



## Document Guide

### Fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control 12-17 November 2012, Seoul, South Korea

The Framework Convention Alliance (FCA) has prepared the following policy briefing papers\* to assist the deliberations of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (FCTC) at its fifth session (COP5):

(Related to FCTC/COP/5/6/7): **FCA Policy Briefing: The illicit trade protocol**

*FCA recommends:* Parties should adopt the ITP without amendment; Parties should agree on a road map for preparing for ITP implementation between COP5 and COP6 or ITP MOP1, in particular to protect against tobacco industry influence. This road map should focus on:

- Scoping of technical assistance and capacity-building needs;
- Outreach to other organizations, particularly intergovernmental organizations, which are equipped to provide relevant technical assistance or assist with capacity building;
- Involvement of the full range of government departments and agencies in ITP implementation preparations.

(FCTC/COP/5/8): **FCA Policy Briefing: Article 6 draft guidelines**

*FCA recommends:* It is important to adopt Article 6 guidelines at COP5; Some modifications should be made to improve the draft guidelines, particularly in discussions of tax structures, illicit trade and the use of revenues from tobacco taxes; Parties should also give thought to the data collection and technical assistance needs for implementation of Article 6, as well as to possible changes to the FCTC reporting instrument; an expert report should be requested on these topics.

(FCTC/COP/5/8): **FCA Policy Briefing: Article 6 guidelines – side-by-side analysis**

(FCTC/COP/5/9): **FCA Policy Briefing: Adoption of additional guidelines for implementation of Articles 9 and 10**

*FCA endorses* the draft additions to the guidelines for implementation of Articles 9 and 10 (reduced ignition propensity (RIP) cigarettes and tobacco product disclosure), and recommends that the fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control adopt the proposed additions to the guidelines without change.

(FCTC/COP/5/10): **FCA Policy Briefing: Article 17 and 18 draft policy options and recommendations**

*FCA recommends:* Substantive changes are required to the draft before it is ready for adoption by the COP; Revisions at the COP could correct some of the most problematic wording; Parties should give serious consideration to prolonging the mandate of the working group, possibly via alternative methods of work.

(FCTC/COP/5/11): **FCA Policy Briefing: Article 19 – holding the tobacco industry liable for its illegal acts**

*FCA recommends:* Parties should adopt the proposal in Secretariat report FCTC/COP/5/11 to establish an expert group on Article 19; ensure it is funded to complete its work by COP6.

**(FCTC/COP/5/12): FCA Policy Briefing: Smokeless tobacco**

*FCA recommends:* In view of the wide variation in smokeless tobacco products around the world, significant differences in market dynamics and large differences in national regulatory experience, COP5 should neither recommend a specific course of action to Parties nor refer the issue of smokeless tobacco to the Article 9 and 10 working group; However, in countries where harm from smokeless products is significant, individual Parties should seriously consider their regulatory options, based on the best policy and scientific evidence available; Parties should consider adopting a declaration reiterating that the provisions of the FCTC apply to all tobacco products, including smokeless products, and that Parties should be free to apply tobacco control and consumer protection laws to tobacco products without interference by the tobacco industry; Parties should discuss approaches to international co-operation to improve the availability of data on harmful constituents in smokeless products.

**(FCTC/COP/5/13): FCA Policy Briefing: Electronic Nicotine Delivery Systems (ENDS)**

*FCA recommends:* Parties should, at a minimum, carefully monitor sales and promotion of ENDS in their respective national markets, and report relevant findings to the COP; Parties should apply relevant legislation to ENDS with respect to regulatory approval, place of use, taxation and other issues; The issue of ENDS should not be referred to the Article 9 and 10 working group, but will likely need further discussion at future sessions of the COP.

**(FCTC/COP/5/14): FCA Policy Briefing: FCTC reporting arrangements**

*FCA recommends:* The FCTC reporting instrument should continue to include questions specific to each of the FCTC guidelines, as well as provide Parties with opportunities to share additional information; Parties should agree to establish an FCTC implementation review mechanism, and agree on its key principles; COP5 should establish an intersessional Expert Group to prepare a report for COP6 outlining possible systems for implementation review of the FCTC, and make recommendations on the most appropriate format; COP5 should prioritize activities of the Convention Secretariat to support Parties in fulfilling their reporting obligations and allocate sufficient and predictable resources for these activities.

**(FCTC/COP/5/15): FCA Policy Briefing: Mechanisms of assistance and financial resources**

*FCA recommends* that COP5 establish and finance a working group on mechanisms of assistance and support for implementation of the FCTC.

**(FCTC/COP/5/16): FCA Policy Briefing: International cooperation for FCTC implementation**

*FCA recommends:* COP5 should establish and fund a working group on mechanisms of assistance and support for implementation of the FCTC; COP5 should mandate the Convention Secretariat to continue engaging with the UN Ad-hoc Inter-Agency Task Force on Tobacco Control and ECOSOC, and to present at each meeting of the Task Force a synthesis of all obstacles to FCTC implementation identified by Parties; COP5 should consider requesting the Convention Secretariat to further explore cooperation with regional organizations concerning the promotion and implementation of the FCTC; Parties should actively promote the Convention at international and regional events related to NCDs, during the MDG review process and at consultations on the post-2015 development framework.

**(FCTC/COP/5/17): FCA Policy Briefing: South-South cooperation for FCTC implementation**

*FCA recommends:* Parties and COP5 should agree on the key expected outcomes of activities to support South-South cooperation in the current and next biennium; COP5 should encourage Parties to take full ownership of these activities and to submit proposals for demonstration projects; COP5 should request that a report on activities and achievements in facilitating South-South cooperation be submitted to COP6.

**(FCTC/COP/5/18): FCA Policy Briefing: Cooperation with the WTO on trade-related issues**

*FCA recommends:* The Framework Convention Alliance recommends continued cooperation among the Convention Secretariat, the World Health Organization, the World Trade Organization and other relevant bodies; Workshops and training materials on the intersection between tobacco control and trade should be continued and expanded; Uniform whole-of-government approaches to the issue should be encouraged; In its ongoing trade-related technical assistance activities, the WHO should document and report on how tobacco industry legal challenges and threats of challenges impede implementation of the FCTC; FCA agrees that efforts should be made to help individual governments ensure that tobacco control and FCTC implementation are protected under international trade and investment agreements.

**(FCTC/COP/5/21): FCA Policy Briefing: Voluntary Assessed Contributions (VACs)**

*FCA recommends:* Collection of Voluntary Assessed Contributions, as well as efforts to secure extrabudgetary resources, should be regularly reviewed by the Conference of the Parties; The fifth session of the Conference of the Parties may consider introducing measures to encourage Parties in arrears to pay their contributions – incentive schemes should be implemented before punitive measures are put in place.

**(FCTC/COP/5/22): FCA Policy Briefing: Travel support**

*FCA recommends* that the fifth session of the Conference of the Parties establish an FCTC-specific travel support policy; The FCTC-specific travel support policy should provide full support (most direct, roundtrip, economy class ticket; lodging; and per diem) to all FCTC-related events for one delegate from each low- and lower-middle-income Party, including least developed countries; Resources to facilitate travel for all eligible Parties should come from FCTC's core funding – Voluntary Assessed Contributions.

**(FCTC/COP/5/23): FCA Policy Briefing: FCTC budget and workplan for 2014-2015**

*FCA recommends:* Before agreeing to the FCTC budget at COP5, Parties should ensure that all decisions made by the COP are reflected in the workplan and projected to the budget; the 2014-2015 budget should prioritize the work of several strategic subsidiary bodies:

- A working group on mechanisms of assistance and support for implementation of the FCTC;
- An expert group to discuss and propose the most appropriate form for an FCTC implementation review mechanism; and
- An expert group on Article 19 (liability).

COP5 should ensure that activities related to treaty governance, including travel support for all low-resource Parties, are funded through the Convention's core budget; Production of COP Summary records should be maintained; COP5 should encourage the Convention Secretariat and the WHO to continue to coordinate their efforts in supporting FCTC implementation.

**(FCTC/COP/5/24): FCA Policy Briefing: The Role of the FCTC Bureau**

*FCA recommends:* COP5 should formalize procedural matters regarding Bureau meetings and encourage the Bureau to provide regular updates on its activities; Bureau members should receive a formal mandate to regularly communicate and act as a liaison with Parties in their respective regions; The COP should further explore the appropriateness of increasing the membership of the Bureau and review the matter on a regular basis.

## ***Backgrounders***

### **FCA Backgrounder: Potential partners for ITP implementation**

\* The note in the small box at the top of each FCA document indicates which item in the provisional agenda the document is related to. The COP5 provisional agenda is available on the FCTC website:

[http://apps.who.int/gb/fctc/PDF/cop5/FCTC\\_COP5\\_1Rev1-en.pdf](http://apps.who.int/gb/fctc/PDF/cop5/FCTC_COP5_1Rev1-en.pdf)

FCA media and advocacy documents are not included in the above list.