113. 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.

114. 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.

115. In the ensuing discussion, Parties from the other WHO regions expressed support for the proposed draft decision, with the result that Committee B, at the proposal of the Chair, agreed to entrust a small informal drafting group with the task of merging the two draft decisions under consideration into a single text to be presented subsequently for further consideration.

[...TO BE COMPLETED....]

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

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

116. 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.
117. While acknowledging positive efforts with regard to efficiency savings, Parties noted that areas still remained where further savings could be made. They expressed particular concern regarding the proposed 9.2% increase in assessed contributions; many governments had limited financial resources and austerity measures in place, and therefore maintained their position of advocating zero-nominal growth in the budgets of international entities. Since numerous Parties remained in arrears, it seemed unreasonable to request an increase in contributions from Parties that were upholding their financial commitments while others had not contributed at all for several years. How had the 9.2% increase been calculated? Furthermore, how could the request for an increase in assessed contributions be justified before the proposed workplan had been adopted? Clarification was sought on the proposed redistribution of the funds saved from Protocol-related activities that would henceforth be funded through the MOP budget. Until Parties had received clear information on the full implementation of the workplan and budget for the biennium 2016–2017 and the mid-term implementation status for the period 2018–2019, the proposed budget for 2020–2021 could not be approved. 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 mid-term strategic framework 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. Parties requested a redrafting of the proposed budget on the basis of zero-nominal growth.

118. The Head of the Convention Secretariat explained that the proposed workplan and budget 2020–2021 had been prepared on the basis of 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 (Head of the Convention Secretariat and heads of the three core functions: monitoring and knowledge management, trade and legal, and governance and international relations) would be apportioned 70% to the COP budget and 30% to the MOP budget, resulting in zero-nominal growth for the COP budget. That proportion had been calculated on the basis of 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.

119. 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 the four 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, as matter of urgency, their stance on zero-nominal growth. 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.

120. 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 WHO country offices should be invited to participate in informal discussions on the preparation of the workplan and budget, to increase transparency in budget management.

[to be continued]

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

Document FCTC/COP/8/17

121. 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.

122. 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, and 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.

123. 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.
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.

124. 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).

125. 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). 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. A compromise proposal, 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, lacked sufficient support. Such an approach ran counter to the decision taken by COP7, would likely give rise to further discussions at COP9, and was contrary to the practice of the World Health Assembly when addressing the situation of WHO Member States in arrears.

126. 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.

[To be continued]

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

Document FCTC/COP/8/18

127. 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 it 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.
128. 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 a number of 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.

129. 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 avenues 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.

130. 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.

131. 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.

132. 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 angel 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.

133. 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.

134. 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.

135. Committee B approved the draft decision, which was transmitted to the COP for adoption. At its xxx plenary meeting, on xxx 2018, the COP adopted decision FCTC/COP8(X).

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

Document FCTC/COP/8/19

136. 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.

137. 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.

138. 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.

139. Committee B approved the draft decision, as amended, and transmitted it to the COP for adoption. At its xxx plenary meeting, on xxx 2018, the COP took note of the report and adopted decision FCTC/COP7(X).

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

Document FCTC/COP/8/20

140. 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.

141. 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.

142. 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 WHO FCTC 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.

143. 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.

144. 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.

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

146. 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.

147. 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.

148. 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

149. 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.

150. 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.

151. In response to questions raised by Parties, the Senior Legal Adviser 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.

152. Committee B approved the draft decision, which was transmitted to the COP for adoption. At its xxx plenary meeting, on xxx 2018, the COP adopted decision FCTC/COP8(X).

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

154. 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).

155. Document FCTC/COP/8/27 summarizes the procedure for the selection and evaluation of the new Head of the Convention Secretariat; examines 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 the Bureau of COP will play; and proposes 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.

156. At its sixth meeting, Committee B decided to consider the matter in restricted session.

TO BE COMPLETED…