



## Document guide

### Third session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control 17-22 November 2008, Durban, South Africa

The Framework Convention Alliance (FCA) has prepared the following policy briefings to assist the deliberations of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (FCTC) at its third session (COP-3):

#### **1. Elaboration of a protocol on illicit trade in tobacco products**

Under provisional agenda item 4.1, the COP is invited to note the report of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products (Document FCTC/COP/3/4) and provide further guidance. As of Friday 14 November, the report had not yet been released. FCA will issue briefing 1 as soon as possible following the release of the report.

#### **2. Adoption of guidelines for implementation of Article 5.3 (Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry)**

Under provisional agenda item 4.2, the COP is invited to review and, as appropriate, adopt the draft guidelines for implementation of Article 5.3 (Document FCTC/COP/3/5). FCA considers that effective guidelines for implementation of Article 5.3 are urgently needed, and recommends that COP-3 revise the draft guidelines in order to adopt guidelines that provide strong, clear guidance to Parties in implementing this critical Article. FCA has prepared detailed *Comments on the Draft guidelines for implementation of Article 5.3 of the Convention on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry* (Document FCTC/COP/3/5) to assist the COP in this process.

#### **3. Elaboration of guidelines for implementation of Articles 9 and 10 (Regulation of the contents of tobacco products and of tobacco product disclosures)**

Under provisional agenda item 4.3, the COP is invited to note the progress report of the working group on Articles 9 and 10 (Document FCTC/COP/3/6) and provide further guidance. FCA supports the recommendations of the working group in relation to its future work (as presented in paragraphs 34-40 of its progress report) and recommends that COP-3 mandate the working group to continue its work on the development of guidelines 'step-by-step', and request it to elaborate, if possible, a first set of draft guidelines, dealing with the disclosure to governmental authorities of the product characteristics identified in paragraphs 31-32 of the report, for presentation to COP-4.

#### **4. Adoption of guidelines for implementation of Article 11 (Packaging and labelling of tobacco products)**

Under provisional agenda item 4.4, the COP is invited to review and, as appropriate, adopt the draft guidelines for implementation of Article 11 (Document FCTC/COP/3/7). FCA strongly endorses the draft guidelines and recommends that COP-3 adopt the draft guidelines in full and without change. In addition to the policy briefing, FCA has provided the following factsheets on key aspects of effective implementation of Article 11: *Health warning messages on packs; Misleading information and plain packaging; Emission and constituent labelling; and Plain packaging of tobacco products.*

#### **5. Elaboration of guidelines for implementation of Article 12 (Education, communication, training and public awareness)**

Under provisional agenda item 4.5, the COP is invited to note the progress report of the working group on Article 12 (Document FCTC/COP/3/8) and provide further guidance. FCA recommends that COP-3 decide to continue the work of the working group, and mandate it to elaborate draft guidelines for presentation to COP-4, building on the progress report presented to COP-3.

#### **6. Adoption of guidelines for implementation of Article 13 (Tobacco advertising, promotion and sponsorship) and recommendations on further measures relating to cross-border tobacco advertising, promotion and sponsorship**

Under provisional agenda item 4.6, the COP is invited to review and, as appropriate, adopt the draft guidelines for implementation of Article 13 (Annex 1 to document FCTC/COP/3/9), and to reflect on the recommendations on further measures relating to cross-border tobacco advertising, promotion and sponsorship (Annexes 2 and 3 to document FCTC/COP/3/9), which may require particular feedback and action. FCA strongly endorses the draft guidelines and recommendations, and recommends that COP-3:

- adopt the draft guidelines (Annex 1) in full and without change;
- note the recommendations on elements for possible inclusion in a protocol on cross-border advertising, promotion and sponsorship (Annex 2), and defer consideration of the need for a protocol until the recommendations on other measures that would contribute to the elimination of cross-border advertising, promotion and sponsorship have been implemented; and
- adopt the recommendations on measures to facilitate international cooperation for the elimination of cross-border advertising, promotion and sponsorship (Annex 3), ensuring that, where appropriate, the recommended measures are also applied in respect of domestic tobacco advertising, promotion and sponsorship.

In addition to the policy briefing, FCA has provided the following materials on key aspects of effective implementation of Article 13: *The impact of tobacco marketing on tobacco consumption and the effectiveness of comprehensive bans: Findings of the Monograph on The Role of the Media in Promoting and Reducing Tobacco Use; The wolf dons its fleece: Corporate social responsibility by the tobacco industry; Plain packaging of tobacco products; and Tobacco displays: The facts.*

## **7. Elaboration of guidelines for implementation of Article 14 (Demand reduction measures concerning tobacco dependence and cessation)**

Under provisional agenda item 4.7, the COP is invited to note the first report on tobacco dependence and cessation prepared by the Convention Secretariat (Document FCTC/COP/3/10) and provide further guidance, and in particular to consider developing guidelines in the spirit of decision FCTC/COP2(14). FCA recommends that COP-3 decide to establish a working group to elaborate guidelines for implementation of Article 14 and mandate it to present draft guidelines to COP-4.

## **8. The study group on economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18: provision of support for economically viable alternatives and protection of the environment and the health of persons)**

Under provisional agenda item 4.8, the COP is invited to note the report of the second meeting of the study group on economically sustainable alternatives to tobacco growing (Document FCTC/COP/3/10) and provide further guidance. FCA recommends that COP-3 decide to continue the work of the study group, and mandate it to:

- elaborate recommendations on effective measures that Parties may take to promote sustainable alternatives to tobacco growing;
- undertake an assessment of barriers to the effective promotion of sustainable alternatives to tobacco growing – including tobacco industry practices, the power imbalance between tobacco manufacturers, leaf dealers and processors and tobacco growers, and any policies or measures that support or facilitate tobacco growing – and elaborate recommendations on measures that may be implemented nationally and internationally to overcome these barriers;
- identify and develop opportunities for practical cooperation with competent intergovernmental and nongovernmental organizations in the promotion of sustainable alternatives to tobacco growing; and
- develop, for use in data collection and research – with a view to the regular collection of standardized data and the establishment of an international database of best practices and useful resources for the promotion of sustainable alternative livelihoods – a methodological framework for comprehensive assessment of the viability and sustainability of tobacco growing and its alternatives, taking into account health, environmental and socioeconomic factors.

## **9. Elaboration of a first report on Article 19 (Liability)**

Under provisional agenda item 1.1 (Adoption of the agenda and organization of work) FCA considers that the COP should add the elaboration of a first report on Article 19 as an additional matter to be considered. COP-3 should request the Convention Secretariat to elaborate, in consultation with Parties particularly interested in the issue, a first report on liability for submission to COP-4.

## **10. Financial resources and mechanisms of assistance**

Under provisional agenda item 5.1, the COP is invited to note the report of the Convention Secretariat on implementation of decisions FCTC/COP1(13) and FCTC/COP2(10) on financial resources and mechanisms of assistance (Document FCTC/COP/3/12) and provide further guidance. The COP is also invited, under provisional agenda item 5.2, to note the report of WHO's Tobacco

Free Initiative on its activities undertaken specifically on the implementation of the FCTC (Document FCTC/COP/3/13). FCA recommends that COP-3 decide to:

- call upon developed country Parties with development assistance programmes to promote the inclusion of tobacco control in these programmes, recognizing the links between tobacco use, poverty and development;
- call upon developing country Parties and Parties with economies in transition to seek funding for tobacco control as part of their applications for development assistance;
- allocate sufficient funding to the Convention Secretariat to enable it to assist all developing country Parties and Parties with economies in transition in conducting needs assessments and in accessing financial and technical assistance for implementation of the Convention;
- reiterate the call to developed country Parties to provide voluntary extrabudgetary contributions for this purpose;
- request that developed country Parties indicate annually to the Secretariat the resources that they have available to provide financial and technical assistance to developing country Parties and Parties with economies in transition to assist in implementation of the Convention; and
- establish a small, geographically representative committee to oversee the implementation of decisions of the COP regarding financial resources and mechanisms of assistance on an ongoing basis. The committee should be mandated to monitor progress in the provision of technical and financial technical assistance and its impact on implementation of the Convention, to make recommendations to both the COP and the World Health Assembly to increase the effectiveness of arrangements to mobilize financial and technical assistance for implementation of the Convention, and to support the Secretariat in mobilizing sources of financial and technical assistance, including through cooperation with WHO's Tobacco Free Initiative.

## **11. Reporting and exchange of information**

Under provisional agenda item 5.3, the COP is invited to: consider and, as appropriate, adopt the revised format for Group 1 questions (Document FCTC/COP/3/15); consider and, as appropriate, adopt the draft Group 2 questions (Document FCTC/COP/3/16); and note the report on progress in implementing the Convention (Document FCTC/COP/3/14) and provide further guidance, particularly on the organization of the independent assessment of the reporting arrangements in 2009, as envisaged in decision FCTC/COP1(14). FCA recommends that the COP decide to:

- request the Convention Secretariat, under the guidance of the Bureau and with the assistance of relevant experts, to revise the Step by step instructions for completion of the Group 1 questions – taking into account, in particular, the decisions of the COP with respect to guidelines, including the decisions of COP-3 in relation to the draft guidelines and progress reports submitted for its consideration – and to make the revised instructions available for use by Parties not later than three months after the conclusion of COP-3;
- request the Convention Secretariat, under the guidance of the Bureau and with the assistance of relevant experts, to revise the draft Group 2 questions and to elaborate accompanying Step by step instructions for their completion – taking into account, in particular, the decisions of the COP with respect to guidelines, including the decisions of COP-3 in relation to the draft guidelines and progress reports submitted for its

consideration – and to complete this work not later than six months after the conclusion of COP-3;

- request the Bureau to review the revised Group 2 questions and accompanying Step by step instructions, and, as appropriate, to decide on their provisional use by Parties, pending a decision of COP-4; and
- request that, as envisaged in decision FCTC/COP1(14), a detailed assessment of the effectiveness of the current reporting arrangements, and elaboration of recommendations with respect to enhancing the effectiveness of the reporting arrangements, be undertaken and presented for consideration by COP-4.

## **12. Budget and workplan of the Conference of the Parties**

Under provisional agenda item 6.3, the COP is invited to note the Convention Secretariat's note on the timeline of development and adoption of the next budget and workplan of the COP (Document FCTC/COP/3/20). FCA strongly recommends that COP-3 revise the Budget and workplan 2008-2009 adopted by COP-2 to ensure the provision of sufficient resources for all necessary work to be carried out between COP-3 and COP-4.