



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

Seventh session
Delhi, India, 7–12 November 2016

**FCTC/COP7/37
12 November 2016**

Provisional agenda item 10

**Draft report of the seventh session of the Conference of the
Parties to the WHO Framework Convention on Tobacco
Control**

Delhi, India, 7–12 November 2016

1. OPENING OF THE SESSION

1. The seventh session of the Conference of the Parties (COP7) to the WHO Framework Convention on Tobacco Control (WHO FCTC) was held at the India Exposition Mart (IEMML) in Noida, India, from 7 to 12 November 2016. Representatives of 136 Parties to the Convention took part. Also present were representatives of 5 State non-Parties, as well as 4 intergovernmental organizations and 13 nongovernmental organizations accredited as observers.

2. The session was opened by the President of the COP, Dr Oleg Salagay (Russian Federation), who expressed his thanks to the Government of India, the host of the meeting, on behalf of all present. The WHO FCTC now had 180 Parties, the latest to ratify being Zimbabwe.

3. Mr Jagat Prakash Nadda, Minister of Health and Family Welfare, India, welcomed participants to India and briefly outlined the challenges of tobacco control facing his country. In April 2016, the Government had introduced pictorial health warnings covering 85% of the surface of the tobacco packaging, and it had taken measures to regulate the use of smokeless tobacco and penalize sales of tobacco products to minors. Mr Nadda's statement is reproduced in Annex 3 of the present report.

4. Mr Derek Walton, WHO Legal Counsel, addressed the meeting on behalf of Dr Margaret Chan, the Director-General. The tide of tobacco control was at last beginning to turn against the powerful tobacco industry, with tobacco sales slowly declining and governments prevailing in court cases despite the industry's lobbying and propaganda efforts. He called upon civil society organizations to help to put the record straight. The WHO Secretariat could offer legal and technical advice to Member States. Mr Walton's statement is reproduced in Annex 4 of the present report.

5. Following a short video on the hosting of the COP in India, featuring young anti-tobacco activists, Mr C.K. Mishra, Secretary, Ministry of Health and Family Welfare, India, took the floor to thank Convention Secretariat and host-country staff for their hard work in preparing for the session. He paid particular tribute to the local government officials and police of Uttar Pradesh state and to the representatives of the mass media, who had a crucial role to play in countering tobacco industry propaganda.

1.1 Adoption of the agenda and organization of work

Documents FCTC/COP/7/1 Rev.1 and FCTC/COP/7/Rev.1 (annotated)

6. The COP adopted the draft agenda as contained in document FCTC/COP/7/1 Rev.1 without amendment. The COP had before it working and information documents pertaining to the various items on the agenda.

7. In considering the organization of its work, it was agreed by the COP at its first plenary meeting that Committee A would be entrusted with work under agenda items 5 and 6, and Committee B would focus on matters under agenda item 7. The remaining agenda items would be dealt with by the plenary.

8. The following representatives were elected to serve as the officers of Committees A and B, pursuant to Rule 28 of the Rules of Procedure of the COP (Decision FCTC/COP7(2)):

Committee A:

Mr Caxton Masudi Ngeyo (Kenya), Chairperson

Dr Pekka Puska (Finland) and Mr Behzad Valizadeh (Islamic Republic of Iran), Vice-Chairpersons.

Committee B:

Dr Nuntavarn Vichit-Vadakan (Thailand), Chairperson

Ms Suzy McDonald (Canada) and Dr Nestor Santiago (Philippines), Vice-Chairpersons.

1.2 Credentials of participants

Document FCTC/COP/7/2

9. 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/7/2, on 9 November 2016. The COP adopted the relevant decision (FCTC/7COP7(3), Credentials of the Parties) at its third plenary meeting on 9 November 2016.

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

Document FCTC/COP/7/3

10. The COP was asked to consider applications for observer status from one intergovernmental organization, the East African Community, and 16 nongovernmental organizations: All India Bidi Industry Federation, Aman-Saulyk, American Cancer Society, Childlink Foundation, Consumer Packaging Manufacturers Alliance, Federation of All India Farmer Associations, InterAmerican Heart Foundation, Kelab Integrasi Komuniti dan Sosial, Lega Italiana Anti Fumo, Philippine Tobacco Institute Inc., Polish Cancer Patient Coalition, Sarhad Chamber of Agriculture, Tobacco Vapor Electronic Cigarette Association, Virginia Tobacco Farmers Associations, Vision mondiale de la santé (World Health Vision) and World Farmers' Organisation.

11. At the request of two Parties from the African Region, the COP agreed to defer its decision on the East African Community until its next session.

12. The COP, having considered the document, decided to grant observer status to the American Cancer Society, the InterAmerican Heart Foundation and Vision mondiale de la santé (World Vision Health), in accordance with Rule 31.2 of the Rules of Procedure. It denied observer status to the remaining 12 organizations.

13. The COP adopted decision FCTC/7COP7(1X) at its first plenary on 7 November 2016..

3. INVITED SPEAKERS

14. President Maithripala Sirisena of Sri Lanka addressed COP7 as an invited speaker. The issues of particular importance to his country were smokeless tobacco use, e-cigarettes and water pipes, economically viable alternatives to tobacco growing and gender-related risks in tobacco control. His Government had adopted a unique joint Tobacco and Alcohol Act in 2006, and he had appointed a Presidential Task Force to monitor the situation relating to drugs and narcotics. His country's tobacco control measures were integrated into more general efforts to combat noncommunicable diseases and achieve the Sustainable Development Goals.

4. ADDRESS BY THE HEAD OF THE CONVENTION SECRETARIAT AND REPORT ON GLOBAL PROGRESS IN IMPLEMENTATION OF THE WHO FCTC: REPORT BY THE CONVENTION SECRETARIAT, FOLLOWED BY A GENERAL DEBATE

Documents FCTC/COP/7/4 and FCTC/COP/7/DIV/3

15. In her address, Dr da Costa e Silva, Head of the Convention Secretariat, noted that the inclusion of target 3.a within the Sustainable Development Goals required the strengthening of WHO FCTC implementation. Advocacy by the Secretariat in partnership with WHO at the Third United Nations International Conference on Financing for Development (Addis Ababa, 13–16 July 2015) had secured agreement that tobacco taxation should be a key source of funds for implementation of activities to attain the Goals. Those advances placed the WHO FCTC and the work of the present session at the heart of the global health and development agenda for the decade ahead and represented a tremendous opportunity to agree on unified action by the international community.

16. Bold action had been taken by many Parties in the previous two years. The treaty and standards adopted by the COP had protected government decisions against legal challenges, demonstrating that international trade could not expand at the expense of health and human rights. Almost no Party to the Convention opposed legitimate public health measures, while many Parties had rejected the inclusion of tobacco industry members in delegations attending the session. The number of Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products had risen to 24, and it seemed likely that the Protocol would enter into force before the eighth session of the COP in 2018.

17. The Secretariat had supported a wide range of work, including 11 needs assessment and post-needs assessment missions to Parties since the previous session, measures to implement Article 5.3 of the Convention on interference by the tobacco industry, and efforts to increase transparency. New ventures had included the establishment of Knowledge Hubs to provide global expertise and Observatories to act as global sentinels of tobacco industry behaviour.

18. Parties had improved their compliance with the Convention in important areas such as pricing and taxation, and liability. However, one quarter of reporting Parties had not yet confirmed implementation of time-bound measures under Article 8 (Protection from exposure to tobacco smoke) and 40% of reporting Parties lacked a comprehensive advertising ban. The Convention Secretariat had been called on to strengthen the response to gender-specific risks in tobacco control policy, to strengthen implementation of

Article 17 (Tobacco growing and support for economically viable alternatives) and Article 18 (Protection of the environment and health of persons), and to establish relationships beyond the health sector.

19. The Secretariat had been an active member of the United Nations Inter-agency Task Force on the Prevention and Control of Noncommunicable Diseases and a participant in the WHO global coordination mechanism on the prevention and control of noncommunicable diseases. Nonetheless, its hosting arrangements with WHO would benefit from some clarification, and better ties should be established between the COP and the World Health Assembly. Positive consideration should be given by the COP to the modest proposals concerning voluntary assessed contributions, in view of the 80% increase in the number of Parties since the Convention had entered into force. Mozambique was about to become the 181st Party to the Convention.

20. In the debate that followed, widespread appreciation was expressed to India for its hospitality. Participants underlined the importance of the Convention as the first international legally-binding instrument in the field of public health, and its contribution to tackling the many health, social, economic and environmental impacts of tobacco use. Representatives of WHO regions drew attention to salient developments or events such as the increasing number of countries ratifying the Protocol to Eliminate Illicit Trade in Tobacco Products, the exclusion of tobacco industry representatives from national delegations, measures to combat the use of water pipes and smokeless tobacco, and the adoption of the Algiers Call to Action for Tobacco Control. Several regions had adopted roadmaps or plans to strengthen implementation of the Convention. Numerous examples were given of action taken by Parties to strengthen price and tax measures (Article 6), to protect against exposure to tobacco smoke (Article 8), to implement new or improved packaging and labelling (Article 11), and to ban tobacco advertising, promotion and sponsorship (Article 13).

21. While public health was the overriding concern, other aspects of tobacco control, such as support for alternative livelihoods, should not be overlooked. In particular, Article 17 and relations with tobacco farmers should be tackled in a humane way. Numerous parties emphasized the human rights dimension of tobacco control; others highlighted the need to balance the various competing rights involved and to ensure respect for State sovereignty and understanding of States' particular circumstances in implementing the Convention. Attention was drawn to challenges to implementation, including lack of sufficient and sustainable resources and interference from the tobacco industry, which was continuing to pursue a strategy of litigation. While positive note was taken of the work by the Convention Secretariat to promote the principles of Article 5.3, more stringent restrictions were called for to prevent the tobacco industry infiltrating the proceedings of the COP. Some Parties called for further information on innovative tobacco products and for guidance on their control.

22. Observer countries present at the session were urged to become Parties to the Convention and those Parties that had not already done so were called on to ratify the Protocol to Eliminate Illicit Trade in Tobacco Products. All Parties were encouraged to involve the necessary ministries across their governments, in order to implement the Convention in a comprehensive and multisectoral manner, and the importance of international cooperation was also highlighted. The COP was requested to draw up an action plan for attaining target 3.a within the Sustainable Development Goals. The Secretariats of the Convention and WHO were urged to strengthen their collaboration in order to provide coordinated support to Parties. From a governance perspective, concern was expressed about the growing number of agenda items and documents for sessions of the COP, and the Bureau was urged to advise the Convention

Secretariat on the possibility of merging items in order to achieve more coherent discussions. Every effort should be made to avoid holding meetings simultaneously, which placed smaller delegations at a disadvantage.

23. One Party announced that his Government would contribute an additional US \$19 million by 2021 to support implementation of the Convention in low- and middle- income countries.

24. A representative from a nongovernmental organization urged the COP to keep the tobacco industry out of public health and exclude it from proceedings, to take new steps to promote Article 5.3 of the Convention, and to hold the tobacco industry to account under Article 19.

25. At its second plenary meeting, the COP decided to hold its meetings in open session, in accordance with Rule 32 of the Rules of Procedure, thereby excluding the general public from participation with immediate effect.

26. At its third plenary meeting, the COP considered a proposal to allow members of the public to attend the closure of the session, which some delegations supported, as they believed it would contribute to greater transparency. Others preferred to maintain the earlier decision to exclude the public from all COP proceedings. It was suggested that a mechanism should be put in place for screening members of the public in order to exclude anyone representing or seeking to further the interests of the tobacco industry and that the COP should consider requiring all members of delegations to sign a conflict of interest declaration.

27. It was decided that the meeting will not be open to the public.

5. TREATY INSTRUMENTS AND TECHNICAL MATTERS

5.1 Status of the Protocol to Eliminate Illicit Trade in Tobacco Products

Document FCTC/COP/7/5

28. The Convention Secretariat introduced its report on the status of the Protocol, and activities undertaken by the Secretariat since COP6 relating to the promotion of ratification and entry into force of the Protocol and requested the COP's further guidance on future steps, including options should the Protocol enter into force well before COP8.

29. Parties expressed thanks to the Secretariat for its efforts to promote ratification or accession to the Protocol and to support Parties in putting in place the mechanisms and capacity needed to implement it. The Secretariat was urged to continue those activities. Support for capacity-building was considered especially important. Parties emphasized the importance of broad ratification or accession, since illicit trade in tobacco products was a global phenomenon and international cooperation was needed to address it effectively. Representatives of several non-Parties indicated that their Governments were taking steps, including putting in place the necessary domestic legal provisions, to enable them to ratify or accede to the Protocol, and several also said that their Governments were taking action to curb illicit trade even before becoming Parties to the Protocol.

30. Numerous Parties favoured extending the mandate of the panel of experts established pursuant to decision FCTC/COP6(6). Regarding options should the Protocol enter into force well before COP8, although it was agreed that implementation – particularly of the track and trace regime – should move forward as soon as possible after entry into force, the idea of convening the first MOP in conjunction with an extraordinary COP, as proposed in paragraph 29 of document FCTC/COP/7/5, was generally not supported. Most Parties preferred the option put forward in paragraph 28, namely the establishment of an intergovernmental working group or other subsidiary body to carry out substantive preparations for the first MOP. Support was expressed for the allocation of the funds not spent for the first MOP in the current biennium to fund Protocol-related activities, including an intergovernmental working group.

31. One State non-Party called for cooperation and sharing of information between neighbouring States to mitigate the financial burden of implementing the Protocol. Another expressed concern about the implications of eventual implementation of the Convention and Protocol on its economy, to which tobacco-growing made a major contribution.

32. The Head of the Convention Secretariat, responding to the points raised, said that the funding set aside for the first Meeting of the Parties in the current budget might usefully be put towards the employment of an additional staff member to assist States Parties with technical issues.

[discussion and adoption of draft decision still to be added]

5.2.1 Implementation of Article 5.3 of the WHO FCTC

Document FCTC/COP/7/7

33. At its sixth session, the COP adopted decision FCTC/COP6(14) and requested the Secretariat to carry out various activities and report on its findings to COP7. The report, contained in document FCTC/COP/7/7, summarized the progress made in the implementation of Article 5.3 by the Parties, and detailed the work carried out by the Convention Secretariat, in collaboration with WHO, other partners and international experts. A representative of the Convention Secretariat introduced the report, noting that Article 5.3 remained the greatest barrier to implementation of the Convention for a number of Parties. [added to report outline]

34. Support was expressed for the Secretariat's collaboration with pertinent international organizations to strengthen the implementation of Article 5.3 and for the establishment of tobacco industry monitoring centres (observatories) and knowledge hubs to assist Parties in implementing the provisions of the article. Support was also expressed for the establishment of a panel of experts to provide Parties with policy-making and capacity-building support. At the same time, it was recommended that maximum use should be made of existing mechanisms, such as the working group on sustainable measures to strengthen implementation of the WHO FCTC. The Secretariat was also asked to facilitate sharing of best practices and cooperation among countries, especially South-South and triangular cooperation.

35. Some Parties expressed the view that nothing in Article 5.3 provided a basis for excluding legitimate government representatives from Parties' delegations. They emphasized that States had a sovereign right to select the members of their delegations. One representative was particularly concerned about the practice of sending notes verbales, which, as he understood it, effectively threatened to exclude

delegation members merely on the basis of a suspicion that they might have links to the tobacco industry. Other representatives noted that, in order to ensure transparency, all stakeholders should be allowed to participate in policy-making, although no single group should have undue influence. Some representatives voiced concern about the exclusion of members of the public and the media from COP sessions, which in their opinion was not in the interests of transparency.

36. Several delegations pointed out that Article 5.3 required Parties to protect their policies from commercial and other vested interests of the tobacco industry in accordance with national law; it did not require them to change their national laws. Moreover, the Convention did not prohibit Governments from interacting with the tobacco industry. Indeed, in some States the Government was involved in the manufacture of tobacco products, which created an obvious conflict of interest between the public health sector and some other sectors. The Secretariat was asked to provide guidance on how to deal with that situation.

37. Other delegations strongly supported additional measures to strengthen the implementation of Article 5.3, as preventing the influence of the tobacco industry was at the heart of the Convention. Hence, compliance with Article 5.3 was crucial to the implementation of the Convention as a whole and to the achievement of its objectives. These delegations also pointed out that the Parties had agreed to implement the Convention without reservations. They considered the guidelines for the implementation of Article 5.3 sufficiently clear to enable Parties to implement its provisions in accordance with their national laws. One representative was of the view that appropriate sanctions should be applied to Parties whose laws allowed them to succumb to the influence of the tobacco industry.

38. A representative of the World Customs Organization said that some interaction with the tobacco industry was bound to occur, as it remained a part of legitimate trade. Nevertheless, it was important to ensure appropriate engagement with the industry and prevent it from exerting undue influence on policy-making.

39. A representative of the Convention Secretariat clarified that the main function of the observatories would be monitoring of tobacco industry practices and dissemination of information to Parties, whereas the knowledge hubs would be more directly involved in providing assistance to Parties through training and capacity-building, technical documentation and other activities. The two sets of knowledge networks would work together to support Parties in implementing Article 5.3. Ideally, the networks would be located within academic institutions and other entities in Parties that would voluntarily provide additional support to ensure their sustainability.

40. Informal consultations were held on a draft decision proposed by several Latin American Parties.

41. [discussion and approval to be added]

5.4. Further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC, “Regulation of the contents of tobacco products” and “Regulation of tobacco product disclosures”: report by the working group and report by WHO

Documents FCTC/COP/7/8, FCTC/COP/7/9 and FCTC/COP/7/INF.DOC/1

42. The report by the working group contained in FCTC/COP/7/8 had been developed in accordance with the mandates given in decision FCTC/COP6(12) of COP6. A working group key facilitator requested the COP to consider adopting the further development of the partial guidelines for the implementation of Articles 9 and 10 as proposed by the working group.

43. Some representatives endorsed the amendments to the partial guidelines contained in Annexes 1–3 of the report, while others considered that there was not yet enough scientific evidence to justify them, notably the lack of a comprehensive and scientific definition of addictiveness. Some Parties suggested that Annex 4 should be included as a progress report. Representatives highlighted the need to consider tobacco product design, including “slim” cigarettes targeted at women, and smokeless and other emerging tobacco products. A representative speaking on behalf of Parties in the WHO African Region called for technical assistance from WHO to strengthen laboratory testing and analysis capacity, since in many countries the only laboratories available belonged to the tobacco industry. The importance of engaging local authorities in efforts to measure cigarette contents and emissions was highlighted.

44. The COP also noted the reports contained in documents FCTC/COP/7/9 and FCTC/COP/7/INF.DOC/1, prepared by WHO at the invitation of the Convention Secretariat at the request of COP6. Parties welcomed the progress of the validation of analytical chemical methods for testing and measuring cigarette contents and emissions. One representative said that potential conflicts with the Technical Barriers to Trade Agreement of the World Trade Organization should be investigated in relation to a future ban on slim/superslim cigarettes.

45. Committee A discussed a draft decision on the further development of the partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC. One Party said that it had concerns about the status and activities of the diverse group of stakeholders to which the text referred, and another considered that the stakeholders should include nongovernmental organizations. It was suggested that addictiveness should not be covered by the draft decision. An informal open-ended drafting group was established to consider the text further.

46. (Adoption of decision to be inserted later).

5.5 Control and prevention of globally emerging products

5.5.1 Control and prevention of waterpipe tobacco products: report by WHO

Document FCTC/COP/7/10

47. At its sixth session, the COP requested the Secretariat, in decision FCTC/COP6(10), to invite WHO to prepare a report, contained in document FCTC/COP/7/10, presenting policy options and best practice for the control of waterpipe tobacco product use in relation to the WHO FCTC, and to provide further guidance on how to strengthen responses to this emerging global epidemic. A representative of the WHO Secretariat introduced the report.

48. Parties considered that waterpipe tobacco products should be regulated in the same way as other tobacco products and covered by the provisions of the FCTC. The useful policy options and suggested actions set out in the report were welcomed, but two Parties expressed surprise that the import, sale and distribution of waterpipe tobacco products had not been included. Concern was expressed about the

globally increasing use of waterpipes, in particular among young people; continuing misconceptions regarding their safety in comparison to other tobacco products; their contents and emissions, and associated health risks. The existence of regulatory challenges owing to the heterogeneity of the products and the context of their consumption and preparation was noted. The sovereign right of States to choose the level of public health protection for their citizens was recognized, and one Party did not agree that waterpipe tobacco should be subject to similar taxation schedules as cigarettes.

49. A number of Parties outlined the steps being taken by their Governments, including subjecting waterpipe tobacco to the same labelling requirements as other tobacco products, banning waterpipe tobacco smoking in public places and increasing the price of waterpipe tobacco. The establishment of a global knowledge hub for waterpipe smoking at the American University in Beirut was welcomed. The Convention Secretariat and WHO were requested to promote the sharing of experience and best practices. Efforts should also be made to devise standardized methods to determine health impacts of emerging tobacco products and smokeless tobacco, set priorities for action, verify methods of testing and fill in the gaps in scientific research.

50. The Chair of the WHO Study Group on Tobacco Product Regulation said that taxation approaches were a matter for the Parties, noting that waterpipe and smokeless tobacco were not included in the same taxation schedules as cigarettes in some countries. Considerable information on health effects, research needs and recommended actions already existed, including in the Study Group's 2015 advisory note on waterpipe tobacco smoking.

5.5.2 Electronic nicotine delivery systems and electronic non-nicotine delivery systems: report by WHO

Document FCTC/COP/7/11

51. At its sixth session, the COP requested the Secretariat, in decision FCTC/COP6(9), to invite WHO to prepare an expert report. The report, in document FCTC/COP/7/11, gave updated evidence of the health impact of electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS), their potential role in tobacco cessation and their impact on tobacco control efforts. It also set out a non-exhaustive list of regulatory options to achieve the objectives outlined in paragraph 2 of document FCTC/COP6(9). The COP was requested to provide further guidance.

52. Parties called for further unbiased, commercially independent and scientifically-based research to ascertain the overall health impact and long-term public health risks of ENDS/ENNDS, as well as the role of those delivery systems in smoking initiation and cessation. Some Parties expressed concern at the use of health claims as a marketing tool for ENDS/ENNDS. Regulation was considered challenging, given the wide variety and continually evolving array of products involved, and the list of regulatory options was deemed useful. Many of the steps already taken by Parties to achieve the ENDS/ENNDS objectives were consistent with the regulatory options set out in the report. Some Parties considered that ENDS/ENNDS should be regulated under national legislation in the same way as food, drugs or tobacco products, while others called for them to be banned outright. It was suggested that WHO should be requested to promote continued evidence-based scientific research and prepare an expert report for submission to COP8.

53. Committee A considered a draft decision proposed by a Party, which would invite Parties to consider regulating ENDS/ENNDS, including as tobacco products, medicinal products, consumer

products, or other categories, by applying measures such as those referred to in the report. Another Party proposed that, in line with the regulatory options put forward in the report, Parties that had not banned the importation, sale and distribution of ENDS/ENNDS should be invited to consider either prohibiting or regulating such products. That suggestion was supported by several other Parties. One representative pointed out, however, that if neighbouring countries regulated ENDS/ENNDS in different ways, tobacco control interventions might be subverted and illicit cross-border trade might increase; he proposed that the COP should agree to regulate ENDS/ENNDS in the same way as tobacco products.

(Adoption of decision to be inserted later).

5.6 Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC)

Document FCTC/COP/7/12

54. At its sixth session, the COP had adopted policy options and recommendations on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO FCTC) in decision FCTC/COP6(11). The report from the Secretariat contained in document FCTC/COP/7/12 summarized the progress made on the implementation of the decision and requested the COP to provide further guidance. A representative of the Convention Secretariat introduced the report, noting that national implementation reports indicated that an increasing number of Parties had taken steps to assist tobacco growers in shifting to viable alternative livelihoods.

55. In the ensuing discussion, representatives acknowledged the importance of Articles 17 and 18 as key elements of a comprehensive tobacco control policy and expressed appreciation to Brazil for sharing its strategies for agricultural diversification in tobacco growing areas. A representative speaking on behalf of the WHO African Region proposed that the Secretariat should work with the WHO Regional Office for Africa to set up pilot projects on alternative livelihoods for tobacco farmers in at least two African countries, provide opportunities for sharing information on good alternative crop growing practices and carry out education programmes for tobacco growers on the health, environmental and social problems associated with tobacco production. One representative called for tobacco workers to be involved in decisions about a switch to alternative crops, although it would be necessary to prevent any interference by the tobacco industry.

56. A number of representatives of States non-Parties described their countries' economic dependence on tobacco growing, while another drew attention to the health and environmental effects which would prove much more costly in the long term.

(Adoption of decision to be inserted later).

5.7 Implementation of Article 19 of the WHO FCTC: "Liability": report by the expert group

Document FCTC/COP/7/13

57. At its sixth session, the COP extended the mandate of the expert group, as set out in decision FCTC/COP6(7). The expert group submitted its final report contained in document FCTC/COP/7/13, detailing the progress made and proposing a toolkit as a mechanism of assistance to Parties in their

implementation of Article 19. The Chair of the expert group introduced the report, noting that the toolkit was intended to be a living document, which would evolve as legal practice developed. It would be an online resource available to Parties through the WHO FCTC Information Platform.

58. In the ensuing discussion, representatives affirmed the need to strengthen Parties' ability to hold the tobacco industry liable, with several noting that the industry had long used the threat of legal action to undermine government tobacco control efforts. At the same time, it was pointed out that lawsuits against the tobacco industry were unlikely to stop anyone from smoking and that strong regulation could be a more efficient means of shaping tobacco control policy than litigation.

59. The toolkit was seen as potentially useful for information-sharing and for helping Parties to develop capacity in relation to civil liability; however, it was emphasized that it should be considered a reference, not a set of guidelines or recommendations, since national legal systems varied widely and therefore no single approach would work for all Parties. The Secretariat should update the toolkit regularly as new information and resources became available.

60. Most Parties considered that the expert group had fulfilled its mandate and should not continue; any further work in relation to the implementation of Article 19 should be done by the Convention Secretariat or through direct contacts between Parties.

(Adoption of decision to be inserted later).

5.8 Addressing gender-specific risks when developing tobacco control strategies (item proposed by a Party)

Document FCTC/COP/7/14

61. This agenda item was proposed by a Party in accordance with Rule 7 of the Rules of Procedure of the COP. The Guiding Principles of the WHO FCTC, as contained in Article 4, refer to the "strong political commitment" necessary for the development of multisectoral tobacco control measures and emphasize the need to address "gender-specific risks" when developing tobacco control strategies. This was the first time that the COP had addressed this issue. The Secretariat introduced the report contained in document FCTC/COP/7/14.

62. Representatives identified a number of risks specific to women, including exposure to second-hand smoke, marketing campaigns targeted directly at women and the particular risks faced by women in low- and middle-income countries and those of lower socioeconomic status, even in countries where the overall rate of tobacco use among women was low.

63. One representative of a regional group said that it was important to consolidate information and recommendations relevant to gender made by other FCTC bodies, including the various expert groups. Gender-specific indicators should be employed in the collection and use of tobacco data.

64. (Adoption of decision to be inserted later).

5.9 Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media (item proposed by a Party)

Document FCTC/COP/7/38

65. This agenda item had been proposed by a Party in accordance with Rule 7 of the Rules of Procedure of the COP. The report, contained in document FCTC/COP/7/38, discussed depictions of tobacco in entertainment media in relation to the guidelines for the implementation of Article 13, identified implementation gaps, highlighted the growing issue of cross-border advertising, promotion and sponsorship, and requested the COP to provide guidance on any future work.

66. Representatives highlighted the emerging problems associated with the increased use of mobile technology, which was widely used by young people. The main concern was the regulation of cross-border advertising. One Party said that it would be willing to host two meetings of the expert group.

67. Committee A considered a draft decision prepared by a Party, which it further amended to provide for greater flexibility.

68. (Adoption of decision to be inserted later).

6. REPORTING, IMPLEMENTATION ASSISTANCE AND INTERNATIONAL COOPERATION

6.1 Reporting arrangements under the WHO FCTC: report by the expert group

Document FCTC/COP/7/15

69. At its sixth session, the COP established an expert group to review reporting arrangements under the WHO FCTC in decision FCTC/COP/6(15). The report by the expert group, contained in document FCTC/COP/7/15, presented the outcome of the expert group's work including the recommendation for the COP to establish a WHO FCTC Implementation Review Committee and possible terms of reference for the consideration of the COP. The Chair of the expert group introduced the report.

70. Parties acknowledged the importance of reporting in identifying implementation gaps and challenges to be addressed. Some Parties welcomed the proposed establishment of a WHO FCTC Implementation Review Committee, which they considered should be funded fully from core resources. Many other Parties expressed concern about the establishment of such a subsidiary body of the COP. Issues raised included legality, given that it would not be an intergovernmental body, the number of implementation reports to be reviewed and how they would be selected. Several Parties highlighted the need to consider reporting arrangements in conjunction with other agenda items, notably item 6.3 (South-South and triangular cooperation), item 6.4 (Sustainable measures to strengthen implementation of the WHO FCTC: report by the working group), and item 6.5 (Financial resources and mechanisms of assistance) in order to avoid duplication. It was suggested that the COP should focus on methods of improving the reporting process, such as reducing the length of reports, making online reporting more accessible and user-friendly and facilitating the amendment of previous reports for use in subsequent reporting cycles.

71. Following clarification from the representative of the WHO Office of the Legal Counsel regarding the legality of the subsidiary body, the Committee agreed to take up agenda items 6.3, 6.4 and 6.5 before establishing a drafting group to produce a draft decision on all four agenda items.

6.2 International cooperation for implementation of the WHO FCTC, including the implementation of the 2030 Agenda for Sustainable Development, the global NCD targets and human rights

Document FCTC/COP/7/16

72. At its sixth session, the COP requested the Secretariat to report on Parties' efforts to reduce tobacco use and to strengthen international collaboration to assist progress towards the noncommunicable disease global target in decision FCTC/COP6(16). The report in document FCTC/COP/7/16, discussed developments in the adoption and implementation of the 2030 Agenda for Sustainable Development, achieving the noncommunicable disease (NCD) global target on the reduction of tobacco use, as well as the importance of human rights in WHO FCTC implementation. A framework of international cooperation was also proposed for the consideration of the COP.

73. Parties praised the efforts of the Convention Secretariat in strengthening international collaboration. Support was expressed for gathering information on the action of international entities to advance support of WHO FCTC implementation, and one Party called for a baseline to measure progress in achieving the NCD target of 30% relative reduction in the prevalence of current tobacco use. Several Parties emphasized the importance of the human rights element of tobacco control, although one Party considered that the COP was not the most appropriate forum for a discussion of human rights issues. It was pointed out that tobacco control was related to a number of Sustainable Development Goals and targets, not only target 3.a, and that Parties must be free to set their own priorities in relation to the Goals.

74. The Committee considered draft decisions prepared by two Parties.

6.3 South-South and Triangular cooperation

Document FCTC/COP/7/17

75. The sixth session of the COP requested the Convention Secretariat to work on the promotion of South-South cooperation in the exchange of scientific, technical and legal expertise relevant to the implementation of the Convention (in decision FCTC/COP6(27) on the workplan and budget). The report, in document FCTC/COP/7/17, examined the progress made, highlighted the importance of South-South and triangular cooperation for implementation of the WHO FCTC, and requested the COP to provide further guidance.

76. Parties attached importance to South-South and triangular cooperation as a tool for exchanging experience and best practices and promoting the implementation of the Convention, and several Parties highlighted the benefits they had derived from such exchanges. Support was expressed for the strengthening of existing knowledge hubs within existing resources.

6.4 Sustainable measures to strengthen implementation of the WHO FCTC: report by the working group

Document FCTC/COP/7/18

77. In decision FCTC/COP6(17) at its sixth session, the COP extended the mandate of the working group established by COP5 decision FCTC/COP5(17). The report of the working group, contained in document FCTC/COP/7/18, presented strategic direction for implementation assistance for the consideration of the COP. One of the key facilitators introduced the report.

78. Parties agreed that implementation of the Convention should be accelerated. The measures proposed in the report should be prioritized to assist Parties in implementing tobacco control policies. It was suggested that the Secretariat should be given a mandate to match the needs of the Parties with available development assistance and that the COP should endorse a shortlist of implementation priorities. Support was expressed for the development of a detailed action plan for implementation assistance and for the development of a medium-term strategic framework to guide the development of the biennial workplans and budgets of the COP.

6.5 Financial resources and mechanisms of assistance

Document FCTC/COP/7/19

79. The report from the Secretariat, contained in document FCTC/COP/7/19, reviewed resources and mechanisms of assistance in three areas: (i) resources to support implementation of the workplans and budgets, (ii) mechanisms of assistance for the Convention Secretariat to support implementation of the workplans and budgets approved by the COP and (iii) assistance to Parties through coordination and collaboration with other entities to maximize available resources.

80. Some Parties considered that financial resources and mechanisms of assistance should prioritize work at country level. It was suggested that the Convention Secretariat and WHO should continue to provide Parties with implementation assistance, including financial resources; that the COP should call on Parties to collaborate with other United Nations agencies, including the World Bank, to mobilize resources for implementation; and that the COP should encourage Parties to support the work of the Convention Secretariat through extrabudgetary resources.

7. BUDGETARY AND INSTITUTIONAL MATTERS

7.1 Performance report for the 2014–2015 workplan and budget

Document FCTC/COP/7/22

81. The COP was invited to note the report in document FCTC/COP/7/22 describing the implementation of the workplan and budget for the full biennium, including activities mandated by the COP through various decisions not directly referred to in the workplan. The report also provided details of financial implementation.

82. While Parties welcomed the report and commended the Secretariat's efforts to ensure transparency, several said they would prefer future financial reporting to be presented in a consolidated document, in tabular form, and with as much detail as would be presented by WHO to the World Health Assembly. According to the performance report, mobilized funds had amounted to some US\$ 3 million less than the adopted budget and total spending had been US\$2 million less than the total funds available. More information on how actual income and spending had impacted the implementation of the 2014–2015 workplan would therefore be welcome, and would assist the COP in improving its planning for the next budget cycle.

83. Responding to a question about the system for auditing the Secretariat's activities, the Convention Secretariat said that the Convention was included in the WHO external audit. One Party suggested that the results of that audit should be more readily available.

84. Committee B recommended that the COP should take note of the report contained in document FCTC/COP/7/22.

7.2 Interim performance report for the 2016–2017 workplan and budget

Document FCTC/COP/7/23

85. An interim report on implementation of the 2016–2017 workplan and budget had been requested by the COP at its sixth session. The COP was invited to note the report in document FCTC/COP/7/23 and was asked for further guidance regarding the possible use of the outstanding US\$ 300 000 that had been set aside for the first Meeting of the Parties (MOP) to the Protocol to Eliminate the Illicit Trade in Tobacco Products, which could not take place as the Protocol had not yet entered into force owing to insufficient ratifications.

86. Parties welcomed the progress made in implementing the workplan and reiterated the desire to receive financial reports in a consolidated document at the next session of the COP. One Party requested detailed information on cost-bearing for participants invited to attend the meetings of expert groups and working groups: it was unclear exactly when those costs would be absorbed by the Convention Secretariat, and when they should be borne by meeting participants. The Secretariat agreed to prepare an explanatory document on the financial details for the various types of expert group and working group, which would be distributed during the current COP.

87. With regard to the outstanding US\$ 300 000, several Parties from one region said that the spare funds should be spent on providing support and assistance to States that were Parties to the Protocol and, pending its entry into force, were becoming increasingly vulnerable to the influences of the tobacco industry. One Party proposed using some of the available funds to extend the mandate of the expert group to review reporting arrangements. Another suggested that technical assistance could be provided to Parties that did not have the capacity to collect and analyse data on tobacco use. Others would prefer the funds to be carried over for use in the preparations for and running of the first MOP. Under agenda item 5.1, Committee A would consider the proposal to establish supporting bodies to prepare for MOP1. Should that decision have financial implications, the funds might need to be allocated to the establishment of those bodies.

88. The Committee decided to postpone its discussion on agenda item 7.2 until Committee A had concluded its discussions on the preparations for MOP 1. The Chairperson requested that any Party wishing to suggest other activities to be funded using the additional US\$ 300 000 should prepare specific proposals in writing.

7.3 Payment of the voluntary assessed contributions and measures to reduce Parties in arrears

Document FCTC/COP/7/24

89. At its sixth session, the COP in decision FCTC/COP6(21) had requested the Convention Secretariat to appraise the status and reasons for arrears and to work with the Bureau on recommended action. The COP was invited to consider the Bureau's proposed draft decision contained in Annex 1 to document FCTC/COP/7/24, which was aimed at incentivizing Parties (especially those failing to meet their financial obligations without due cause) to comply with their treaty obligations.

90. Concern was expressed that 82 Parties were in arrears of payment of their voluntary assessed contributions and that 21 Parties had never paid contributions since the entry into force of the Convention. It was important to secure predictable funding by means of a mix of incentives and disincentives. The Secretariat was requested to exhaust all means of facilitating payment by Parties, such as providing clear payment information on the Secretariat's website and coordinating more closely with permanent missions and WHO country offices, before imposing the sanctions provided for in the draft decision. There was a risk that the suspension of Parties' entitlement to voting rights would give the tobacco industry an opportunity to advance its own interests. Some Parties accordingly proposed that paragraph 2(a) of the draft decision should be deleted, and that paragraph 3 should be amended to the effect that the privileges and services enjoyed by Parties should be immediately restored by the Bureau once a Party had met its financial obligations. A new paragraph 5(c) should be added, to read: "to communicate to Parties, through their permanent missions in Geneva, reminding them of their outstanding payment obligations and the modalities of payment of voluntary assessed contributions." Other Parties, however, believed that the imposition of any type of sanctions on Parties for failure to pay voluntary assessed contributions was legally inappropriate; yet others supported the draft decision as proposed by the Bureau, while suggesting that the sanctions listed in paragraph 2 should be prioritized and sequenced, and that the criteria for their application should be specified.

91. Opinions were also divided as to whether the word "voluntary" should be dropped from the term "voluntary assessed contributions". Some Parties believed that it was misleading, since there was an obligation to pay such contributions, which ministries of finance needed to acknowledge. Others believed that the term should be retained, in view of the fact that the Convention did not make provision for assessed contributions, and because a change in terminology would require the adoption or amendment of enabling legislation at national level. The Head of the Convention Secretariat noted that the workplans and budgets that were formally adopted by the COP included details of activity costs to be funded by voluntary assessed contributions and extrabudgetary funds.

92. When discussion of the item resumed the following day, the Head of the Convention Secretariat described the procedure currently followed by the Secretariat for collecting voluntary assessed contributions. Parties made a number of suggestions for improving that procedure and subsequently agreed on the following practices, to be applied by the Convention Secretariat with immediate effect:

- Note verbale sent to Permanent Mission, WHO FCTC treaty focal point in Geneva, Ministry of Foreign Affairs, Ministry of Health, WHO FCTC technical focal point and WHO Country Office before the beginning of the biennium;
- Note verbale contains invoice with amount in US dollars, date of payment, bank details and scale of assessment, and the invoice will be posted on a protected website;
- Reminders for the current biennium, as well as for arrears, sent on several occasions to Permanent Mission, WHO FCTC treaty focal point in Geneva, Ministry of Foreign Affairs, Ministry of Health, WHO FCTC technical focal point and WHO Country Office;
- Payment through bank transfer or through WHO Country Office;
- Acknowledgement of payment sent by Note Verbale to Permanent Mission, WHO FCTC technical focal point and WHO Country Office.
- *Must specify that the payment is directed to payment of VAC to WHO FCTC

93. Parties made a number of innovative suggestions of ways to encourage payment of arrears in voluntary assessed contributions. It was recognized that WHO country funds could not be used for that purpose. Neither the Rules of Procedure nor the Convention itself stipulated how such arrears should be collected.

7.4 Proposed workplan and budget for the financial period 2018–2019

Documents FCTC/COP/7/25 and FCTC/COP7/INF.DOC./2

94. 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, at its second meeting, discussed the proposed workplan and budget for 2018–2019 contained in document FCTC/COP/7/25 and the detailed information contained in the explanatory note to the workplan and budget in document FCTC/COP/7/INF.DOC./2.

95. The COP was invited to consider an additional contribution of US\$ 707 933 in voluntary assessed contributions (VAC), corresponding to 8% nominal growth when compared with the VAC budget adopted by the COP for the period 2016–2017, and was requested to review and consider adopting the proposed workplan and budget for 2018–2019 in Annex 1.

96. In the ensuing discussion, Parties welcomed the timely submission of the relevant documentation and the Convention Secretariat's efforts to identify efficiency savings. Given the prevailing climate of austerity and the general trend towards zero nominal growth budgeting within the United Nations system, a number of Parties opposed any nominal growth in VAC, and the Secretariat was encouraged to adapt its priorities accordingly and to avoid duplication of effort wherever possible. Further savings might be made if some areas of the workplan were to be delivered by WHO. One Party proposed that the COP should develop a medium-term plan setting out its priorities, merging activities as appropriate, so as to guide the Convention Secretariat; another suggested that an interim report on budget implementation would facilitate the COP's decision-making on budget matters. One Party expressed the view that the proposed

increase in VAC was justified, pointing out that it represented a small amount for individual Parties in absolute terms. Clarification was sought on the rationale for proposing an 8% increase in VAC when some Parties were still in arrears.

97. Specific concerns were expressed regarding the proposed recruitment of two additional legal officers, as legal services could be provided by the WHO Office of the Legal Counsel, and the upward reclassification of certain posts within the Convention Secretariat. It was suggested that the number and length of documents submitted to the COP should be curtailed, keeping in mind that the volume of documentation would inevitably increase when the Protocol to Eliminate Illicit Trade in Tobacco Products came into force. Differing views were expressed on whether the COP's policy on travel and daily subsistence allowance should be harmonized with that of WHO, with one Party urging the Convention Secretariat to increase travel support for low- and lower-middle-income countries.

98. The Head of the Convention Secretariat, emphasizing that the overall budget was small considering the amount of work needed to curb the tobacco epidemic and defend the Convention from constant attack by the tobacco industry, said that an independent management review had concluded that the Convention Secretariat had reached full capacity and needed to review its staffing levels, while a pro bono study by an advertising agency had recommended that it improve the visibility of the Convention. Upgrading various posts was being proposed as an alternative to appointing a deputy head of secretariat, with a view to increasing the number of senior staff available to represent the Convention in other forums. The Convention Secretariat, was hosted by WHO and had no distinct legal identity but was autonomous in treaty matters.. There was some technical work of a legal nature relating to implementation of the Convention that was not provided by the WHO Office of the Legal Counsel; moreover, the Convention Secretariat had supported parties facing litigation by tobacco firms. The two additional legal officer posts requested were currently filled on a temporary basis, and it was hoped that they could be made permanent. The Senior Legal Adviser added that, without those two staff members, the Convention Secretariat would have to scale back its legal and other activities significantly.

99. The Committee was informed that the figures presented in Annex 1 did not include programme support costs. Potential additional costs of conducting the performance evaluation for the current and subsequent Head of the Convention Secretariat would be estimated and the relevant section of the budget and workplan would be amended. One Party suggested that in some cases activities to strengthen core capacities and those to implement specific articles of the Convention could be merged to avoid duplication.

100. Parties were informed that general administration, staff and finance management had been moved from extrabudgetary funds to VAC, since mobilizing extrabudgetary resources for staffing and administration could be problematic. While some Parties considered that greater preparation of the workplan and budget was required prior to COP sessions and should be considered further, others did not agree that there was a need to establish of a group of advisers for that purpose; budgetary considerations were the role of the Bureau and all decisions related to the workplan and budget should be taken by the COP.

101. One Party reiterated that it would not be prepared to entertain any increase in VAC for the 2018–2019 budget and therefore did not wish to discuss any activities that would impact VAC.

102. The Head of the Convention Secretariat pointed out that the proposed 8% increase did not include the US\$ 300 000 that Parties had contributed as a one-time exception in 2016–2017 to travel expenses for

representatives from low- and lower-middle-income countries to attend COP7. The increase in budget, without those funds, would in fact amount to 4.5% nominal growth. She asked whether Parties wished to consider repeating the US\$ 300 000 exception for the next biennium.

103. A more detailed communications and media strategy, with costings, should be prepared for the next COP. Parties requested further information on the circumstances in which external communications agencies were engaged, and on the composition and functions of the “United Nations tobacco control newsroom”. In response, the Head of the Convention Secretariat explained that the Convention Secretariat was unable to sufficiently promote the treaty and its provisions without a specific communications mandate from the COP, and was struggling to compete with large-scale marketing and information campaigns from the tobacco industry. While technical support, such as printing of documents and publications, was provided by WHO secretariat, FCTC was a hosted entity, and as such was expected to fund its own information campaigns. External agencies were only used on an ad hoc basis, to promote particular events, such as World No Tobacco Day. Further information on those campaigns would be provided at the Committee’s request. The “newsroom” was intended as a virtual hub of user-friendly information, updated daily and presented in the form of images, infographics and videos. The costing for the “newsroom” included information technology costs, and provided for technical aspects to be coordinated by the Convention Secretariat, while other aspects would be managed by external agencies.

104. The Committee decided to postpone any further consideration of the workplan and budget, pending decisions from Committee A that had budget implications.

7.5 Convention Secretariat’s fundraising efforts and collaborative work

Document FCTC/COP/7/26

105. The Convention Secretariat submitted a report in document FCTC/COP/7/26 reflecting discussions with the Bureau of the COP and offering three mechanisms to raise extrabudgetary funds: dedicating revenues for tobacco control; an international fund for tobacco control; and a financing dialogue. The COP was invited to note the report and the draft fundraising policy by the Secretariat of the WHO FCTC contained in the annex to the document and to provide further guidance.

106. With regard to the first mechanism, one Party expressed support in principle but recalled that countries remained sovereign in their decisions concerning the use of revenues. Two Parties had no objection to exploring the possibility of establishing an international fund, with contributions to be made on a voluntary basis. Parties expressed support for a financing dialogue, calling for preparations to be launched in the near future with a view to raising funds for use in the 2017–2018 biennium. A report on fundraising activities should be included in each biennial workplan and budget. The Convention Secretariat was called on to play an increased role in fundraising at national level.

107. Broad support was expressed for the draft fundraising policy. Parties recognized the alignment between the draft fundraising policy and the WHO Framework of Engagement with Non-State Actors (FENSA), with the Convention Secretariat (as a hosted entity) being bound to follow the provisions of the latter. Noting, however, that the draft policy had been drawn up before the FENSA had been approved, Parties called for the policy to be streamlined in such a way as to include only those elements that were specific to the Convention and not covered by FENSA. Furthermore, the streamlined policy should specify that agreement of the Bureau of the COP was required for the Convention Secretariat to accept

funds from NGOs and philanthropic foundations; clarification was sought on the respective role of the Secretariat and the Bureau in resolving disputes concerning the acceptance of funds from private sector entities.

108. (Adoption of decision to be inserted later).

7.6 Process and methodology to conduct the performance evaluation for the current and subsequent Head of the Convention Secretariat: report by the Bureau of the Conference of the Parties

Document FCTC/COP/7/27

109. In decision FCTC/COP6(22) at its sixth session, the COP had mandated the Bureau to make proposals on the process and methodology for the performance evaluation of the current Head of Secretariat and her successors. The COP was invited to consider the draft decision by the Bureau contained in the Annex to document FCTC/COP/7/27.

110. After considering the matter in restricted session at its third meeting, Committee B approved the draft decision, as amended, which was transmitted to the COP for adoption.

7.7 Review of accreditation of nongovernmental organizations with the status of observers to the Conference of the Parties

Document FCTC/COP/7/28

111. By decision FCTC/COP5(22), the COP at its fifth session had adopted a process as described in document FCTC/COP/5/27 for future reviews of the accreditation of nongovernmental organizations (NGOs) with the status of observers, in accordance with Rule 31.3 of its Rules of Procedure. At its sixth session, by decision FCTC/COP6(23), it had agreed on a standard questionnaire to be used during the review.

112. Of the 20 accredited NGOs, 19 had responded to the Convention Secretariat's request for reports. That information had been reviewed by the Bureau of the COP, which had formulated proposals for the consideration of the COP, as contained in document FCTC/COP/7/28, recommending the maintenance of observer status for 17 NGOs and the discontinuation of that status for three NGOs.

113. Committee B approved the draft decision, which was transmitted to the COP for adoption.

7.8 Review of accreditation of intergovernmental organizations with the status of observers to the Conference of the Parties

Document FCTC/COP/7/29

114. The Bureau of the COP and the Convention Secretariat had examined issues related to the accreditation of intergovernmental organizations (IGOs) with the status of observers, as explained in document FCTC/7/29, which highlighted potential links and conflicts of interest between some IGOs and the tobacco industry. Twenty-two IGOs had been accredited as observers at previous sessions of the COP without an application process, while eight IGOs had applied for accreditation. Given the absence of a

formal procedure to review the accreditation of IGOs as observers, the COP was invited to adopt the draft decision contained in Annex 1 to that document and the questionnaire contained in Annex 2.

115. Parties agreed that the review process should be carried out on a one-off basis in the first instance. The wording of paragraph 1(a) of the draft decision should be amended accordingly, and a phrase added at the end of paragraph 1(b) whereby the COP would be invited to decide whether to repeat the survey in the future, and at which intervals to conduct it. Paragraph 2 would begin “invite any IGOs ...” and would end “... in accordance with their internal rules and established procedures”. Paragraph 3 should be deleted. The requirements that IGOs would have to meet should not be too stringent and should be reviewed in connection with the survey.

116. A representative of the World Customs Organization (WCO) delivered a brief statement reiterating its position as a partner organization and clarifying the specific nature of the role and responsibilities of customs bodies. The tobacco industry remained part of legitimate trade and could not therefore be excluded from customs procedures. Nonetheless, the highest decision-making bodies of the WCO had decided that the Organization should not accept funding from tobacco companies or engage in operations conducted by other international agencies that might be funded by tobacco companies. Committee B approved the draft decision as amended, which was transmitted to the COP for adoption.

7.11 Strengthening synergy between the Conference of the Parties and the World Health Assembly

Document FCTC/COP/7/32

117. Document FCTC/COP/7/32 gave an update on the inclusion of WHO FCTC implementation on the agenda of the World Health Assembly, explained the need to strengthen synergies between the COP and the World Health Assembly, and briefed the Parties about the World Health Assembly’s proposals on the exchange of reports. The COP was invited to note FCTC/COP/7/32 and to provide further guidance.

118. Broad support was expressed for measures to strengthen the synergy between the COP and the World Health Assembly, which would afford an opportunity to promote high-level political discussion on tobacco control issues. FCTC implementation was key to meeting the targets of the NCD Global Monitoring Framework and the Sustainable Development Goals; support from WHO, particularly at regional level, was key in that regard. Two-way reporting between the COP and the World Health Assembly would increase the visibility of the Convention. Due respect should be ensured for the mandates of both the COP and the World Health Assembly, especially the prerogative of the COP to make decisions regarding FCTC implementation.

119. Committee B approved the draft decision, which was transmitted to the COP for adoption.

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

Document FCTC/COP/7/33

120. The Bureau of the COP had concluded that accreditation of the Convention Secretariat to international entities with overlapping areas of work may be a useful means of enhancing cooperation. The COP was invited to take note of document FCTC/COP/7/33, and consider the draft decision contained in Annex 2, which listed 12 international governmental organizations to which the Secretariat could apply, to be granted observer status to their governing bodies.

121. Parties expressed support for the proposal to apply for observer status to the governing bodies of the 12 organizations as an excellent way to promote cooperation and foster a multisectoral approach to tobacco control, provided there would be no financial implications for the Convention Secretariat. Organizations would likely grant observer status to the Convention Secretariat on a reciprocal basis. Due consideration must be given at all times to article 5.3 of the Convention, since some of the international organizations included in the list could have connections with the tobacco industry. One Party inquired as to whether WHO already had observer status to the governing bodies of the organizations concerned, and if so whether that could be leveraged instead. Parties agreed that the Convention Secretariat should be allowed to conclude the applications for observer status, as appropriate and with guidance from the Bureau, rather than simply initiating discussions and returning to the COP for further guidance, which could delay the process. The list should not be exhaustive, since the Secretariat might wish to apply to other organizations for observer status in future.

122. The Head of the Convention Secretariat clarified that the acquisition of observer status and attendance of meetings would not incur any expenses. While WHO was indeed already an observer to the governing bodies of those organizations, it had a very broad mandate and was not always in a position to highlight the issue of tobacco control. FCTC Secretariat participation would afford an excellent opportunity to promote the tobacco control agenda and foster cooperation. Some international organizations, such as the World Customs Organization and the International Labour Organization. The purpose of obtaining observer status would be to remain informed about their work and keep up to date with their activities.

123. Committee B approved the draft decision, which was transmitted to the COP for adoption.

7.13 Hosting arrangements between the Convention Secretariat and WHO

Document FCTC/COP/7/34

124. The report in document FCTC/COP/7/34, prepared at the request of the Bureau of the COP, gave the background to the institutional setting of the Convention Secretariat within WHO headquarters and proposed key elements of a future hosting arrangement. The COP was invited to consider mandating the Bureau to oversee preparation of the draft hosting terms.

125. In response to questions raised by Parties, the Head of the Convention Secretariat clarified that the WHO FCTC had the status of a hosted entity within WHO, and as such the secretariats of the Convention and of WHO were inextricably linked. The WHO FCTC was unique in that it was a treaty organization and that the Head of the Convention Secretariat reported both to the WHO Director-General and to the COP. In accordance with the financial rules of WHO, a charge for programme support costs was levied at a rate of 13% on all funds received by the WHO FCTC, both in the form of VACs and as extrabudgetary resources. That levy was used to pay for legal and administrative support in areas such as contract

administration, accounting and financial services, human resources, and infrastructure (office premises, utilities, security, etc.).

126. Parties approved the key elements of a future hosting arrangement as set out in the document. They advocated a pragmatic approach, based on the terms for hosted partnerships, to ensure that the arrangement was of benefit to both the Convention Secretariat and WHO. Hosting arrangements were an internal administrative matter not normally referred to organizations' governing bodies.

127. Committee B recommended that the COP should mandate the Bureau to oversee and guide the preparation of the draft hosting terms between the Convention Secretariat and WHO, and to accompany the process to its conclusion.