

## **Third Report of Committee A**

Committee A recommends to the Conference of the Parties the adoption of three decisions as follows:

- 5.4 Elaboration of protocols (decision FCTC/COP1(16))
  - 5.4.1 Elaboration of a template for a protocol on illicit trade in tobacco products
- 5.5 Establishment of a study group on alternative crops (decision FCTC/COP1(17))
- 5.3 and 6.1 Elaboration of guidelines for implementation of the Convention (decision FCTC/COP1(15))

## **Agenda item 5.4.1**

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

The Conference of the Parties,

Reaffirming that cooperative action is necessary to eliminate all forms of illicit trade in cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting;

Taking into account Article 15 of the WHO Framework Convention on Tobacco Control, in which Parties recognize inter alia that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, are essential components of tobacco control;

Taking also into account Article 23.5(f) of the WHO Framework Convention on Tobacco Control, pursuant to which the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objectives of the Convention;

Reaffirming the importance of Article 5.3 of the WHO Framework Convention on Tobacco Control, which requires the Parties to act to protect their public health policies from commercial and other vested interests of the tobacco industry in accordance with national law,

1. DECIDES, in accordance with Rule 25 of its Rules of Procedure, to establish an intergovernmental negotiating body open to all Parties to draft and negotiate a protocol on illicit trade in tobacco products which will build upon and complement the provisions of Article 15 of the WHO Framework Convention on Tobacco Control;
2. RECOGNIZES that the template for a protocol on illicit trade, as proposed by the expert group convened in accordance with decision FCTC/COP1(16) of the Conference of the Parties at its first session, contained in the annex to document A/FCTC/COP/2/9, establishes a basis for initiating the negotiations by the intergovernmental negotiating body (INB);
3. DECIDES that the intergovernmental negotiating body shall hold its first session in Geneva in early 2008 and a second session preferably immediately prior to the third session of the Conference of the Parties, or at another time to be decided by the Bureau in accordance with paragraph 5 below. The intergovernmental negotiating body shall report to the third session of the Conference of the Parties on the progress of its work;
4. ALSO DECIDES that the intergovernmental negotiating body shall hold at least one further session in the period between the third and fourth sessions of the Conference of the Parties and shall submit the text of a draft protocol on illicit trade in tobacco products to the fourth session of the Conference of the Parties for its consideration, in accordance with Article 33.3 of the WHO Framework Convention, unless this timeline is revised by the Conference of the Parties at its third session;
5. FURTHER DECIDES, in accordance with Rule 27.1 of the Rules of Procedure of the Conference of the Parties, that the intergovernmental negotiating body will hold its sessions at venues and on dates to be decided by the Bureau of the Conference of the Parties;

6. REQUESTS the intergovernmental negotiating body:

(1) to proceed with its work on the basis of a chairperson's text that will be elaborated after the first session of the intergovernmental negotiating body by its chairperson with the support of the Secretariat and relevant experts, and submitted to the second session of the intergovernmental negotiating body;

(2) to explore all available procedures and mechanisms to increase the efficiency and effectiveness of its methods of work;

(3) to take into account existing agreements and arrangements relevant to the objective of the intergovernmental negotiating body in order to maximize synergy and complementarity, and to avoid duplication, between the protocol and such agreements and arrangements;

7. REQUESTS the Secretariat:

(1) to make the necessary arrangements, including budgetary arrangements, for the performance of the work of the intergovernmental negotiating body;

(2) to report to the first session of the intergovernmental negotiating body on existing agreements and arrangements relevant to the objective of the intergovernmental negotiating body;

(3) to invite Parties and the observers referred to in Rules 29 to 31 of the Rules of Procedure of the Conference of the Parties to provide, at the latest three months before the first session of the intergovernmental negotiating body, comments on the template for a protocol on illicit trade as set out in document A/FCTC/COP/2/9 and to ensure that Parties and observers have access, for example, via a protected web site, to those comments;

(4) to facilitate the participation of low and low-middle income Parties in the intergovernmental negotiating body;

(5) to invite the observers referred to in Rules 29 to 31 of the Rules of Procedure of the Conference of the Parties to participate in the work of the intergovernmental negotiating body in accordance with the above-mentioned Rules.

## Agenda item 5.5

### **Study group on economically sustainable alternatives to tobacco growing**

The Conference of the Parties,

Taking into account Articles 17 and 18 of the WHO Framework Convention on Tobacco Control;

Reaffirming preambular paragraph 18 of the Convention, which underlines the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts;

Recalling its decision FCTC/COP1(17) on the establishment of a study group on alternative crops,

DECIDES:

(1) to mandate the study group to continue its work and submit a report to the Conference of the Parties at its third session. This report should address, in particular, scientific evidence, tobacco growing-specific aspects, the time span in view of demand trend, aspects of economically sustainable alternatives in crop diversification measures, as an alternative to tobacco crops, as well as possibilities of alternative livelihoods;

(2) to invite the relevant intergovernmental organizations accredited as observers to the Conference of the Parties under Rule 30 of the Rules of Procedure of the Conference of the Parties, in particular, the members of the United Nations Ad Hoc Interagency Task Force on Tobacco Control, such as the Food and Agriculture Organization of the United Nations, the International Labour Organization and the World Bank, and the relevant nongovernmental organizations accredited as observers to the Conference of the Parties under Rule 31 of the Rules of Procedure of the Conference of the Parties with specific expertise in the matters to actively participate and contribute to the work of the study group, as per request from the Secretariat;

(3) to request the Secretariat, in accordance with the preamble and paragraphs 1 and 2 of decision FCTC/COP1(17), to make the necessary arrangements, including budgetary arrangements, for the study group to continue its work.

## Agenda items 5.3 and 6.1

### Elaboration of guidelines for implementation of the Convention

The Conference of the Parties, regarding the following Articles of the WHO Framework Convention on Tobacco Control (Articles dealt with in numerical order),

DECIDES as follows:

1. concerning **Article 5.3**, to establish a working group to elaborate guidelines for the implementation of this Article. The working group shall present a progress report, if possible draft guidelines, to the Conference of the Parties at its third session,

Key facilitators: Brazil, Ecuador, Netherlands, Palau, Thailand,

Partners: Benin, Djibouti, France, Iran, Jamaica, Kenya, Malaysia, Namibia, Nigeria, Philippines, Turkey, Uruguay, Viet Nam;

2. concerning **Articles 9 and 10**, to request the working group established by decision FCTC/COP1(15):

(1) to continue its work, extending its mandate to Article 10 and including product characteristics, such as design features, to the extent that they affect the objectives of the Convention, and

(2) to provide a progress report to the Conference of the Parties at its third session.

The Conference of the Parties regards the guidelines template presented in document A/FCTC/COP/2/8 as a basis for further work. Further, the Conference of the Parties encourages WHO's Tobacco Free Initiative to continue its work concerning product regulation, including information exchanges mediated by third parties, and requests that the Tobacco Free Initiative reports back through the Secretariat to the Conference of the Parties at its third session about possible mechanisms for validation of methods for the testing and measuring of contents and emissions of tobacco products;

Key facilitators: Canada, European Community, Norway,

Partners: Algeria, Brazil, China, Congo, Denmark, Finland, Ghana, Hungary, Jordan, Kenya, Mali, Mexico, Netherlands, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland;

3. concerning **Article 11**, to establish a working group to elaborate guidelines on the implementation of this Article. The working group shall present draft guidelines to the Conference of the Parties at its third session,

Key facilitators: Australia, Brazil, Canada, Peru,

Partners: Bahrain, Cape Verde, China, Djibouti, European Community, France, Guatemala, Honduras, Iran, Jamaica, Japan, Republic of Korea, Malaysia, Mauritius, Philippines, South Africa, Sudan, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam;

4. concerning **Article 12**, to establish a working group to elaborate guidelines for the implementation of this Article. The working group shall present a progress report to the Conference of the Parties at its third session,

Key facilitators: Germany, Palau, Turkey,

Partners: Algeria, Bahrain, Barbados, Benin, Estonia, Guatemala, Honduras, India, Ireland, Kenya, Malaysia, Mauritius, Namibia, Sri Lanka, Sweden, Thailand, Togo, Uruguay;

5. to request all working groups:

(1) to take into account existing resources and expertise from governmental, intergovernmental and nongovernmental organizations, as well as from scientific studies and best practices;

(2) to invite the relevant intergovernmental and nongovernmental organizations with specific expertise in the matters to actively participate and contribute to the work of the working group, as per request from the Convention Secretariat;

6. concerning **Article 14**, to request the Secretariat to elaborate, in consultation with Parties particularly interested in the issue, a first report on tobacco dependence and cessation, to be submitted to the Conference of the Parties at its third session,

Partners: Mexico, Uruguay;

7. to request the Secretariat to make the necessary arrangements, including budgetary arrangements, for the above-mentioned working groups and to ensure that Parties have access, for example, via a protected web site, to draft texts sent to the partners and can provide comments;

8. concerning all of these proposed guidelines, to adopt the timeline set out below:

<b>Timeline:</b>	
<i>To have the progress report or draft guidelines, as requested, accessible by the Parties for their comments</i>	At least six months prior to the third session of the Conference of the Parties
<i>For submission to the Bureau</i>	At least four months prior to the third session of the Conference of the Parties

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<b>Timeline:</b>	
<i>For submission to the Secretariat for editing and translation</i>	At least three months prior to the third session of the Conference of the Parties
<i>For circulation to the Conference of the Parties</i>	At least 60 days prior to the third session of the Conference of the Parties (Rule 8, Rules of Procedure of the Conference of the Parties)

9. to set 31 July 2007 as the deadline for Parties to announce to the Secretariat their participation as a partner in the development of any of these guidelines.

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