



FCTC

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

FCTC/COP/5/REC/1

**CONFERENCE OF THE PARTIES
TO THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL**

Fifth session

SEOUL, REPUBLIC OF KOREA, 12–17 NOVEMBER 2012

**VERBATIM RECORDS
OF PLENARY MEETINGS**

DECISIONS

GENEVA
2013



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PREFACE

The fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control was held in Seoul, Republic of Korea, from 12 to 17 November 2012. The proceedings are issued in two volumes containing, in addition to other relevant material:

Verbatim records of plenary meetings and decisions – document FCTC/COP/5/REC1

Summary records of committees – document FCTC/COP/5/REC2

The documentation, including the list of participants, is accessible on the following web site:
<http://www.who.int/fctc/>

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VERBATIM RECORDS OF PLENARY MEETINGS**FIRST PLENARY MEETING****Monday, 15 November 2012, at 09:40****President: H.E. R.J. Varela Fernández (Uruguay)****1. OPENING OF THE SESSION**

The PRESIDENT:

Se abre la sesión. Distinguidos delegados, excelencias, señoras y señores, muy buenos días y bienvenidos. Es un placer verlos a todos aquí, dispuestos a hacer de esta una reunión particularmente productiva para seguir aplicando el Convenio Marco para el Control del Tabaco. En mi condición de presidente de la Conferencia de las Partes tengo el honor de declarar abierta la quinta reunión de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco.

It seems there is no interpretation. I will have a small problem so, I ask for your patience and see if that we can solve this technical problem. The rest of the work and so on, we have everything ready so we are only lacking the technical aspects. Please bear with us for a few minutes, thank you. Don't ask me to sing because I am not good at that, so you need to have some patience.

No me pidan que cante, porque no sé cantar.

Creo que estamos prontos. Habiendo declarado abierta la sesión, en nombre de la Conferencia, es para mí un gran honor y una enorme satisfacción dar la bienvenida a los distinguidos representantes de la República de Corea, el excelentísimo señor Kim Hwang-sik, primer ministro de la República de Corea, y el excelentísimo Rim Chemin, ministro de Salud y Bienestar de la República de Corea. Nos honra también con su presencia la doctora Margaret Chan, directora general de la OMS, que nos acompañará durante todo el día de hoy. Reciba usted nuestra calurosa bienvenida, doctora Chan, y nuestro agradecimiento por estar con nosotros.

Pronunciaré mi alocución como presidente más adelante esta misma mañana. Ahora tengo el honor de dar la palabra al excelentísimo señor Rim Chemin, ministro de Salud y Bienestar de la República de Corea.

Minister, You have the floor.

2. OPENING REMARKS BY THE MINISTER OF HEALTH OF THE REPUBLIC OF KOREA

Dr RIM CHEMIN (Minister of Health of the Republic of Korea):

Good morning! His Excellency Kim Hwang-sik, Prime Minister of the Republic of Korea, honourable President, her Excellency Madam Director-General of the World Health Organization, distinguished delegates, friends, guests, ladies and gentlemen. Welcome to the fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. It is the first Conference of the Parties held in the Western Pacific Region. I am pleased that Korea has such a great opportunity to make a pivotal contribution in the global fight against the tobacco epidemic.

As is clear from the alarming statistics that smoking kills 6 million people worldwide every year, tobacco is one of the greatest threats to human health. A recent study in Korea shows that smokers live

shorter by over six years on average than non-smokers. The United Nations High-Level Meeting on the Prevention and Control of Noncommunicable Diseases (NCDs) pinpointed tobacco use as a main culprit of NCDs. Tobacco use not only does harm to individual health but it also lowers quality of life and leads to health inequalities in societies as a whole. In most advanced countries a strong link was found between socioeconomic conditions and smoking rates among most men and women. Low socioeconomic status is associated with a higher smoking rate. Korea is no exception. Health inequalities caused by smoking are observed in both genders. Furthermore, the socioeconomic gap has been ever widening. For these reasons tobacco control is a complex challenge that warrants actions not only in health care, but also in the social, economic and environmental sectors. It requires cross-ministry efforts, engagement of civil society, as well as international cooperation. Most importantly, the combined efforts of these stakeholders must give rise to substantial networks through which up-to-date information and best practices in tobacco control can be shared.

The international community has been making steady efforts to end the vicious cycle of tobacco use. A great watershed moment was reached when the WHO FCTC was adopted unanimously in the year 2003. The Convention, which will mark its 10th anniversary next year, has effectively reinforced the tobacco control initiatives of over 170 Parties. The WHO FCTC, the first global public health treaty in the world, also quickly became one of the most widely embraced treaties in the UN history. The WHO commission on social determinants of health viewed the Convention as an excellent example of coherent global action to restrain market availability of a lethal commodity. The WHO FCTC represents a coordinated international response to the tobacco epidemic, setting out legal and economic measures as well as actions in public health. Also, it provides guidelines to assist Parties with its effective implementation in partnership with each other.

The importance of tobacco control was once again recognized at the UN High-Level Meeting on the Prevention and Control of NCDs in September last year. The Political Declaration adopted in the meeting emphasized that curbing tobacco use is the most effective way to reduce NCDs. The private sector is also active in tobacco control initiatives. The Framework Convention Alliance is an international NGO in which over 300 civil organizations of more than 100 countries participate in order to provide continuous support for the implementation of the WHO FCTC. The academic community has been a consistent supporter as well. The American Cancer Society sponsors the World Conference on Tobacco or Health, held once every three years since the 1960s. It brings together anti-smoking experts across the world to share the latest research findings and evaluate policy effectiveness. Furthermore, donations from companies and public foundations are on the rise. In 2008, Bill Gates, the founder of Microsoft, joined the mayor of New York, Michael Bloomberg, in donating US\$ 500 million to the global anti-smoking campaign launched by WHO. The fund has been used in support of campaigns mostly in developing countries with a high smoking rate. Now we even have global awards that recognize achievements in tobacco control. The Luther L. Perry awards, presented tri-annually in conjunction with the World Conference on Tobacco or Health since 2000, celebrated its 5th presentation this year. It is named for the late American Surgeon General Dr Luther L. Perry whose ground-breaking work established the foundation for public health scrutiny of the dangers of tobacco use. One of this year's awards went to the Department of Health and Ageing in Australia for serving as a role model in tobacco control, including in the most recent legislation to take effect coming December, requiring plain packaging for all tobacco products sold in the country. The Korean Government joins others in applauding its pioneering actions.

We are well aware the consequences of smoking are not confined to smokers themselves. In Korea alone the social and economic cost linked to smoking, including medical expenses, lost income and impact of a second-hand smoke, was estimated at US\$ 5.1 billion as of 2007. To prevent such financial loss and other harmful consequences of smoking the Korean Government has consistently improved laws and regulations for more stringent tobacco control policies since ratifying the WHO FCTC in 2005. Korea has expanded smoke-free zones as an active non-price measure while steadily raising cigarette prices to reduce tobacco consumption. This year we will amend the National Health Promotion Act to make pictorial warnings mandatory, ban misleading presentations on tobacco packages and expand non-smoking areas.

Distinguished delegates, ladies and gentlemen, this Conference will adopt the Protocol to Eliminate Illicit Trade in Tobacco Products, the first Protocol to the WHO FCTC. The Protocol sets

the rules for combating illicit trade in tobacco products, an urgent task requiring international collaboration through supply chain control. It also establishes what actions constitute unlawful conduct and sets out related measures for international cooperation and dispute resolution. During the meeting we will also discuss other relevant matters, such as financing for implementation, support systems and international cooperation. I hope that what will be discussed this week will be actively adopted in future policies. Once again I extend a warm welcome to all participants. I must thank the WHO FCTC Secretariat for its valuable support in putting together the Conference. My thanks also go to all of those who have worked hard to prepare this event. I also would like to express my deep gratitude to Madam Secretary-General of WHO for her great leadership and guidance for member States to work together for better lives of all humankind, to the Head of the Convention Secretariat for the implementation assistance for the Parties, and lastly to the President and Vice-Presidents of the Conference of the Parties for their contributions for the last two years. The WHO FCTC COP5 is part of an ongoing endeavour to make a tobacco-free world. The Korean Government will make its utmost efforts to ensure a successful meeting till the very end. Thank you very much for your attention.

(Applause)

The PRESIDENT:

Muchas gracias, excelentísimo señor ministro, por este informe tan completo de políticas, esfuerzos y registros. Ahora quisiera invitar a la directora general de la OMS, la doctora Margaret Chan, a que se dirija a la Conferencia.

(Applause)

3. OPENING REMARKS BY THE DIRECTOR-GENERAL OF WHO

Dr CHAN (Director-General, WHO):

Excellencies, distinguished delegates, ladies and gentlemen,

I am delighted to address this fifth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. Our shared goal is to see this treaty fully implemented, to see its powers fully used to reduce tobacco consumption and exposure to tobacco smoke, everywhere in the world.

As this session opens, support for the Convention has grown to 176 Parties, representing nearly 90% of the world's population. This shows the scale of the impact you can have.

Since the treaty came into force seven years ago, the work of this conference has given more than ten articles of the Convention teeth and traction by creating supplementary instruments. You have done so in a spirit of solidarity, fully mindful of the transnational nature of the tobacco threat, and fully aware of the need to build implementation capacity among Parties with meagre resources. Success depends on a capacity to implement, everywhere. In crafting guidelines and recommendations, this body reaches well beyond the domains of medicine and public health. You gather evidence and support from multiple sectors, like trade, finance, agriculture, education, labour, the environment, law enforcement, and the judicial system. The work of this conference is a model of multisectoral collaboration but also of an interagency response, as you will be discussing during this session.

The Convention is a powerful instrument for prevention, but also for international cooperation. This importance has been recognized in recent political declarations on noncommunicable diseases and on the social determinants of health.

You are inspired by the preventive power of what you are doing. I can think of no other undertaking that can make such a huge contribution to better health in every corner of the world. And that includes the health of young children and unborn babies.

This has always been one of the anti-tobacco campaign's most compelling arguments. Tobacco use is the epidemiological equivalent of a drive-by shooting. It hurts the innocent bystanders as well as those held captive by an addiction that damages their health.

You are united by a shared spirit of determination but also out of necessity, given the nature of the opposition, of the forces that are equally determined to undermine, circumvent, and interfere.

The tobacco industry behaves like a corrosive substance that can eat through, or seep through, any crack or fissure in the armour of our defences. Our response must be to seal all these cracks and fissures, one by one, with science and evidence, supported by instruments for applying this knowledge and backed by the rule of law.

This is what you are doing. This is what makes the work of this conference so monumentally important. With the guidelines and recommendations you put forward, and now with the first Protocol before you for approval, you are hemming in the enemy, cutting off its options, giving it less space to manoeuvre.

As we know from experience, the tobacco industry will challenge the best science, promote arguments that have nothing to do with the facts, and fund front groups to give these arguments a cloak of legitimacy. This industry will lobby lawmakers, woo the press and, now, fund plaintiffs to challenge legislation.

In a recent and most disturbing trend, the showdown between governments, seeking to safeguard the health of their citizens, and industry, seeking to maintain its profits, has moved to the courtroom.

I know you will want to join me in congratulating Australia and Norway for recent rulings that upheld the legality of their tough control measures. We are united in our support for other countries facing similar interference.

Of course, industry will have its day and its say in the media. Australia's law is not a good one, they say. It will be a bonanza for the black market and benefit no one but organized crime, including groups that support terrorists. Let them rattle their sabres.

Australia's law mandating plain packaging, a world first, is based on rigorous research. It peels the glamour off a package full of harm and replaces it with the truth. It will have vast benefits for health.

I want to thank civil society for doing so much to counter industry's claims with the facts, to expose their duplicity to the public eye.

As recent examples, you have documented industry's role in promoting illicit trade in tobacco products, despite all the public denials. You have documented industry's role in supporting front groups that purport to speak for tobacco farmers. In reality, industry practices keep these farmers trapped at the bottom end of the supply chain.

Such reports extend the public resonance of items that will be discussed during this session.

Ladies and gentlemen, you have 25 items on your agenda. You will consider a report on progress in implementation of the treaty. The report indicates which articles and provisions are most readily implemented and where countries are facing difficulties and need more support. The report also demonstrates, for everyone to see, that the treaty is having an impact.

Research is also on our side. Evidence of the substantial health benefits of measures set out in the treaty continues to mount.

You will look at options and experiences for using price and tax measures to reduce demand, and consider the complex issues surrounding efforts to help tobacco farmers switch to economically sustainable alternatives.

You have before you state-of-the-art reports on recommended responses to smokeless tobacco products and electronic nicotine delivery systems. Again, industry is seeping through the cracks.

You will also be considering the Convention's first draft Protocol, aimed at eliminating illicit trade in tobacco products, which awaits your approval. After four years of negotiations, this is a game-changing treaty, and a potentially history-making session.

WHO and its Member States gave birth to the Convention. The Convention took on a life of its own and now gives birth to another treaty. This is how we build ambitions in public health. This is how we hem in the enemy.

The Protocol gives the world an orderly rules-based instrument for countering and eventually eliminating a sophisticated international criminal activity that costs a lot, also for health. Illicit trade is bad for health because it circumvents measures, like taxes and price increases, that are known to

reduce demand. In other words, illicit trade seriously compromises effective implementation of the treaty.

As the Chair of the Intergovernmental Negotiating Body noted, the fact that consensus on the text was achieved is due to “the commitment and energy of everyone involved, and a willingness to seek solutions and take hard decisions on difficult issues.”

With this spirit, in this historical battle against a ruthless industry that quite literally cannot afford to lose, I sincerely believe the good guys will win in the end.

Thank you.

(Applause)

The PRESIDENT:

Muchas gracias, doctora Chan, por este discurso. Como usted habla tan bien, con tanta inspiración, con tanta seguridad y con tanta fortaleza, estoy seguro que va a guiar los trabajos de esta Conferencia y va a hacer realidad todos los objetivos que usted ha trazado en su presentación.

Tengo el honor ahora de invitar al excelentísimo señor Kim Hwang-sik, primer ministro de la República de Corea, a que hable ante esta Conferencia.

Prime Minister!

4. OPENING REMARKS BY THE PRIME MINISTER OF THE REPUBLIC OF KOREA

Mr KIM HWANG-SIK (Prime Minister of the Republic of Korea):

His Excellency Ambassador Ricardo Varela, President of the fifth Conference of the Parties, Honourable Dr Margaret Chan, Director-General of the World Health Organization, Honourable Dr Haik Nikogosian, Head of the Convention Secretariat, distinguished guests, ladies and gentlemen.

Congratulations on the opening of the fifth Conference of the Parties to the WHO Framework Convention on Tobacco Control. Let me extend my warmest welcome to all of you especially to our foreign guests who have made the long journey to Korea for this meaningful event. I feel most honoured and delighted that this conference is being held in Korea for the first time in the Western Pacific Region.

Distinguished guests, globalization and technological advancement have enriched our lives more than ever before. Especially, we have seen great improvements in terms of public health. Today, mankind has the ability to control many diseases, which has enabled us to live longer. Unfortunately, these benefits have not been distributed evenly. There is still a big difference in the life expectancy between different income brackets, even within the same country. Regional discrepancy is also very wide. Europeans and Americans live to over 75 while those in Africa on average do not live to see 55. So the health challenge that we face today is guaranteeing a healthy life to all mankind. But to do so requires global cooperation in not only combating infectious diseases such as avian flu and HIV/AIDS, but also noncommunicable health threats including the use of tobacco, also referred to as the silent killer. In order to achieve this goal, countries around the world are working together under the wise leadership of WHO. As a new donor country Korea has also been making great efforts to contribute to global health. We plan to triple our ODA to US\$ 30 billion by 2015. Korea has the experience of overcoming abject poverty. We hope to share this know-how with the developing countries that are now in need. Especially in health care we hope to share our knowledge in the making of policies, development of technology and infrastructure to improve maternal and infant health by combating parasites and tuberculosis. The Korean government will build hospitals, provide medical equipment and medicine, but more than that we will help them establish a sound health-care system.

Distinguished guests, the Korean Government strongly believes that tobacco control is a significant part of public health. Therefore, we aim to tighten regulations on tobacco use to reduce its negative impacts on our health. At the same time Korea will remain actively involved in international tobacco control initiatives. It was in the same token that WHO adopted the Framework Convention on Tobacco Control in 2003. The WHO FCTC, the first international treaty related to public health,

includes not only health but also legal and economic provisions. The Convention empowers the Parties to leverage comprehensive measures to control the supply and demand of tobacco products targeting the right timing, people and places. It aims to maximize the effect of tobacco control. As a member of this Convention it is indeed a great honour to bring the fifth Conference of the Parties to Korea. In the next few days we will be adopting the sole Protocol, which will set out cooperation measures to combat illicit trade and lower access to tobacco products. I do sincerely hope that this gathering can take global tobacco control initiatives to a higher level and help to reinforce partnership and solidarity among the Parties. Once again, I express my deepest congratulations on the opening of the Conference and wish this event to be remembered as a significant moment in the history of the WHO Framework Convention on Tobacco Control. Thank you.

(Applause)

The PRESIDENT:

Muchas gracias, excelencia, por sus inspiradoras palabras y por su liderazgo.

En nombre de la Conferencia, excelentísimos señores Kim Hwang-Sik y Rim Chemin, deseo expresarles nuestras sinceras gracias por habernos acompañado. Para la Conferencia de las Partes es un honor celebrar su reunión en Seúl. Permítame que aproveche la ocasión para expresar nuestro agradecimiento y nuestro sincero reconocimiento al gobierno de la República de Corea por haber acogido esta reunión en Seúl. Tomamos nota de sus buenas políticas para seguir aplicando el Convenio y del compromiso del gobierno de Corea para mejorar la salud de su población valiéndose de medidas robustas de control del tabaco, como la OMS ha afirmado tantas veces y nos lo ha recordado esta mañana la doctora Chan.

Antes de retomar el programa de trabajo de esta mañana, suspenderé brevemente la sesión plenaria a la vez que ruego a los delegados que permanezcan en sus asientos mientras despedimos a nuestros distinguidos invitados.

The Prime Minister and the Minister of Health of the Republic of Korea withdrew from the room.

5. STATEMENT BY THE PRESIDENT OF THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

The PRESIDENT:

La reunión de la Conferencia de las Partes durante la cuarta reunión de la Conferencia de las Partes en Punta del Este (Uruguay) en el 2010. Desde entonces, la Mesa que me honra presidir ha adoptado importantes medidas encaminadas al avance de la aplicación de las decisiones de la COP 4, dentro de las funciones que corresponden a ese órgano y con la colaboración de la Secretaría en lo que se refiere a los preparativos del evento que nos ha reunido hoy a todos. La Mesa se ha reunido tres veces durante el período entre reuniones y celebró además una sesión por conferencia telefónica para examinar, según lo pedido por la COP, los progresos realizados en la aplicación de cierto número de decisiones adoptadas en la COP 4 en el 2010. En particular, en el cumplimiento de sus funciones entre reuniones, la Mesa proporcionó orientaciones a la Secretaría, examinó las novedades mundiales y regionales en la aplicación del Convenio y los esquemas de los que considerará la conferencia a lo largo de esta semana.

Asimismo, la Mesa examinó periódicamente los progresos registrados en la aplicación del plan de trabajo y presupuesto adoptado por la COP y convino los preparativos de la COP 5, en particular el orden del día provisional y la organización de los trabajos de la reunión que se nos someten hoy para su adopción.

Permítame que aproveche la ocasión para dar las gracias a los demás miembros de la Mesa por el apoyo incalculable que me han prestado y su aportación durante el período entre reuniones y asimismo a la Secretaría por lo mucho que ha facilitado nuestro trabajo. Hablo en nombre de todos

ellos, así como en el mío propio, cuando declaro que estamos comprometidos para lograr que la Conferencia tenga un resultado exitoso junto a todos.

Con el apoyo de ustedes trataré de presidir la reunión de forma positiva y constructiva con el fin de llegar a consensos y avanzar en la aplicación del Convenio Marco.

Desde la cuarta reunión en el 2010, se han realizado importantes progresos en la aplicación del Convenio, han ratificado el tratado cinco estados más. Permítanme que aproveche la ocasión para felicitar a la República Checa, a Saint Kitts y Nevis, San Vicente y las Granadinas, Turkmenistán y Uzbekistán, y darles la bienvenida a la Conferencia de las Partes. Con esas recientes ratificaciones, la Conferencia cuenta ahora con 176 miembros. Muchas felicidades.

Es mucho lo que se ha logrado desde la COP 4: el Órgano de Negociación Intergubernamental finalizó sus negociaciones de un Protocolo para la eliminación del comercio ilícito de productos de tabaco y seremos testigos en esta reunión de un importante hito en la aplicación del Convenio con la consideración del texto del Protocolo acordado, aclaro por consenso, y que se nos somete para su aprobación.

El señor Ian Walton-George informará a la Conferencia sobre los trabajos realizados en el órgano de negociación. Asimismo, los grupos de trabajo intergubernamentales establecidos por la COP 4 presentarán sus informes y propuestas de aplicación relativos a los artículos 6, 9 y 10, 17 y 18.

En cada reunión la COP ha aumentado respecto de la reunión precedente. Como habrán observado, en su cuarta reunión la Conferencia de las Partes adoptó 24 decisiones que había que aplicar durante el período entre reuniones.

No quisiera en estos momentos quitarles más tiempo. Durante los próximos 6 días habremos de examinar un programa de temas particularmente importantes. Nos espera una semana de intenso trabajo, como en reuniones precedentes, pero estoy persuadido del éxito de los resultados gracias a las aportaciones de todos ustedes.

Quiero insistir en que la Mesa, y yo en particular, estaremos a disposición de las delegaciones para presentarles la asistencia que consideren necesaria para lograr los objetivos de la quinta reunión.

Muchas gracias.

(Applause)

6. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

The PRESIDENT:

A continuación examinaremos el punto 1.1 del orden del día y consideraremos la adopción del orden del día provisional que figura en el documento COP/5/1 rev 1. Propongo que consideremos la organización de los trabajos después de haber adoptado el orden del día.

El orden del día provisional se ha preparado en consulta con la Mesa, de conformidad con los artículos 6 y 7 del reglamento interior de la Conferencia de las Partes.

Habrán observado que el punto 3, orador invitado, ha sido suprimido pues desafortunadamente el orador previsto no ha podido participar. Se propone que el tiempo que en principio se ha asignado a este punto se agregue al destinado al debate general dentro del punto 4. Espero que ustedes estén de acuerdo con la propuesta.

¿Hay alguna objeción a que se adopte el orden del día provisional que figura en el documento COP/5/1 rev. 1?

No parece que haya ninguna, por consiguiente se adopta el orden del día.

Podemos examinar ahora la organización de los trabajos de la reunión. La Secretaría, en consulta con la Mesa, ha formulado una propuesta acerca del método y la distribución de trabajo que se expone en el orden del día anotado, documento COP/5/1 anotado revisión 1. En concreto, la propuesta es que de conformidad con la práctica adoptada en las reuniones precedentes de la Conferencia de las Partes y teniendo en cuenta la cantidad de trabajo que nos espera, la Conferencia quizás desee establecer dos comités que trabajarán en paralelo.

Se propone que uno de los comités, el Comité A, se ocupe de los instrumentos del tratado y los asuntos técnicos previstos en el punto 6 del orden del día. El otro comité, el Comité B, trabajaría sobre

el punto 7 del orden del día, relativo a la aplicación y la cooperación internacional y asuntos presupuestarios e institucionales previstos en el punto 8 del orden del día.

Asimismo, si lo desean, los comités podrán establecer grupos de trabajo, si fuera necesario.

Creo que podrán ustedes convenir también en que los restantes puntos del orden del día, a saber el punto 1.2 sobre las credenciales de participantes, el punto 2 sobre las solicitudes de la condición de observador, el punto 4 informe de la Secretaría, informe sobre los progresos realizados en la aplicación del Convenio, el punto 5 sobre la adopción del Protocolo para la eliminación del comercio ilícito de los productos de tabaco, el punto 9 fecha y lugar de la próxima reunión de la conferencia y, por último, el punto 10 elección de los cargos de la Mesa, se examinen en sesión plenaria y que después de la presentación del informe de la Secretaría tenga lugar un debate general.

En consulta con la Mesa, en el marco del debate general, se celebrará asimismo una sesión extraordinaria sobre los logros y los problemas de la aplicación del Convenio en forma de mesa redonda de alto nivel.

Tengo entendido que la Secretaría ha invitado a participar en el evento a representantes de las partes interesadas y de organizaciones internacionales pertinentes.

Para abordar esta importante cuestión, se prevé la participación y opiniones de las delegaciones presentes en la sala, a quienes animo a intervenir.

Por último, en consulta con la Mesa y la Secretaría y dada la importancia del punto 5 sobre la adopción del Protocolo, decido proponer que este se examine antes de que abordemos los puntos 2 y 4 del orden del día.

Entonces, ¿son aceptables estas propuestas? No parece que haya objeciones, por consiguiente así queda decidido.

En lo que se refiere a las mesas de los dos comités, me permito recordarles que el artículo 28.1 del reglamento interior de la Conferencia de las Partes, a tenor del cual, a menos que la conferencia adopte otra decisión, los propios comités elegirán a los miembros de sus mesas.

Le deseo recordar a los delegados que con el fin de respetar la representación regional, los comités quizás deseen elegir un presidente y dos vicepresidentes, con lo que el número total de cargos sería de 6.

Como recordarán, en las reuniones precedentes de la COP se siguió esta práctica, que asegura la representación de las 6 regiones.

La Mesa ha pedido a los grupos regionales que además consideren cuál de los 6 candidatos se podrían considerar como presidentes del Comité A y presidentes del Comité B, una vez que se hayan recibido todas las candidaturas. Las consultas a ese respecto están en curso y se prevé que dispondremos de sendas propuestas para la presidencia y dos vicepresidencias de cada uno de los comités para su consideración. Por consiguiente, se aplaza la consideración de este asunto para que recibamos más información de los grupos regionales.

Asimismo, permítanme comunicarles que la disposición de los asientos en la presente sesión se ajusta a la práctica habitual y que todas las Partes se sentarán siguiendo el orden alfabético de sus nombres en inglés, puesto que la letra P es la salida por sorteo.

Sin embargo, se me ha comunicado que durante las sesiones restantes de la semana las regiones pedirán que los asientos se distribuyan por grupos regionales, para facilitar su coordinación, así que así se hará a partir del día de mañana. ¿Están ustedes de acuerdo con esta propuesta? Puesto que no veo objeciones, así queda decidido. Muchas gracias por su atención.

7. CREDENTIALS OF PARTICIPANTS

The PRESIDENT:

Examinaremos ahora el punto 1.2 del orden del día, que se refiere al informe sobre las credenciales de los participantes. Permítanme recordar que de conformidad con el artículo 19 del reglamento interior, la Mesa ha de examinar las credenciales de las Partes que participan en la reunión y se propone que la Mesa informe por escrito al respecto en una sesión plenaria ulterior, en principio, el miércoles por la mañana. De conformidad con el artículo 20 del reglamento interior de la Conferencia de las Partes, las delegaciones tendrán derecho a participar provisionalmente en la

reunión hasta que la Conferencia de las Partes adopte una decisión relativa a la aceptación de sus credenciales. Ruego a las delegaciones que aún no lo hayan hecho, que presenten sus credenciales oficiales y que por favor lo hagan a más tardar el martes por la mañana, entregándolas en el mostrador de inscripción.

¿Es aceptable esta propuesta relativa al programa del informe sobre las credenciales? No parece que haya objeciones; por consiguiente así queda decidido.

8. ADOPTION OF THE PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

The PRESIDENT:

Como acordamos cuando organizamos los trabajos, examinaremos a continuación el punto 5 del orden del día, Adopción de Protocolo para la eliminación del comercio ilícito de productos de tabaco, antes de pasar a los puntos 2 y 4. El texto del Protocolo propuesto figura en el documento FCTC/COP/5/6, en el documento FCTC/COP/5/7 figura el informe del presidente del Órgano de Negociación Intergubernamental, en el documento FCTC/COP/5/INF.DOC./4 las Partes encontrarán información útil acerca de cuestiones de procedimientos a tener en cuenta después de la adopción del Protocolo, tales como el depósito del Protocolo, la firma y la ratificación.

Por último, también tenemos por delante un proyecto de decisión consignado en el documento FCTC/COP/5/Conf.Paper No.1 para adoptar el Protocolo. El proyecto que se nos presenta ha sido preparado por la Secretaría a petición de la Mesa. El texto del Protocolo se presenta a la consideración de la Conferencia de conformidad con el artículo 33 del Convenio Marco de la OMS. Antes de dar la palabra al señor Ian Walton-George, presidente del Órgano de Negociación Intergubernamental, permítanme que felicite a las Partes por haber llegado a un consenso sobre el texto tan importante, que además se presenta a la Conferencia totalmente limpio, sin corchetes. Se trata de un momento histórico. Permítanme también que dé las gracias y felicite al señor Walton-George por el liderazgo que ha ejercido a lo largo de todas estas negociaciones.

Señor Walton-George, tiene usted la palabra.

Mr WALTON-GEORGE (European Union):

Mr President, thank you very much indeed for your introduction. President, Excellencies, distinguished delegates, ladies and gentlemen, thank you very much indeed for the invitation to present a short report. I was elected as the Chairperson of the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products (INB) at its first session in 2008 and had the privilege of chairing all five sessions of the INB from 2008 until 2012. I also had the pleasure of making two reports to the COP; the first one in 2008, when I made a short presentation to COP3 just to explain what had happened in the first two sessions of the INB, and then at COP4 in 2010 the INB presented its first draft of the Protocol to give an indication of the progress that we had already made. But that was not a final draft because we had not managed to reach agreement at that stage. When I reported to COP4 there was overwhelming support for the finalization of the draft Protocol, and that that finalization should take place as quickly as possible. The Parties expressed their commitment to arriving at a final draft of the Protocol and requested the INB to hold one final session at which to consider the work, to carry on the negotiations, so the text could be submitted to COP5.

In order to facilitate the work, a working group was set up, an informal working group, which comprised delegates from all the regions of WHO, and earlier this year, at INB5, we continued our negotiations, and I am very pleased to be able to report that we were able to agree on a text. The outcome of the work over these four years is presented in the document entitled "Draft Protocol to eliminate illicit trade in tobacco products", which is document number FCTC/COP/5/6. This document contains the text of the draft Protocol as agreed by consensus on the fourth of April this year. I think it is important to underline as the President has done already that this is a consensus text. The document is also clean as the President has said, which means we have no square brackets in the text whatsoever.

I also submitted to the Conference document FCTC/COP/5/7, which is entitled “report to the fifth session of the Conference of the Parties of the Chairperson of the Intergovernmental Negotiating Body”. This document gives an overview of the proceedings of the INB and of substantive matters. The Annex to the document contains comments from Parties and to regions that were submitted for inclusion in the report.

I would like briefly just to outline the main parts of the Protocol. In Article 1 we defined some terms, while Part II addressed general obligations. Part III is what I like to call the heart of the Protocol: this is supply chain control. This part includes provisions on a licensing system, on due diligence, on an international tracking and tracing regime, report keeping, security measures sale by Internet and other evolving technologies, free zones and international transit, and duty free sales.

In Part IV, dealing with offences, we addressed many of the legal issues, such as which unlawful conduct including criminal offences should be established by Parties, seizure payments and disposal or destruction of confiscated products. Part V focuses on international cooperation of the Parties including information sharing, sharing of enforcement information, assistance and cooperation in training, and so on. We also addressed mutual administrative and mutual legal assistance and extradition. Part VI includes a reporting provision, and in Part VII we established a governing body for the Protocol which is called the Meeting of the Parties. The Convention Secretariat is designated also to act as the Secretariat of the Protocol. Parts IX and X are simply the final standard clauses and contain matters such as amendments, reservations and so on.

Originally there was a blank in Article 43 of the Protocol, which concerns the timeline for signature. But this is now completed, with dates for this process, which would be for one year in line with international practice. It would start on 10 and 11 January 2013 in Geneva and continue thereafter in New York until 9 January 2014. And I am sure that the Secretariat would be able to give you further details about it subsequently if you have any questions.

I would like to stress that the INB has undertaken a tremendous amount of work. As requested by the COP we have a draft Protocol before us which is the product of long and intense negotiations. Many of you here today participated actively in those discussions. I know that some delegations would have liked to have gone further, and some delegations may even feel that we have gone a little bit too far in certain places. However, after our years of discussion, negotiation, drafting, and redrafting we arrived at a consensus text. And it was arrived at on the final day of INB5, 4 April 2012. We went right down to the wire, but we ended up with a consensus text. This text is a very careful balance and it takes account of the comments and positions of the Parties but it is a delicate and young creature. As Dr Chan said, it is a baby, it is delicately formed, it needs to be nurtured, but it is healthy. And that is why I would like to invite you to consider for adoption the text as submitted to this COP.

Before I end my short presentation I would like to beg your indulgence to make two points. The first is to thank everybody involved in the work of INB over the past four years. As I said, an enormous amount of work has been done, and I would like especially to thank my colleagues in the INB Bureau, the chairs of the committees and the working groups and Dr Nikogosian, and all the members of the Secretariat, for all their invaluable help and support to me and to all delegates during this process. They are a small Secretariat and they have to deal with the Framework Convention itself as well as the Protocol. And I think they did a tremendous job and I valued enormously the support and advice and help that they gave to me.

I would also like to thank the delegations at the five sessions of the INB. I would like to thank them for their professionalism, their tenacity, their good humour, and especially their stamina. We had several sessions up to midnight and beyond in the final INB in Geneva this year. I am glad to say that there was full participation at all times in those sessions. I have to admit that at the back of the room there were some darkened areas and I am not sure quite what was happening there, but I am fairly convinced that most if not all delegates were awake and participating.

We wouldn't have a draft Protocol on the table today unless there was this amazing commitment shown by the Parties. We wouldn't have it if you were not for the contributions provided, or for the many consultations that were held. The formal sessions were not the only areas where people were talking to each other, where drafting was done, where difficult points were resolved. There were little groups around the conference centre in Geneva where people would put their heads together and come up with solutions to difficult problems. They would return with positive text

because they wanted to succeed, they wanted the Protocol to be successful. And the plenary benefitted greatly from the huge amount of informal work that went on in this fashion.

I should also mention the very generous financial support that was provided by the European Union. They contributed funding to two of the INB sessions and to several of the intersessional working groups.

So, at the end of all this, we would not have a draft Protocol without all of your hard work, your positive contributions, and absolute determination to succeed. These are the indicators of the importance attached by you, the Parties, to the work, and to the enormous benefits which you see arising for the health of people around the world as a result of the effective implementation of the Protocol provisions. My second point arises from this. It relates to the expectations and the potential impact coming from the Protocol. I have seen from my own professional experience how effective control of the production, supply and movement of cigarettes at all stages significantly reduces the availability of illicit cigarettes on the market. I have also seen how close international cooperation produces effective investigations of illicit trade and results in the seizure of illegal cigarettes and the prosecution of the people behind the illicit trade. This is an important point: the Protocol also makes provision for us to cooperate to find the people who are behind the illicit trade. There is no point in simply seizing illegal cigarettes because more will follow. You have to get back to the source of the supply and to the people who have put those illegal cigarettes into the supply chain in the first place. So I have seen how this can work through international cooperation and the Protocol contains provisions to allow that cooperation to take place.

Illicit trade in tobacco products is a global problem. I believe that the effective implementation of the Protocol will be a major contribution towards a global solution. No single Party can solve this problem on its own, but by harnessing the clearly expressed resolve of all the Parties in its implementation, we will succeed in keeping cheap, illegal cigarettes out of the hands of children, young people, and vulnerable groups. This will reduce the number of deaths and the ill-health arising from smoking. It will provide a tool to tackle significant aspects of serious organized criminality and will lead to a better quality of life for all our citizens. We must not leave any gaps. We must all make our contributions and we must not be put off by the criticisms or doubts of those who would like to see us fail. From what I have seen during the previous years, during the negotiations, I have seen the determination of the Parties and I am certain that we will build successfully on what we have achieved so far; and we will see the tangible results of our work in improved health in all our countries.

It has been an honour and a pleasure and a privilege to serve as the Chairperson of the Intergovernmental Negotiating Body. It has been a truly unforgettable and once in a lifetime experience. I say once in a lifetime because when you reflect on it you think there is no way that I can match that sort of professional experience, the sheer delight of being able to work with professional and dedicated people, and to arrive at a result which will have an ongoing and very significant impact on the health of our citizens, particularly our children. So thank you once again, I am obviously very happy to provide any further information and to answer any questions if you have any. But that ends my short presentation. Thank you very much.

(Applause)

The PRESIDENT:

Muchas gracias, señor Walton-George, por su completo informe acerca de la magnífica labor realizada por el Órgano de Negociación Intergubernamental, su presentación resume perfectamente lo que con tanto éxito se ha logrado en las negociaciones de las cinco reuniones del Órgano de Negociación Intergubernamental.

De conformidad con el artículo 33.3 del Convenio Marco de la OMS, se invita a la Conferencia a considerar la adopción del proyecto de decisión consignado en el documento FCTC/COP/5/P/Conf.Paper No.1 con el texto del Protocolo para la eliminación del comercio ilícito de productos de tabaco. Como sabemos, el texto fue acordado por consenso de las Partes y se presenta aquí limpio, sin corchetes, como habíamos señalado. También, como ha explicado el señor Walton-George, el consejo del órgano de negociación dejó pendiente solo una disposición, a saber, que en el

artículo 43 se agreguen las fechas del cronograma de firmas. Así se ha hecho en el texto adjunto al proyecto de decisión que tienen ustedes delante, después de consultar la sección de tratados de las Naciones Unidas.

El artículo 43 dice lo siguiente: "Firma: el presente Protocolo estará abierto a la firma de todas las Partes en el Convenio Marco de la OMS para el Control del Tabaco en la sede de la Organización Mundial de la Salud en Ginebra el 10 y el 11 de enero de 2013 y, posteriormente, en la sede de las Naciones Unidas en Nueva York, hasta el 9 de enero de 2014". Espero que la propuesta les parezca aceptable. No parece que haya objeciones, por consiguiente y a la vista del informe del Órgano de Negociaciones Intergubernamentales que acabamos de escuchar y del consenso al que se llegó en él, ¿está la Conferencia dispuesta a adoptar el proyecto de decisión que figura en el documento FCTC/COP/5/P/Conf.Paper No.1 con el texto del Protocolo para la eliminación del comercio ilícito de productos de tabaco que se consigna en el documento COP5/6 y con las fechas del cronograma de la firma que se propone en el documento FCTC/COP/5/INF.DOC./4? ¿Puedo entender que la Conferencia desea adoptar por consenso el proyecto de decisión que figura en el documento FCTC/COP/5/P/Conf.Paper No.1 con el texto del Protocolo para la eliminación del comercio ilícito de productos de tabaco que se consigna en el documento FCTC/COP/5/6? No parece que haya... Al no haber objeciones, por consiguiente así queda decidido.

(Applause)

Muy bien, de esta manera la decisión ha sido adoptada y tiene el Protocolo con nuevo adjunto, en resumen, ha nacido y es una niña. Muchas gracias por el esfuerzo de todos, por su dedicación, por su entrega y en forma especial al señor Walton-George por toda su fuerza, por toda la pasión que ha puesto en las negociaciones. Y agradecer como él lo ha hecho a la Secretaría del Convenio y también en forma especial a la directora general, que ha sido un invaluable apoyo todo el tiempo para culminar este proceso en forma exitosa. Concluye así, de esta hermosa manera, la consideración del punto 5 del orden del día.

Ahora vamos a abrir un espacio para que las delegaciones o los grupos regionales que así lo deseen se expresen con respecto al Protocolo recién adoptado. En ese sentido, le voy a dar la palabra en primer lugar a la delegación de Noruega, en representación del grupo regional de Europa. Tiene la palabra Noruega.

Mr LINDGREN (Norway):

President, Director-General, Ministers and colleagues. I am speaking on behalf of the European Region. The Parties of this Region are very pleased with the adoption of the draft Protocol and to note that all the hard work of the INB paid off in the end. The adoption of this Protocol signifies strong determination by Parties to combat illicit trade in tobacco products and develop powerful tools that progressively improve the situation with regard to tobacco control at global level. It also demonstrates the strength of the Framework Convention as a tool for global tobacco control. We want to extend our sincere thanks to the Chair of the negotiations, Mr Ian Walton-George, to the Secretariat under the leadership of Dr Nikogosian, and to fellow Party representatives who all contributed to this important achievement. In order for the Protocol to become an effective instrument in the combat against illicit trade in tobacco products we urge all Parties of the WHO FCTC to consider becoming Parties to the Protocol and actively implement on a national basis its provisions. We also underline the need to collaborate regionally as well as globally in the efforts to implement the Protocol. We note that there are some questions on the table related to finances and the future work programme, which need to be addressed by this COP. Such a debate belongs to the agenda of committee B later on this week. Thank you.

The PRESIDENT:

Muchas gracias por su presentación. Le doy ahora la palabra a Australia.

Ms PLIBERSEK (Australia) :

Thank you, Excellencies, Ministers, ladies and gentlemen. Australia welcomes the adoption of the draft Protocol to Eliminate Illicit Trade in Tobacco Products. Effective international cooperation against the illicit trade is vital to ensure that price and tax measures to reduce demand for tobacco are not undermined. The evidence has consistently shown that increasing price is amongst the most effective demand reduction measures. Australia has strong measures in place to combat the illicit trade. Australian authorities exercise stringent control over the supply chain for tobacco products until duty is paid. Our customs and border protection service continues to successfully detect the relatively small number of consignments of illegally imported tobacco coming into Australia. To increase the deterrent, the Government has recently introduced new laws to strengthen penalties. Tobacco smugglers will now face up to 10 years imprisonment in addition to financial penalties. Australia participated actively and we hope constructively in negotiations on the draft Protocol. While we remain of the view that some of its provisions are not optimal, the draft Protocol represents the best compromise that could be reached after four years of negotiation and we support its adoption in its current form. Australia will be looking for effective and appropriate institutional arrangements to support this Protocol. We would like to ensure that the Secretariat of the WHO remains focused on the public health centered tobacco control measures in the WHO FCTC and cooperates closely with the World Customs Organization, the United Nations Office on Drugs and Crime, and other agencies with the relevant technical expertise to support the law enforcement provisions of the Protocol. Thank you.

The PRESIDENT:

Muchas gracias, señora ministra. Tiene la palabra la honorable representación de la delegación de China.

Mr MA XINMIN (China):

谢谢主席先生! 中国代表团很高兴看到议定书已由各国协商一致通过。该议定书是烟控领域又一重要国际法律文书, 标志着公约朝有效实施方向迈出重要一步。该议定书是烟控领域的一件大事, 值得我们庆贺。世卫组织和公约秘书处为议定书的通过发挥了重要领导和协调作用, 中国政府对此表示感谢。中国代表团认为, 议定书体现了公约第十五条的宗旨, 充实了公约的内容, 有利于惩治和打击烟草制品非法贸易行为和加强国际合作, 有利于维护公众健康和维护正常的烟草制品市场秩序, 也有利于推进各国烟控工作。中国代表团一直积极参与和推动该议定书的制定和通过。议定书开放签署后, 中国政府将积极考虑早日签署该议定书, 推动烟控国际立法。谢谢主席!

The PRESIDENT:

Muchas gracias, distinguido delegado. Le doy ahora la palabra a la honorable representación de Singapur.

Dr LING (Singapore) :

Mr President. Singapore expressed our concerns on Articles 12.1 and 12.2 of the Protocol during the INB5 negotiations and in the Chairperson's report to this Conference of the Parties. Singapore has had time to reflect on our position. We continue to hold the same concerns and position on Article 12 as previously expressed. Notwithstanding this, Singapore does not wish to hold up the progress made at the INB negotiations. And in this regard, Singapore is prepared to move forward on this matter.

The PRESIDENT:

Le agradecemos a la delegación de Singapur por compartir sus inquietudes y por su compromiso en seguir trabajando en esta temática. Le doy ahora la palabra a la honorable delegación del Reino de Tailandia.

Dr RAIYAWA (Thailand):

Mr President, distinguished Ministers, Excellencies, chief delegates, ladies and gentlemen, on behalf of the delegation of Thailand we wish to join others in congratulating Mr Ian Walton-George and the Head of the Convention Secretariat and his staff for the relentless and tireless efforts over the past four years in enabling Party members to complete the Protocol to Control Illicit Trade in Tobacco Products. Mr President, we must also congratulate ourselves for accomplishing such a daunting task. Countless hours have been spent drafting, redrafting and negotiating and finally we do have an effective tool to control illicit trade in tobacco products at our hands. We can now work together to end illicit trade. This is a significant fillip to tobacco control. Mr President, adopting the Protocol is only the start of efforts to control illicit trade. We can overcome the challenge if we work collectively and cohesively to control illicit trade. Thailand is fully committed to ratifying the Protocol and I urge our global partners to join Thailand in this endeavour. Thank you very much Mr President.

The PRESIDENT:

Muchas gracias, señor delegado, por su compromiso. Le doy ahora la palabra al delegado de Uruguay.

Dr ABASCAL (Uruguay):

Gracias, señor presidente. En primer lugar tenemos que expresar nuestra opinión en nombre de la región de las Américas. Queremos felicitar a las Partes por este logro alcanzado, agradecer por el trabajo excelente que se ha realizado en los últimos cuatro años y por el esfuerzo que muchos técnicos y personal comprometido han conseguido plasmar en este Protocolo.

A la vez, señor presidente, queremos expresar que ahora tenemos que realizar otro gran esfuerzo que necesita mucho compromiso para la lograr la implementación de este Protocolo. Se necesitará nuevamente coherencia, apoyo técnico y compromiso político para hacer viable este instrumento que seguramente será de gran beneficio para la salud pública a nivel mundial. Gracias, señor presidente..

The PRESIDENT:

Muchas gracias, señor delegado, y agradecemos también a la región de América por los comentarios. Tiene la palabra ahora la honorable delegación de Kenia.

Mr NGEYWO (Kenya):

Thank you Mr President. Kenya is making this statement on behalf of the AFRO Region in relation to the agenda item that is the Protocol to Eliminate Illicit Trade in Tobacco Products. Mr President, the AFRO Region would like to congratulate the Convention Secretariat and the Chair of INB for their coordination in the development of the Protocol to Eliminate Illicit Trade in Tobacco Products. Secondly, we would like to thank all the Parties who participated in the intergovernmental negotiating process and finally to thank COP5 for adopting the Protocol. Mr President, the AFRO Region recognizes the critical role that this Protocol is intended to achieve in promoting the health and safety of our citizens. We reiterate that this Protocol will help eliminate the negative effects of illicit trade on the implementation of WHO FCTC. In addition, the Protocol will complement other international initiatives on the elimination of illicit trade. The Protocol is a product of prolonged negotiations marked by compromise and is reflective of our commitment and shared spirit to combat illicit trade and indeed promote public health.

Mr President, the AFRO Region is aware of the challenges relating to the implementation of this Protocol. We therefore request the COP to mandate the Secretariat before the first Meeting of the Parties to look into ways and means of promoting technical and financial assistance to Parties to facilitate their ratification and implementation of this very crucial Protocol.

Finally Mr President, the AFRO Region assures the COP and all the members of the WHO FCTC of its commitment to implement the Protocol and we will demonstrate this by ratifying it the soonest. Mr President, we have no brackets on this Protocol. We see no brackets on this Protocol. And we don't intend to introduce any brackets during its implementation. Thank you very much.

The PRESIDENT:

Muchas gracias, señor delegado, y agradecemos también las opiniones de la región de África. Le damos ahora la palabra a la República de Moldavia. Usted tiene la palabra, señor delegado.

Mrs GABERI (Republic of Moldova):

Thank you Mr President, Honoured General-Director and delegates. The elimination of illicit trade in tobacco products is an objective of the national programme on tobacco control in the Republic of Moldova. A delegate from the Ministry of the Interior was present at the consulting process at the Intergovernmental Negotiating Body. So we as a State are sure that by adopting this Protocol it will help us to establish a well-defined system and mechanism of tracing and tracking illicit tobacco products, and we will benefit from the necessary assistance in implementing this Protocol.

By adopting this Protocol we will provide efficient measures in control and tobacco chain regulation and collaboration with other countries in the region; we will increase the effectiveness of competent authorities including the customs service and police; we will adopt efficient measures for international collaboration; and provide technical support for implementation and capacity building of the responsible authorities, to ensure information exchange between countries. By saying this, the Republic of Moldova highly supports the adoption of the Protocol to Eliminate Illicit Trade in Tobacco Products, and we thank everyone involved in designing this Protocol. Thank you.

The PRESIDENT:

Muchas gracias a usted. Le damos ahora la palabra a la delegación de Fiji.

Dr SHARMA (Fiji):

Mr Chairman, distinguished delegates, ladies and gentlemen. We, member States in the Pacific, congratulate the Conference of the Parties on the adoption of the Protocol on Illicit Trade, the first Protocol to be negotiated and concluded under the auspices of the Framework Convention on Tobacco Control. After several years of hard-fought negotiations this is an historic occasion and the Parties can be proud of their efforts and success in reaching agreement on this very important issue.

Adoption of the Protocol is only the beginning. Much work lies ahead of us, if we are to ensure that the hard work of the past five years is reflected in the early ratification and implementation of an effective and strong Protocol. The Pacific island nations will face particular challenges as they move forward in their work in combating the illicit trade in tobacco products in our region. Meeting these challenges will require coordinated action and mutual support, not just among the countries in our region, but from the global tobacco control community. With this in mind we welcome the proposed approach in the Secretariat's interim performance report, workplan and budget for 2103–2014. In particular, we would like to highlight the need for, firstly, scoping the technical assistance and capacity building needs in our region, the need for better coordination of other organizations with relevant experience. More technical assistance in our region, particularly in tracking and tracing, country missions by experts and for international and inter-ministerial cooperation. Finally, we would like to draw the attention of all Parties to the provision of Article 8.13 of the Protocol. We call upon all Parties to ensure that the provisions of Article 8.13 as well as Article 5.3 of the WHO FCTC are respected and that all efforts by the tobacco industry to influence implementation of the Protocol are strongly rejected. Thank you Mr Chair.

The PRESIDENT:

Muchas gracias, señor delegado de Fiji. Le damos la palabra ahora al representante de las Filipinas.

Mr PADILLA (Philippines):

Thank you Mr Chair, Excellencies. The Philippines shares the same concern as Singapore in Article 12. We believe that Article 13 had not gone far enough and we had some concern on Article 30, extradition. Having said that, however, and in the spirit of cooperation and unity, we congratulate the INB Chair for his leadership, Haik Nikogosian of the Convention Secretariat and all the Excellencies here now present for adopting the first Protocol of the Framework Convention on Tobacco Control. The Philippines shall strive hard to make this Protocol work. Thank you Mr Chair.

The PRESIDENT:

Muchas gracias, señor delegado, por sus inquietudes y también por el apoyo expresado. Le damos ahora la palabra al delegado de la República Islámica del Irán. Tiene usted la palabra.

Dr MASDAGHINIA (Islamic Republic of Iran):

Bismillah Rehman e Rahim. Mr President, Excellencies, distinguished delegates, ladies and gentlemen. After four years of intense negotiations we deserve all to be congratulated for the historic achievement we have made together in our vigorous stride by finalizing a Protocol to Eliminate Illicit Trade in Tobacco Products. The highest level of cooperation, understanding and flexibility demonstrated by all Parties made it possible for the international community to win this consensual text. Let me here underline and appreciate the valuable efforts of the Chairman of the INB Mr Ian Walton-George, whose able leadership was quite instrumental in achieving the ultimate result.

The Islamic Republic of Iran had the honour to actively participate in the rather lengthy negotiation process and constructively contribute to the conclusion of the final draft Protocol. We remain deeply committed to contributing our efforts with regard to speedy entry into force of the Protocol and its implementation. The Protocol, as an international legal instrument, complements the WHO FCTC and promotes its implementation. Our country is among the main target markets for tobacco smuggling in the WHO Eastern Mediterranean region. At the national level the Government has taken tremendous measures to curb the means of tobacco smuggling with the understanding that tobacco smuggling is an issue of international and regional magnitudes. The Government remains strongly and deeply committed to working with others towards elimination of illicit trade in tobacco products. This would best complement our national efforts to tackling tobacco consumption.

In conclusion I would like to iterate that the Islamic Republic of Iran stands ready to adopt the final draft of the Protocol in this very meeting and intends to join the first signatories and become a Party to this highly important legal instrument. Thank you very much.

The PRESIDENT:

Muchas gracias por su compromiso y apoyo. Le cedo la palabra ahora a la distinguida delegación de Myanmar. Tiene la palabra.

Dr PE THET KHIN (Myanmar):

Mr President, Excellencies, distinguished delegates, officials, ladies and gentlemen. I have the honour and pleasure to speak on behalf of the countries of the WHO South-East Asia Region. Indeed we have come a long way from COP1 to COP5, thanks to the relentless work undertaken under the WHO FCTC process. We have today with us various technical guidelines and tools to help Parties implement the WHO FCTC. With the help of these tools and robust health policies, many countries

are already implementing the provisions of the WHO FCTC. In fact some Parties have even gone beyond the minimum obligations and set examples for other Parties to follow.

Mr President, in the South-East Asia Region too, all Parties to the WHO FCTC are on course in the implementation of various articles of the WHO FCTC. If I may cite some of the most recent achievements in the Region, some countries have very comprehensive policies for protection from exposure to second-hand smoke, policies to control tobacco advertising, promotion and sponsorship, including the banning of depiction of smoking scenes and product placement in movies in India, to the 75% and 80% pictorial health warning requirements by Nepal and Sri Lanka, and also to the efforts in the Region to control smokeless forms of tobacco.

Mr President, with the adoption of the Illicit Trade Protocol we have technical tools now for almost all the articles of the WHO FCTC. Our Region firmly believes that the time has come for the COP process to focus more on implementation, monitoring, mechanisms of assistance, and on efforts to sustain our achievements. In this context our Region recommends and wishes to see the following as we move forward with the Convention: a more robust and comprehensive effort and system for helping countries with their implementation difficulties; a review of current mechanisms of assistance for Parties including a review of the policy on travel support; a review of the guidelines on Article 6 to include earmarking as a possible use of tax revenue; a possible working group on Article 16; proactive work on ensuring that the treaty is protected in the spirit of Article 5.3; close linkage both at global and country levels between the implementation of WHO FCTC and the meeting of globally agreed NCD targets in line with the political statement at the High-Level United Nations NCD Summit.

Lastly we would like to take this opportunity to applaud the exemplary policy decisions in standing up to big tobacco by countries like Uruguay, Australia, Norway and many others. You have been an encouragement to all of us.

Mr President and distinguished delegates, as always we wish to reiterate that the South-East Asia Region will always be a strong, passionate advocate and partner for tobacco control. We will work with you through the full implementation of the WHO FCTC. I thank you.

The PRESIDENT:

Muchas gracias, señor delegado, por su visión de futuro y por el apoyo que usted manifiesta a aquellos países que están directamente luchando a nivel judicial frente a la industria del tabaco. Quiero darle ahora la palabra a la República Árabe Siria. Siria tiene la palabra.

Mr BOUZO (Syrian Arab Republic):

شكراً سيدي الرئيس، باسم دول إقليم شرق المتوسط لمنظمة الصحة العالمية، نُهنئ الجميع بهذا البروتوكول الذي يُعتبر دليلاً على قوة الاتفاقية الإطارية لمنظمة الصحة العالمية لمكافحة التبغ. ونُوجه الشكر، مع الشكر الخاص لرئيس الأمانة، ورئيس فريق التفاوض، وكذلك جميع الخبراء والفنيين الذين بذلوا جهوداً حثيثة في مجال إصدار هذا البروتوكول طيلة السنوات الماضية، لما قاموا به من جهود تستحق الشكر والتقدير. ونحث الجميع على الانضمام والتعاون على الصعيد الإقليمي والدولي مما يُوفر أفضل الفرص لإنجاحه، وتحقيق الأهداف المرجوة. ولكم الشكر.

The PRESIDENT:

Muchas gracias por sus manifestaciones en su nombre propio y de su región. No tengo más oradores por ahora en la lista de los que han pedido la intervención de la palabra. No sé si alguien más desea expresarse en relación al punto 5 que es el del Protocolo, veo que no. Entonces, de esta manera, damos por concluido este punto y creo que tenemos tiempo suficiente para seguir con los demás puntos de la agenda.

El siguiente punto del orden del día es la consideración de las solicitudes para asistir a la Conferencia de las Partes en calidad de observador. Examinaremos las solicitudes recibidas por la Secretaría que figuran en el documento FCTC/COP/5/2. Se han presentado a la Secretaría de

conformidad con el artículo 30 del reglamento interior de la Conferencia de las Partes las solicitudes de dos organizaciones intergubernamentales, a saber: 1) Interpol y 2) Centro del Sur. Comunico a la Conferencia que en la sala están presentes representantes de Interpol y del Centro del Sur, que han tomado asiento entre el público. Se invita a la Conferencia a tomar nota de la información facilitada por ambas organizaciones que figura en el documento FCTC/COP/5/3 y considerar la posibilidad de otorgarles la condición de observadores de conformidad con el artículo 30 del reglamento interior.

¿Desea la Conferencia otorgar la condición de observador al Centro del Sur? Estamos considerando las solicitudes de ser parte observadora del Convenio preparado, vamos a tratar en primer lugar la petición del Centro del Sur. ¿Existe alguna objeción? Si no existe ninguna objeción, así queda decidido. Por consiguiente, se otorga la condición de observador al Centro del Sur. La Secretaría tomará las disposiciones necesarias durante la pausa para el almuerzo para que esta organización tome su respectivo asiento.

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

The PRESIDENT:

En segundo lugar, le pregunto a la Conferencia si desea otorgar la condición de observador a Interpol. No parece que haya objeciones por lo que así... Vamos a tomar nota de aquellas delegaciones que quieran intervenir, tengo varias y le voy a pedir la asistencia de la Secretaría para que tome nota de las delegaciones que han pedido intervenir y así lo haremos en el orden en el que han hecho estas solicitudes. Le doy la palabra en primer lugar a Uganda.

Dr NDYANABANGI (Uganda):

Thank you Chair. Uganda is speaking on behalf of the African Region regarding the application by Interpol to have observer status. The African Region has been informed that Interpol applied for observer status. We know Interpol is a respected organization. It is working with many governments and we know it will be very influential in implementation, especially of the Protocol on Illicit Trade. However, we have received disturbing information that when Interpol was submitting the application; there was a question asked about the collaboration with the tobacco industry. And Interpol did not report any collaboration. However, we have received some information, which is hearsay because we do not have any document, that Interpol receives support from the tobacco industry to the tune of about 15 million dollars. And this through a meeting with the Secretariat, which called for a meeting and they accepted that they actually do get that support from the tobacco industry.

So the African Region, on that note, is very reluctant and would propose that we do not offer Interpol observer status because that is in the same spirit with which we have been examining all those people who requested observer status. And it may be another ploy by the tobacco industry to gain entry into the implementation of the WHO FCTC. So unless otherwise the Parties are given formal information, which negates those comments made that they receive this support, we are not in a position to consider their observer status.

At the next COP we would request the Secretariat goes ahead and gets formal written explanation of the status of the contribution received by Interpol from the tobacco industry. And it is against that formal information that Parties will make their decision. So, we prefer that we defer that decision until Interpol has clarified and informed us clearly about that form of contribution, otherwise we want to follow the same procedure which we do for all other intergovernmental organizations which apply for observer status. Thank you Chair.

The PRESIDENT:

Muchas gracias, tengo anotado en mi lista a Australia, Palau, Seychelles, India, Uruguay y Omán. Vamos a dar la palabra en ese orden. Tiene la palabra Australia.

Ms PLIBERSEK (Australia):

Thank you. I first want to offer my congratulations to the South Centre on obtaining observer status. Australia is a long-time advocate of effective cooperation between all relevant intergovernmental organizations in relation to Protocol to Eliminate Illicit Trade in Tobacco Products, and we recognize the role that the Interpol may have in the future in supporting its implementation. However, mindful of the Rules of Procedure regarding applications for observer status we feel it is necessary to make a comment regarding Interpol's funding arrangements. Australia is a member of Interpol and a very strong supporter of the organization. But I can say that the recent funding engagement with Philip Morris International concerns us. All of us here are well aware of the dangers of entering into partnerships with the tobacco industry and of accepting tobacco industry money. The guidelines for implementation of Article 5.3 and Article 11 of the Convention recognize that these kinds of arrangements are used to promote the tobacco industry and tobacco products and have the potential to give rise to conflicts of interest.

I would note that the tobacco industry's primary interest in relation to our efforts against illicit trade is the protection of their own intellectual property interests, not a public health concern, and further, there is extensive evidence of tobacco industry involvement in tobacco smuggling. A recent article by Interpol staff published in a legal journal fails to recognize these issues. Australia would have opposed the funding engagement between Interpol and Phillip Morris had there been an opportunity to do so. We have made our concerns known and I am encouraged by the creation of a working group on third party funding arrangements at last week's Interpol General Assembly in Rome. Australia will be working to ensure full transparency and protection of the integrity of Interpol and its work. However we propose that a decision at this time on Interpol's observer status be deferred. Thank you.

The PRESIDENT:

Muchas gracias a Australia. Le damos la palabra a Palau. Palau tiene la palabra.

Dr OTTO (Palau):

Thank you Mr President. Palau believes that working with Interpol will enhance greatly our efforts against the illicit trade, as we have just adopted the Protocol. I have heard the disturbing information that we had received regarding the receiving of 15 million Euros by Interpol, which greatly disturbs us in light of Article 5.3, and we would associate ourselves with the distinguished speakers from Uganda and Australia. Thank you very much.

The PRESIDENT:

Muchas gracias, señor vicepresidente de esta Conferencia. Le damos la palabra ahora a la India. India tiene la palabra.

Mr DESIRAJU (India):

Thank you Mr Chair, Madam Director-General. This important item was discussed at the regional committee meeting yesterday, and I speak on behalf of the countries of the South-East Asia Region. Very important points have been made by the distinguished delegates from Uganda, Australia and Palau, and we would like to associate ourselves with those. This is a matter of credibility Mr Chair for all of us. And I do believe this matter should not be discussed further. Thank you.

The PRESIDENT:

Muchas gracias, señor delegado. Le doy la palabra al distinguido delegado del Uruguay. Uruguay tiene la palabra.

Mr ASQUETA SÓÑORA (Uruguay):

Muchas gracias, señor presidente. No vamos a hablar en nombre de nuestro país, sino que hemos pedido la palabra como coordinador de la región de las Américas. Por lo tanto, señor presidente, le estoy solicitando en estos momentos autorización para que la palabra la tome la distinguida delegación del Brasil que va a hablar en nombre de las Américas.

The PRESIDENT:

Muchas gracias. Tiene la palabra la delegación del Brasil.

Mr ARAÚJO PRADO (Brazil):

Mr President. We have been discussing this topic yesterday in the regional meeting and there was consensus that there was a significant concern regarding Article 5.3. In June this year Philip Morris has announced a contribution of 15 million Euros to Interpol. It is not yet certain that this contribution actually took place or not. But in case it did the regional understanding was that Article 5.3 would be a very important basis not to accept the observer status of Interpol. Of course we have to be careful because it was a press release and we are not yet sure if that actually took place or not. But in case it did, I don't think there is much doubt about the opinion of at least the majority of countries in the Region. Thank you very much.

The PRESIDENT:

Muchas gracias, Brasil. Tiene la palabra Omán.

Dr AL-LAWATI (Oman):

شكراً سيدي الرئيس، نود أن نشكركم على إتاحتكم المجال لنا للتحدث، كما نود أن نبارك لمركز الجنوب على عضويته كعضو مراقب. نحن نود أن نتضامن مع موقف دول إقليم أفريقيا حول تأجيل الموافقة ببدء انضمام منظمة الإنتربول لمؤتمر الأطراف كمراقب أو رفض طلبهم إذا ثبت أن لديهم علاقات قوية ودعم مالي من شركات التبغ. وفي هذا المجال نطلب من الأمانة أن توضح لماذا لم يتم إبلاغ الأطراف بشكل واف في أوراق تسجيل المؤتمر طلب الجهتين سابقتي الذكر (مركز الجنوب والإنتربول)، لماذا لم توضح الأمانة هذه النقطة، وانتظرنا إقليم أفريقيا حتى يُثير هذه النقطة الآن. اقترح أن يتم من الآن فصاعداً إبلاغ الدول الأطراف عن أي طرف أو أي مؤسسة ترغب بالانضمام لمؤتمر الأطراف، وأن تقوم الأمانة بذلك كتابياً في أوراق تسجيل المؤتمر كما تم في هذه المناسبة. وشكراً سيدي الرئيس.

The PRESIDENT:

Muchas gracias, señor delegado. Le damos la palabra al representante de la Unión Europea.

Mr SEYCHELL (European Union):

Thank you Mr President. The European Union and its member States express their satisfaction that many international organizations want to join as observers the Convention in its work on tobacco control.

As regards Interpol, it plays a crucial role for the prevention and the fight against international criminality. In our efforts to fight against breaches of our tobacco control legislation and illicit trade in

tobacco products it is essential to mobilize all different international enforcement organizations with the aim of ensuring a high level of public health.

The procedures for being accredited as an observer to this Convention require in particular that such observers have no links to the tobacco industry. The interests of the tobacco industry are fundamentally opposed to public health. Therefore, observer status cannot be granted to an organization which receives funding by the tobacco industry. This principle is also fully in line with international obligations. Only Parties can require the tobacco industry to cover all costs stemming from the implementation of the obligations under the Convention. The mission of Interpol is an important contribution to law enforcement of tobacco control legislation when confronted with criminal networks involved in illicit trade in tobacco products. In this light the request by Interpol to become an observer to this Convention needs to be reviewed at a later stage. Thank you.

The PRESIDENT:

Muchas gracias, señor delegado. ¿Alguna otra intervención?

Voy a intentar resumir un poco las posiciones que hemos escuchado tanto de delegados como de delegados en representación de grupos regionales.

En términos generales el carácter de observador —y ahora se trata de un observador intergubernamental—, debe estar basado en el interés mutuo y en el interés recíproco. Debe ser importante para el Convenio recibir a una institución que le pueda ayudar en su empresa y al mismo tiempo debe ser útil a la institución que se presenta como observador. Lo que yo detecto en este momento son dos cosas, que los delegados de manera alguna cuestionan la integridad de Interpol, más aún, muchos de nuestros países integramos esa organización e intentamos dirigirla, así que yo creo que para esta Conferencia queda en claro que no se cuestiona a la Interpol como institución intergubernamental.

Hay un segundo elemento que sí recibe observaciones, que es el estudio de los documentos que se presentan para lograr el carácter de observador. Apparently, hay información que no está integrada o no aparece de forma explícita o suficientemente explicada. La Conferencia, para tomar una decisión, como lo han dicho algunos delegados, tiene que tener todos los elementos a la vista y tiene que tener un acabado estudio sobre qué significa la incorporación de esa institución con su carácter de observador.

Creo que no hemos alcanzado todavía ese estadio de la situación, por lo tanto quiero proponerle a la Conferencia que se deje la admisión de Interpol como observador del Convenio para una instancia posterior, y que al mismo tiempo se le encomiende a la Mesa que establezca contacto con Interpol para aclarar todos estos asuntos y poder hacer un nuevo documento de información, y entonces estudiar la incorporación en una instancia posterior.

Si no hay comentarios, entonces obraríamos de esa manera. Lo resumo en dos frases, lo dejaríamos para una instancia posterior y le encomendaríamos a la Mesa que inicie esa instancia de consultas con Interpol para lograr la información que los países necesitan, como se habló, el cumplimiento del artículo 5.3, la transparencia de la acción, etc.

Propongo entonces desde la presidencia esta vía de acción. Si no hay ningún comentario, así queda decidido. Muchas gracias.

10. REPORT OF THE CONVENTION SECRETARIAT AND GLOBAL PROGRESS IN IMPLEMENTATION OF THE WHO FCTC, FOLLOWED BY A GENERAL DEBATE

The PRESIDENT:

Seguidamente examinaremos el punto 4, informe de la Secretaría del Convenio y progresos realizados a escala mundial del Convenio Marco.

En el documento FCTC/COP/5/4 figura el informe de la Secretaría del Convenio, en el documento FCTC/COP 5/5 se consignan las conclusiones principales relativas a la aplicación mundial del Convenio sobre la base de los informes de las Partes. En el documento FCTC/COP 5/5 adendo 1

figura una actualización de los informes presentados a la Secretaría. Después de la presentación del punto tendrá lugar el debate general; en el marco del mismo celebraremos una mesa redonda sobre los logros y los problemas de la aplicación del Convenio.

Entonces le doy la palabra al jefe de la Secretaría del Convenio, doctor Haik Nikogosian, para que presente los informes.

Doctor Nikogosian, tiene usted la palabra.

Dr NIKOGOSIAN (Convention Secretariat):

President of the Conference of the Parties, WHO Director-General, Ministers, delegates, ladies and gentlemen, let me start with a very warm welcome to all delegates and participants to the fifth session of the Conference of the Parties. I would like to thank the Government of the Republic of Korea for the excellent arrangements and the cooperation that has been extended to the Secretariat in the organization of this session. The activities of the last two years are presented in detail in the report of the Secretariat that was made available to Parties. I will therefore focus on providing an overview and key points.

Elaboration of treaty instruments remained a key area of intersessional work. The Intergovernmental Negotiating Body concluded the negotiations for the first protocol to the Convention, to eliminate illicit trade, paving the way for its adoption by the Conference of the Parties. In addition, the three working groups established by the COP worked in parallel and have presented their reports and draft guidelines. I would like to thank all Parties that extended cooperation to the Secretariat in the organization of this important work, and in particular the Key Facilitators of the working groups, and the Chairperson and Bureau of the Intergovernmental Negotiating Body.

The Secretariat also worked extensively on the reporting arrangements under the Convention. This included ensuring the smooth transition to the new reporting cycle, which is now harmonized with the biennial cycle of the COP. The work also included providing greater assistance to Parties in fulfilling their reporting obligations, and the publication of the global progress report on implementation of the Convention, now expanded in comparison with previous reports. Key findings of the report have been summarized in the document presented to the COP; in addition we have the privilege to launch the full global report at the COP later today.

Assistance to Parties and international cooperation was the third major area of work undertaken in the intersessional period. Needs assessments and needs-based assistance remained key mechanisms in this work. Activities also included the organization of regional implementation meetings, further updating of the database of available resources, and promoting the exchange of expertise and technology between Parties.

One important feature of the work undertaken during the last two years is the strengthening of cooperation with international partners. The United Nations system organizations have become increasingly engaged in the treaty work organized by the Secretariat, through participation in needs assessments, regional workshops, and the work of subsidiary bodies. I would like to refer, in particular, to substantial cooperation with the World Bank, the United Nations Development Programme and the United Nations Conference on Trade and Development in support of the multisectoral dimension of the treaty and country-level work, and the cooperation achieved with the World Customs Organization and the United Nations Office on Drugs and Crime in the negotiations for the protocol on illicit trade. The convening of the special meeting of the United Nations Interagency Task Force, which focused on supporting implementation of the Convention, was another key step in this area.

There was also notable progress in coordination with the relevant departments of WHO. This covered various clusters and departments, as well as WHO regional and country offices, and ranged from preparation of technical reports to organization of regional meetings and country needs assessments, and promotion of United Nations interagency cooperation for implementation of the Convention. In addition, the recent political declaration adopted at the United Nations catalysed such cooperation in the area of prevention and control of noncommunicable diseases.

These and other implementation activities are described fully in the reports of the Secretariat presented to the current session of the COP.

We would like to thank all Parties for the cooperation extended to the Secretariat in regard to treaty work. The most recent examples include the regional implementation meetings that were hosted by the governments of the Republic of Moldova and Senegal, and needs assessments jointly carried out with several countries, namely: Colombia, Gambia, Cook Islands, Fiji, Kyrgyzstan, Palau, Samoa and Solomon Islands. There were special contributions made by Parties which were crucial for the progress made in the last two years. Let me refer, in particular, to the substantial funding that the European Union provided for the final stage of negotiations for the protocol on illicit trade and for the support to implementation of the Convention in developing countries. Important contributions were also received from Australia, Canada, Germany and the Netherlands to support the capacity of the Secretariat and the implementation of the workplan.

Let me also use this opportunity to sincerely thank the intergovernmental organizations and civil society for their valuable support to the implementation of the Convention.

Distinguished President, excellencies, delegates, colleagues,

Recent years have seen growing political recognition of the role of the WHO FCTC on the global health and development agenda. This was demonstrated, in particular, by the three political declarations adopted in 2011, by the Moscow Ministerial Conference, the United Nations General Assembly High-level meeting and the Rio World Conference on Social Determinants of Health, which highlighted the key role of comprehensive implementation of the Convention in the context of noncommunicable diseases and social determinants of health. Furthermore, the ECOSOC adopted a landmark resolution in 2012 that called for United Nations system-wide coherence on tobacco control, and emphasized the need to further strengthen multisectoral and interagency contributions to the work of the Convention and its linkage to the wider development agenda.

Let me also briefly outline the progress and challenges in implementation of the Convention. This is shown in detail in the global progress report, based on the implementation reports of Parties, that the Secretariat prepared and submitted to the COP.

The average implementation rate of all substantive articles of the Convention, judged by key indicators, passed the 50% threshold in 2010 and further increased in 2012. In the meantime, global implementation rates still vary between different treaty provisions. Several provisions, such as communication campaigns and smoke-free public places attracted the highest implementation rates, while, in contrast, other provisions, such as implementation of measures related to liability and support to sustainable alternatives to tobacco growing still are trailing in the implementation rates. It is also important to refer to implementation of time-bound provisions of the Convention. Concerning Article 11, packaging and labelling, two thirds of Parties reported compliance with most of the time-bound requirements, after reaching the three-year deadline, while the other third are still to achieve such compliance. In relation to Article 13, again, two thirds of the Parties that reached the deadline reported comprehensively banning tobacco advertising, promotion and sponsorship, but only close to half of those included cross-border advertising in their bans. Another important area is that of the general obligations outlined in Article 5, which may have an overarching impact on implementation of the Convention. Most Parties reported having a multisectoral coordination mechanism in place, but only 40% of Parties reported implementing measures related to Article 5.3 of the Convention, on the protection of tobacco-control policies from the interests of the tobacco industry.

Recent years have also seen ground-breaking achievements by several Parties. Let me refer to the adoption of very large health warnings by Uruguay and Mauritius, the introduction of plain packaging by Australia, the point of sale display ban by Norway, and the recent ban on the use of additives by Brazil. Bhutan, in the meantime, has banned all sales of tobacco products in its territory, and Finland and New Zealand have declared their intention to become completely tobacco-free in the near future. These achievements may well inspire and accelerate the implementation of the Convention internationally.

Distinguished President, excellencies, delegates and participants,

The recent progress and lessons learnt also allow some other observations to be made on treaty work and implementation, which I would like to report to the COP.

First, the Convention, has passed this year the mark of 175 Parties, embracing 90% of the world's population. The continued increase in the number of Parties demonstrates the importance and the expectations that countries attach to the Convention.

Second, the development of treaty instruments, vital for implementation work globally, has made vigorous progress since the COP was established in 2006. More than 10 articles of the Convention are covered by guidelines and recommendations already adopted by the COP or submitted for adoption at its current session. In addition, the first protocol to the Convention, to eliminate illicit trade in tobacco products, has just been adopted. In the meantime, however, feedback from Parties indicates the need for broader dissemination and assistance in utilizing the adopted guidelines.

Third, the treaty reporting system is now well established and synchronized with the biennial cycle of the regular sessions of the COP. More than 90% of the Parties have submitted at least one report since 2007, with Parties' compliance with the requirements of the reporting instrument gradually improving. Yet the number of Parties that have not submitted reports or that have done so with substantial delays indicates the challenges that some Parties face and the need for further assistance in this area. At this session COP will review further proposals to promote the use of implementation guidelines and standardized indicators in reporting, and the mechanisms of review of Parties' reports by the COP.

Fourth, as treaty implementation advances, a substantially increased number of Parties also report declining smoking prevalence. This is an important development but yet to be established as a global trend, as more countries need to report comparable data over years. The trend also showed that novel products, often effectively marketed, are increasingly appearing on the market, in particular smokeless tobacco products and electronic nicotine delivery systems. Countries that have implemented effective anti-smoking policies and even experienced a decline in smoking prevalence now face the challenge of new smokeless tobacco products being introduced into their markets. Concerted action internationally will be required to address this growing challenge. This topic is on the agenda of the current session of the COP.

Fifth, the resource base of the workplans adopted by the COP has gradually strengthened, particularly through extrabudgetary contributions targeted to support the treaty implementation in lower-resource countries. However, the continued arrears in payment of voluntary assessed contributions by a substantial number of Parties, unless resolved as promptly as possible, may impede the implementation of the workplan adopted by the COP. Matters related to resources and mechanisms of assistance and the payment of voluntary assessed contributions are on the agenda of this session of the COP.

Sixth, Parties continue to report substantial challenges in implementation of the Convention. Interference of the tobacco industry, weakness of the national multisectoral mechanism, and lack of adequate resources remain the challenges most commonly referred to by the Parties. The COP may wish to take this into account in designing further policies and action.

One other observation is linked to the gradual evolution of implementation assistance and international cooperation, which has been an important feature of recent years. In line with the guidance provided by the COP, undertaking joint needs assessments, promoting intercountry exchanges of expertise and practice, raising awareness of and promoting access to available resources, as well as promoting integration of the Convention within national health and development strategies and programmes and within the United Nations Development Assistance Frameworks emerged as central mechanisms in implementation assistance.

These activities were undertaken by the Secretariat in cooperation with the relevant WHO departments and offices and with a growing number of partners, particularly within the United Nations system. In the meantime, the analysis of Parties' reports and the needs assessments reveal increasing needs for assistance as more Parties reach the deadlines for implementation of time-bound and other key provisions of the Convention.

Finally, the reviews and cooperation undertaken in recent years have shown that the work of the WHO FCTC, the first treaty in public health, could benefit from the vast experience accumulated in other relevant treaties. Furthermore, evolving experience has indicated possible measures to improve the efficiency of treaty work; proposals for such measures have now been submitted for consideration at this session of the COP.

President, excellencies, delegates and colleagues, it has been an honour and pleasure for the Secretariat to serve the first public health treaty. As this session opened today we were the Secretariat

of this first treaty; standing here now I proudly represent a Secretariat of two treaties. We look forward to this new era of treaty work to further improve public health.

Thank you for your attention.

The PRESIDENT:

Muchas gracias, doctor Nikogosian, por su presentación y por esta panorámica de las actividades llevadas a cabo por la Secretaría desde la última reunión de la COP y los progresos realizados a escala mundial en la aplicación del Convenio. Hago extensivo este agradecimiento a todos los miembros de la Secretaría y de la Secretaría de la Organización Mundial de la Salud que tanto colabora con este esfuerzo.

Antes de que hagamos una pausa para el almuerzo, permítanme que anuncie la celebración de un seminario sobre empaquetado y etiquetado de productos de tabaco, organizado por Australia, en esta misma sala a partir de las 13:30 hasta las 14:45. Los animo a todos a que participen en el evento.

Puesto que la siguiente sesión plenaria empezará poco después del seminario, mantendremos la distribución actual de los asientos. Por consiguiente, los delegados pueden tomar sus asientos en su lugar habitual también durante el seminario.

Les deseo a todos un buen almuerzo y nos vemos de nuevo en la sala a las 15 horas para continuar con nuestros trabajos.

Tengo que agradecer asimismo el uso racional del tiempo; como ustedes podrán ver, estamos terminando unos minutos antes del horario previsto y creo que esto es una buena tendencia.

Muchas gracias y nos vemos ahora en el seminario a las 13:30. Gracias.

The meeting rose at 12:40

SECOND PLENARY MEETING**Monday, 15 November 2012, at 15:30****President: H.E. R.J. Varela Fernández (Uruguay)****1. REPORT OF THE CONVENTION SECRETARIAT AND GLOBAL PROGRESS IN IMPLEMENTATION OF THE WHO FCTC, FOLLOWED BY A GENERAL DEBATE**

The PRESIDENT:

Antes de abrir el debate, desearía proponer que adoptemos la práctica seguida en reuniones precedentes, es decir, que las intervenciones de las Partes a título individual se limiten estrictamente a cinco minutos cada una y las intervenciones en nombre de un grupo regional a 7 minutos y que los oradores intervengan desde sus asientos.

Por otra parte, antes de finalizar la sesión de hoy celebraremos una mesa redonda en el marco del debate general. Si me lo permiten, quisiera empezar con las declaraciones regionales y seguir con la mesa redonda, para luego dar la oportunidad a las intervenciones a título individual.

Así que, a grandes rasgos, primero sucederán las intervenciones de los grupos regionales, que tienen siete minutos para hablar cada uno, después pasamos a la mesa redonda, y luego a las intervenciones particulares de los delegados. Si esto les resulta aceptable, veo que sí, le vamos a dar en primer lugar la palabra a la región de África.

Mr DABO (Senegal) :

Monsieur le Président, Monsieur le Ministre de la santé et du bien-être de la République de Corée, Madame la Directrice générale de l'Organisation mondiale de la santé, Mesdames, Messieurs les Ministres, mesdames, Messieurs les Ambassadeurs, distingués délégués, mesdames et messieurs. Le Sénégal s'exprime au nom des états de la Région africaine, Parties à la Convention-cadre de l'OMS pour la lutte antitabac.

Je voudrais, à l'entame de mon propos, remercier le gouvernement de la république de Corée pour l'hospitalité et l'accueil chaleureux qui nous ont été réservés depuis notre arrivée à Seoul. Nos remerciements vont également au Chef du Secrétariat et à toute son équipe, qui n'ont ménagé aucun effort pour assurer une bonne préparation des délégations à cette conférence. Ces efforts, comme vous le savez, se sont traduits par une mise en disposition à temps des documents de travail, mais également et surtout, par l'organisation diligente de réunions régionales préparatoires à la présente conférence. Il me plaît de rappeler à ce titre que la région Africaine s'est retrouvée à Dakar du 9 au 12 octobre 2012 dans le cadre du premier atelier régional pour la mise en œuvre de la convention-cadre organisée par le secrétariat en collaboration avec le gouvernement du Sénégal.

Nous tenons ici à renouveler nos remerciements à l'union Européenne pour sa contribution à la tenue de cet atelier auquel ont pris part 38 et 41 Etats Parties à la convention de la région Africaine, ainsi que les représentants de deux des cinq états non-Parties de la société civile Africaine et des partenaires au développement du système des Nations Unies.

Cette importante réunion nous a permis d'échanger nos expériences et nos bonnes pratiques en matière de mise en œuvre de la convention, ainsi que d'examiner les points inscrits à l'ordre du jour de la présente conférence. Permettez-moi, Monsieur le Président, d'en citer quelques-uns. Premièrement le protocole. La région Africaine se réjouit de son adoption ce matin, comme d'ailleurs nous l'avions vivement souhaité. Elle est de l'avis qu'une mise en œuvre effective de cet important instrument nécessitera une collaboration et une solidarité étroite de toutes les Parties prenantes.

Deuxièmement, les projets de directives. La région Africaine remercie toutes les Parties qui ont travaillé durant la période d'intercession afin d'élaborer ses projets de directives. Nous espérons qu'une fois adoptées, ces directives faciliteront la compréhension et surtout la mise en œuvre des articles visés. Ce sera pas d'ailleurs, la région Africaine attache prix de la mise en œuvre de l'article 6, relative comme vous le savez aux mesures financières et fiscales visant à réduire la demande de tabac, cet article qui pourrait donc aider nos états à freiner de manière drastique l'approbation du tabagisme parmi les couches les plus vulnérables de la population.

Troisièmement, les produits du tabac sans fumée. Monsieur le Président, la région Africaine est préoccupée par les produits du tabac sans fumée et particulièrement la cigarette électronique qui, comme nous l'avons tous noté, commence petit à petit à pénétrer ce marché. Nous espérons que l'examen de ce point fera ressortir des orientations de même que des voies et moyens susceptibles de permettre au continent Africain de faire face efficacement et énergiquement à ce type de produit.

Quatrièmement, les activités de remplacement de la culture du tabac économiquement viables. Monsieur le Président, ce domaine suscite beaucoup de craintes et de réticences. Cependant, devant les conséquences sanitaires et environnementales néfastes de la culture du tabac, les arguments économiques avancés de part et d'autre pour freiner l'application de lutte anti-tabac ne doivent plus prévaloir.

Tout en appréciant le travail fait jusque-là, les Parties de la région sont convaincues que beaucoup reste encore à faire, et nous entendons explorer des alternatives à offrir à nos producteurs pour les aider à diversifier leur culture, à réduire également la dépendance à la culture du tabac. Evidemment, cela requière un engagement politique fort, des ressources financières conséquentes, et un encadrement adapté, la faveur des producteurs de la région et bien sûr, une assistance de la part de nos partenaires.

S'agissant du rapport sur les problèmes mondiaux sur la mise en œuvre de la convention, la région Africaine félicite le chef du secrétariat pour la qualité du document et la présentation claire qui vient d'en être faite. A ce propos, nous sommes heureux de constater qu'il y a une évolution graduelle de la conformité des politiques de lutte contre le tabac avec les exigences de la convention qui couvre désormais plus de 90 % de la population mondiale. Les progrès ainsi réalisés doivent être protégés, soutenus, et même améliorés. Notre expérience dans la lutte contre le tabagisme doit également être bien documentée afin de soutenir les Parties et contribuer à l'amélioration d'autres domaines de la santé publique, qui ont besoin d'interventions similaires. A cet égard, nous tenons à saluer les résultats positifs de la réunion de haut niveau sur la prévention et le contrôle des maladies non-transmissibles et ceux de la conférence mondiale sur les déterminants sociaux de la santé qui reconnaissent tous la convention comme un instrument clé pour la coopération internationale en matière de santé et une réponse globale aux maladies non-transmissibles. Dans ce cas nous appuyons l'initiative du système des Nations Unies de coordonner et de mobiliser les ressources pour la lutte contre le tabac.

Pour finir, Monsieur le Président, je voudrais réitérer l'engagement ferme de la région Africaine à apporter sa contribution à l'examen de chacun des points inscrits à l'ordre du jour et à participer de manière constructive et ouverte aux travaux de la convention qui, nous en sommes persuadés, seront couronnés de succès.

Je vous remercie.

The PRESIDENT :

Muchas gracias, señor representante de la región África. Hemos tomado buen recaudo de su diagnóstico, el establecimiento de las prioridades y los saludos a la Secretaría. Le damos ahora la palabra a la región de las Américas.

Mr ASQUETA SÓÑORA (Uruguay):

Gracias señor presidente. Nuestra región desea agradecer en primera instancia la hospitalidad de la República de Corea, en la figura de su señor primer ministro, que hoy estuvo aquí presente y engalanó esta Conferencia con su discurso.

Para quienes vivimos en una región que viene de la otra mitad del mundo, es muy importante tener todo el apoyo y la calidez que nos están brindando en este hermoso país.

Agradecemos a la Secretaría del Convenio Marco para el Control del Tabaco, en la figura de su jefe de Secretaría, el doctor Nikogosian, y a todo el equipo que nos brinda el apoyo y el sustento para trabajar en estos días.

Saludamos muy especialmente a la directora general de la OMS, la doctora Margaret Chan, que con sus claras, concretas y conceptuosas intervenciones nos alienta a seguir adelante en la compleja tarea de implementar el Convenio Marco para el Control del Tabaco.

A usted señor presidente, por la mesurada forma en la que está coordinando estas sesiones y a quienes van a trabajar en la presidencia y vicepresidencias de los comités A y B. Son el corazón de las conferencias y deseamos que actúen con toda la sabiduría y paciencia que sabemos que van a tener en estos días.

La región de las Américas, con la misión de generar consensos en torno a la agenda de esta quinta Conferencia de las Partes, celebró varias conferencias regionales previas, dos para los países hispanoparlantes, una en el mes de octubre, otra en el mes de noviembre y una para los países del Caribe de habla inglesa. Se arribaron a importantes acuerdos que fueron la base de lo que vamos a exponer a continuación.

La región, señor presidente, se congratula por la adopción en esta sesión hace pocos minutos del Protocolo para la eliminación del comercio ilícito de productos de tabaco. Invitamos a todos los Estados Partes del Convenio Marco para el Control de Tabaco de la Organización Mundial de la Salud a que procedan al estudio del mismo para que a la mayor brevedad posible se concrete la firma y posterior ratificación.

La región reconoce que la implementación de este protocolo constituye además un reto en materia de cooperación internacional, por lo que hacemos un llamado para encontrar mecanismos eficientes de asistencia, construcción de capacidades y coordinación efectiva, guiados por los principios rectores del propio Convenio Marco.

La región de las Américas reconoce el esfuerzo realizado por los grupos de trabajo que se encuentran desarrollando las directrices para la aplicación de los artículos 6, 9, 10, 17 y 18 del Convenio Marco para el Control del Tabaco, que se discutirán en estos próximos días.

Preocupada por la dificultad financiera de los países de bajos y medianos recursos para participar en la Conferencia de las Partes, la región solicita respetuosamente a la Secretaría del Convenio Marco que examine la posibilidad de establecer mecanismos para facilitar la participación democrática e inclusiva de todos los Estados Parte.

Nuestra región considera importante fortalecer los mecanismos de coordinación intersectorial con el fin de asegurar la coherencia de las políticas públicas en materia de control de tabaco, que permita el cumplimiento de todas las obligaciones y objetivos del mismo.

Nuestra región, la región de las Américas invita a todas las Partes a incluir enfoques transversales de género de las políticas, planes y programas que desarrolle, en cumplimiento del Convenio Marco para el Control del Tabaco.

A su vez, nuestra región reconoce la enorme importancia de la aplicación eficaz de las políticas para el control del tabaco, para la prevención y el control de las enfermedades crónicas no transmisibles.

Por último, señor presidente, la región de las Américas aplaude a Australia por adoptar medidas de vanguardia en el empaquetado y etiquetado, lo cual tiene el potencial de llevar nuestros esfuerzos colectivos de control del tabaco a un nuevo nivel. Todos deberíamos estar inspirados con el ejemplo de Australia y considerarlo como un reto individual para llevar el control de tabaco donde no ha sido aún llevado para la protección de la salud pública.

Gracias, señor presidente.

The PRESIDENT :

Muchas gracias a la región de las Américas. Tomamos nota de la necesidad de los mecanismos de coordinación, el enfoque de género y la relación con las enfermedades crónicas no transmisibles. Muchas gracias.

Le doy ahora la palabra al representante de la región del Mediterráneo Oriental. Tiene usted la palabra.

Dr QOTBA (Qatar):

شكراً، سيدي الرئيس، بسم الله الرحمن الرحيم. يُشرفني أن أعرض على حضراتكم بيان إقليم شرق المتوسط بهذه المناسبة. سيدي الرئيس، معالي الوزراء، الحضور الكرام، بداية أودّ أن أتوجّه بالشكر الجزيل باسم دول الإقليم إلى جمهورية كوريا الجنوبية، لاستضافتها أعمال هذا المؤتمر، والسيدة المديرية العامة لافتتاحها أعمال المؤتمر، وكذلك الأمانة العامة للاتفاقية، على جهودهم المتميزة في التحضير وتقديم الدعم اللوجستي للدول الأطراف.

الزميلات والزملاء، تعاني دول الإقليم من انتشار أنماط متنوعة من منتجات التبغ، ولا سيّما الأرجيلة والتبغ عديم الدخان والسجائر الإلكترونية. وهذا الأمر أخذ بالازدياد ولا سيّما بين فئات المراهقين والشباب والنساء، الأمر الذي يتطلب منا جميعاً بذل المزيد من الجهود للتصدي لهذه الظاهرة الخطيرة. أما بشأن الدلائل الإرشادية 9 و 10، فإننا كأقليم نوّكد على ضرورة العمل بها، ما يهمننا تطبيقه خاصة هو ضرورة التأكيد على وجود مختبرات معتمدة لكل أنواع التبغ حيث أنه حالياً توجد مختبرات للسجائر، ولكن ما نحتاجه هو أن يكون هناك مختبرات معتمدة للأنواع الأخرى من التبغ والتي بدأت بالانتشار عندنا.

سيدي الرئيس، باعتبار أنّ العديد من دول الإقليم تُصنّف ضمن الدول متوسطة ومنخفضة الدخل، فقد كان لقرار الأمانة العامة بخفض دعم السفر للوفود أثراً سلبياً على المشاركة، ممّا يتطلب منا إعادة النظر في هذا القرار.

السيدات والسادة، أولت دول الإقليم قضايا مكافحة التبغ الأولوية فيما يتعلق بجهودها الحثيثة للمحافظة على الصحة العامة، وتجلّى هذا بانضمام غالبية دول الإقليم للاتفاقية، وكذلك إصدار قوانين وتشريعات متعلقة بمكافحة التبغ في هذه الدول والتي كانت آخرها الجمهورية اللبنانية. فيما يتعلق بالمادة السادسة، فإننا ندعم اعتماد المبادئ التوجيهية من حيث المبدأ، مشيرين إلى ضرورة تبسيط الهياكل الضريبية التي تُمكن من استخدام عائدات الضرائب بشكل يخدم أهداف الاتفاقية. أما بالنسبة لتشجيع الزراعات البديلة، فإنّ دول الإقليم اتفقت على ضرورة عدم التوسع مستقبلاً في زراعة التبغ، بل على العكس، العمل على تخفيض المساحات المخصصة لهذه الزراعة مؤكدين على ضرورة البدء بإجراء دراسات وبحوث تكفل إيجاد الحلول المناسبة لتشجيع الزراعات البديلة، فضلاً عن تدريب ومساعدة المزارعين. وختاماً، أكرّر الشكر والتقدير للأمانة، متمنياً لجهودنا المشتركة في مجال التصدي لوباء التبغ النجاح والتوفيق من خلال تضافر جهودنا معاً. وشكراً

The PRESIDENT :

Muchas gracias, señora delegada. Tomamos nota del problema de los productos del tabaco sin humo y la necesidad de la generación de infraestructuras de laboratorio, cultivos alternativos y, por último, el tema de la asistencia en materia de viajes para asistir a las conferencias. Muchas gracias.

Le doy la palabra ahora a la región de Europa.

Mr LINDGREN (Norway) :

Thank you chair, the European Region has for this general debate not prepared any general statements, thank you.

The PRESIDENT :

Muchas gracias. Seguimos entonces con la región de Asia Sudoriental.

Mr DESIRAJU (India):

Thank you Mr Chair. Speaking on behalf of the South-East Asia Region we would wish at the outset to convey our compliments and our thanks to the Government and the people of Korea for their kind hospitality and the excellent arrangements at this Conference of the Parties.

Mr Chair when the floor was with South-East Asia Region in the morning, my colleague the distinguished Minister from Bhutan made a few general observations. I would just wish to add very

briefly to his statement. The adoption, the unanimous adoption, by this house of the Protocol on Illicit Trade is something we can justly be proud about. For all of us who were associated with this process in the last few years, it is the result of a lot of hard work and an enormous amount of goodwill. I do believe that it is these characteristics that will determine our future work in COP.

We are aware Mr Chair that very important draft guidelines related to Article 6 are shortly to be proposed to this house for discussion. We look forward this debate and we wish to be, countries in the South-East Asia Region wish to be, an active part of that discussion.

Lastly, Mr Chair we heard an extremely interesting and important presentation in the lunch session, specifically from the delegation of Australia, and we wondering if it would not be possible for COP as a formal, as part of the formal deliberations of COP, for some recognition to be given to what is clearly and extremely important landmark step in the battle against the tobacco industry. The fine presentation we heard was in some senses outside the main format of the COP. If it would be possible at all to include it in the agenda in some manner this is a move that would find our support. Thank you Mr Chair.

The PRESIDENT:

Muchas gracias. Tomamos nota de la vocación que tiene la región por la participación en el Protocolo que hemos aprobado esta mañana.

En cuanto al segundo tema, coincido plenamente en la utilidad y el éxito que fue el seminario. Yo le puse el nombre de taller, porque realmente hubo una interacción extraordinaria y una interacción entre 176 países, un ejercicio de marketing, un ejercicio de compartir objetivos, métodos y estrategias que fue a mi juicio un ejemplo para todos nosotros.

Por fortuna, el tema en cierta medida va a ser abordado en el panel que vamos a tener a continuación de las presentaciones regionales. De ahí, figurarán en actas los resultados. Sin perjuicio de ello, en los próximos días, esta tarde o mañana, hablaré con la Secretaría y hablaremos también con los comités A y B, para el caso en que también esos resultados puedan reflejarse de alguna manera en que los delegados de las Partes entiendan conveniente.

Por lo tanto, tomamos nota de esta iniciativa y seguramente le vamos a dar una salida satisfactoria.

A continuación le doy la palabra a la región del Pacífico Occidental.

Si es el caso de que también esta región no participa en esta instancia, lo han hecho en diversas instancias.

Dr CHEAH (Singapore):

We have no prepared report from the Western Pacific Region but we would like to thank the Secretariat for the report.

The PRESIDENT:

Muchísimas gracias. Justamente entonces ahora comenzaríamos con la mesa redonda, cuyo tema es los logros y los problemas de la aplicación del Convenio.

Tengo el placer de dar la bienvenida a nuestros invitados, la honorable ministra de Salud Pública de Australia, el excelentísimo señor ministro de Salud Pública de Bután, el señor subdirector general de la Dirección General de Salud y Consumidores de la Comisión Europea y el ministro de Salud de Fiji. A todos ellos los invito a pasar a tomar sus asientos, para así dar comienzo a este panel. Mientras toman sus asientos los panelistas, voy a explicar un poco el formato. Vamos a dar la palabra a cada uno de ellos durante cinco minutos, después yo voy a hacer tres preguntas, que no tienen que contestar las tres, pueden contestar a una o dos. Después abriremos un período de preguntas y diálogos con el plenario y finalmente vamos a dar un minuto para que puedan resumir sus ideas.

Podemos ir...

La señora ministra de Salud Pública de Australia está llegando tarde a clase. Late for school, I hope you have a good excuse too, a letter from your parents. Damos comienzo a este panel, entonces.

Creo que hay un doble desafío en el caso de la aplicación del Convenio. En términos generales un Convenio es aprobado por Estados a partir del acuerdo de los Estados. Lo que queda siempre es su implementación, que puede ser objeto de un ejercicio interesante, siempre hay algunas dificultades de coordinación, etc.

El Convenio Marco tiene unas especificidades distintas, porque está de un lado el esfuerzo de los Estados en implementar las políticas que tiene ese menú de opciones y de directrices, y al mismo tiempo a lo que enfrenta es a la industria, tratando de impedir la aplicación del Convenio. Es un fenómeno extremadamente extraño, vemos cómo la legislación, el esfuerzo avanza por un lado, hoy vemos un ejemplo de esto al aprobar el Protocolo del tráfico ilícito, que de cierta manera era la pierna que nos estaba faltando, porque estábamos regulando al interior de nuestros países todo el sistema, teníamos la colaboración internacional y teníamos todo un frente que era el tráfico ilícito que podía burlar todo el mecanismo. Vamos progresando en ese sentido y por el otro lado la industria hace una escalada en el sentido que primero son los impedimentos internos a nivel nacional con la impugnación de todas las medidas, después pasan a hacer los enfoques a nivel de los acuerdos de inversión, como ha pasado en varios países, para luego llegar a su punto más alto, que son la presentación de informes a nivel de la Organización Mundial del Comercio para terminar en los paneles, en las denuncias de temas comerciales.

Creo que eso es un desafío muy importante, que es internamente cómo desarrollamos los instrumentos los hacemos cumplir, y al mismo tiempo cómo evitamos que fuerzas extrañas de la industria impidan este esfuerzo.

Contamos acá con cuatro ministros, que son especialistas en el tema, que han desarrollado esta temática, han tenido unos éxitos extraordinarios y han tenido también unas provocaciones y unos desafíos difíciles de enfrentar, que seguramente los van a resolver con éxito.

No sé quién quiere empezar. Habíamos dicho que vamos a tener cinco minutos de intervención de cada uno de ustedes, después yo voy a hacer tres preguntas para que ustedes las puedan desarrollar, abrimos al diálogo con el plenario y después vamos a tener un minuto para hacer sus conclusiones.

¿Quién quiere empezar?

Ladies first?

Ms PLIBERSEK (Australia):

Thank you so much. I did explain some of our tobacco control measures in my remarks during the lunchtime session, so I won't go over those again.

I just wanted to focus in my remarks now on some of the response that we have had from the tobacco industry to our measures domestically. We have seen of course the challenge to our plain packaging legislation in Australia's High Court but it is not just at that top level that we have seen tobacco industry opposition to our measures. We have seen, for example, industry freedom of information requests flood into my department, tying up the resources of the department, making sure that the department is focusing on answering freedom of information requests instead of implementing the measures that we have legislated for.

We have seen not just the court cases, but changes to the way that the tobacco industry are operating in Australia. They have, for example, introduced cheaper brands of cigarettes in an effort to counteract our plain packaging legislation and also to respond to the increase in taxes in our tobacco excise that we introduced some time ago. We have seen efforts to subvert our plain packaging legislation by introducing a type of interim packaging that is supposed to get consumers ready for plain packaging and undermine the effectiveness of plain packaging.

Of course there are a number of international challenges to our plain packaging legislation. We have got a number of claims that our legislation is not consistent with our international obligations including one from Philip Morris Asia relating to the Australia–Hong Kong bilateral investment treaty and others that claim that plain packaging measures are inconsistent with our obligations under World Trade Organization agreements. We very strongly reject these claims; we believe that we have a right as a national government to legislate in order to protect the health of our citizens. Our measures have been challenged by number of countries in the World Trade Organization. A WTO dispute settlement panel has been established at the request of Ukraine. We have seen, so far 34, a record 34, WTO

members join that dispute as third parties, and I know that there are number of you here today, countries represented, that have joined as third Parties. Obviously, we hope that many of you have joined in order to support our right as a nation to legislate on behalf of our people, and the public health of our people.

We believe that the very strong opposition that we have had is the last gasp of a dying industry in Australia. We believe that the strength of the opposition is because the tobacco industry sees that any measures that Australia takes mean that other countries take similar measures in the future and we understand why the opposition is as strong as it is from the tobacco industry – they see their very existence threatened and certainly their profitability threatened. But we hope that we are able to work with other members here to continue to improve the health protections available to our citizens.

The PRESIDENT:

Muchas gracias. No sé quién quiere seguir.

Mr SEYCHELL (European Union):

Thank you Mr Chairman. First of all I would like to start by extending my gratitude to the Government of the Republic of Korea for the excellent organization and also to the Secretariat of the WHO FCTC for the very excellent reports clearly showing the progress has been achieved.

The WHO FCTC is a very powerful tool and as many speakers today have rightly emphasized the big challenge now is implementation. As far as the European Union is concerned we remain deeply committed to implementing the WHO FCTC, to developing appropriate tobacco control instruments, to keeping those instruments fully updated in line with international scientific and market developments, and we are always ready to cooperate with other Parties to the Framework Convention in ensuring that we collectively implement this to the highest possible level, and we have good reason to give this high priority in the EU. Despite years of efforts and very ambitious policies, the burden of tobacco use in the EU is still very high. Nearly a third of the EU citizens unfortunately still smoke. We lose 700 000 people every year premature deaths in the EU from smoking. Thirteen million Europeans suffer from tobacco related diseases and 80 000 adults die every year due to being exposed to second-hand smoke, so these are alarming, frightening figures and of course all this has a human cost, a social cost and an economic cost, especially in these difficult times for Europe.

Now we have tried over the years to implement a whole spectrum of tools to deal with this because we recognize that one policy on its own no matter how ambitious, will not suffice. And we do this in a way of shared competence together with our member States. We have over the years passed legislation in the area of tobacco products as well as on the specific aspects of tobacco advertising and sponsorship. Our legislation on tobacco products, the tobacco products directive, is currently being updated and we are looking at a whole range of measures – from packaging and labelling to novel and smokeless tobacco products, ingredients, illicit trade, a number of aspects – because we believe that we need to update our legislation which dates back a decade or more, and clearly it is no longer up to the times.

Our legislation on banning tobacco advertising and the use of audio visual media is a very important tool, and we also have issued a number of recommendations to assist and guide our member States who have responsibility on smoke-free environments and also on the issue of controlling access to tobacco and this is something our member States are doing very successfully.

We also provide financial assistance to our own member States, through our EU health programme we have over the years financed a number of initiatives, because even within the EU there is a great need as there is in the international arena for transfer of expertise. Those jurisdictions that have the most experience with tobacco control we feel could greatly help efforts in other countries by sharing of experience and a big part of our policy is to facilitate that.

And of course we communicate constantly on the topic; we have just at the moment on the way a very successful campaign on the dangers of smoking but also trying to encourage people in a more positive message to quit smoking, and we are here specifically targeting the younger age group because all the evidence shows that if people do not start smoking or stop smoking by the age of 30,

and recent studies have even shown the health benefits even if people have started smoking, if they stop smoking before they are 30, the risk can be substantially reduced. And I think this should be the main focus of attention, to focus particularly on young people, and I would say given the marketing techniques of the industry, young women are being particularly targeted. We are seeing some very disturbing, it's now almost a gender issue as well in some countries and we are paying particular attention to that as well. Thank you.

The PRESIDENT:

Muchas gracias. Muchos saludos, Fiji.

Dr SHARMA (Fiji):

Thank you. I am from Fiji. I am making this presentation with the hope that small Pacific island States can gain some enthusiasm about what we can do and additionally for developing countries.

Fiji is two dots on the map in the Pacific and we have a population of under a million people. However, we are the third country which ratified the WHO FCTC in 2003 and we are the first developing country which did that.

Recently, we have had new laws coming into place – the Tobacco Control Decree 2010 – and we are heading towards full compliance with the WHO FCTC by the middle of next year. A couple of minor items need to be addressed: sale by minors, pictorials come into play next year, and the banning in bars, pubs and night clubs.

Using the NCD approach which was endorsed at the UN meeting in 2011, we took the paper to cabinet and in cabinet we endorsed an annual licensing fee for all tobacco products and this included importers, wholesalers, manufacturers. And to this effect, importers are charged 150 000 dollars annual licensing. Manufacturers are charged a quarter of a million dollars and retailers too. Out of this sum for small country we brought into the Ministry of Health 700 000 dollars as additional alternate funding to assist us with our efforts in NCD and in tobacco advocacy throughout the country. We have also added value by bringing in legislation and controls on leaf tobacco, which is a smokeless tobacco which people chew, and vendors must register for this too.

Now, apart from the laws, we have an enforcement agency. It is though small – a 13 member group which has been outfitted with vehicles – and what they do is they get out there and enforce the law and we have had all of Government working in this area. We have trained customs, police, navy and the bio-security in controlling the illicit entry of tobacco products into the country. We have even gone further, somebody has been given a custodial sentence for repeatedly selling single rolls and the chap ended up with 30 days in confinement.

Looking at the regional picture we do need additional cross-country collaborations with our partners because we are all surrounded by the sea and we have our individual differences and isolation and distances to travel. However, there is a lot of illicit trade in the region with several countries coming in a big way into the area. At the country level we do need to increase and work around our intergovernmental agencies, looking at the various institutions within the Government: education, health, finance, trade and commerce, all need to work together, and this is done through stakeholder meetings and the outcomes have been very positive and we look forward to being able to look at the needs assessment, which the WHO FCTC has implemented recently, a needs analysis which shows us our gaps and has suggested recommendations how we can fully implement the Convention and we hope we would make a difference in the impact which NCDs are having on Fiji and in the region and globally. Thank you.

Mr DUKPA (Bhutan):

Thank you President, thank you your Excellencies, ladies and gentlemen. If Fiji is a small country, Bhutan is a tiny Himalayan country. If Fiji has two dots on the map, Bhutan has an almost invisible dot on the map. Therefore I wear my national dress to make it visible. Thank you. I think that

at this time of the day even the smokers will not smoke they would like to have a siesta. So I hope you will have some kind of tolerance to listen to what I am going to say and share with you.

Bhutan as you know, I have to say this, until recently or till some years ago was known as the land of Shanghri-La. No more Shanghri-La. Now it is known as the land of gross national happiness, but, let me make it categorically clear that gross national happiness is our development philosophy. It is our guideline. It does not mean that all the people in Bhutan are happy; there also some unhappy people and we hope we hope and try to make them happy also, and that is tough, including smokers, tobacco smokers. So Bhutan, I think, was the first country to pass a law as early as 1729, that's when we had a theocratic ruler. It banned smoking in fortresses, administrative areas, and important public places. Then in the 1980s they, with the support of the World Health Organization, the Government aggressively campaigned against the harmful effects of tobacco and tobacco products.

That has really made the people aware and so the people proposed district-by-district, one-by-one to make their districts tobacco-free districts. We have 20 districts, so over one decade, 18 districts out of 20 made their district tobacco-free, culminating in 2003 or 2004 in the adoption of a resolution on the banning of the sale of tobacco and tobacco products in the National Assembly of Bhutan.

But let me also make it very clear, mindful of the individual rights, smoking is not banned – selling and buying is banned. You can import tobacco, tobacco products, from other countries personally for personal consumption. We have a quota, so if you ask the question sorry, then in 2010, 2004, although there was a resolution of the National Assembly the enforcement agency found it difficult to implement the resolution of the National Assembly in the absence of the Act, so they started drafting this Act in 2007 and I am the first democratically elected minister or the servant of the people, and in 2010, the new Parliament of Bhutan passed the Act on Tobacco Control. Because of this social media influence and also you know some our friends from outside Bhutan joined the social media to campaign against certain provisions of the 2010 Tobacco Control Act in terms of penalty. I was accused of being draconian; you know, I don't know where they get such words, such words as draconian, and dictatorial and that kind of thing, but this was the group of the smokers supported again indirectly by the tobacco industry or factories, even in a small country. You can see some influence but they used social media, so we have no option, but we also felt that there was a need to amend certain provisions, which were not very clear, even if you are found processing one stick of cigarette you will be penalized and criminalized and therefore, we had to amend certain provisions, become much more civilized, but still quite strict and stringent.

So if you ask me a question, what impact have these acts, yes the impact is impressive. Firstly, in the past people would smoke cigarettes or cigars to demonstrate social status. Now the very people even if they want to smoke, they are hiding and smoking, and in rural areas you see hardly anybody smoking so I think the impact is there and we are very happy that today that this COP5 has approved the Protocol on Illicit Trade. This will also help us strengthen our efforts to control tobacco, and I will be happy to answer any question if you have, and if I speak too much the President is looking at me, so I think I had better leave it now, thank you sirs, thank you ladies and gentlemen.

The PRESIDENT:

Muchas gracias. Quiero agradecer a los cuatro panelistas porque realmente dieron una visión novedosa y distinta, expresando toda la complejidad de la temática. Ahora voy a hacer tres preguntas a las cuales también les vamos a sumar comentarios y preguntas del plenario, así ellos pueden elegir los aspectos que les parezca más oportuno contestar.

Voy a leer las tres preguntas.

La primera dice: Nos consta que las Partes consideran la interferencia de la industria del tabaco como uno de los principales problemas para la aplicación del Convenio ¿Cuáles son sus opiniones y su experiencia a ese respecto?

La segunda dice así: Una de las exigencias del Convenio es la coordinación multisectorial dentro del gobierno, lo cual tendrá un impacto general sobre su aplicación ¿Cuáles son sus opiniones y sus prácticas en ese respecto?

La tercera dice: El Convenio reconoce la importancia que tiene la cooperación internacional para la aplicación. En su opinión, ¿qué función pueden desempeñar las Naciones Unidas y otros asociados internacionales para promover la labor del Convenio?

Invito a los delegados en el plenario a que en este momento hagan comentarios o agreguen más preguntas.

Professor VATHESATOGKIT (Thailand):

Mr Chair, Thailand would like each panelist to give some information about how their country funds their tobacco control programmes in the implementation of the WHO FCTC.

The PRESIDENT:

Muy bien, ¿alguna pregunta más? ¿Uruguay?

Dr ABASCAL (Uruguay):

Sí, señor presidente. Frente a la epidemia mundial de tabaquismo hubo una respuesta global de las Naciones Unidas y de la humanidad, que fue el Convenio Marco. Estamos ahora cursando una nueva etapa del mismo problema por la acción y la interferencia de la industria, y las amenazas en los juzgados locales, en los grupos de arbitraje a nivel internacional, en la Organización Mundial de Comercio, de manera que es una nueva fase de la epidemia. La pregunta es si no consideran que debe haber una respuesta global como lo hubo al principio con el Convenio Marco, frente a esta nueva fase de la epidemia. Gracias.

The PRESIDENT:

Muchas gracias. Tenemos las tres preguntas originales y tenemos... no alcanzo a leer quién está pidiendo la palabra, pero adelante. Le pedimos que se identifique antes de empezar a hablar, adelante.

Dr AL-LAWATI (Oman) :

Thank you Mr Chairman. My name is Jawad, I am from Oman. I would like to ask what the countries have done to implement Article 5.3 of the Framework Convention to prevent the interference of the tobacco industry in their affairs and to protect from the vested interests of these companies into the public health efforts, in particular in tobacco control, thank you.

The PRESIDENT:

Muy bien, muchas gracias. Yo creo que podemos hacer la primera instancia de contestaciones. Hemos agregado la pregunta de cómo se financian los programas. Luego también se ha sugerido una política global frente a la amenaza de juicios, etc. Por último, nos han preguntado sobre la aplicación del artículo 5.3.

No sé quién quiere dar respuesta a las preguntas y hacer comentarios.

Mr DUKPA (Bhutan):

The first question, on multisectoral coordination within the Government. I would like to share that, well, Bhutan is small country, so you cannot compare with a big, rich country. We have a very good, we have what we call a Board of Directors for implementation of the Tobacco Control Act and in the Act we have spelt out the responsibilities of various ministries, agencies, including NGOs also, and they are represented on the Board also, which is the decision-making body. So this body is responsible for the planning-budgeting and we have given this responsibility, the secretariat responsibility to the Bhutan Narcotic and Control Agency, and we do get some funds from the

Government because the Act has been passed by the Parliament so we get some funds. We do have again the kind of well set-up secretariat to coordinate, monitor the implementation of each of the provisions of the Act. By the way the Act is again translated into the rules and regulations, again further making it very clear a kind of a comprehensive thing to pull the implementing agency, enforcement agency, to carry out. So this is how we do in Bhutan, that is within the multisectoral coordination within the Government, within the country, and while we must acknowledge again support from the WHO FCTC Convention Secretariat and other countries, especially in the area of the tobacco cessation clinics and programmes, we have to have those kinds of facilities. So we are very happy, even the Government of Thailand and others, bilaterally, multilaterally we are getting some funds to help us to carry out, even the after one year of the enactment of the Act, we carried out an impact assessment. I think that was very encouraging.

So when it comes to interference by the tobacco industry what we saw was only in social media. We are fortunate we don't have tobacco factories or industries, our farmers do not cultivate tobacco also. So it's a different case for us. The environment, the entire environment, is different so it makes it much easier for us to implement. But there are problems, there are problems especially the young ones, the youth, who in fact actively participated in the social media to amend the certain provisions of the Act. That's what I would like to say at this point, thank you.

The PRESIDENT:

Muchas gracias. ¿Quién desea seguir?

Ms PLIBERSEK (Australia):

Thank you. I think obviously every country comes to this with a different domestic environment but one of the advantages that we had in Australia is that successive Governments, probably over four decades, have actually each built on the successes of previous years, so we came into our plain packaging fight with very strong public support for smoking measures. We had over many years restrictions on advertising and restrictions on sales to minors, restrictions on the sale of single cigarettes, restrictions on sporting sponsorship, restrictions on where people could smoke – they haven't been able to smoke in work places for a long time or indoor areas, but even in many outdoor areas there were restrictions on smoking, like in children's parks and so on. So there was a population that was where smoking rights were low they went from almost 50% after the Second World War, in 1988 there was around 30%, more recently its now about 15%. So when you are dealing with a smaller proportion of the population directly affected I think that made it easier for us.

Also because our social campaigns, our health messaging, has been strong for quite a few years now, there was very strong public acceptance that smoking kills people and that big tobacco are not interested in freedom of speech and freedom of expression they are interested in selling a product that kills half of its regular users. So we had a very sympathetic public environment, I think, for our Government measures, that the fight that the tobacco companies initiated was with front organizations that were funding shopkeepers and other small business people who make a living from selling cigarettes. When it was exposed that it was tobacco companies that were funding this campaign against plain packaging, it made the big tobacco companies look even worse, so there was very little public sympathy for the campaign. Our bigger problem in fact was the legal challenge in the High Court which the Government won. There was a legal challenge from British-American Tobacco Australia and Japan Tobacco saying that our plain packaging measures were essentially stealing the trademarks of those companies and using them without proper compensation. Our High Court found that that was not the case, that there was no acquisition of property involved. So we not only won the case, we had the costs awarded to the Government. That made us very happy I can tell you, because you know, it is expensive to fight big tobacco and we now have, as I said earlier, Ukraine, Honduras, Dominican Republic, establishing panels in the World Trade Organization, that is the next legal challenge to our plain packaging, and we will continue to fight that, because we feel that we have the right to legislate to protect the health of our citizens, and I also feel that we have the support of the

majority of our citizens to do that, because even those 15% of people who are smokers they don't want their kids to grow up to be smokers.

The PRESIDENT :

Muchas gracias. Antes de que sigan los otros panelistas le voy a dar la palabra al delegado de Palau, al vicepresidente de la Conferencia. Adelante.

Mr KUARTEI (Palau):

Thank you my name is Stevenson Kuartei, Minister of Health for Palau. Thank you for the opportunity. In the Secretariat report, Article 19 of the WHO FCTC had the lowest implementation rate. We would like to ask the panel, particularly Australia and EU, if they have any experience or comments with regard to the implementation of Article 19 on liability, thank you.

The PRESIDENT :

Muchas gracias.

Mr SEYCHELL (European Union):

Well, let me start by the issue of industry interference. I would say, we have a very similar experience as Australia just mentioned. And we can all expect these attempts to increase as our proposed measures become more effective or are seen to be more effective. So clearly it's a sign that we are on the right track when the industry reacts so vigorously and of course we know that the first movers are often a specific target because of course they set the pace for rest of the world and that is what the industry is particularly afraid of. Of course there is what I would call the blatant interference, in particular the litigation which is clearly designed to intimidate law-makers. But I would like to also put a bit of spotlight on what I would call the more subtle interference. There are a lot of smoke screens being put up at the moment. One of the things which is really complicating the task of the decision-makers, and this I think is a strategic issue, is the vast variety of claims, studies, often of very dubious nature, which are being put forward, just to confuse the issues. So instead of focusing on what is essentially a very simple issue, as I said in our case in Europe we lose 700 000 people prematurely from tobacco. It's a very simple issue which everyone can understand. Lots of side issues are all the time being raised: compatibility or perceived lack of compatibility with international treaties, whether certain forms of tobacco are safer than other forms of tobacco, so on and so forth. These are clearly side issues when the real issues are actually very simple, very clear. Tobacco is an addictive product in all its forms, it is dangerous, it kills and of course we need to take measures to address that.

I would also, very similar to what Australia has experienced, we also had that what I would call the mobilization techniques of the industry. For example, when we launched a public consultation before we started to work on the revision of the tobacco products directive, we received 85 000 comments, which we have to go through systematically of course, but in a systematic review we found out that most of these were cut and paste jobs, clearly very well-orchestrated but, of course when we compared what the consultation was saying which what is emerging through scientific surveys such as our Eurobarometer, which samples the European population in a scientific way, you notice that the consultation was not representative of what European public really thinks.

Of course the answer to interference is clearly first of all correct application of Article 5.3 and there I think the keyword is "transparency" particularly in the policy development parts of the process which is the one that the industry targets most vigorously because they know what they need to target.

But I would also like to have a special word of thanks to the role of that NGOs play. I think the NGOs and especially the ones that are active in the area of public health and transparency in general, have done a great deal to ensure that everything is done in a fully transparent way and everyone is fully accountable and I think that is very, very important.

The multisectoral approach, very briefly, and I think this is where the challenge really lies at the moment because I think you know those of us who are in the health community are more than convinced, the issue is increasingly, the battle lines are being drawn in area such as trade, agriculture, taxation and so on, which is where I think the real decisions now need to be taken and therefore we need to find better ways of sharing the evidence and addressing these claims that sometimes are made about perceived incompatibility with certain legal instruments, and I think in particular, an area which the WHO FCTC might wish to look at more closely in the future is also how to address this issue of WTO, because I think the two organizations need to really address this, because the signatories to both treaties do not have a choice between one or other, they are both legally binding therefore the WHO FCTC is no way subservient to any other treaty, it is of no lesser rank.

I think also the EU apart from what it does internally to support its own members we also attach a great deal of importance to international cooperation. In particular, we are supporting the work of WHO FCTC Secretariat through a grant, with precisely the aim of helping countries assess their needs first and foremost because this is extremely important. Although, the challenges are global the situation in each country is different and the strategies which need to be put in place will have obviously to reflect the national situation and the national needs, and therefore we believe that a great role of the WHO FCTC is in supporting countries to develop their capacity in particular in assessing their needs and then in devising the right policies.

The PRESIDENT :

Muchas gracias. Le damos la palabra al ministro de Salud Pública de Fiji.

Dr SHARMA (Fiji):

Thank you. Just a few comments taking the questions one by one.

The first one was on the interference by the tobacco industry. In the small Pacific island States I know that sometimes it is difficult who you have befriended and the tobacco industry is quite unique in becoming friendly with civil servants and ministers and people who matter and, under the guise of corporate social responsibility, coming forward, and in fact is always there is risk of silent sponsorship for various programmes. How we address that, it is a unique international problem which needs to be addressed at the national level.

Now with the multisectoral collaboration, I am all for it. I think it is very important to take it in small bites and to be able to monitor and evaluate what you doing, so that you making forward movement, otherwise what happens is you get lost and the original ideas of banning tobacco, or reducing consumption, get lost.

The United Nations system and other international partners, how they can help: you've rightly stated, Deputy Director-General of the European Commission, that it is a unique problem. And if we look back at our region, the isolation, the size of the islands, the population, the demographic trends, we are faced with the issues which are brought to our shores by successful transnational corporations, and if you look at the issue of tobacco we have similar problems with junk food being advertised and non-alcoholic beverages also being flogged onto market, which are even cheaper than just water. So we need to address this at a global level and be able to seek the assistance and expertise of the United Nations and its agencies to assist us in that.

The question from Oman I think was, how do you fund tobacco control? These allocations in our country, by the Ministry or to the Ministry of Health by Government and by alternate and additional funding through tobacco taxation we are adding and doubling the pot for activity and we hope we can do that shortly with the alcohol too.

The PRESIDENT:

Muchas gracias.

Ms PLIBERSEK (Australia):

Thank you, I want to just add a comment on funding. When we introduced our plain packaging measures we increased the tobacco excise at the same time by 25%, and we did it for a couple of reasons. There is always a debate in Australia about whether taxing tobacco is a fair thing to do because in Australia poorer people are much more likely to smoke today than wealthier people and some people would then argue that increasing tobacco taxation is a tax on poverty. We decided even though we are a Labour government and a progressive government to take that 25% increase in excise because we know that pricing policies is one of the most powerful ways that we have of discouraging people from smoking and we know that children and young people in particular are very price sensitive. We did it at the same time as the plain packaging, but also other measures, like subsidising nicotine replacement therapies, increasing funding to the quit line, providing more recently iPhone applications to help people give up smoking, just things to distract them, and we think by having those extra resources available from the extra excise we have raised we are able to invest in smoking cessation programmes but also send a strong price signal to discourage people from smoking in the first place.

The PRESIDENT:

Muchas gracias. El delegado de Sudán me está pidiendo la palabra.

Dr IBRAHIM (Sudan):

For the successful implementation of this Convention, I think we need public awareness. I do not know what means are you using, is it just the media, or do you have teaching for schools or through clubs? Because awareness of the public of their rights, on the one hand, and of the harm effects of the tobacco on the other hand, is very basic for success; so what do you think is probably the best way of distributing this information to society, where they may not be very educated? You need some means of making people aware of this, and at the same time, if somebody smokes, do you use the police sometimes to do this? So we have a problem because if you have transport somebody is smoking, nobody will comment about that. Though we have the Framework Convention being passed, but we have a problem here, the public is just shy of saying anything. At the same time you don't have a governmental body to stop them, so we have this dilemma of probably having some forum so that the public will be more aware and we try to use this in our syllabus of the schools, so that probably this might make them aware and they can tell their families about this. So how do you think the best way probably is of disseminating information to the public?

The PRESIDENT:

Muy bien, muchas gracias. Vamos a adjuntar un comentario más, de manera que los panelistas puedan contestar. Le otorgamos la palabra y le pedimos que se identifique por favor.

Dr CASTRO-CÓRDOBA (Costa Rica):

Gracias, señor presidente. Soy de Costa Rica. Compartimos con Bhután como el segundo país más feliz del mundo; mientras ellos rezan, nosotros bailamos, esa es la diferencia. Yo quisiera referirme al artículo 5.3 desde otra perspectiva. Siempre nos hemos preocupado por el tema de la interferencia de la industria tabacalera sobre nuestras decisiones, pero la industria tabacalera es una industria que causa mucha corrupción que invierte importantes cantidades de dinero en la financiación de los partidos políticos, en países como el mío, donde las pantallas políticas son de un costo elevado. A pesar de que el gobierno financia oficialmente a los partidos para evitar el ingreso de dineros de lugares inadecuados, existe un fuerte apoyo indirecto y solapado de la industria tabacalera a las campañas de todos los partidos políticos que participan o la mayoría de los que lo permiten.

Eso hace que su capacidad de lobby político sea importante. En nuestro país, y lo hemos visto en otros lugares, han cambiado la estrategia tratando no solamente de interferir sobre las decisiones, sino de atacar a las personas que se les han opuesto a la industria tabacalera. Nosotros tuvimos un aumento casi del doble del precio de los cigarrillos en Costa Rica, producto de una ley, después de una lucha de mucho tiempo en la Asamblea Legislativa, en donde algunos miembros de organizaciones no gubernamentales y una red nacional antitabaco dimos una lucha frontal sobre el tema. Pero las repercusiones personales que la industria ha hecho sobre las personas tienen un efecto importante, porque el lobby político, su capacidad de pedir la cabeza de las personas es muy importante. Yo creo que eso es un tema sobre el que tenemos que reflexionar, porque en el futuro todos los que nos oponemos a la industria tabacalera estamos exponiendo nuestros trabajos y nuestros aspectos personales, porque incluso en Costa Rica se ha presentado que hemos recibido demandas de otras industrias a título personal para tratar de amedrentar a los funcionarios que se enfrentan a las industrias.

Muchas gracias.

The PRESIDENT:

Muchas gracias a usted, señor delegado. ¿Algún comentario más? De nuevo, le vamos a pedir que se identifique, porque desde esta instancia no vemos.

Dr WILSON (Liberia):

I have two basic questions. My first question is what system do you have in place to identify breachers or violators and how are they reported? The next question is what adjudicative process do you have in place? Do you put them on an administrative hearing or do you take them to court. Thank you.

The PRESIDENT:

Muy bien, muchas gracias. Así que tenemos básicamente tres temas: la parte de la comunicación, la parte del artículo 5.3 desde el punto de vista de la influencia del lobby político y, por último, el sistema de acusación y de sanciones, en cuanto a los procedimientos. ¿Quién de los panelistas quiere referirse a estos temas?

Mr SEYCHELL (European Union):

Yes maybe I could say something about the communication because as a number of delegates have mentioned the particular difficulty in implementation is not so much enacting the laws but ensuring that throughout the process public support is maintained, and this can only happen if the public is sufficiently informed about the reasons why those measures were necessary. So, participation of the public in the process is essential and we have seen from our experience in the EU for example in the area of a smoke-free environments that those countries that started first faced a lot of criticism there were lots of, let us say, prophets of doom, that said that would mean to death of all the small businesses and all the small pubs and restaurants. In fact if you look at public opinion now in those countries the degree of public support for those measures is very high, in some countries 70% or over. So clearly this is because there was good communication and people saw in practice that this caused an improvement. So I think also when we communicate we have to understand that we have to communicate using the means which reach that constituency. For example, a key focus of our attention in Europe at the moment are young people, for the reasons I mentioned previously. Of course this means we have to get more active in social media, we have to also use points of reference that young people can identify themselves with and we have to make our campaigns, also, exciting I would say. We have recently carried a very successful campaign called "ex-smokers are unstoppable". I would provide support for people to quit through the use of an iCoach application and the web site and over 400 000 people have signed up to quit, and they are receiving support through these innovative

ways and that is 400 000 lives we could save if they quit early enough and most of them I am sure will do, so communication I think has to be tailor-made to the audience.

The PRESIDENT:

Muchas gracias. ¿Alguien más? Adelante.

Mr DUKPA (Bhutan):

Thank you. I think people's participation, consultation process, yes, you may call it a small country but very mountainous, and quite sometimes, very difficult. But nonetheless what we did in our draft bill for Tobacco Control Act we uploaded on our web site and then sought views and opinions from the people and also we went out to discuss, consult, with the public on the provisions of the bill, I am not talking about the Act. And after passing the Act by the Parliament and then, as I represent my constituency I am required to go and explain to the people the provisions of those Acts. So this is part of the education. Public education is continuous process. School: I am not very sure, I come from education background, and what I object to people saying is sometimes whatever issues of national importance people would like to include in a curriculum of the school. Therefore the curriculum of the schools get crowded. So as a result, the quality of education goes down. So we have to be very careful and mindful of including everything in the school curriculum – that I am against. You can educate the children through other ways and means but to include environment is important in the curriculum. You know everything is included in the curriculum, and as a result you gain nothing. And I think I would like to, you know, request our members to be cautious, coming from an education background.

Now, it is really a concentrated effort, you know it is very demanding, to keep educating the people, after sensitizing consulting and yet people will say I was not aware, when they caught. So I think that goes on. So this is very important actually.

The other one that the political parties and all, I don't know, I am also MP, Member of Parliament, the image of politics and politicians we need to change and only way we can change is if people like you join politics. So we can promote transparency, honesty, integrity. We talk about politics but they shy away from joining politics. I think we need to join if you want to promote the image of the politicians and politics. I am not saying that I am honest enough, I don't know, but I joined politics because of this very reason. You want to change, you got to join. I think that's one way. So I think the influence of the political parties by the industry, I think only thing is, you can't do anything join them and work from there. Thank you very much.

Dr SHARMA (Fiji):

Thank you. Just a last one on tobacco control, an intervention on Article 5.3. I think I follow from the Minister from Bhutan. I think we need political will, you need to strengthen your laws and there is nothing against advocacy. We need to work on advocacy at all stages of our lives and of course when you look at enforcement, in Fiji, we have 13 of our tobacco control officers trained as prosecutors and they take you to the courts for adjudication.

Mr DUKPA (Bhutan):

Just one comment. I have my assistant junior legal officer. He is also one of the prosecutors. Please if you come to Bhutan make sure that you don't smoke otherwise you might end up in my house and end up into the house.

Ms PLIBERSEK (Australia):

Thank you. Just very quickly that the question of what is the best way to communicate I think has to absolutely be answered domestically in each country because messages that work in one country may not work in another country. That said, we have shared our television advertisements, for

example with other countries, and had just changed voiceovers and so on, and we are very happy to do that. If there is any raw material that would help any of you please feel welcome to it.

I think using the iPhone applications, social media, mainstream advertising, television advertising side of bus shelters we do all of it when it comes to communication. We use as many different channels as possible. And we also segment the message. So we have got particularly high rates in our indigenous community: 47% of Aboriginal and Torres Strait Islander people smoke. And so, we are doing special advertising that has been tested and developed for Aboriginal and Torres Strait Islander communities.

We have got a problem with some pregnant women still smoking. So we have got particular advertising and an iPhone app aimed at pregnant women and it is a very different message, it's a very positive, affirming message: this is a great time in your life, you are looking forward to having a baby and the best thing you can do for yourself and for your baby is for you and your husband to quit smoking. Very affirming but very different types of messaging.

On the political influence of tobacco companies, political parties should not accept donations from tobacco companies. They should not. And in our country we have had some difference in opinion on that and is very strong, I think, public criticism of Parties that have continued to accept political donations because you would have to be a sucker to believe it doesn't influence the making of public policy. Nobody believes that.

On policing, we have high fines, up to a million dollars for companies that break our plain packaging laws, 100 000 dollars for individual shopkeepers, up to 10 years jail as well as fines, for people who are illicitly trading, counterfeiting, and so on. And we have obviously got strong policing of that through our regular policing structures. But also we've got a lot of ordinary citizens who if they see a breach of the rules about the way tobacco can be displayed or sold, are very quick to get on the phone and complain about it.

The PRESIDENT:

Muchas gracias. Lamentablemente vamos a tener que ir cerrando este segmento del plenario. Una cosa ha quedado clara: el tema es sumamente complejo, pero al mismo tiempo, como en cualquier aventura humana, lo que más hace falta es la determinación, estar seguro de lo que se está haciendo y tener el objetivo claro.

Creo que las presentaciones de los panelistas, desde las islas del Pacífico, pasando por los Himalayas, siguiendo por el continente australiano y terminando por el continente europeo, tienen una misma manera de pensar, hay un convencimiento. En esas aventuras humanas lo que debe primar es el convencimiento, el querer hacer las cosas y veo reflejado ese convencimiento en todo el plenario. No ha habido una voz discordante, no hubo una opinión diferente, sino una verdadera vocación de compartir ideas y objetivos.

Creo que, de esta manera, el éxito está asegurado.

Quiero agradecer a los panelistas por sus ideas, por su tiempo y a todos ustedes por haber acompañado este momento tan grato.

Quedamos así, se levanta el panel. Muchas gracias.

Les pido un aplauso para los panelistas.

(Applause)

Vamos a seguir con el debate del plenario. Ahora toca las presentaciones individuales de los delegados que han pedido el uso de la palabra.

En primer lugar, tenemos el pedido del delegado de Uruguay. Le pedimos a él y a todos los demás que hablen desde el asiento. Tiene la palabra Uruguay.

Dr VENEGAS RAMIREZ (Uruguay):

Muchas gracias, señor presidente.

En primer lugar, es un honor participar de esta Conferencia y a la vez tener la oportunidad de agradecer al gobierno y al pueblo de Corea por la hospitalidad que nos brindan.

Señor presidente: Uruguay ha completado la transición demográfica y epidemiológica, por lo que las principales causas de mortalidad están relacionadas con enfermedades no transmisibles. Las dos primeras causas son enfermedades cardiovasculares y el cáncer.

Como todos sabemos, estas enfermedades están íntimamente vinculadas al consumo de tabaco, por lo tanto, naturalmente se impone el establecimiento de una política de salud pública, cuyo objetivo fuera, en lo posible, disminuir el daño provocado por esta dependencia.

Uruguay ha implementado en los últimos años una fuerte política de control del tabaco, en respuesta al importante problema de salud pública que presenta el consumo. Esta política se expresa a través de un paquete integral de medidas aplicadas casi simultáneamente, que actuarán en forma sinérgica, potenciándose unas a otras.

Este grupo de medidas se diseñó e implementó en coordinación con lo establecido con el Convenio Marco para el Control de Tabaco de la OMS.

En este punto queremos agradecer el excelente trabajo realizado por la Organización Mundial de la Salud y a la doctora Margaret Chan, así como el trabajo permanente de la Secretaría del Convenio Marco, que han sido un sustento a las políticas de control del tabaco que nuestros respectivos países han implementado.

Luego de una década en la que la prevalencia del consumo del tabaco en Uruguay había permanecido sin cambios, la aplicación de estas medidas tuvo como resultado que Uruguay redujera la prevalencia del 32 % en 2006 al 25 % en el 2009 y este descenso ha continuado produciéndose hasta el año 2012, según los estudios que están en curso.

Señor presidente: el Convenio Marco incluye artículos que establecen mecanismos de cooperación científica y técnica y de intercambio de información. Creemos que estos son relevantes en la etapa en que se encuentra el desarrollo de este instrumento.

Comprometido con esto, Uruguay ha estado permanentemente cooperando con los países latinoamericanos y nuestros técnicos en el área del control del tabaco han viajado a estos países a asesorar en la implementación de estas medidas del Convenio Marco, así como también en la redacción de las normas en las cuales se sustentan.

Desde este espíritu de cooperación y de solidaridad, de permanente intercambio, Uruguay ofrece su experiencia, que demuestra que, cuando se aplican las medidas establecidas en el Convenio Marco, se obtienen indudablemente resultados.

En suma, el Convenio Marco de la Organización Mundial de la Salud es una herramienta efectiva para proteger la salud pública de nuestros países y el desarrollo del potencial humano.

Señor presidente: el comercio ilícito de productos de tabaco se ha constituido progresivamente en un importante problema para la salud pública, ya que coloca estos productos a precios reducidos en el mercado y, por lo tanto, se hacen accesibles, y de esta manera se incrementa el consumo. El contrabando es un problema que afecta incluso a países que tienen bajos impuestos y precios de los productos de tabaco.

Por otra parte, los Estados pierden los ingresos por impuestos debido a estos procedimientos ilegales.

Señor presidente: Uruguay apoyó y apoya la aprobación del Protocolo para la eliminación del comercio ilícito de productos de tabaco y creemos que es un instrumento fundamental de las políticas de control del tabaco y que se deberán establecer las definiciones que hagan posible su aplicación en todos los países y regiones.

Es muy claro y hay evidencia científica suficiente del daño que provoca el consumo del tabaco, que se produce por una carga de enfermedad, mortalidad y discapacidad que tienen como consecuencia además un altísimo costo sobre la economía, los sistemas de salud y la seguridad social.

A pesar de ello, todavía algunos intereses económicos emprenden iniciativas para frenar la regulación del comercio de los productos de tabaco y las medidas de protección de la salud.

Es así que en los últimos tiempos se han utilizado las demandas judiciales a nivel nacional e internacional, fundamentalmente en este último caso utilizando acuerdos que los Estados han realizado para proteger sus inversiones o para regular el comercio internacional.

Pero todos sabemos que existe un conflicto irreconciliable entre los intereses comerciales de la industria del tabaco y las políticas de salud pública.

La política integral del control del tabaco, que ha implementado Uruguay ha tenido resultados extremadamente significativos en la reducción de la prevalencia y ha sido objeto de demanda a nivel nacional e internacional por la tabacalera Philips Morris, que actualmente está en curso.

Para nosotros es claro que una política de salud pública no puede considerarse como un obstáculo técnico al comercio y al derecho a la salud, al estar estrechamente relacionada con el derecho a la vida, que debe tener prioridad.

Todos los Estados somos testigos de cómo la industria del tabaco intenta interferir con las políticas de salud pública que soberanamente cada estado establece. Será necesario un abordaje multilateral entre los Estados para enfrentar esta nueva situación.

Señor presidente: la última vez que nos reunimos todas las Partes, en el año 2010 en Punta del Este (Uruguay), estábamos preocupados por la interferencia que la industria estaba realizando con respecto a la política de control del tabaco. Hoy, dos años más tarde, esta situación se ha agravado, pues la industria del tabaco no solo ha utilizado los acuerdos bilaterales de protección de inversión, sino que ahora ha llegado a presentar demandas al nivel más alto de los arreglos de diferencias de la OMC.

Existe un consenso mundial determinado a dar prioridad al derecho a proteger la salud pública, es nuestra responsabilidad ineludible impulsar y aplicar las medidas contenidas en el Convenio Marco para el Control del Tabaco, ratificado por la gran mayoría de los Estados. Gran parte de la población mundial y, particularmente, aquellos más pobres, esperan de nosotros la decisión y la coherencia en el cumplimiento de nuestros compromisos asumidos. Muchas gracias.

The PRESIDENT:

Muchas gracias a usted, señor ministro. Tengo anotados en la lista de oradores a Noruega, Brasil, República Islámica del Irán y otros.

Empezamos entonces por Noruega. Tiene la palabra, señor delegado.

Mr WATHNE (Norway):

President, ministers, colleagues. Let me start by extending our gratitude to the Government of the Republic of Korea for hosting this important fifth Conference of the Parties, and for the preparations done both by the authorities of the Republic of Korea and by the FCTC Secretariat. My delegation looks forward to a week of extensive deliberations and effective work on how to advance the tobacco control agenda on a global scale.

President, a Norwegian ban on tobacco products at points of sale came into effect on 1 January 2010. This is in accordance with Article 13 of the Convention. Norway was shortly after brought to court by Philip Morris International Norway. The case was tried in Oslo District Court this summer. Philip Morris claimed that the ban was incompatible with EU law regarding freedom of trade. The Norwegian Government argued, on the other hand, that the display ban constitutes an important measure in order to further reduce tobacco use and is in line with FCTC, EU legislation and substantiated by extensive research. The good news is Norway won the case against Philip Morris. Oslo District Court ruled that the display ban does not constitute a barrier to trade and even if it did, it can be justified for public health reasons. Philip Morris has decided not to appeal. This is the second major legal blow to industrial resistance against FCTC implementation this year after the Australian high court ruling in the plain packaging case between the tobacco industry and Australian health authorities.

What lessons can we learn from this? The most important lesson is that Parties should not stop implementing measures of the FCTC even when being intimidated by tobacco industry. When industry tries to force us to choose between respecting trade agreements and protecting people's health, our

answer is that we must and can do both. We must dismiss the notion that it is not possible to protect public health in a way that is compatible with our trade agreement obligations because the purpose of trade is to enhance our economies, not to harm the health of our people.

We can also learn that tobacco control policies must be protected from the commercial and other vested interests of the tobacco industry. Governments must not be deterred from fulfilling their legal obligations to the Framework Convention by industry action. As in other areas of international relations we need strong global traffic rules taking the side of health and not with narrow commercial interests.

Finally, we are concerned to learn that some countries that are also Parties to the Framework Convention seemingly under influence by tobacco industry take countries with progressive tobacco control policies, such as Australia and Uruguay, to international courts and thus force these countries to defend their obvious right to protect their people's health.

Colleagues and friends, in the area of tobacco control we want to say loud and clear: Norway will continue to protect public health interests and fight tobacco industry interference. Norway is prepared to enhance its involvement in the international fight against big tobacco. We urge all of you to join hands with us in this extremely important task. Thank you.

The PRESIDENT:

Muchas gracias, señor delegado. Cedo la palabra ahora al delegado del Brasil.

Mr LEBEDEFF ROCHA (Brazil):

Honourable Mr Varela, President of the Conference of the Parties to the Framework Convention on Tobacco Control, Dr Haik Nikogosian, Head of the Convention Secretariat, distinguished delegates, distinguished representatives of observer Parties, ladies and gentlemen. Brazil wishes to convey our gratitude to the Republic of Korea for their warm hospitality as well as our appreciation for the fine arrangements of this Conference.

We would also like to express our appreciation to the working groups that prepared the draft documents and to the INB that concluded the draft of the protocol on illicit trade of tobacco products, due to be adopted by the member States during this Conference.

Mr President, the FCTC is a young treaty; despite entering into force only seven years ago the treaty has already enabled a range of significant advances in the effort of curbing the tobacco epidemic. Most of its 176 member States have implemented measures guided by the Convention, which have resulted in the prevention of thousands of tobacco-related diseases and deaths. In this regard the Brazilian Government continues to put forth efforts to improve its national public policies and it is fully committed to further development of international standards. Brazil has made important achievements since the COP of Punta del Este. For the first time smoking has reached less than 15% of the population. This decrease has already been translated into smaller mortality rates related to chronic respiratory diseases, cardiovascular diseases and lung cancer. Last year, Brazil launched a national plan to combat noncommunicable diseases in which the strengthening of the FCTC is a core strategy. We have also disclosed the plan of gradual increase of taxation on cigarettes over the course of the next five years. Another important policy has been the tackling of tobacco smuggling by customs in our federal policy. The volume of illegal cigarettes seized increased from 24 million packs in 2000 to more than 130 million in 2011.

Another important policy was the prohibition of the use of additives in cigarettes and similar products. Despite resistance from the productive sector, illustrated by several judicial disputes arising in the past month, the full implementation of this measure is a priority to the Brazilian Government. In this context, we view the trend of international and domestic litigation against measures implementing the FCTC with concern in tandem with the speech of Dr Margaret Chan earlier today.

Mr President, the commitment of the Brazilian Government is also demonstrated by its engagement with activities of the Secretariat. Brazil has been an active member of three working groups, the one dedicated to Article 6; the working group on recommendations on Articles 9 and 10; and the working group on the Articles 17 and 18. Our delegation congratulates then the efforts made

by the member Parties and the Secretariat in advancing common understandings in these working groups.

The Brazilian Government congratulates this COP for adopting the Protocol to Eliminate illicit Trade in Tobacco Products. The participation of Brazilian delegates in the INB was a testimony of our commitment with the cause and our willingness to work together with other member Parties in building consensus.

In regard to the working group on Articles 17 and 18, Brazil would like to underscore first of all the fundamental importance of it. We acknowledge the efforts made by the Secretariat in preparing a draft recommendation, but we believe the document needs further discussion. The recommendation of restricting tobacco growing areas presented in the draft document of working group 17 and 18 is not in any way supported by Brazil. Providing this working group with more financial and political resources is essential for achieving real progress to the next COP.

As a big tobacco producer, Brazil has the additional obligation to safeguard thousands of small farmers and their families, whose livelihoods are linked to the tobacco productive chain coordinated by transnational companies. That is why we have sponsored a four-year running programme for diversification of tobacco areas, which has identified viable alternatives to tobacco producers supported by research, credit, price guarantee, crop insurance and technical assistance.

Mr President, in our country, the governance of FCTC is in the charge of the National Commission chaired by the Minister of Health and co-chaired by the General Director of the National Cancer Institute of Brazil. There are, however, representatives of 18 different governmental organs including trade, finance and agriculture. This Commission has proved a very important mechanism to stimulate coherence in the implementation of FCTC obligations.

As I approach the end of this statement, Mr President, we would like to remind all member States that an intersectional approach is the condition for the continuation of progress in FCTC challenges. This is not a binding treaty upon Ministries of Health but a Convention that involves the good faith and commitments of 176 countries as a whole. All sectors of government should abide by the rules defined in the FCTC.

Mr President, in closing our statement, I would like once more to congratulate and thank the Republic of Korea and the Secretariat for organizing this Conference. We wish all of you a productive way of working and we hope that the decisions from this COP5 can further strengthen the purposes of the FCTC. Thank you Mr President.

The PRESIDENT:

Muchas gracias a usted, señor delegado. Damos la palabra a la República Islámica del Irán. Tiene usted la palabra, señor delegado.

Mr VALIZADEH (Islamic Republic of Iran):

Thank you for giving us the floor. Mr President, Excellencies, distinguished delegates, ladies and gentlemen. Allow us to begin by congratulating you, Mr President, as well as members of the Bureau for your deserved election to this important office. I would like to express our sincere appreciation to the Government and people of the Republic of Korea for their hospitality and excellent organization of this event. We are grateful also to the Secretariat for their tireless efforts to make this meeting happen.

In the process of developing and establishing required means and modalities for effective implementation of the Protocol, the much-anticipated Meeting of the Parties should take into consideration different levels of development and capacities of its state Parties. An enabling environment at the international level shall complement national efforts by the developing countries in implementing the Protocol, through providing necessary financial and affordable technical support. In the absence of such assistance and cooperation, national efforts would lead only to limited results. One should bear in mind that due to the limiting measures on tobacco industries, undertaken at the national level in the developed side of our world, the multinational tobacco industries have turned to the developing world as their main target. To serve justice, those who gain considerable profits out of the

lucrative business of the tobacco industries should shoulder responsibility in supporting the international community in their efforts towards tacking the global problem of tobacco consumption and its horrible consequences for individuals and societies at large.

Mr President, tobacco-attributable diseases and disabilities at the global level reached 6 million deaths in a year and this is the direct result of tobacco industries' deadly activities. To protect public health from tobacco's adverse effects, the international community needs to force tobacco industries to accept their responsibilities and consequences of their business to public health and hold them liable. Now that we end our work on the Protocol on Illicit Tobacco Trade and congratulate for the approval of this Protocol, one shall keep reminded of the varying tactics developed by the tobacco industry against a new development of this kind. The international community should be careful not to allow the Protocol to be misused as a motive for boosting legal trade in tobacco products. It would be quite counterproductive. The tobacco industry has to shoulder its responsibility on public health grounds.

Moreover, fighting tobacco requires taking a multi-dimensional approach. Quite fortunately, the FCTC, as a Framework Convention, encompasses many of these dimensions. Within the FCTC context, firmly believing the interdependence of all its components to complement all the invaluable efforts undertaken these years, and in the name of public health, we would like to propose to the Conference of the Parties to take the next step in considering how best to initiate the process of the second FCTC protocol on liability in a bid to effectively implement Article 19 of the Framework Convention. FCTC veterans quite recall that the issue of a draft liability protocol was vigorously on the agenda during negotiation of the FCTC itself and its first and second INBs in 2000 and 2001. Thank you.

The PRESIDENT:

Muchas gracias, señor delegado. Voy a leer los próximos oradores que tenemos: Unión Europea, China, Bhután, Venezuela. Cedo la palabra al representante de la Unión Europea.

Dr KALAKOUTA (Cyprus):

Mr President, I have the honour to intervene in this general debate on behalf of the European Union and its member States.

First of all I would like to thank the Government of the Republic of Korea for its hospitality and generosity as well as for their efforts, which I am sure will contribute to the success of the fifth session of the Conference of the Parties to the Framework Convention on Tobacco Control. I would also like to thank the Convention Secretariat and its staff for their excellent preparations leading to this conference. The EU considers the Framework Convention a milestone in public health and an indispensable tool for policy-makers and regulators to design and implement effective tobacco control policies. One hundred and seventy-six Parties have ratified the convention. This covers over 90% of the world's population and shows a global commitment to address the threat of tobacco consumption. In the first seven years of the FCTC, much progress has been made in developing the right instruments and the adoption of the Protocol on Illicit Trade In Tobacco Products this morning is a strong proof of this progress. The Protocol on Illicit Trade is a milestone in the development of effective tobacco control tools. We would like to thank all Parties for their efforts over the last years and for their willingness to reach an agreement at the end of the negotiations.

Now, we are ready to enter into an implementation phase in order to bring the public health impact of the Convention to its full potential. In the EU this is demonstrated by the current preparation of the revision of the EU legislation on tobacco products.

This week we want to progress further with the adoption of additional elements to the partial guidelines on Articles 9 and 10, which the EU can fully support. The adoption of guidelines for implementation of Article 6 of the Convention on price and tax measures also meets the general support of the EU. The EU reiterates its willingness to advance and consolidate strong tobacco control policies protected from tobacco industry interests and to maintain a high level of ambition against the background of financial constraints. I believe that we have powerful tools, we share the commitment

and vision, and we should now be ready to act jointly on tobacco control across the globe for the benefit of our citizens. I wish us all a successful COP5.

The PRESIDENT:

Muchas gracias, señora delegada. Cedo la palabra al delegado de China. Puede continuar, ahora sí tenemos traducción. Perdimos unos segundos de su mensaje; si quiere puede ir un poco antes, un párrafo anterior y tendremos el mensaje completo. Le pediría que leyera el último párrafo.

Mr MA XINMIN (China) :

尊敬的主席先生！首先请允许我代表中国代表团对您的当选表示祝贺！我相信在您的带领下，我们的会议将取得积极成果！同时，我愿借此机会感谢韩国政府主办此次会议。我们也对秘书处在过去两年内为推进公约全面落实所付出的辛勤劳动表示感谢和赞赏！主席先生，各位代表，我们高兴地看到公约自 2005 年生效以来已经有 176 个缔约国，公约的普遍性不断增加，为在全球范围内控制烟草危害，共同维护人类健康发挥了重要作用。过去两年里，国际社会更是再接再厉，沿着公约确立的目标，加强合作，取得了诸多进展。刚刚通过的消除烟草制品非法贸易议定书是烟草领域又一重要国际法律文件，体现了公约的宗旨，充实了公约的内容，标志着公约朝着有效实施方向迈出了重要一步，必将有利于推进各国的烟控工作。主席先生，中方注意到过去两年里，多个非正式工作组就公约若干条款的实施指南进行了讨论并提交了建议或报告。我们对秘书处和相关国家和专家为之付出的努力表示敬意。中方虽未能参加所有的工作和讨论，但都及时表达了意见。在此，我愿重申三点原则意见：第一，指南不具有法律约束力，只为实施公约提供参考。第二，指南必须符合公约的宗旨和目的，不能超出公约的现有规定；第三，指南不构成对公约的解释。我们期待着在未来几天与各位同事进行更加充分细致的讨论。主席先生，各位代表，中国政府一贯重视烟控工作，始终围绕保护人民健康这一目标推进相关工作，自公约第四次缔约方大会以来，中国政府继续严格履行公约义务，从政策、法律和实施等方面积极推进烟控工作取得进展。第一，细化宏观政策规划。中国政府颁布了《中国 2012 年至 2015 年烟草控制规划》，该规划明确指出国家控烟和履约工作以保障人民健康为中心，以控制烟草需求和供给为主线，以全面推进公共场所禁烟为重点，以实现持续降低人口吸烟率，有效减少烟草危害，全面提高公众健康的水平，为进一步提升烟草工作重要性，中国政府将全面推行公共场所禁止吸烟列入国民经济和社会发展的第十二个五年规划纲要，作为今后五年国家经济社会发展的一项重要指标。第二，健全控烟法律法规。2011 年，中国政府颁布公共场所卫生管理条例实施细则，强化公共场所禁止吸烟的规定，部分省、市相继出台禁烟的地方性法规。2011 年，中国卫生部制订了关于 2011 年起全国医疗卫生系统全面禁烟的决定，要求各级卫生行政部门和医疗机构全面禁烟。此外，中国政府修订完善了烟草广告管理办法，推动广告法修订工作，严格限制和规范烟草广告的发布，严处烟草广告违法案件，广泛禁止烟草广告促销和赞助。2011 年，中国政府主管部门还发布了关于进一步加大卷烟包装禁语标识力度的通知，明确了烟草包装警示。第三，强化控烟宣传和执法。今年世界无烟日前，卫生部首次发布《中国吸烟危害健康报告》，制作控烟宣传片，组织控烟知识竞赛，深入开展大众传播活动，引导树立健康生活观念。中国公安，海关，工商等政府部门密切配合，建立了联合打假打私机制，严厉打击非法卷烟和烟草制品的制假、销假，取得了良好的成效。主席先生，各位代表，根据一国两制原则和中华人民共和国香港特别行政区基本法和中华人民共和国澳门特别行政区基本法，香港特区和澳门特区作为中国成员，适用和履行烟控公约，在此中国代表团愿向各位简要介绍中国香港特区和澳门特区在烟控领域所做的工作和取得的进展。近年来，香港特区政府一直通过立法、征税、宣传教育及执法等方式控制烟草使用，降低二手烟对公众的影响。除继续实施吸烟公共卫生条例外，2009 年，香港特区政府推行吸烟罪行定额罚款制度，将所有违法吸烟的定额罚款规定为 1500 港元，约 192 美元。2009 年和 2011 年，香港特区政府分别把烟草税提高 50% 和 41.5%，并自 2010 年 8 月起取消了入境旅客可携带免税卷烟

产品的安排，上述措施有效降低了该地区吸烟人士的比例。在澳门特区方面，2011年，澳门特区政府成立了预防及控制吸烟办公室，专司控烟工作。从今年起，澳门特区开始实施新的控烟法律，进一步扩大了禁止吸烟的公共场所的范围，加强对烟草制品标签和包装的管制，禁止烟草广告促销和赞助，并制定了有关降低烟草需求及供应的具体措施。主席先生，各位代表，控烟工作任重而道远，中国政府愿同各国政府及秘书处一道，不懈努力，继续全面推进烟控工作取得更大进步，为维护人民健康做出更大贡献！谢谢主席！

The PRESIDENT:

Muchas gracias, señor delegado. Le cedo la palabra al delegado de Bhután. Bhután tiene la palabra.

Mr DUKPA (Bhutan):

Sorry President. I have no comment to make, no statement to make. Thank you very much for giving me the floor. Wonderful you are, thank you, but I have nothing much to add to what I said earlier. Thank you Sir.

The PRESIDENT:

Muchas gracias a usted, señor. Soy yo el agradecido. Tiene la palabra entonces el delegado de Venezuela.

Mr COLMENARES (Bolivarian Republic of Venezuela):

Gracias, señor presidente. La delegación de la República Bolivariana de Venezuela agradece a la Secretaría del Convenio la presentación del informe sobre los progresos realizados a escala mundial en la aplicación del Convenio Marco para el Control del Tabaco.

Señor presidente, estimadas delegadas y delegados de los países presentes: saludos cordiales a todos y a todas. Quiero saludar de manera fraterna de parte del gobierno de la República Bolivariana de Venezuela al gobierno de la República de Corea por la excelente organización de tan importante reunión y en especial a la respetable representación diplomática de la República de Corea acreditada ante la República Bolivariana de Venezuela por su apoyo para esta delegación.

Señor presidente, estimados delegados y delegadas: nos parece completo el informe presentado por la secretaría del Convenio y saludamos el esfuerzo realizado para tal fin.

En este sentido, señor presidente, estimados delegados y delegadas, aprovecho la ocasión para destacar y mencionar que para el Estado Bolivariano de Venezuela es una responsabilidad garantizar el derecho a la salud de todos y todas las ciudadanas. Constitucionalmente el Estado promueve y desarrolla políticas orientadas a elevar la calidad de vida y el bienestar del colectivo y el acceso a los servicios.

En nuestro país se garantiza la salud como un derecho social fundamental, como derecho fundamental a la vida y la participación de la comunidad organizada en toda toma de decisiones para la planificación, ejecución y control de las políticas públicas de salud, afianzando la garantía universal e indivisible de los derechos humanos y la conquista de los derechos sociales con equidad, a fin de incrementar el acceso a la atención de la salud a la población.

Entre las políticas dirigidas a mejorar la calidad de vida y la salud de la población venezolana se encuentra la creación y puesta en marcha de medidas para combatir el tabaquismo como una de las grandes causas de mortalidad, morbilidad e incapacidad en la historia de la humanidad.

La República Bolivariana de Venezuela, a través del Ministerio del Poder Popular para la Salud, cuenta con la coordinación de regulación y control de productos derivados del tabaco y el programa nacional antitabaco como instancias encargadas de implementar el Convenio Marco para el Control del Tabaco, así como también garantizar la ejecución de planes, estrategias y acciones encaminadas a la prevención del consumo y la regulación, vigilancia y control de las empresas productoras,

importadoras, exportadoras y comercializadoras de productos derivados del tabaco, con el fin de contribuir en la disminución de la carga de morbilidad relacionada con los efectos de este factor de riesgo.

Asimismo, el Ministerio del Poder Popular para la Salud coordina la Comisión Intergubernamental para el Control del Tabaco, la cual está integrada por todos los entes gubernamentales involucrados en este tema y de esta manera se permite tener unas políticas con una visión integral para la regulación y el control de la epidemia del tabaco.

Para resumir tales políticas, enumero:

Artículo 8: protección contra la exposición del humo del tabaco. La República Bolivariana de Venezuela cuenta desde el 2011 con la resolución de ambientes libres de humo, la cual expresa la prohibición de fumar o mantener encendidos productos de tabaco en áreas interiores de los lugares públicos y en los lugares de trabajo, cualquiera sea su uso, incluyendo el transporte.

Artículo 9: reglamentación del contenido y emisión de los productos de tabaco. La resolución establece la regulación y control del cigarrillo y demás productos derivados del tabaco destinados al consumo humano. Las empresas deberán realizar la solicitud de un número de control para cada uno de los productos comercializados, por marca y en sus diferentes presentaciones, y por marca deben presentar los análisis de la composición de la cadena primaria y secundaria de humo del producto y compuestos presentes en el tabaco total.

Empaquetado y etiquetado de productos de tabaco. La resolución que regula los empaques y embalajes de cigarrillos, las cajetillas y cualquier otro embalaje de cigarrillos, contienen advertencias sanitarias a través de textos e imágenes acerca de los daños causados a la salud derivados del consumo de tabaco. Tales advertencias sanitarias deben cumplir con las siguientes condiciones: ser usada simultáneamente una sola imagen y texto de la advertencia, y se incluye una serie de 10 advertencias en cada lote de cajetillas; el Ministerio del Poder Popular para la Salud determina las imágenes, su tamaño ocupa 100 % de una de las caras frontales de la cajetilla de cigarrillos, del cual el 70 % corresponderá a la imagen y el 30 % está destinado al texto de la advertencia.

Se prohíbe el uso de denominaciones *tipo, clase, ultra, bajo, nivel, alto, suave, light, soft, liviano*, etc. Cualquier otra alusión a los niveles de productos tóxicos contenidos en los cigarrillos y sus riesgos. Las advertencias de las cajetillas indican en una de sus caras laterales que este es un producto que contiene alquitrán, nicotina y monóxido de carbono, que son cancerígenos y tóxicos, y no existen niveles seguros para el consumo de estas sustancias.

Medidas relacionadas con los precios e impuestos para reducir la demanda del tabaco: la alícuota impuesta en la República Bolivariana de Venezuela alcanza el 70 % del precio de venta al público y el costo actual de la cajetilla de cigarros equivale a 5,82 dólares.

Con respecto a la publicidad, promoción y patrocinio, en la actualidad se está gestionando la aprobación y publicación en gaceta oficial de una nueva resolución que regula la publicidad, promoción, patrocinio y formas de venta de productos derivados del tabaco, encaminada a instituir una prohibición total.

Artículo 14: medidas relacionadas con la reducción de la demanda, relativa a la dependencia y al abandono del tabaco. Actualmente se continúa con la capacitación del personal de salud en técnicas para ayudar a los pacientes a dejar de fumar. Actualmente funcionan 90 consultas en todo el territorio nacional para dejar de fumar, en 12 estados del país y se han dotado de medicamentos para tal fin.

Con respecto a los artículos 17 y 18: actualmente la República Bolivariana de Venezuela está obteniendo los datos sobre la extensión de hectáreas cultivadas y los datos topográficos, antropológicos y demográficos de las zonas cultivadas dedicadas al cultivo del tabaco, para de esta manera realizar acciones coordinadas con todos los entes gubernamentales involucrados para tal fin.

Gracias, señor presidente, estimados delegados y delegadas.

The PRESIDENT :

Muchas gracias, señor delegado de la República Bolivariana de Venezuela. Tengo anotados a los siguientes países: Palau, Colombia, Chad y Sudán. Nos estamos acercando a las 6 de la tarde, es la hora máxima en la que podemos sesionar. Yo les pediría a los delegados que quieran hacer uso de la palabra que se anoten con la Secretaría para que tengamos una idea. Seguramente esta tarde no

podremos terminar con todos los oradores, pero queremos saber de cuántas horas debemos disponer mañana para el plenario. Nuestra idea es dedicar una o dos horas para que puedan reunirse inmediatamente después los comités A y B.

Así que les pido que aquellas delegaciones que estén interesadas en hacer uso de la palabra, que así se lo expresen a la Secretaría.

Le doy la palabra ahora a Palau. Palau tiene la palabra.

Dr KUARTEI (Palau):

Thank you Mr President. Palau takes the floor to express its appreciation for the very sources of inspiration that we have already received at this fifth session of the COP. First, we have been inspired by the people of Korea for their excellent arrangements they have made for our Conference and the hospitality extended to us. Secondly, we have been inspired by the Director-General of WHO, Margaret Chan, for her passion and commitment and the statements she made this morning. Thirdly, we are specifically inspired by Uruguay, Australia and Norway for leading the way on legal confrontation with the tobacco industry. Fourth, we are inspired by the action taken by the Parties on adopting the Protocol on Illicit Trade this morning. And fifth, we are inspired by the work of the Secretariat in assisting the Parties with their efforts to implement the FCTC. They have done a large amount of work with such a small staff and in that regard we congratulate Dr Nikogosian and the Secretariat staff.

Mr President, we congratulate the Parties and the Secretariat for the great progress made on the implementation of the FCTC, as we heard this morning. But we take note that the lowest implementation rates are seen in the environment and health of persons in respect to tobacco cultivation and manufacture (Article 18); and in the international cooperation and provision of related expertise (Article 22); liability (Article 19); and the support for economically viable alternatives (Article 17). In particular, two of these articles are of significant interest to us: Article 22, on international cooperation and provision of related expertise; and Article 19 on liability. We look forward to strengthening these areas as we benefit from the experiences of the Parties, such as we have heard from Uruguay, Australia and Mauritius.

Mr President, we have been particularly interested in strengthening the work on Article 19, liability. While we realize that this is a complex and difficult issue to address, the time has come for us to put more focus on this particular issue. The words of the Director-General this morning rings loud as she said, and I quote, “innocent bystander victims”. Clearly someone is liable Mr President, and I say it is the tobacco industry. As we have been inspired by the events and the activities of the COP so far we look for further inspirations from our work here so that we can be rejuvenated to continue the implementation of the FCTC and the Protocol. We believe that we have to work harder not only to stop the industry from inflicting more harm but to be held responsible for its continual unethical actions, by paying for the damage it is causing. Thank you Mr President.

The PRESIDENT:

Muchas gracias, señor delegado. Ahora voy a dar la palabra a Colombia, como último orador de la tarde. Quedarán para mañana Chad, Sudán, República de Moldova, Federación de Rusia, Zambia, República Democrática del Congo, Estados Federados de Micronesia, República de Corea y Ucrania. Luego vendrán los observadores que también pidan la palabra.

Le doy la palabra a Colombia.

Dr URQUIJO VELÁSQUEZ (Colombia):

Muchas gracias, señor presidente.

Colombia agradece la generosa hospitalidad que ha ofrecido el gobierno de la República de Corea.

En Colombia, el Convenio Marco entró en vigor en 2008 y desde 2009 dispone de una ley de cobertura nacional que ha permitido avanzar progresivamente en su cumplimiento. De esta manera,

atendiendo a lo dispuesto en el artículo 8, tiene una prohibición total del consumo de tabaco en espacios cerrados y en los lugares abiertos y cerrados de establecimientos de interés en salud pública, cuyo cumplimiento se centra en una creciente consciencia de la población de su derecho a respirar aire 100 % libre de humo.

Conforme a lo establecido en los artículos 11 y 13, en Colombia es obligatorio ubicar pictogramas y advertencias rotatorias en los empaques de cigarrillos, los cuales son previamente aprobados por el Ministerio de Salud.

Igualmente desde julio de 2011, entró en vigencia la prohibición total de publicidad y cualquier forma de promoción del tabaco. Colombia llama la atención de la asamblea sobre la necesidad de involucrar a la comunidad en la vigilancia y control de estas medidas de política pública.

Señor presidente: Colombia participó activamente en las negociaciones para la formulación del Protocolo para la eliminación del comercio ilícito de tabaco y felicita al Órgano de Negociación Intergubernamental, gracias a cuya ardua labor fue posible disponer del documento que se aprobó por unanimidad el día de hoy, y está dispuesta a suscribir dicho documento.

Este instrumento permitirá sumar esfuerzos de las diferentes agencias en la lucha contra varias formas del crimen asociadas con el comercio del tabaco.

Siendo conscientes de que el tabaquismo es una epidemia que se transmite por los medios de comunicación y de que los artículos 11 y 13 tienen un gran impacto en la salud pública, Colombia llama la atención sobre la interferencia de la industria tabacalera en la aplicación del CMCT, del cual no ha sido ajena, y ha advertido su intención de tratar de evadir las prohibiciones de publicidad, incluyendo frases promocionales en el etiquetado o en los sitios de exhibición para los productos de tabaco. En tal sentido, Colombia se solidariza con la lucha de ha emprendido Australia con su política de etiquetado genérico.

Finalmente, Colombia agradece la visita de la comisión de la Secretaría del Convenio, atendiendo a nuestra solicitud a través del mecanismo de cooperación del Need Assisment, a través del cual hemos formulado un plan intersectorial para facilitar la implementación del Convenio.

Muchas gracias, señor presidente.

The PRESIDENT:

Muchas gracias a usted, señor delegado.

Con este orador terminamos la sesión de la tarde de hoy y vamos a continuar con el resto de los oradores en el día de mañana.

Pero antes de que levantemos la sesión, quiero leerles un mensaje que hemos recibido del Secretario General de las Naciones Unidas, que hemos recibido en la tarde de hoy. Dice así:

“I am pleased to convey my greetings to all those gathered for the fifth session of the Conference of the Parties to the World Health Organization Framework Convention on Tobacco Control.

Last September the international community joined forces at the United Nations to launch a global campaign to curb deaths from non-communicable diseases. One of the gravest risk factors is tobacco. Tobacco kills by causing cancer, heart disease and respiratory diseases. Every year about 5 million people die from using tobacco. Another 600 000 people die from exposure to second-hand smoke. The world has established strong tools to fight tobacco use and protect public health policies from being diluted by the tobacco industry. These efforts have enjoyed widespread support. Indeed, the WHO Framework Convention on Tobacco Control is one of the most rapidly endorsed treaties in United Nations history. This first treaty negotiated under the auspices of the WHO is making a meaningful difference in people’s life. Some countries have reduced smoking by up to 25% within only three years by implementing the Framework Convention. Let us continue to build on this important progress, stamp out the tobacco epidemic and pursue a vision of a tobacco-free world. I thank you for your commitment to these life-saving goals and wish the Seoul Conference great success.

Ban Ki-moon, Secretary-General of the United Nations.”

El día de hoy ha sido bastante productivo, antes de levantar la sesión plenaria, permítanme recordarles que nuestro anfitrión, el señor Rim Chemin, ministro de Salud y Bienestar de la República de Corea, ha tenido la amabilidad de invitar a los representantes de las Partes y a los observadores a una recepción de bienvenida a las siete en punto de esta tarde en la sala D1, que está situada justo al lado de esta sala de plenos. Espero poder verlos a todos en la recepción.

En cuanto a mañana por la mañana, nos reuniremos en esta sala a las diez en punto, y proseguiremos el debate sobre el punto cuatro.

Muchas gracias y que tengan una buena noche.

The meeting rose at 18:00.

THIRD PLENARY MEETING**Tuesday, 13 November 2012, at 10:15****President: H.E. R.J. Varela Fernández (Uruguay)****1. REPORT OF THE CONVENTION SECRETARIAT, FOLLOWED BY A GENERAL DEBATE**

The PRESIDENT:

Le voy a pedir a los delegados que vayan ocupando sus plazas, por favor.

Muy buenos días. Antes de comenzar los trabajos del día, quiero que me permitan, señores distinguidos delegados, que dé las gracias en nuestro nombre al ministro de Salud y Bienestar de la República de Corea, por la agradable recepción que nos ofreció anoche. Muchísimas gracias, excelencia.

Seguiremos ahora, con el debate general que empezamos ayer dentro del punto cuatro del orden del día.

En mi lista figuran las siguientes delegaciones que han manifestado su interés en tomar la palabra: Chad, Sudán, República de Moldova, Federación de Rusia, Zambia, República Democrática del Congo, Estados Federados de Micronesia, República de Corea y Ucrania.

En primer lugar doy la palabra al delegado de Chad. Tiene la palabra el delegado de Chad.

¿Chad está en la sala? Si no ha llegado le damos la palabra a Sudán. Tiene la palabra Sudán.

Veo que el delegado de Sudán no ha llegado. Pasamos entonces a la República de Moldova. Tiene la palabra Moldova.

Mrs GABERI (Republic of Moldova):

Mr President, distinguished guests and delegates. The Republic of Moldova would like to express our gratitude to the Government of the Republic of Korea for hosting this event and also to the FCTC Secretariat. The Republic of Moldova ratified the FCTC in 2009 and since then we have developed a comprehensive national programme on tobacco control for 2012–2016. We have established a national coordination council on tobacco control that is an intersectoral coordination body. Now we have established technical working groups in order to review national legislation and bring it into line with the FCTC provisions. We have also developed a national communication strategy to halt tobacco consumption. The main challenges for the Republic of Moldova remain smoke-free public places, taxation on tobacco products and plain packaging. The importance of this Conference is unquestionable, where Parties can take advantage of countries' experiences in implementation of the FCTC and the weaknesses and strong points of their activities. We also would like to express our gratitude to the Secretariat of the Convention in continuing to support countries in implementing the FCTC by developing protocols and guidelines.

The Government of the Republic of Moldova is determined to take steps forward in achieving the challenges and the results that have been shown by other countries, like Australia and Norway. Tobacco control has been set as a priority public health area for the Ministry of Health of the Republic of Moldova to tackle the burden of noncommunicable disease in our country. Thank you very much.

The PRESIDENT:

Muchas gracias. Le doy ahora la palabra a la Federación Rusa.

Ms SEVYREVA (Russian Federation):

Уважаемый г-н председатель, уважаемые коллеги. Прежде всего, разрешите поздравить конференцию сторон с принятием протокола о незаконной торговле табачными изделиями. В настоящее время правительством Российской Федерации в Государственную Думу внесен комплексный законопроект по имплементации большинства мер, предусмотренной рамочной конвенцией ВОЗ по борьбе против табака. Российская Федерация привержена делу борьбы с табаком. Кроме того, информируем секретариат о том, что в мае 2012 г. Российская Федерация утвердила размещение графических знаков на упаковке табачной продукции. Данное требование для всех производителей табачной продукции вступает в силу в мае 2013 г. Российская Федерация также планирует увеличить свое содействие международному сотрудничеству в деле борьбы с табаком. Спасибо.

The PRESIDENT:

Muchas gracias a usted. Zambia tiene ahora la palabra.

Dr CHILENGWE (Zambia):

Thank you very much Mr President. On behalf of the Government of Zambia, indeed on behalf of the Zambian delegation, I wish to join all progressive countries in thanking the Government of Korea for their hospitality and congratulating them for hosting COP5.

Mr President, I wish to reiterate my Government's commitment to the successful implementation of the World Health Organization Framework Convention on Tobacco Control. Protection of the current and future generations from the devastating health consequences of tobacco consumption is very high on our agenda as a Government through the Ministry of Health and its cooperating partners. As a country in this direction we have reached advanced levels in drafting tobacco control legislation that takes into account the WHO FCTC. In addition, we are already implementing measures aimed at enforcing the banning of tobacco smoking in public places, one. Two, enforcing the public health Cap. 295 of the laws of Zambia, which clarifies tobacco smoking as a public nuisance. Three, engaging the small scale tobacco farmers in consultations on alternative crops with support from the Ministry of Agriculture and Livestock, the Zambian Agricultural Research Institution and the International Disease Research Institution of Canada. Four, supporting the implementation of the international tobacco control survey, ITC, by the investment of Zambia and in conjunction with the investment of Waterloo of Canada. Five, training health care staff on management of tobacco dependency and cessation. Six, public awareness campaigns supported by the Ministry of Health. We have participated in WHO global tobacco control report number 4 and the Global Youth Tobacco Survey of 2011. We are also supporting the ongoing exploratory work between the World Health Organization and the Ministry of Finance on tax systems in Zambia. The Ministry of Health is also engaged in consultation with the Ministry of Commerce, Trade And Industry on trade aspects of the WHO FCTC. To this end, a multisectoral task force has been established to coordinate this work. This work and other ongoing initiatives are being packaged as part of our WHO FCTC implementation report soon to be submitted to the World Health Organization. However, before this is done we need to do comprehensive needs assessment to determine the nature, extent and impact of tobacco control and consumption in Zambia with the different categories of stakeholders. The aim is to generate evidence for appropriate policy and legislative reforms.

Distinguished delegates, in our desire to fulfil the requirements of the implementation of the FCTC we are faced with many challenges as a country. First and foremost is the challenge of identifying alternative crops and economic activities that would convince the 450 000 tobacco farmers

to diversify as required under Article 17 of the laws of the Zambian Republic. Alongside that are the methodology and the process of transitioning from tobacco farming to other cash crops. Therefore adequate mechanisms are required for adjusted support. The issue of tracking and tracing requires a lot of resources, to be effectively enforced.

In conclusion, Mr President we are here to support the spirit under which the WHO FCTC was promulgated and in efforts to continue to harmonize this with the local legislation, thank you very much.

The PRESIDENT:

Muchas gracias, señor delegado. Le doy ahora la palabra a la República Democrática del Congo. Tiene la palabra. Si no está en sala, le vamos a pedir al representante de los Estados Federados de Micronesia que haga uso de la palabra.

Si no está en sala, le vamos a pedir a la República de Corea que haga uso de la palabra. Corea tiene la palabra.

Ms GEUM JOO BAE (Republic of Korea):

Thank you President. The Republic of Korea would like to thank the honourable President, distinguished delegates from 142 Parties visiting Seoul and the Convention Secretariat for their enormous efforts and contribution in preparing and working for COP5. Also, it is a historically important moment to see the adoption of the Protocol during yesterday's Conference. We expect that adoption of the Protocol will promote development of tobacco control policies not only at the global level but also at the national level in Korea. The Republic of Korea has ratified the FCTC in 2005, but more action should be taken further for tobacco control. As the smoking male population is up to 45% we still face some difficulties in implementing tobacco control measures. However, since the FCTC was ratified, Korea has tried to promote public awareness, and now we are experiencing social support on second-hand smoke and NCDs being gradually increased. From December 8 of this year three important steps on tobacco control in Korea will start. The first one is that smoking in restaurants and pubs is prohibited; for now it applies to places larger than 150 square metres, but within two years every restaurant and pub will become a smoke-free area. Secondly, text warnings should be included on tobacco packages; and thirdly, information on flavouring substances should be banned.

Distinguished delegates from all around the world, we are working in different places and regions, but we are all together as a team working towards the same goal. The Republic of Korea will actively engage in implementation of the Protocol. As per the Protocol adapted yesterday we need to build our universal commitment and need to show our united will to fulfil the effective implementation of Protocol, before this Conference is finished, thank you.

The PRESIDENT:

Gracias a usted, señora delegada. Tiene la palabra ahora Ucrania.

Ms ZAITSEVA (Ukraine):

Thank you Mr President. Distinguished delegates and guests, Ukraine welcomes the achievement of these days, namely the adoption of the Protocol on Illicit Trade. We wish all the Parties success, since more efforts are needed to implement and further promote health objectives.

Since my country was mentioned several times in relation to WTO dispute yesterday, I find it necessary to enlighten you on the matter, which seems to have been creating misleading conceptions in this forum. I would like to clarify some basics of the plain packaging case of the WTO. First, we have never challenged Australia's sovereign right to regulate in the area of health protection. Their sovereignty is recognised and respected by Ukraine and there is no doubt to that. Ukraine challenges some provisions of the plain packaging act as they violate a number of obligations under multilateral trade agreements Australia is a party to. We are concerned by some provisions that circumvent

intellectual property rights, are trade restrictive and are discriminatory. Moreover, the case has nothing to do with challenging freedom of speech or expression or choice or whatever. The case is a trade dispute. Trade restrictions and outright bans on IPR will hardly serve the legitimate objective of health protection but will be very damaging to the legitimate interests of trade and certainly to the fundamental protection of trading rights. Thus governmental measures related to the implementation of the FCTC should be proportionate and take into account multiple factors, not purely health considerations. I would like to remind all of us that WHO has no right to interpret the binding contractual obligations WTO Members have signed to. The WTO is a different jurisdiction and statements made in light of going and fighting the WTO will only confuse the members of WTO and the Parties to the FCTC. This would be counterproductive. Governments and NGOs and wide public should carefully consider all options for tobacco control. Major intention in my view should be paid to how to influence the human behaviour, especially young people and certainly how to balance trade and health, so that these two do not confront each other. Thank you for your attention.

The PRESIDENT:

Gracias a usted. Algeria tiene la palabra.

Professor MESBAH (Algeria):

Merci Monsieur le Président. Je voudrais avant tout m'associer aux remerciements exprimés à la République de Corée pour la qualité de l'accueil et de l'organisation, et au Secrétariat pour la qualité du travail fourni. Dans mon propos, je voudrais partager avec vous une modeste expérience menée en Algérie en matière de financement des activités dans le cadre de la Convention-cadre, qui est, comme vous le savez, la clé de notre réussite. Partant du principe que chaque pays doit avant tout dégager des fonds propres dans le cadre de la lutte contre le tabac, nous avons opté en Algérie pour une stratégie qui repose sur les principes suivants :

Le premier principe consiste à consacrer dans la loi le fait que le produit de la taxe-tabac doit être affecté en partie à la santé publique.

Le deuxième principe a consisté à garantir que le financement à partir de la taxe-tabac soit un financement durable.

Le troisième principe a consisté à garantir que le financement à partir de la taxe-tabac soit un financement inalienable. C'est-à-dire que l'argent qui est dans le fond reste dans ce fond.

Et le quatrième principe a consisté à accorder au Ministère de la santé le rôle d'ordonnateur et d'administrateur de ce fond.

Pour cela, nous avons créé, dans le cadre de la loi, le fond d'affectation spéciale pour la santé publique, lequel est, bien entendu, financé par la taxe-tabac.

Quels ont été les résultats très, très brièvement ?

Le premier fond que nous avons créé est celui des urgences et des épidémies qui a été créé en 1998. Il nous a permis en 1998 et 2010 de mobiliser 600 millions de dollars, je dis bien 600 millions de dollars, qui nous ont permis de faire face aux épidémies et notamment à l'épidémie de H1N1 sans toucher un seul centime du budget du fonctionnement normal du budget de la santé, de mettre en œuvre toutes les activités de lutte contre le tabac que nous avons, bien entendu, programmées. Et forts de cette expérience, et suite au sommet de 2011 à New York sur la prévention et le contrôle des maladies non-transmissibles, nous venons de mettre en place un deuxième fond d'affectation spéciale, c'est le fond consacré aux maladies non-transmissibles, qui a été appelé fond cancer et qui va être également, bien entendu, financé par d'autres taxes, mais également par la taxe additionnelle sur le tabac, et je vous remercie.

The PRESIDENT:

Muchas gracias a usted. Le doy la palabra ahora a Singapur.

Dr CHEAH (Singapore):

Thank you Mr Chairman. As coordinator for the Western Pacific Region, we note that this is the first COP held in the Region and we would like to join Korea and welcoming all delegates to COP and thank the Republic of Korea for hosting COP5. We also note that the Western Pacific Region is the first WHO region to have a 100% of member States, Parties to the FCTC, thank you.

The PRESIDENT:

Muchas gracias a usted. Tiene la palabra Seychelles.

Dr GEDEON (Seychelles):

Mr President, it is my privilege on behalf of the Government of Seychelles to make a statement in this COP5 meeting. Let me first and foremost congratulate you and Convention Secretariat as well as members of the Bureau for its accomplishments over the years. I would also like to join others in thanking the Korean Government, the people of Korea, and the Ministry of Health for co-hosting this important conference. Seychelles fully supports the statement made on behalf of the Parties in the WHO AFRO Region and congratulates the adoption of the Protocol on Illicit Trade yesterday.

The Seychelles Government has taken several major steps towards tobacco control during the past 20 years. After having ratified the FCTC first in the African region in 2003, Seychelles started to implement comprehensive tobacco legislation in 2009. A total ban on tobacco advertising, promotion, sponsorship and a total ban on smoking in all enclosed spaces and public places are already well enforced. The law also prescribes pictorial health warnings to cover at least 50% of two main sizes of cigarette packets. The national board of tobacco control established under the tobacco control act came up with the series of four compulsory graphic warnings in the three official languages, and would be mandatory as from April 2013. Rotation of health warning is expected to take place every three years. Other recent achievements include limiting of direct access to tobacco products by shoppers at duty free shops and a ban on electronic cigarettes.

Analysis of the past 10 years also shows that the age of mortality related to myocardial infarction and stroke has a decreasing trend. In addition, Seychelles is in the process of developing a comprehensive NCD strategic framework which includes tobacco control.

In spite of these achievements Mr President, Seychelles as a small island state is facing many challenges not the least being the need for appropriate technical expertise in preparing the various regulations and enforcement. Therefore, be assured that the Seychelles' Government will keep providing strong support to initiatives to strengthen tobacco control. Accordingly, firm support from the Conference of the Parties and related organizations in these areas will be most appreciated. Thank you Mr President.

The PRESIDENT:

Muchas gracias a usted, señor delegado. Le voy a dar la palabra a Chad. Chad tiene la palabra.

Mr ANNOUR WADAK (Chad):

Monsieur le Président, permettez-moi au nom de la délégation Tchadienne d'adresser mes vives félicitations aux pays hôte de la république de Corée pour avoir abrité cette 5^{ème} session et surtout pour l'accueil bien chaleureux. Nos félicitations vont également à l'endroit du secrétariat de la conférence des parties, qui n'a ménagé aucun effort pour son engagement et son dynamisme dans l'organisation des travaux qui ont permis à l'aboutissement de cette session. Nous saisissons cette opportunité, qui nous est offerte pour saluer tous les représentants et les délégués ici présents. Le tabagisme demeure certes une question majeure de santé publique et de développement. Il est considéré comme un fléau mondial, aux nombreuses conséquences sur la santé des jeunes adolescents, des adultes au même titre

que le SIDA et le paludisme réunis. Le tabagisme contribue par exemple aux diverses maladies, à la popérisation de nos populations au détriment des besoins essentiels comme l'alimentation, l'éducation, et les soins. Mon pays, le Tchad, s'inscrit dans la dynamique de la communauté internationale des Etats Parties, pour une meilleure utilisation des instruments de la convention. C'est pourquoi il a entièrement souscrit à la convention-cadre de lutte anti-tabac. L'engagement du Tchad à la convention-cadre de l'OMS pour la lutte anti-tabac, à travers le Ministère de la santé publique, est de faire en sorte qu'en toute connaissance de causes, la consommation des produits toxiques du tabac n'ait pas de conséquences involontaires ou porte atteinte à la santé d'autrui. Le combat contre l'industrie du tabac est avant tout un combat politique, et doit être fondé sur une législation forte et sa mise à l'application réelle. C'est pourquoi, après la ratification de la convention-cadre en janvier 2006, le Tchad a adopté le 10 juin 2010 une loi anti-tabac qui prend en compte les dispositions de la convention-cadre et ses directives. Malgré les contraintes en matière de mobilisation de ressources et de l'assistance technique pour la mise en œuvre de la convention-cadre, des efforts importants ont été faits par le Tchad, qui travaille en étroite collaboration avec ses sociétés civiles pour mettre en œuvre la convention. Ces efforts ont permis de mener des actions de sensibilisation à l'endroit des populations, des secrétaires généraux, des directeurs généraux, des institutions publiques et privées, des restaurateurs, des hôteliers-restaurants, des nightclubs, des bars, des centrales syndicales, etc. Pour pallier le manque de ressources, le Ministère de la santé publique et sa société civile travaillent avec le Ministère des finances et les Parlementaires pour instituer un prélèvement de taxe au profit de la lutte anti-tabac et faire intégrer la lutte anti-tabac dans l'agenda du gouvernement. Pour être conforme aux dispositions de la convention, le Tchad va très bientôt adopter une réglementation sur la mise en œuvre de nombreux paquets de cigarettes comportant des avertissements sanitaires. Forts de tout ce qui précède, le Tchad adhère fortement aux recommandations issues des discussions, et des échanges de la réunion régionale Africaine qui s'est tenue du 9 au 12 octobre 2012 à Dakar au Sénégal, sur la mise en œuvre de la convention-cadre de l'OMS, et les questions relatives aux ressources et le mécanisme d'assistance pour la lutte anti-tabac. Aussi utile, surtout la coopération bilatérale avec les organismes internationaux comme la Banque mondiale, le Programme des Nations Unies pour le Développement, la Conférence des Nations Unies pour le Commerce et le Développement et l'Organisation des Nations Unies pour les femmes ; dans l'adoption de nouvelles stratégies de la en matière de la lutte anti-tabac chez les femmes. Les années à venir annoncent des enjeux majeurs dans les priorités de la communauté internationale en matière d'affectation de ressources, à la santé mondiale. La COP5 donne en partie une occasion unique d'établir les organes subsidiaires et stratégies pour soutenir les efforts des Parties en train d'accélérer la mise en œuvre de la convention cadre. J'encourage la conférence des Parties, et toutes les Parties, à prendre des mesures concrètes afin qu'une feuille de route soit élaborée, pour promouvoir la convention à l'occasion d'événements régionaux, internationaux, lors des prochains examens de la réalisation des OMD, et leurs définitions des objectifs de développements de l'après 2015. Le Tchad attend de cette Conférence de Parties l'adoption de décisions fortes pouvant aider les Parties d'accélérer la mise en œuvre de la convention-cadre. Avant de terminer mon propos, je voudrais exprimer ma satisfaction pour la bonne collaboration qui existe entre le gouvernement Tchadien, notamment le Ministère de la santé publique, son partenaire OMS pays, et la société civile en matière de la lutte contre le tabagisme. Je vous remercie.

The PRESIDENT:

Muchas gracias a usted, señor delegado. Tengo anotados en la lista a Sudán, República Democrática del Congo, Micronesia y Tailandia. Tiene la palabra Sudán.

Dr IBRAHIM (Sudan):

بسم الله الرحمن الرحيم، السيد الرئيس، أشكرك على إتاحة هذه الفرصة كي أشكر من خلالها حكومة جمهورية كوريا الديمقراطية التي نظمت هذا المؤتمر الناجح. ولا بد لي أن أذكر في مطلع هذا الحديث أنّ وضع التبغ في السودان يعتبر من أكبر مهددات الصحة العامة، لأننا نزرع وننتج هذا التبغ في إقليم دارفور الكبير في السودان، ولذلك فهو رخيص الثمن، ويُصعّب من فرض رسوم وضرائب

جمركية وغيرها. إضافة إلى أنه يُستخدم كبديل لمدمني التدخين. ووفق الدراسات وجدنا أنه يحتوي على أعلى نسبة من المواد المسرطنة والمواد التي تسبب مشاكل صحية أخرى.

سيدي الرئيس، عملنا على تطبيق بنود الاتفاقية الإطارية منذ التوقيع عليها عام 2005، وذلك بإصدار قانون السودان لمكافحة التبغ للعام 2005. وقمنا بتفعيل هذا القانون من خلال اللجنة العليا لمكافحة التبغ والتعاون مع منظمات المجتمع المدني في تطبيق بنود الاتفاقية والقانون معاً، ولا سيما أننا في هذه السنة قمنا أيضاً في إطار تفعيل هذا القانون بإصدار قانون آخر في ولاية الخرطوم (وهي العاصمة)، والقانون أمامي الآن، وذلك بغرض تفعيل هذا القانون. وكذلك قمنا بالحملات التثقيفية للمواطنين لرفع الوعي الصحي، وكذلك وزعنا مطبوعات للشباب والتلاميذ وللنساء ولمختلف مجموعات المجتمع المدني.

سيدي الرئيس، نود أن نلفت نظر المؤتمرين إلى أهمية البحوث في مجال التبغ، وفي مجال زراعته، وفي مجال تقليل آثاره الصحية. فإن هناك في السودان مركز لأبحاث التبغ يبدو أنه الوحيد في أفريقيا، ولكن هذا المركز الآن شبه متوقف بسبب نقص الإمكانيات. نحن لدينا في هذا المركز بعض الدراسات المقترحة التي تنتظر الدعم الفني والعلمي، مثل تقليل آثار مكونات التبغ (التبغ الممضوغ 'المضغعة') أو تعديلها بإزالة المواد المسرطنة منها. وكذلك لدينا بعض المشروعات كي نجد بدائل لمزارعي التبغ في إقليم دارفور وفي بعض المناطق الأخرى في السودان، وذلك عبر استخدام التبغ ذاته في عمليات أخرى مثل مكافحة الحشرات، والتي لاحظناها من خلال زيارتنا لمزارع التبغ، ونتمنى أن يجد هذا البحث مكاناً للتنفيذ.

سيدي الرئيس، في الختام أود أن أشكر لإتاحة هذه الفرصة، وكذلك أشكر جمهورية كوريا لاستضافتها هذا المؤتمر. وشكراً جزيلاً.

The PRESIDENT:

Muchas gracias. Los agradecidos somos nosotros. Cedo la palabra ahora a la República Democrática del Congo.

Mr MBUYU MUTEBA YAMBELE (Democratic Republic of the Congo):

Merci Monsieur le Président. Je ne souhaite pas faire de déclaration, merci.

The PRESIDENT:

Muy bien, se toma nota. Cedo la palabra ahora a los Estados Federados de Micronesia.

Mr SAMO (Federated States of Micronesia):

Thank you Mr President. We take the opportunity to make a few statements of appreciation and to add to the record our support for what just took place yesterday. At the outset, Micronesia would like to express its appreciation to the people and Government of Korea for the excellent arrangements accorded to our small delegation. We appreciate the hospitality extended to us during our stay.

Micronesia welcomes the approval of the Protocol on Illicit Trade in Tobacco Products; and congratulates the Parties for making another landmark in history without hesitation. We also send our congratulatory remark to the Chairman and members of the INB for their persistence, wisdom and hard work toward what has now just been approved by COP5.

Micronesia also welcomes the progress report submitted by the FCTC Secretariat. It is an excellent report; it captures what we need to know on our progress and also identifies areas of improvement or recommendations. However, we note that not all countries or Parties are on the same wavelength with respect to the implementation of the FCTC. We further note that Parties would need TA from the Secretariat and donor partners to ensure full implementation of the FCTC, especially as new protocols are being endorsed. Next week the FCTC Secretariat will carry out the needs assessment on FCTC implementation in Micronesia and we look forward to the outcome of that needs assessment to guide our work in partnership with the Secretariat and other partners. Thank you Mr President for this opportunity.

The PRESIDENT:

Muchas gracias a usted. Tiene la palabra ahora Tailandia. Thailand, you have the floor.

Professor VATHESATOGKIT (Thailand):

Thank you, Mr Chairman, distinguished delegates, ladies and gentlemen. First, Thailand would like to congratulate the Republic of Korea for generously hosting this COP5 meeting. Thailand also would like to express our gratitude for the hospitality extended to our participants in this Conference.

Thailand would like to reiterate that we would like also to express our congratulations and admiration for Australia's leadership and generosity in support of the implementation of this treaty, particularly the exemplary role in the successful implementation of the plain packaging regulation.

Distinguished delegates, although Thailand has initiated tobacco control activities for some time before the adoption of FCTC, however, the FCTC and its guidelines have enabled Thailand to adopt policies, which without the guidance from the FCTC and its guidelines we would not have adopted: policies such as banning of point of sale displays of cigarette packets, which is just an example.

Distinguished delegates, for the implementation of the various guidelines of the FCTC, Thailand's experience shows that adequate funding is necessary. In this context, we are fortunate that the Thai Parliament has enacted the Thailand Health Promotion Fund Act since the year 2001. This Act requires the tobacco and alcohol producers and importers, to pay 2% additional taxes for the Thailand Health Promotion Foundation to fund tobacco control and other health promotion activities. For the last eight to nine years since Thailand ratified the FCTC, the average annual Thai health funding for tobacco control was about US\$ 5 million annually. Although this is still not enough, it suffices to some extent to support Thailand to try to fulfil our obligations under the FCTC.

Distinguished delegates, the issue of in-country funding sources for the implementation of FCTC provisions have been noted in four existing FCTC guidelines, Article 8, Articles 9 and 10, Article 12, and Article 14, with the recommendation for Parties to use dedicated or designated tobacco taxes to fund these guidelines' implementation. So in Thailand's view, we strongly believe that the draft guidelines on Article 6 of the FCTC, which will be deliberated at this meeting, should address the use of tobacco taxes to fund implementation of the FCTC as well as other health promotion programmes such as NCD prevention, alluded to by Dr Margaret Chan, Director-General of WHO, yesterday.

We hope this meeting will adopt the draft guidelines on Article 6 of FCTC with a strong recommendation for Parties to dedicate a portion of tobacco taxes to fund FCTC implementation.

I thank you very much Mr Chairman for this opportunity, thank you.

The PRESIDENT:

Muchas gracias. Tengo anotados en la lista de oradores a Japón, Australia, Barbados y Nepal. Estos son los últimos que tenemos anotados en la lista de oradores para el plenario. Si hay algún otro estado que quiera hacer uso de la palabra durante el plenario, le pedimos que se dirija a la Secretaría para anotarlo. De lo contrario vamos a pasar luego a darle la palabra a los representantes de las organizaciones observadoras. Cedo ahora la palabra a Japón.

Mr HASEGAWA (Japan):

Thank you Mr President, distinguished delegates, Japan would like to join other delegates in thanking and congratulating the Republic of Korea for hosting this conference and I would also like to congratulate our Conference that the FCTC is successfully developing, as seen in yesterday's adoption of the new Protocol; and I am also pleased to report to delegates that Japan is successfully implementing this FCTC. For example, the percentage of the smoking population is steadily reducing; this is by the Government's efforts, as in policies like "healthy Japan 21st century" and also measures against NCDs, including cancer. I think this issue of control of tobacco is very important, that we need full discussion for every matter and I also think that we should set priorities because resources are limited. Finally Japan would like to express its intention to further contribute to this FCTC, thank you very much.

The PRESIDENT:

Gracias a usted. Cedo la palabra a Australia.

Mr SMYTH (Australia):

Thank you Mr President. Australia welcomes the strong support we have received from Parties to the Convention, WHO, and the Convention Secretariat for plain packaging measures. We note the intervention from the Government of Ukraine and Australia rejects any suggestion that our plain packaging measures are inconsistent with our obligations under the WTO agreements. We reject any suggestion that the plain packaging measures are discriminatory or trade restrictive. We will continue to vigorously defend any challenge to our plain packaging measures in the WTO and any other forums. We believe that plain packaging is consistent with public health and will have a significant effect on reducing tobacco use. Thank you Mr President.

The PRESIDENT:

Muchas gracias, señor delegado. Tiene la palabra Barbados.

Mrs CHELTENHAM NILES (Barbados):

Thank you Mr President. Good Morning. Barbados would first wish to reiterate our distinct pleasure at being given the opportunity to participate in these proceedings and joins with other Party countries in offering congratulation on the adoption, without square brackets, of the Protocol on the Illicit Trade in Tobacco Products. Barbados also wishes to express appreciation to the Head of the FCTC Secretariat and his team as well as the PAHO Organization who provided a listening ear, facilitated through various fora and process machinery an opportunity to voice and have addressed our concerns and challenges with respect to the implementation of the FCTC. As such, I crave your indulgence in succinctly outlining our achievements and challenges in this regard. We have instituted a combination of specific and ad valorem taxes, import duty, excise tax, value added tax on tobacco products, and our excise tax payable on manufacturing tobacco was increased by 100% since 2008. With that, we have also removed duty free allowances previously granted to persons travelling to Barbados with manufactured tobacco. The Ministry of Health of Barbados continues to work with its partners to implement public education and health promotion programmes across all sectors and institutions. Partners include our National Council on Substance Abuse, and the Heart and Stroke Foundation of Barbados.

Legislatively, Barbados has, as of 2010, enacted the total banning of tobacco smoking in public places as well as sale of tobacco to minors. These pieces of legislation were fully supported by partners in other public sectors, private sector and civil society. The number of activities in progress as well and of significance are: reconducting a health of the nation study across the country. This is a population-based survey of noncommunicable disease risk factors which will, including other factors, examine trends and tobacco consumption partners. This follows the Barbados risk factor survey conducted in 2007 and lends support to our national NCD strategy.

Compliance with Article 11 of the FCTC on standards of packaging and labelling of tobacco products is also high on Barbados's agenda, and significant progress has been made in this regard. The CARICOM standard is in the final stages of approval by Caribbean regional organizations on standards and quality. Barbados's next step will be cabinet's approval with respect to the adoption of this CARICOM standard as well as to initiate the process of preparing enabling legislation to make it a national standard. We also undertake continued development of mechanisms necessary to support monitoring, evaluation and compliance with respect to the ban on smoking in public places.

We have, however, had our share of challenges during this course, which have been primarily systemic in nature. Tobacco control and prevention within the Barbadian context continue to be driven primarily by the health sector and much of the efforts on tobacco control have been concentrated in the health promotion unit of the Ministry of Health. As such, responsibilities have been vested in those

persons whose scope of duties cover significantly more than tobacco control, as there is no specific focal point or unit dedicated only to this area. The issue of limited human resources extends other agencies and departments necessary for the implementation of the FCTC, with a resulting impact of less than optimal input in this regard.

A strong multisectoral approach and the formal constitution of a multidisciplinary committee are seen as necessary vehicles in moving the implementation process forward. The machinery as well for developing new or amending existing legislation is usually a lengthy and complex one. There is no legal department within the respective ministries, and as such, all requirements are channelled through and undertaken by the Office of Attorney General. This is especially challenging, since many fundamental changes are required and particularly to the legislative structures involved in the implementation process of the FCTC on tobacco control and prevention.

In light of the foregoing, Barbados therefore would wish to put forward a few areas for consideration, which we apply and can enhance the implementation process. Emphasis should not only be on the need for technical assistance but should address, given the aforementioned, the dearth of institutional and capacity building initiatives critical to support and enhance expertise and the required skills mix. Initiatives should be provided across all relevant sectors and should include essential training, support to the development of legislation, country attachments or association of expertise which promotes best practices and is based on our country needs. This can be further facilitated through the Pan American Health Organization. Additionally, consideration should be given where applicable to an approach which involves collaboration between countries of the Caribbean region in the development of appropriate systems and structures. Caribbean countries experience similar realities with respect to insufficient human and financial resources as well as technical expertise.

This will allow for optimal use in the phase of scarcity of resources, successful outcomes and sustainable initiatives with respect to the implementation of the FCTC. Further consideration should be given to financial support to those countries which currently don't qualify for such to attend the Conference of the Parties. Additionally, and as a matter of course, initiatives, such as the inclusion of regional meetings, virtual or otherwise, before each Conference of the Parties should be undertaken so the Caribbean voices and concerns can be brought to such meetings.

Barbados takes this opportunity to reaffirm our commitment to the implementation of the FCTC and also wishes to indicate a likely favourable response subject to approval to co-host the FCTC implementation meeting in February 2013. Thank you.

The PRESIDENT:

Muchas gracias a usted, señora delegada. Cedo la palabra ahora a Nepal.

Mr ACHARYA (Nepal):

Thank you. First of all we would like to thank the WHO FCTC Secretariat for organizing this great event and also to thank the South Korean Government for providing warm hospitality.

As a member State to the FCTC, Nepal has formulated a comprehensive tobacco control law in April 2011. This Act, inter alia, has acknowledged that tobacco consumption is not only harmful to human health; rather it has a negative impact on economic, social and cultural aspects of human beings. The Act has clearly and broadly defined public places and also bans consumption of tobacco in such places. Moreover, advertisements are banned through the media or any other means of communications, tobacco products shall not be sold to minors aged below 18 years, and pregnant woman. Giving tobacco products as a present or free of cost is also prohibited. As per the Act, the Ministry of Health and Population has designated a Government officer in each district as the inspector for the effective implementation of the Act. The Government has also formulated regulations and necessary guidelines under the Act and various activities are being conducted to create awareness among the public. The nongovernmental organizations and civil society have also played an important role to that effect. Likewise, the WHO FCTC has always provided technical support to our endeavour. A needs assessment, with the support of the FCTC Secretariat, is in progress.

At this important conference we would like to express our sincere commitment that we will be working together with other countries and the WHO FCTC Secretariat to fight against this global epidemic.

As was highlighted yesterday we are also fighting against the tobacco industries for effective implementation of the Act. The tobacco industries have filed more than 12 cases in the Supreme Court against the provision of 75% pictorial health warnings on packaging, but we are fully confident of winning the fight against the tobacco industries as we are working for the well-being of human health, progress and prosperity. Thank you very much.

The PRESIDENT:

Muchas gracias a usted. Cedo la palabra a Brasil.

Mr VIEGAS (Brazil):

Honourable Mr Varela, President of the Conference of the Parties to the Framework Convention on Tobacco Control, Dr Haik Nikogosian, Head of the Convention Secretariat, distinguished representatives of FCTC member States, distinguished representatives of international organizations, ladies and gentlemen, as Chair pro tempore of the Southern Common Market (MERCOSUR) region Brazil makes the following statements on behalf MERCOSUR member States and associated States.

Mr Chair it is with great enthusiasm that the MERCOSUR Region once again participates in the Conference of the Parties with observer status. The creation of the MERCOSUR intergovernmental committee for tobacco control in 2003 as part of the agenda of the meeting of ministers of health of the bloc is a good example of the catalytic power of the Convention. This committee has proved to be instrumental in boosting cooperation for tobacco control in the region. Most countries in the region have passed national laws to prohibit smoking in public places and have also implemented treatment and support for smoking cessation among the public. Pictorial warnings on tobacco product packaging were adopted in almost all countries of the region. A great part of the countries in the region have already adjusted their tax and price policies on tobacco products to meet FCTC goals. Between 2010 and 2012, the increase in prices of cigarettes in the region ranged from 12.5% in Uruguay to 70% in the Bolivarian Republic of Venezuela to 138% in Chile. Despite significant progress we are aware that we need to go further, we need to establish joint goals to reduce the affordability of tobacco products particularly among children and adolescents. At the national level we need to strengthen intersectoral mechanisms for greater convergence between the health sector and the economic sector, with a view to full implementation of Article 6 of the Framework Convention and its guidelines, which we hope will be adopted at this Conference.

At the international level we need to improve and expand cooperation between our governments, in order to harmonize our pricing policies and taxes and adopt joint measures to combat the illegal trade in tobacco products that invades our markets with tobacco products at very low prices, weakening the expected effects of measures on taxes and prices on tobacco products.

Some countries in our region have registered a significant drop in smoking prevalence. In Brazil, prevalence fell from 16% in 2006 to 14% in 2011, in Argentina from 33% in 2005 to 30% in 2009, in the Bolivarian Republic of Venezuela it fell from 30% in 1996 to 70% in 2011; noteworthy is the exemplary decrease of smoking prevalence in Uruguay from 31% 2006 to 25% in 2009. These changes have reflected positively on the mortality profile of chronic noncommunicable diseases in the region. Brazil recorded a 31% reduction in mortality from cardiovascular disease and 38% reduction in mortality from chronic respiratory diseases. Uruguay recorded a decrease of 22% in cases of heart attacks and in the province in Santa Fe, Argentina, a 28% decrease in hospitalisations due to acute coronary events was registered. However, the challenges are still daunting and we need to expand our efforts.

Tobacco's social and economic burden is huge: smoking in our region is concentrated among lower-income and less-educated people and contributes to deepen the inequalities. In Brazil in 2011 the health system spent more than 10 billion dollars to treat only 15 smoking-related diseases and in the same year the taxes collected from tobacco businesses reached just 3 billion dollars, less than 30%

of this tobacco health cost. In Argentina in 2006, the estimated cost to treat tobacco-related diseases was 1.47 billion dollars, a figure significantly higher than the 850 million dollars from tax collection on tobacco products in the same year.

This scenario points to the need to invest in studies on the real dimensions of the social and economic burdens imposed by the tobacco epidemics and accordingly we express the need for support from the World Health Organization, the Pan American Health Organization and the Secretariat of the Convention to facilitate studies on tobacco costs, especially in middle- and low-income countries. In early 2012 the Bolivian Government, with the support of the United Nations, included the Framework Convention on Tobacco Control as a priority in the United Nations Development Assistance Framework (UNDAF) for 2013–2017 at national level, offering a promising opportunity to address tobacco in the national development agenda. It is important that the UNDAF approach can be extended to other countries in the region.

Last year, heads of states and governments gathered at the United Nations to address to prevention and control of noncommunicable diseases, declaring the implementation of the Framework Convention as one of the key responses to tackle the NCD crisis and also reaffirming that there is a fundamental conflict of interests between the tobacco industry and public health.

Mr Chair, tobacco kills about 6 million people every year due to smoking-related diseases. However, on behalf of free trade the FCTC still faces strong opposing efforts to the regulation of tobacco products.

Yesterday we could hear from Australia and Uruguay experiences of how big tobacco companies are using international trade agreements as a chance to challenge the FCTC. On behalf of MERCOSUR we express our full support to Uruguay and Australia and from this perspective we acknowledge the efforts of the World Health Organization for the recent publication, *Confronting the tobacco epidemic in a new era of trade and investment liberalization*, which in fact represents a warning to all WHO member States on this new modus operandi of tobacco companies to subvert effective measures for tobacco control.

We also applaud the efforts of the Secretariat of the Convention to establish a dialogue with the Secretariat of the World Trade Organization for harmonization of international trade agreements with the obligations under this Convention. We must keep in mind that the declaration of Punta del Este, adopted by the fourth Conference of the Parties in which member States of the Convention express their understanding that trade agreements such as TRIPS should not prevent members from adopting measures to protect public health. We hope that this conference emanates an answer even more striking to revert the scenario. Mr Chair, COP5 set before us a great opportunity and a great responsibility in defining the next steps to ensure that the Framework Convention continues to make a difference and above all keep its goal protected from undue interference. Accordingly, MERCOSUR applauds the approval of the Protocol to Eliminate the Illicit Trade in Tobacco Products, and urges the setting of a strategic plan to ensure its implementation worldwide. We also urge the approval of the guidelines for Article 6; having in mind that its effective implementation demands efforts to strengthen a multisectoral approach. MERCOSUR supports the continuation of the mandate of the working group on Articles 9 and 10 and supports inclusion of the topic dissemination of information about the contents to the public and the tax proposed on the ignition propensity characteristics of the products, and the continued monitoring of areas such as attractiveness, dependency and toxicity of tobacco products. We also support the continuation of the working group on Articles 17 and 18 of the Convention. However, we disagree with any recommendation or approach that can mean a goal to reduce areas cultivated with tobacco in draft policy options and recommendations on economically sustainable alternatives to tobacco growing (document FCTC/COPS/5/10). We understand that the aim of the Framework Convention on Article 17 is to reduce the economic dependence on tobacco among small farmers and safeguard them from an economic impact resulting from FCTC measures to decrease tobacco consumption all over the world. From this perspective the MERCOSUR region would like to express the view that the cycle of consumption of tobacco products and the cycle of tobacco production are parts of the same system articulated by big tobacco companies. Within the cycle of consumption adolescents are the main targets. Within the production cycle the prime targets are small farmers, most of whom are socially and economically vulnerable, especially in countries with low and middle incomes. They are seduced by the idea that the growing tobacco brings wealth

and quality of life but most of them are trapped by a cycle of debt, poverty and health threats. The control of the tobacco supply chain by tobacco companies also represents a major source of their power to hinder measures to reduce tobacco consumption. We should recall that during COP4 there was a strong mobilization of growers against banning flavour additives in tobacco products. In fact they were intentionally frightened by the misinformation that this measure would also prohibit the use of burley tobacco in cigarettes. Therefore, it is necessary to understand that implementing FCTC Article 17 and 18 to reduce economic dependence of tobacco growing individuals and regions are also important tools for protecting and strengthening the FCTC. MERCOSUR also supports initiatives to ensure mechanisms of assistance in South-to-South cooperation that will contribute with technical and financial resources for accelerating the implementation of the Convention in our countries.

Finally, Mr Chair we would like to express our thanks to the Convention Secretariat and all working groups that prepared the ground for the decisions to be taken in the coming days by COP5. We hope that they will contribute to advance further in reducing overall smoking and consequently the global burden of chronic noncommunicable diseases. We hope we can leave COP5 more strengthened and committed to the implementation of FCTC in our countries. Thank you.

The PRESIDENT:

Muchas gracias a usted. Tengo anotado como último orador a las Islas Cook. Tiene la palabra las Islas Cook.

Mr GLASSIE (Cook Islands):

Mr President, distinguished guests, ladies and gentlemen. Mr Chair, allow me first to convey our congratulations to the Republic of Korea for their hospitality and this beautiful city of Seoul, and to the Minister and Ministry of Health of Korea. Further acknowledgement to the Director-General Dr Chan and to WHO and to all staff for their tireless efforts in making this Convention a reality.

We would also want to thank the Australian Government for the brave move in their groundbreaking packaging initiative, similarly to the New Zealand Government for their effort in targeting the year 2025 as the year of smoke free. On behalf of our delegation I am very pleased to provide a very brief report on this convention that as of August this year our Government in seriously addressing tobacco control has imposed 33% levy on all imported cigarette products. This 33% increase is to be followed by a further increase of 2% each coming year. At the same time, further tax increases of 15% have also been imposed concurrently on fizzy drinks and alcohol again, with a further 2% each coming year. Our Government has agreed for this tax revenue to be channelled solely to further initiatives in the banning of the tobacco consumption and the control of NCDs, which is also at the critical level in our small country. Further legal framework is occurring regarding our tax regime and strategic direction and planning for the way forward and we would also appreciate further technical support. We are now in the process of continuously compiling our data and yet we are confident that the tax increase on cigarettes has already created a shock wave among our youthful and potential smokers. Thank you Mr President.

The PRESIDENT:

Muchas gracias a usted, señor delegado. Tiene la palabra Costa Rica.

Dr CASTRO-CÓRDOBA (Costa Rica):

Gracias, señor presidente. Quisiera referirme a un aspecto que se ha tocado en el día de hoy por la mañana referente a la relación entre los temas comerciales y el derecho a la salud.

En mi país, producto de la discusión del Convenio Marco para el Control del Tabaco, nuestra Sala Constitucional analizó la conveniencia o no de que el país ratificara el Convenio. Es muy interesante porque nuestros abogados constitucionalistas se basaron en el hecho de que en el Consejo Económico y Social de las Naciones Unidas, en la sesión número 51 del 23 de julio del 2004, se había

reconocido el hecho de que el impacto que el consumo de tabaco tiene sobre la salud pública así como también las consecuencias sociales, económicas y ambientales requerían de un esfuerzo para mejorar la salud de los pueblos en desarrollo.

En ese análisis, la sala consideró que en el artículo 21 de la constitución política de nuestro país se establecía un principio básico de que la vida humana era inviolable, que el derecho a la vida y a la salud de todo ciudadano tenían preeminencia sobre cualquier aspecto. La sala analizó estos aspectos y consideró que no solamente eran acordes con la Constitución, sino que Costa Rica se había comprometido a cumplir con estos aspectos a través de otros tratados de igual rango, como la Declaración Universal de los Derechos Humanos, la Convención Americana de los Derechos Humanos, la Declaración Americana de los Derechos y Deberes del Hombre y el impacto internacional a los derechos económicos y sociales.

La Sala Constitucional consideró en nuestro país que, desde el punto de vista de la doctrina y la filosofía, la vida es el bien más grande que puede tener el ser humano y que deben ser las leyes y el Estado quienes tienen la obligación de velar por ellos. Se analizó, desde el punto de vista del derecho de las mayorías, del derecho a la salud y del derecho al ambiente, de tal suerte que, cuando Costa Rica ratificó el Convenio, nuestra Sala Constitucional ya había establecido que no solamente era un derecho, sino que era una obligación del Estado ratificar el Convenio.

Cuando posteriormente se desarrolló un proyecto de ley que actualizara la legislación de Costa Rica de acuerdo con el Convenio que habíamos ratificado en el mes de julio del 2008, igualmente por presiones de la industria tabacalera se logró que la Sala Constitucional analizara a destiempo, incluso el proyecto que ya había sido aprobado y el cual incluía aspectos de espacios libres de humo de tabaco, aumento de precio. En nuestro caso ese aumento de precio iba destinado al financiamiento del tratamiento de los pacientes con enfermedades asociadas al tabaco, a fortalecer las labores de vigilancia y control que hacen las instituciones encargadas, a cumplir con los aspectos relacionados con empaque, etiquetado, control de publicidad, promoción y patrocinio y venta de productos de tabaco.

Como producto de todo eso, la misma industria, a través de amigos dentro del trámite político, consultó a la Sala Constitucional y nuevamente nuestra Sala Constitucional consideró que era obligación del Estado velar por la salud de la población.

De tal suerte que podemos decir que en nuestro país hemos analizado ya en dos ocasiones el hecho de cuál es la relación de la salud con el comercio y nuestra Sala Constitucional ha establecido claramente que no pueden prevalecer los derechos de minorías y derechos particulares de unos cuantos por un negocio sobre la salud de una población en general. De tal suerte que, en nuestro caso, ratificamos el hecho de que estamos luchando por la salud, no estamos luchando por un negocio y que no puede dársele prioridad a un negocio sobre la vida humana.

Muchas gracias, señor presidente.

The PRESIDENT:

Gracias a usted, señor delegado. Tiene la palabra Sri Lanka.

Dr SOMATUNGA (Sri Lanka):

Mr President and all delegates. First of all let us appreciate Korea for hosting this important event and then congratulate the Conference of the Parties for adoption of the Protocol to Eliminate Illicit Trade in Tobacco Products. Also, we are confident that the COP will come with a strong mechanism to support comprehensive implementation of the FCTC in all member countries.

In Sri Lanka, since adoption of the tobacco control law in 2007, is now in the process of releasing the first new regulations for 80% pictorial warnings on cigarette packets.

Mr President, Sri Lanka has been a strong supporter of the FCTC throughout and we will continue to be so. Thank you for this opportunity.

The PRESIDENT:

Gracias a usted, señora delegada. No tengo más oradores anotados en la lista, vamos a pasar entonces a escuchar a los estados observadores. Tiene la palabra Cuba.

Ms RAMOS SÁNCHEZ (Cuba):¹

Excelencias: le agradecemos a los organizadores de la quinta COP, a su presidencia y al país anfitrión la oportunidad que se nos brinda. Transmito un saludo del pueblo y gobierno cubanos y reitero el compromiso de Cuba en la lucha por alcanzar el máximo grado posible de salud para todos. Dentro de los retos que debe enfrentar la humanidad está la lucha contra las enfermedades no transmisibles y sus factores de riesgo. Cuba cuenta con un sistema de salud universal gratuito y accesible para toda la población con énfasis en la atención primaria. Algunos indicadores ejemplifican los resultados obtenidos y el aporte al cumplimiento de los Objetivos de Desarrollo del Milenio.

En el año 2011 se logro una tasa de mortalidad infantil de 4,9 por cada mil nacidos vivos, la esperanza de vida es de 77,9 años en los hombres y en las mujeres de 80,2. La epidemia de VIH/sida tiene una prevalencia de 0,1 % en la población entre 15 y 49 años de edad, garantizándose el tratamiento con antirretrovirales a todos los que lo necesitan. El programa nacional de inmunización incluye 11 tipos de vacunas, 8 de las cuales son de producción nacional y están precalificadas por la Organización Mundial de la Salud. Se han logrado erradicar 9 enfermedades prevenibles y otra se mantiene con una baja incidencia.

Cuba, con una economía bloqueada, mantiene hoy más de 39 000 trabajadores de la salud en 66 países y trabaja en la formación de 100 000 médicos para países hermanos. Producimos el 66 % de los medicamentos que el país consume y la población tiene acceso a ellos a precios razonables.

Constituye una prioridad para mi país el trabajo de prevención para los factores de riesgo, el incremento de actividades de promoción de salud para la lucha contra el sedentarismo, el tabaquismo y la obesidad, la promoción de estilos de vida saludables y la promoción de políticas públicas dirigidas a mejorar la calidad de vida y el bienestar de la población.

El Centro Nacional de Promoción y Educación para la Salud diseña e implementa diferentes programas y estrategias. Estas campañas se ejecutan por los medios de comunicación y los médicos y enfermeras de la atención primaria de la salud.

Existen servicios de cesación tabáquica para atender los fumadores que deseen abandonar el mal hábito en cada comunidad. Es de señalar además que el Ministerio de Educación incorporó la lucha contra el hábito de fumar en el curriculum de estudio, como eje transversal del programa director de promoción de salud.

En 1978, la prevalencia del tabaquismo en Cuba era del 69 % en personas de 15 años y más, y disminuyó hasta un 24,7 % en el 2010, según los últimos informes, por lo que el país ocupa hoy el quinto lugar de prevalencia en las Américas.

Se han adoptado diferentes normativas legales que prohíben la venta de cigarrillos a menores, fumar en los sistemas de salud, de educación, en el transporte público, en instalaciones deportivas y en todo tipo de lugares cerrados.

El envasado de estos productos posee advertencias sanitarias que ocupan el 60 % de una de las caras principales con rotación anual, legible y en idioma español. No se realiza publicidad de los productos del tabaco por los medios de comunicación masiva y no se permite el patrocinio de productores de tabaco a eventos culturales, deportivos ni de otra índole.

El comercio ilícito interno de estos productos está penado por la ley y se controlan rigurosamente en frontera.

Lo anterior demuestra la convicción del gobierno cubano de que es necesario que los países adopten medidas encaminadas a disminuir el mal hábito de fumar y proteger de manera especial a los más jóvenes. Tratar de evitar que se inicien en este hábito es fundamental.

¹ Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

Al propio tiempo y teniendo en cuenta que es una necesidad abordar el tabaquismo desde un enfoque multisectorial, aquellas medidas que se enmarquen en esferas distintas de la salud, deberán basarse en consideraciones científicas que demuestren su efectividad sobre los objetivos propuestos, según lo estipula el propio Convenio Marco en su preámbulo, evitando que se produzcan efectos contrarios.

No deben socavarse otros compromisos internacionales existentes, adoptados por los Estados Partes en acuerdos multilaterales, como los de comercio. Cuba considera que debe preservarse el derecho soberano de los países a establecer sus políticas impositivas según las necesidades de desarrollo e intereses sociales y culturales, sin imponer obligaciones más allá de lo contenido en el artículo 6 en cuanto a la prohibición de las ventas libres de impuestos y derechos de aduana.

Las opciones y recomendaciones de las directrices para los artículos 17 y 18 deberán considerar y tener en cuenta las políticas específicas de desarrollo de los países que son productores, para los cuales sus economías dependen de manera importante de estos productos, tienen insuficiente diversificación productiva y falta de recursos financieros. Los productores no deberán ser forzados a abandonar el cultivo del tabaco como consecuencia de la eliminación de políticas de apoyo u otro tipo; este es un medio de subsistencia para muchos agricultores pobres y vulnerables.

Aún cuando no es Parte en el Convenio Marco, Cuba es miembro activo de la OMS y se siente profundamente comprometida con los principios consagrados en la declaración de las Naciones Unidas sobre enfermedades no transmisibles de septiembre de 2011. El enfrentamiento de estas enfermedades requiere de acciones equilibradas y una estrategia abarcadora e inclusiva para todos, que tenga presente tanto la cultura de los pueblos como las posibilidades reales de cada Estado Miembro y en la que se incluyan actividades comunitarias y de atención individual, promoción, prevención y de control de enfermedades para programas integrales sustentables.

Del mismo modo debe atenderse el fortalecimiento de los sistemas de salud, basados en la atención primaria, e identificar nuevos mecanismos para que estos sean capaces de lograr una cobertura para toda la población. Cuba reitera su compromiso a favor de la aplicación de nuevas formas de colaboración entre países en desarrollo y la difusión de las experiencias exitosas, así como también la concertación de los acuerdos que resulten necesarios para el enfrentamiento de las enfermedades no transmisibles. Muchas gracias.

The PRESIDENT:

Gracias a usted, señora representante. Antes de seguir con la lista de observadores, le voy a dar la palabra a Viet Nam. Viet Nam tiene la palabra.

Mr DAO (Viet Nam):¹

Dear Mr President, on behalf of the Viet Nam delegation we would like to thank for their hospitality the Government of the Republic of Korea in support of this FCTC COP5 meeting in Seoul.

We support all draft guidelines in this meeting. We would like to give some opinions of Viet Nam in this regard. The first, regarding the Protocol to Eliminate Illicit Trade in Tobacco Products. We support the content of the Protocol and this Protocol passed yesterday. However, regarding Article 8, tracking and tracing, it is very difficult for us to eliminate, because the regulations require the provision of so much detailed information, which in developing and least developed countries such as Viet Nam is difficult to implement. The second concerns the FCTC and efforts to reduce the demand for tobacco, specifically the recommendation in item 3.2 of the draft guidelines for the implementation of Article 6, which indicates that tax rates should be monitored and increased on a regular basis in order to take into account inflation and income growth developments. The recommendation contains unclear concepts. The recommendation in item 4.2 of the draft guidelines for implementation of Article 6 on the warehouse system states that tax authorities should also allow for the public disclosure of reports, taking into account confidentiality rules. It is necessary that such disclosures depend on the national laws of countries. Thank you for your attention.

¹ Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

The PRESIDENT:

Muchas gracias a usted. Antes de seguir con los Estados observadores, le voy a dar la palabra a la República Democrática Popular Lao. Tiene usted la palabra.

Dr PHOMMASACK (Lao People's Democratic Republic):

Thank you very much Mr President. Lao PDR would like to join other member States in expressing our sincere thanks to the Republic of Korea for hosting COP5. Ladies and gentlemen, after Lao PDR ratified the FCTC in 2005, the Government has enacted the tobacco control law in November 2009. The Ministry of Health has worked with other ministries to implement the law, in particular on tobacco advertising ban and smoke-free environments. At the same time the Ministry of Finance has taken the lead in increasing tobacco tax in 2010 and 2011. We recognize that the tax rate in our country is still low when compared to other countries. Thus, the tobacco taxation policy is on the agenda of the Ministry of Finance. Of course, major challenges against this policy come from the tobacco industry. Thus, adopting the Article 6 guidelines will be a timely guideline for my country. Moreover, we are in the process of establishing a tobacco control fund, using some portion of the tobacco tax to implement the FCTC in our country. We believe with this financial mechanism we will better implement the FCTC. Thank you very much Mr President.

The PRESIDENT:

Muchas gracias a usted. Pasamos entonces a seguir escuchando a los Estados observadores. Le doy la palabra a los Estados Unidos de América.

Ms WONG (United States Of America):¹

Thank you very much Mr Chair. We would like to extend our congratulations and our thanks to the WHO FCTC Secretariat for successfully organizing COP5 and to also extend our tremendous thanks to the Government of Korea for their very warm hospitality and the excellent arrangements that have been afforded to us. We very much appreciate the opportunity to participate in COP5 as observers. Tobacco control is an extremely high priority for the US Government as part of our broader work on noncommunicable diseases overall. We extend our congratulations to all of the delegates and the Parties for successfully adopting yesterday the Protocol to Eliminate Illicit Trade in Tobacco Products which we see as a very critical effort moving forward.

We look forward to being able to continue to cooperate with FCTC Parties on this Protocol in whatever way that we are able to do. That said, we also look forward to having an opportunity to participate as fully as possible, hopefully as a full Party to the FCTC, which we hope we will be able to make happen sometime in the very near future. Thank you.

The PRESIDENT:

Muchas gracias, señora representante. Le doy la palabra ahora al Centro del Sur. Centro del Sur, tiene la palabra.

Dr VELASQUEZ (South Centre):²

Muchas gracias, señor presidente, por darnos la palabra. En nombre del Centro del Sur quiero primero agradecer a la Secretaría del Convenio por la manera rápida y eficiente como fue tramitado nuestro pedido para participar en la COP en calidad de observadores. Quiero también expresar nuestro

¹ Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

² Participating by virtue of Rule 31 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

profundo agradecimiento a los miembros de la COP, a las Partes de la COP, por haber aceptado por consenso la presencia del Centro Sur en sus deliberaciones y trabajos.

El Centro del Sur es una organización intergubernamental de países en desarrollo con sede en Ginebra. El Centro del Sur es el único centro de reflexión constituido solamente por países en desarrollo, que asesora y pone a disposición de los gobiernos sus trabajos de investigación en políticas en diversas áreas, tales como la salud, el comercio, la propiedad intelectual o el cambio climático.

Curiosamente el Centro del Sur se encuentra en el norte, se encuentra en el norte para apoyar y asistir a los países en desarrollo en las negociaciones que tienen lugar en la Organización Mundial de la Propiedad Intelectual, en la Organización Mundial del Comercio, en la Organización Mundial de la Salud, organizaciones que como ustedes saben están en Ginebra.

El Convenio sobre el tabaco es quizás el mayor éxito logrado por la OMS desde su fundación en 1948. Creemos que el derecho a la salud debe estar respaldado por acuerdos internacionales de carácter vinculante, que puedan traducirse a nivel nacional en leyes que protejan a los ciudadanos.

Finalmente, señor presidente, queremos expresar que para el Centro del Sur el acceso a la salud es un derecho de los ciudadanos, derecho que tiene prioridad a las normas de la libre circulación de mercancías. En este sentido, los acuerdos comerciales multilaterales no deberían ser una barrera o un obstáculo para la implementación de políticas nacionales de salud, incluyendo las medidas adoptadas por los países para el control del tabaco.

Muchas gracias.

The PRESIDENT:

Muchas gracias, señor representante, y una vez más le damos la bienvenida.

¿Hay algún otro Estado miembro o Parte del Convenio u observador que quiera hacer uso de la palabra? Si no es el caso, entonces vamos a dar por cerrado el período... Ya nos vamos a acercar a usted, señor, para ver a quién representa y darle oportunamente la palabra. ¿Por qué no se identifica usted mismo? Por favor.

Mr DORADO (Corporate Accountability International):¹

Gracias, señor presidente, mi nombre es John Francisco Dorado, soy colombiano y hablo en nombre de Corporate Accountability International y de la Red para la Responsabilidad de las Transnacionales del Tabaco, organización reconocida por la Conferencia de las Partes.

Saludo a las delegadas y delegados de la Quinta Conferencia de las Partes, deseado el mayor éxito en el desarrollo de esta agenda.

Próximo a cumplir diez años de haber sido aprobado el Convenio Marco, recordemos que fue en mayo del 2003 en el marco de la Asamblea Mundial de la Salud.

Celebramos y resaltamos la voluntad creciente de las Partes en el Convenio por seguir unidas bajo el objetivo común de dar prioridad a la salud sobre el comercio. Son notables los progresos en la implementación, pero también es un hecho reconocido que la mayor amenaza al Convenio sigue siendo la industria tabacalera. En la tercera Conferencia de las Partes se logró la aprobación unánime de las directrices del artículo 5.3, que proporciona orientación a las Partes sobre la forma de contrarrestar estas interferencias.

Desde la última conferencia, la industria tabacalera ha mostrado más agresividad que nunca, estructurando una campaña mundial de litigio judicial contra algunos países que trabajan para proteger la salud de la población mediante la aplicación del Convenio. Australia y Noruega son ejemplo de esta estrategia. Afortunadamente los intereses supremos de la vida y de la salud salieron triunfantes en los tribunales nacionales. Antes lo había sido Uruguay en un conflicto que está por definirse en un tribunal internacional.

Recordemos que Margaret Chang, directora de la OMS, en la Conferencia Mundial sobre Tabaco o Salud en marzo de este año, pidió a los gobiernos no permitir que la industria tabacalera tome ventaja sobre ellos, además de solicitar que compartan información sobre sus experiencias

¹ Participating by virtue of Rule 31 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

relacionadas con el control del tabaco. Ayer también en su intervención fue contundente denunciando las acciones de la industria tabacalera.

La agenda que se ha propuesto esta Conferencia de las Partes consulta las exigencias inmediatas que demandan los procesos nacionales de control del tabaco.

En primer lugar, hay que garantizar la sostenibilidad a largo plazo de este tratado y su capacidad para salvar vidas. Las Partes deben esperar mecanismos alternativos de financiación de todas y cada una de las decisiones aprobadas, así como también para garantizar la plena participación de todas las Partes, en particular los países de ingresos bajos y medianos.

También esperamos avances significativos sobre alternativas económicamente viables al cultivo del tabaco, que permitan concretarse más adelante en unas directrices y poner fin así a la manipulación política que la industria tabacalera hace de los pequeños cultivadores.

Un tema que está llamado a tener gran impacto en el futuro de las políticas integrales del control del tabaco es la responsabilidad civil y penal que consagra el artículo 19 del Convenio. Orientar a los gobiernos sobre cómo aplicar estos regímenes de responsabilidad por daño no solo permitirá el resarcir económicamente a los fumadores y demás personas afectadas, sino también afectar potencialmente al patrimonio de la industria tabacalera y eventualmente imputar cargos a los responsables del daño a la salud y a la vida. Esperamos que esta Conferencia apruebe la constitución de un grupo de expertos.

Finalmente, celebramos y nos congratulamos por la adopción del Protocolo del comercio ilícito de productos de tabaco, que no solamente permitirá eliminar todas las formas de comercio ilícito, sino también poner fin al perverso argumento de la industria tabacalera de vincular los incrementos de impuesto y precios al aumento del contrabando, por lo que esta decisión también tendrá influencia en la aprobación de las directrices del artículo 6.

La comunidad internacional sigue con atención el desarrollo de la Conferencia y las decisiones que tomen. Estamos seguros que con su concurso regresaremos a nuestros países con más y mejores instrumentos de apoyo a los procesos nacionales de control de tabaco. Muchas gracias.

The PRESIDENT:

Muchas gracias a usted, señor representante. Cedo la palabra a Zimbabwe.

Mr MUSHANINGA (Zimbabwe):¹

Thank you very much. We would like to take this opportunity to thank the Government of the Republic of Korea for hosting this event and the excellent hospitality my delegation have received so far. We also like to congratulate the President of the FCTC for the wonderful work done in this initiative.

However, Zimbabwe commits itself supporting the objectives of the FCTC fully and endorses the adoption of the Protocol on Illicit Trade. However, it urges Parties to take note of the need for a balance between public health, fiscal policy, trade and agricultural realities. We call upon members to exercise caution while at the same time calling for more evidence-based research on viable alternatives.

It must be noted that an enormous amount of resources would be required to migrate farmers from those countries that have got a large component of tobacco growing to viable alternatives with an equal market dimension. With regard to Article 6, Zimbabwe recognizes the importance of guidelines. However, it calls for cognizance of the need for sovereignty in the Parties. And each country must have the right to determine its own fiscal policy, taking into account its own national context. Thank you very much.

The PRESIDENT:

Muchas gracias, señor representante. De esta manera damos por terminada la parte de las intervenciones. Dado el tiempo, va a ser mejor que los comités A y B se reúnan esta tarde a partir de las 15 horas. Lo que podemos hacer ahora es proceder a elegir sus autoridades.

¹ Participating by virtue of Rule 29 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

Los grupos regionales nos han propuesto los siguientes nombres: para el Comité A, a la profesora Nuntavarn Vichit-Vadakan de Tailandia, en el cargo de presidente.

Parece que no tenemos interpretación en el idioma inglés; vamos a ver si podemos corregir esta situación.

Ahora parece que está todo en orden. Repito: la sugerencia es proceder en este momento con la elección de las autoridades para los respectivos comités.

Los grupos regionales han propuesto para el Comité A a la profesora Nuntavarn Vichit-Vadakan, de Tailandia, en el cargo de presidente; para los cargos de vicepresidente, al doctor Frank Niggermeier, de Alemania, y al doctor J.A. Al-Lawati, de Omán. Para el Comité B, los grupos regionales han propuesto a las siguientes personas: para el cargo de presidente, al señor Caxton Masudi Ngeywo, de Kenia, y para las vicepresidencias, al doctor Ganglip Kim, de la República de Corea, y al señor Leandro Viegas, de Brasil.

Si están ustedes de acuerdo damos por aprobadas estas sugerencias. Quedan entonces así conformadas las autoridades del Comité A y del Comité B.

De esta manera, finalizan nuestros trabajos de la sesión plenaria para el día de hoy. Repito que seguiremos en comités hoy a partir de las 15 horas. El Comité A se reunirá en esta misma sala, mientras que el Comité B lo hará en el gran Ballroom en el nivel 1F.

Tengo asimismo dos anuncios que formular: el primero es que este mediodía habrá un seminario sobre las medidas respecto a los precios y a los impuestos que tendrá lugar en la sala 307 del nivel 3F, de las 13:30 hasta las 14:45.

El segundo anuncio que quiero formular es que le voy a pedir a los miembros de la Mesa, a los representantes regionales y a las personas que se eligieron hace unos segundos, que presiden los comités A y B, que nos reunamos acá en el estrado por unos minutos.

Es todo entonces. Nos vemos esta tarde. Muchas gracias.

The meeting rose at 12:00

FOURTH PLENARY MEETING**Saturday, 17 November 2012, at 10:35****President: H.E. R.J. Varela Fernández (Uruguay)****1. REPORT OF THE CHAIR OF COMMITTEE A**

The PRESIDENT:

Buen día a todos. Declaro abierta la última sesión plenaria de la COP5.

A lo largo de estos días, tanto en plenario como en los comités A y B, se ha venido trabajando en forma intensa para sacar el producto de esta Conferencia de las Partes. Han quedado algunos asuntos pendientes, por lo que estamos obligados a tratarlos en plenario, es más, los comités, dado el caso, principalmente el Comité B, nos han notificado, y va a estar reflejado en los informes que los respectivos presidentes van a presentar, que hay asuntos pendientes.

En función de que los comités decidieron en sus trabajos, a los efectos de trabajar en un ambiente positivo y constructivo, no tener la presencia del público general en sala, yo les voy a pedir que también consideremos ese aspecto acá en plenario. Dado que vamos a tratar problemas de fondo, de contenido, en donde es importante que las delegaciones se manejen con absoluta libertad de criterio, les propongo en este momento que le pidamos al público que se retire de sala y los vamos a invitar, al público, una vez más a que ingresen a la sala una vez que las resoluciones estén concluidas, cerradas y podrán presenciar el reporte de los resultados de estas decisiones y los discursos de las distintas regiones, de la Secretaría y del Presidente.

Así, si nadie tiene ningún inconveniente, comentario u opinión, yo le voy a pedir a la gente de la Secretaría que invite al público a que se retire de la sala. Vamos a hacer un pequeño receso de un minuto o dos, para permitir que estas personas se puedan desplazar y reitero que serán invitadas nuevamente cuando tengamos todas las decisiones concluidas, para que presencien la ceremonia de clausura. Muchas gracias.

Muchas gracias. Seguimos entonces.

El primer asunto del orden del día de hoy se relaciona con el informe sobre las credenciales. La Secretaría ha remitido la información a la mesa de conformidad con los artículos 18 y 19 del reglamento. En el documento quedan registradas las delegaciones participantes y la presentación de los poderes. No figura, porque llegó a último momento, el original del documento de Mongolia; el mismo ha sido estudiado por la Mesa y esta ha dado su conformidad.

Por lo tanto, si no hay ninguna objeción, vamos a proceder a aprobar este documento. No veo ninguna observación, entonces así queda decidido. Muchas gracias.

Pasamos ahora a recibir los informes de los comités A y B. Ustedes podrán ver que en el comité A hay dos informes que aparecen documentados por separado y en el comité B hay tres informes documentados. En el caso del comité A, los dos informes están concluidos y las resoluciones contenidas en los mismos están aprobadas en principio.

Cuando lleguemos al comité B, hay tres informes, en los dos primeros las decisiones están consensuadas y en el tercero de los informes hay un asunto pendiente que condiciona la aprobación del presupuesto.

Vamos a hacer el estudio de estos asuntos, en su orden, y si ustedes no tienen inconveniente, los vamos a ir aprobando en forma parcializada a medida que van llegando.

Quiero darle la palabra ahora entonces a la presidenta del comité A, la representante de Tailandia. Tiene usted la palabra.

Professor NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you President. First of all I wish to thank the Parties that participated in Committee A as well as the chairs of the small drafting groups and little discussion groups that we had in the past three days and that with their collaborative spirit we are able to report to you that we completed all the agenda items that had been given to us.

You have in front of you the first report of Committee A which outlined the draft decision for Articles 9 and 10, on regulation of the contents of tobacco products and regulation of tobacco products disclosure, and you have that for your review. In the second report of Committee A, which is a draft report, we have outlined the draft decisions for guidelines for implementation of Article 6 of the WHO FCTC, price and tax measures to reduce the demand for tobacco, as well as the draft decision for economically sustainable alternatives to tobacco growing in relation to Articles 17 and 18 of the WHO FCTC. Thirdly, you have the draft decision on the implementation of Article 19 of the WHO FCTC (*Liability*), and lastly you have the draft decision on the control and prevention of smokeless tobacco products and electronic nicotine delivery systems, including electronic cigarettes, for your review, Mr President.

The PRESIDENT:

Muchas gracias a usted. Entonces tenemos frente a nosotros el primer informe, es el documento FCTC/COP/5/A/R/1. El primer informe, como expresó la presidenta del grupo, contiene el punto 6.2 referente a los artículos 9 y 10. Someto al plenario la consideración de este asunto y su posible aprobación. ¿Comentarios? De no existir comentarios queda aprobado el documento FCTC/COP/5/A/R/2.

Pasamos ahora al segundo informe del Comité A. Es el documento FCTC/COP/5/A/R/2, contiene las siguientes decisiones en lo relativo al punto 6.1, 6.3, 6.4 y 6.5. Se abre a comentarios.

De no haber comentarios, queda entonces aprobado el documento FCTC/COP/5/A/R/2. La Unión Europea tiene la palabra.

2. GUIDELINES FOR IMPLEMENTATION OF ARTICLE 6 OF THE WHO FCTC

Mr DIEMER (European Union):

Thank you very much Chair. I am sorry to intervene on this point, it is a minor but yet perhaps important point before we proceed to the formal adoption of this draft decision.

First, as the discussions under some time constraints were logically focusing on the substance of the matter we believe that absolutely minor editorial changes might still be necessary to improve the text. This is concerning notably the numbering of the headings on the recommendations in the list of recommendations of the draft decision in the Annex. So, just an editorial improvement, presentation improvement, which would bring it into line with the new form of presentation of the recommendations.

The second point is also of a minor nature and yet it is of some importance for the European Union. And this is concerning the title, the heading, of point 3.3 of recommendation 3.3, on page 4 of the document. Here also the discussion had focused on the substance of the matter of the actual text so we didn't have time to discuss the actual wording of the titles; following the outcomes of the discussion on the substance and in line with our negotiating position, we would like to ask for a minor change in the title of 3.3 which now reads "comprehensiveness/similar tax burden for different tobacco products" and we would like this to read "comparable tax burden for different tobacco products". "Comparable tax burden for different tobacco products" as the title of the heading for

recommendation 3.3. As I said a minor but for us yet important presentational change. Thank you very much.

The PRESIDENT:

Muchas gracias a la Unión Europea. Antes de dar la palabra a la República Popular China, quisiera someter al plenario la propuesta que nos hace el colega de la Unión Europea, a saber, un ajuste de numeración que aparentemente no cambia el texto ni las ideas que queremos expresar en el documento y una segunda modificación en cuanto al título del ítem 3.3, cambiar la palabra *similar* por *comparable*. ¿Hay alguna oposición?

Kazajstán tiene la palabra.

Dr BATTAKOVA (Kazakhstan):

Thank you very much Mr Chair. I think it's already too late to make any changes and the EU had many steps to intervene to raise it even today in the regional European group. They had this chance but they didn't. I think in order not to ruin consensus, which was difficult to achieve in the working group, we should not touch the guidelines. I strongly oppose this proposal.

The PRESIDENT:

Yo le pregunto a la Unión Europea que dado que luego en el desarrollo del texto se utiliza la palabra *comparable*, a ver si el hecho de que en el texto se use la palabra *comparable*, ¿no es suficientemente satisfactoria esa referencia?

Mr DIEMER (European Union):

Thank you very much. We consider, as I said, this is an important change. It is not changing the substance of the matter and the 27 member States Parties of the European Union, which are 27 Parties of this Convention, would appreciate this change being made. If I am correctly informed and that's also part of my reply to the intervention by Kazakhstan, there are also inconsistencies between the language version and the French language version is based on the text as I have presented it. So from this perspective I am only asking for aligning the English version to the French text. Thank you.

The PRESIDENT:

Si tal es el caso, que es un tema de traducciones, podemos encargar a la Secretaría, no tenemos, creo yo, comisión de estilo en esta conferencia, pero podríamos encargar a la Secretaría que haga un trabajo comparativo de los vocablos para que se ajusten de forma idéntica en todos los textos. Entonces, sugiero esta fórmula: que la Secretaría se ocupe de que los textos en los seis idiomas sean el mismo. Voy a seguir dando la palabra en su orden. Tiene la palabra China.

Mr SHANG ZHEN (China):

谢谢主席先生！我们想提一个关于翻译的问题。非常感谢秘书处将所有的文件翻译成了联合国的六种官方语言。我可能要从头开始。谢谢主席先生！是翻译的问题。非常感谢秘书处将所有的文件翻译成了联合国的六种官方语言。但是我们注意到中文文本中有几处翻译错误。比方说在第二页上，他们将缔约方翻译成了地方和月份。在第六页上，*revenue* 被翻译成了税收。所以我们希望秘书处能够尽快地联系我们以便于通过这些文件后对中文文本作出修改。谢谢主席先生！

The PRESIDENT:

Muchas gracias. Veo que sí, que vamos a tener que ajustar, tal vez tengamos que seleccionar una comisión de estilo para asegurarnos, con la ayuda de los intérpretes, que las traducciones sean las correctas. Le doy la palabra ahora a Togo.

Mr KUMAKO (Togo):

Merci Monsieur le Président. J'aimerais juste rappeler quelque chose. Je me rappelle qu'à l'INB5 il y avait une commission chargée de surveiller les traductions dans les différentes langues. Si c'est possible de refaire ce comité pour travailler sur la traduction et qu'on s'assure qu'il y ait une conformité entre les traductions anglaises dans laquelle nous avons les discussions par rapport à ce que nous avons comme traduction rendues, parce-que je pense que la traduction au niveau des interprètes, dont il faudrait que la délégation s'assure que ce que nous avons discuté en anglais soit effectivement ce qui est traduit dans les autres langues. Merci Monsieur le Président.

The PRESIDENT:

Muchas Gracias. Kenia.

Ms KIPTUI (Kenya):

Thank you Chair. We join Kazakhstan and Togo in opposing the proposal proposed by the EU. When we were negotiating this text I think we agreed on the word "similar". There was no argument about that so if the French translation is wrong it should be translated in a way that agrees the word "similar". Secondly, we thought the proposal from China on revenue, I think we are requesting government, we are recommending to governments, to allocate funds from revenues. Revenues may not be only from tax but may also be from licensing and other sources. So, revenue is more comprehensive and more inclusive. Thank you Chair.

The PRESIDENT:

Gracias, tiene la palabra Kirguistán.

Dr BEKBASAROVA (Kyrgyzstan):

Киргизстан. Доброе утро. Спасибо председатель. Киргизстан поддерживает позицию Казахстана, Кении и других предыдущих выступающих против предложения Евросоюза. Спасибо.

The PRESIDENT:

Muchas Gracias. Tiene la palabra Camboya.

Mr SEIHA (Cambodia):

Thank you President. Cambodia would like to support the EU position for changing because this change is not substantive from the meaning, just only the title. Thank you.

The PRESIDENT:

Muchas gracias. Yo creo que hay una opinión mayoritaria de que hay un problema de conciliación en los idiomas. Creo que el párrafo está bien cerrado, se entiende perfectamente lo que dice En la versión española el tema de lo comparable está contenido en la primera frase del párrafo y

creo que tendríamos que tender a que el ejercicio que tenemos que hacer es un ejercicio de revisión idiomática y tenemos que pedir más tarde a los expertos de la Secretaría y al cuerpo de intérpretes que hagan una versión que sea igual en todos los idiomas.

Ahora sí le doy la palabra a Kazajstán y luego a Canadá.

Dr BATTAKOVA (Kazakhstan):

Thank you very much. I think that comprehensiveness means something much wider than comparability. For me as a person who is working with government officials and other people making decisions it is much more important to have comprehensiveness rather than comparability because comprehensiveness means that every type of tobacco product is taxed and they are taxed in a very strong way not just comparable because in the decision, in the suggestion of EU, it will be just a comparability, which means we will have 0.05 cents on every product group and they will be comparable. So, I strongly believe that EU proposal is diluting the message.

They have comparable sentence inside their text of the principle, but I really do strongly oppose it and this was really reached by the consensus. Why do we need to ruin consensus?

The PRESIDENT:

Muchas gracias. Canadá.

Mr COULOMBE (Canada):

Merci Monsieur le Président. Je voudrais seulement faire écho à la deuxième série de commentaires de l'Union Européenne et également à ce que vous avez suggéré pour nous tous. Je crois en effet que c'est un petit problème de traduction. Les versions françaises de même qu'anglaises sont très claires. A la première ligne de la recommandation 3.3, on utilise le mot « comparable » le titre français qui accompagne cette recommandation en français utilise le mot « comparable » donc il semble qu'il y ait eu une petite erreur au niveau de l'ensemble des versions. C'est la version anglaise dans ce cas-ci qui ne semble pas refléter ni les discussions que nous avons eu en comité ou en séance, en groupe de travail, pardon, et en comité A, donc nous invitons le Secrétariat à revoir, si possible, la traduction pour faire écho à ce que l'Union Européenne a dit précédemment. Merci, Monsieur le Président.

The PRESIDENT:

Muchas Gracias, Canadá. Tiene la palabra el representante de la Unión Europea.

Mr DIEMER (European union):

Thank you very much. I think the intervention of the distinguished Canadian colleague describes the situation very well, and I would like to add in reply to some of the interventions from distinguish speakers from other delegations that if I may say despite what they indicated, the titles, the titles of the various recommendations were not discussed in the working group, and they were not discussed in Committee A. So on the precise wording of the title in a formal way no agreement was reached at this stage. Perhaps the Chairman of the working group could confirm this and for the rest for the substance of the matter I think the issue has been satisfactorily explained by our Canadian colleague which is why we stay with our request for changing the text and making it coherent throughout the language versions on the basis on this point of the French text. Thank you.

The PRESIDENT:

Muchas gracias.

Veo que nos hemos acercado a una solución. Lo que propongo es que el equipo técnico de la Secretaría, los intérpretes revisen los textos en los seis idiomas, al mismo tiempo que, en consulta con la presidente del comité, decidan cuáles son los vocablos que mejor se ajustan. Estoy proponiendo la participación de la presidenta del comité para que no se desdibujen el fin y el objeto del párrafo.

Propongo entonces esta fórmula. ¿Algún comentario?

De ser así, queda así entonces aprobado el segundo informe del comité A. Muchas gracias.

Ahora les voy a proponer que vayamos al ítem número 4 de nuestra agenda, que es el debate general. Uno de los países —la República Checa— me ha pedido intervenir en el plenario. Le cedo la palabra a la República Checa. Veo que los delegados de la República Checa no están en sala, así que vamos a seguir con nuestra agenda. Le doy la palabra al señor Masudi, presidente del comité B para que presente sus informes.

3. REPORT OF THE CHAIR OF COMMITTEE B

Mr NGEYWO (Kenya):

Thank you very much Mr President. I would like to present the report from Committee B, but from the outset I would like to thank the President for his stewardship and support to the process. I would also like to thank the honourable members of the Bureau; I would indeed like to thank the generous people of the Republic of Korea, especially the support that we have received from their Government. I would like to thank all the delegations that participated in Committee B. Your contributions, your support, gave us the progress that we received. I wish to thank the Secretariat, the interpreters for the support they provided to Committee B.

Mr President, Committee B held nine sessions in total, two of which were held in the evening. We had 12 agenda items; nine of them were discussed, out of which eight decisions were drafted and approved for presentation to the plenary. One decision was discussed but it was not adopted and therefore it was deferred to the plenary for approval and subsequent adoption. Out of the 12 agenda items, Mr President, that were given to Committee B to deliberate on, because of lack of time three agenda items were not covered and therefore deferred to the plenary for consideration and thereafter adoption.

I would like now to present the report in some detail. As contained in COP5 document FCTC/COP/5/B/R/1, I will present the first report, because the reports are three. Committee B recommends to the conference of the Parties the adoption of the following decisions: Decision on item 7.1, on reporting arrangements under the WHO FCTC. Decision on item 7.1, on impact assessment of the WHO FCTC. I wish also to present the second report of Committee B, document FCTC/COP/5/B/R/2. So in addition to the decisions in our first report the Committee recommends to the Conference of the Parties, the adoption of the following decisions: under item 7.3 we proposed for adoption a decision of promoting South to South cooperation for implementation of the WHO Framework Convention on Tobacco Control. On item 7.4, which is not listed in the document that I had yesterday, but the draft decision is available and I believe it is circulated, is the decision on cooperation with the WTO on trade-related tobacco control issues. There is a decision on item 8.2, on the interim performance report for the 2012–2013 workplan and budget. We also present for adoption item 8.3, arrears in the payment of assessed contributions, and on item 8.4 we present a decision on travel support available to Parties.

I wish now to present decisions in the third report of Committee B, contained in document FCTC/COP/5/B/R/3, and we present the decision for adoption of the workplan and budget for the financial period 2014–2015, subject to the outcome of the review in the plenary of the draft decision on financial resources, mechanisms of assistance and international cooperation for strengthening sustainable implementation of the WHO FCTC contained in agenda item number 7.2 and also contained in the document FCTC/COP/5/B/Conf.Paper No.6 Rev.1 in relation to item 2.2(iii) of the workplan.

Mr President the Committee also decided to defer for consideration of the plenary the following: Agenda item 8.6, review of the role of the Bureau of the Conference of the Parties; item 8.7, process

for appointment of the Head of the Convention Secretariat; and item 8.8, accreditation of nongovernmental organizations as observers to the Conference of the Parties. Thank you very much Mr President.

The PRESIDENT:

Muchas gracias a usted y muchas felicitaciones por su excelente trabajo.

Yo propongo al plenario que vayamos decidiendo por su orden los informes que nos ha presentado el comité B.

En primer lugar les propongo considerar el primer informe del Comité B, que es el COP/5/B/R/1. Él contiene dos resoluciones relativas al punto 7.1, disposición del CMCT de la OMS relativa a la presentación de informes, y el segundo es evaluación del impacto del CMCT de la OMS. ¿Comentarios acerca de este informe?

Si no hay comentarios acerca de este informe, ¿podemos proceder a aprobarlo? Así queda entonces decidido.

Pasamos al segundo informe del Comité B, es el documento COP/5/B/R/2. Este informe contiene los puntos 7.3, 8.2, 8.3, atrasos en el pago de las contribuciones señaladas y 8.4 financiación para los gastos de viaje que se otorgan a las Partes. También el señor presidente del comité B nos ha hecho relación al proyecto que está incluido en el ítem 7.4 documento COP/5/B conf documento número 3 revisión 1. Este documento también lo estaríamos entregando en el informe 2, al segundo informe del Comité B. ¿Comentarios?

De no haber comentarios, lo damos entonces por aprobado.

Pasamos ahora a analizar el tercer informe del Comité B. Como nos decía el señor presidente del comité B, han quedado en el orden del día tres asuntos para que el plenario los discuta. Estos son, en primer lugar, uno condicionado a la aprobación del presupuesto 2014-2015, el punto 7.2 del orden del día, que es el documento 6 revisión 1, también, y más adelante vamos a reconsiderar el punto 8.6, examen de la función de la Mesa de la Conferencia de las Partes, el punto 8.7, procedimientos para el nombramiento del jefe de la Secretaría del Convenio, y el punto 8.8, del orden del día, acreditación de organizaciones no gubernamentales como observadores de la Conferencia de las Partes.

Propongo que consideremos en primer lugar el documento número 6 revisión 1, recursos financieros, mecanismos de asistencia y cooperación internacional para fortalecer la aplicación sostenible del CMCT de la OMS, proyecto de decisión presentado por la región de África y la región de las Américas de la OMS.

Tiene la palabra India.

Mr DESIRAJU (India):

Thank you Mr Chair, since you have decided Mr Chair that Conference paper 6 will come up for discussion I will hold my comments till then. Thank you Sir.

The PRESIDENT:

Muchas gracias a usted, se abre entonces el debate sobre el documento 6. De no haber comentarios, entonces tiene la palabra el delegado de Noruega.

Mr LINDGREN (Norway):

Thank you for the floor, Mr President. I am a little confused exactly as to what document we are discussing at the moment. My comment will be in relation to conference paper number 6 rev. 1. Thank you.

The PRESIDENT:

Correcto: ese es el mismo documento que estamos tratando en este momento. Adelante, Noruega.

Mr LINDGREN (Norway):

Thank you very much. Mr President in order to avoid any possible future discussions regarding the interpretation of the declaration we are about to make, my delegation simply wants to put on record that the decisions made by this COP, excuse me the decisions made by this COP, need to be seen in context with each, other meaning in particular that the decision we take on the budget and the work plan for 2014–2015 relates to all the operational decisions that this COP also takes. Thank you.

The PRESIDENT:

Se toma debida nota del comentario que formula el delegado de Noruega. ¿Alguien más quiere hacer uso de la palabra en relación al punto 6 rev 1?

Entonces someto a la consideración para su aprobación el documento COP/5/B conf documento número 6 rev 1, recursos financieros, mecanismos de asistencia y cooperación internacional para fortalecer la aplicación sostenible del CMCT de la OMS.

Si están todos de acuerdo, entonces lo damos por aprobado.

4. WORKPLAN AND BUDGET FOR THE FINANCIAL PERIOD 2014–2015

The PRESIDENT:

Al haber aprobado este punto que condicionaba el plan de trabajo y presupuesto para el ejercicio 2014-2015, estaríamos en condiciones, como bien dijo recién el delegado de Noruega, de analizar el plan de trabajo en su integridad. Someto entonces para su tratamiento y discusión el punto 8.5 del orden del día, proyecto de plan de trabajo y presupuesto para el ejercicio 2014-2015. Está contenido en el documento COP/5/B/R/3, es decir que está contenido en el tercer informe del Comité B. ¿Comentarios? India tiene la palabra.

Mr DESIRAJU (India):

Thank you Mr Chair, I am very sorry to just go back to the decision we just approved in conference paper number 6, rev. 1, that is the decision of the house Mr Chair. But in one of the decision paragraphs, paragraph 3, we are required to insert names of Parties who will be members of the working group. Just a clarification, Mr Chair: is that to be done now or later or by whom? Thank you Mr Chair.

The PRESIDENT:

Muchas gracias señor delegado de la India. Le voy a pedir a la Secretaría a ver si nos puede aclarar este punto. Señor secretario.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you Chair, and thank you distinguished delegate of India. According to the past practice in similar occasions on creating working groups, the recommendations or wishes of the Parties to be in the working group had been taken already during the session of the Conference of the Parties: those that already wanted to be in the working group. And if we receive those during the session up until the closure, the Secretariat might be able to incorporate them with the permission of the Chair. However, there is also a period of time given in the decision for other Parties to express their wishes for another

few months to be either the Key Facilitators or the members of that working group. So, the process will not be closed even if the members of delegations don't express their wishes during this session. Thank you, that has been the practice at least. Thank you.

The PRESIDENT:

Muchas gracias, secretario. Tiene la palabra Ghana.

Dr KYEI-FARIED (Ghana):

Thank you very much, Mr President. I want to clarify on the workplan and budget as submitted by Committee B, that item 2.2(iii), where we have one new working group potentially setup by COP5, that this has to do with the mechanisms of assistance working group. Thank you.

The PRESIDENT:

Muchas gracias por el comentario. Le vamos a pedir al presidente del grupo B, por si tiene alguna aclaración que formular al respecto.

Mr NGEYWO (Kenya):

Thank you very much, Chair. Following the decision to approve the draft decision that was presented on this matter, it contains the working group, which is also now approved for composition, then it follows that that is the working group which should be in that 2.2(iii). Thank you, President.

The PRESIDENT:

Muchas gracias a usted. Tiene la palabra India.

Mr DESIRAJU (India):

Thank you Mr Chair. I am sorry to ask for the floor again. We are grateful to the Chairman of Committee B for the clarification on 2.2(iii), which was something we wanted to raise as well, but Mr Chair If I could just call attention to 3.3, expert group nominated by Parties etc., I don't believe Committee B approved an expert group on any subject, in which case there may be some savings there. Perhaps Secretariat could give us a clarification on that. And lastly, Mr Chair, a decision on smokeless tobacco was just adopted by us following the recommendation from Committee A. There are no budgetary implications of that but possibly that needs to be reflected in the workplan. If Secretariat could take a look at that. Thank you sir.

The PRESIDENT:

Secretaría, tiene usted la palabra.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Thank you Chairman, and thank you distinguished delegate of India. The first question concerned point 3.3 of the workplan about the expert group. There was a discussion in Committee B on two occasions on this issue including yesterday in the evening session. I think that was the decision of the Committee, that this expert group is endorsed, and clarifications were requested from the Secretariat about how it would relate to another decision which requested the Secretariat to bring proposals to COP6 about this review mechanism; we provided those clarifications. My feeling was that those clarifications were accepted and this expert group was endorsed, but if that is not the case, of course the Chairman of Committee B may make his own clarifications. Now, the question about

smokeless tobacco. I read it, it came from Committee A, the request to the Convention Secretariat is simply to request WHO to do some work. That is why my feeling is that that might also not be reflected in the workplan, though as Norway said, in general the workplan of the work of the Secretariat should be seen also in the context of the other decisions taken by the Conference of the Parties. So, somehow, this is part of our responsibility but not necessarily having budgetary implications, at least for the Secretariat. Thank you.

The PRESIDENT:

Muchas gracias por la aclaración. Tiene la palabra Canadá.

Ms SABISTON (Canada):

Thank you Chair. I agree with the distinguished delegate from India that there was not certainty around 3.3 and the creation of an expert group. I believe that Canada raised this again in Committee B yesterday. We were given the same response, but I don't think that there was consensus among Parties. Thank you.

The PRESIDENT:

Muchas gracias. Tiene la palabra Bolivia.

Dr RADA NORIEGA (Plurinational State of Bolivia):

Muchas gracias, señor presidente. Agradecemos el apoyo de las regiones a esta iniciativa y quiero me permitan expresar mi apoyo al delegado distinguido de India sobre que la necesidad de poner de forma explícita que quizás que los recursos del punto 3.3 puedan proveer para este nuevo grupo de trabajo de mecanismos de asistencia. Muchas gracias.

The PRESIDENT:

Muchas gracias a usted, tiene la palabra Ghana.

Dr KYEI-FARIED (Ghana):

Thank you very much Mr President. I think yesterday there was extensive discussion on the need for an intergovernmental working group to support the Convention Secretariat in improving the review process in their reporting mechanism to improve quality and timeliness and to make input into the forms of analysis that will be required. In doing that those of us in the AFRO Region were of the view that it is important to have some funding under the voluntary assessed contributions to support that working group. We set a maximum limit of not more than two representatives per region, to be part of this expert working group to support the Convention Secretariat and it was adopted and the money that was there was 60 and later was revised to 50 and I am not understanding where the new call for deletion is coming from. And I think we should stick to what was adopted in Committee B. Thank you.

The PRESIDENT:

Muchas gracias a usted. Tiene la palabra Senegal.

Mr SYLLA (Senegal):

Merci Monsieur le Président. Peut-être que nous étions fatigués hier, mais je confirme le propos du Ghana : on a bel et bien adopté le point 3.3 par rapport à la mise en place de ce mécanisme, et

d'ailleurs je rappelle qu'au départ il avait été prévu de lui octroyer une dotation de 100 000 dollars. Devant la réticence de certaines délégations, nous avons convenu de ramener ça à 50 000 dollars, et c'est ce que le Secrétariat a mentionné dans le document qui nous a été soumis. Donc, sous réserve de l'appréciation du Président, je confirme bel et bien que cette décision-là a été validée hier, dans la séance de nuit. Merci.

The PRESIDENT:

Muchas gracias. Se agradecen todos los comentarios. Voy a proceder a darle la palabra al presidente del comité B, para estar seguro de que el cuadro del programa del presupuesto es ajustado y tiene las correspondencias necesarias. Señor presidente, tiene usted la palabra.

Mr NGEYWO (Kenya):

Thank you very much Mr President. The decision is contained in the first report of Committee B, and if you go to decision paragraph number 4 it is decided that the Secretariat is requested to prepare a recommendation for consideration by the sixth Conference of the Parties on the establishments of a mechanism to facilitate the review of Parties' reports by the Conference of the Parties. It then follows that this committee can only be established after the consideration of this report in the sixth COP. Now, given that the sixth COP will take place in 2014 if it takes the same cycle, then the inclusion of this item in the budget is OK for that period. Thank you very much.

The PRESIDENT:

Muchas gracias a usted. Pregunto al plenario si las explicaciones dadas tanto por la Secretaría como por el presidente del comité B son satisfactorias y si podemos pasar a considerar la aprobación del proyecto de plan de trabajo y presupuesto para el ejercicio 2014-2015, que está contenido en el tercer informe del comité B COP/5/B/R/3.

Veo que el plenario desea su aprobación, y queda aprobado entonces.

Resta, del tercer informe del Comité B, tratar tres puntos que el comité no pudo tratar.

5. REVIEW OF THE ROLE OF THE BUREAU OF THE CONFERENCE OF THE PARTIES

The PRESIDENT:

El primero de ellos es el punto 8.6 del orden del día, examen de la función de la Mesa de la Conferencia de las Partes. Sugiero ir a este documento para su consideración, pero antes le voy a dar la palabra a la Federación Rusa. Rusia tiene la palabra.

Mr VELMJAJKIN (Russian Federation):

Уважаемый господин председатель, уважаемые делегаты. Мы просим прощение за то, что мы сейчас вернемся к предыдущему вопросу, поскольку в целом Российская Федерация, как и все другие участники конференции не имеет возражения против принятия бюджета в том виде, в котором он представлен, однако у нас есть дополнительные заявления. Уважаемый господин председатель, уважаемые делегаты. Прежде всего, Российская Федерация хотела поблагодарить стороны, председателей комитетов и секретариат за проведенную работу и представленные по ее итогам доклады. Борьба с потреблением табака, как одну из причин преждевременных смертей и тяжелых неинфекционных заболеваний является одним из приоритетов повестки дня российского Здравоохранения. Однако, победа над табаком возможна только при сочетании внутригосударственных и международных усилий. Опыт предыдущих лет показал, что для реализации конвенции необходимо максимальное вовлечение международного сообщества. Для нас важен голос всех стран, без исключения. В том числе и

тех, которые испытывают определенные финансовые или организационные затруднения. По этой причине, Российская Федерация приняла решение осуществить дополнительную финансовую поддержку анитабачных проектов на глобальном и региональном уровне через секретариат РКБТ. Нельзя также не заметить, что многие стороны достигли внушительных успехов в деле борьбы с табаком. Такие успехи не должны оставаться без международного внимания и поддержки. В связи с этим, мы бы хотели предложить премию по аналогии с имеющимися практиками других международных организаций и осуществлять ее финансовое обеспечение. Предлагаем конференции сторон поручить секретариату проработать организационную сторону вышеуказанных вопросов. Призываем также другие стороны конференции поддержать инициативу Российской Федерации. Уважаемые коллеги, эффективное международное сотрудничество предполагает возможность всех стран участвовать в конференции сторон РКБТ. С тем, вопрос финансового обеспечения такого участия вызвал немало дискуссий в ходе работы комитета Б. В итоге, как только что докладывал уважаемый председатель комитета Б, было принято непростое компромиссное решение, предполагающее компенсацию ключевых расходов для отдельных групп стран за счет не бюджетных источников. Мы провели дополнительные консультации по данному вопросу, и хотели бы со своей стороны сделать следующее предложение. Российская Федерация хотела бы пригласить следующую 6-ую конференцию сторон провести у нас, в России, в Москве. Такое предложение мы хотели сделать при обсуждении следующего пункта повестки дня позднее. Однако мы говорим об этом сейчас поскольку в рамках данного предложения, мы хотели бы взять на себя финансирование части путевых расходов для указанной группы стран в духе принятого вчера на комитете решения в качестве не бюджетного источника, в том случае, если решение о проведении конференции сторон в Москве будет поддержано сторонами и принято. Мы предлагаем уважаемым делегатам рассмотреть предложение Российской Федерации в ходе дебатов по следующему пункту в ходе повестки дня. Большое спасибо.

The PRESIDENT:

Muchas gracias, señor delegado, no solo por sus valiosos conceptos de la integridad del proceso del ejercicio que estamos celebrando acá, sino también por el ofrecimiento que usted acaba de hacer y que vamos a considerar en el punto correspondiente. Muchas gracias.

Pasamos entonces a considerar el documento COP/5/24 examen de la función de la Mesa de la Conferencia de las Partes.

El documento que acabo de mencionar plantea la necesidad de darle atribuciones precisas a la Mesa para que pueda desarrollar adecuadamente sus funciones. El documento solicitado a la Secretaría integra un trabajo comparativo de lo que sucede en otros organismos. También indica las necesidades que la experiencia del ejercicio de los países en la Mesa reclaman como necesarios para la eficiencia del sistema y la buena coordinación, tanto con los Estados Partes como con las regiones y con la propia Secretaría.

Como ustedes podrán ver, además del documento explicativo, que hace el ejercicio y el análisis que acabo de describir, contiene seguidamente un proyecto de decisión que está contenido en el documento COP/5/B conf documento número 8, el proyecto de decisión se refiere a la función de la Mesa de Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco, y en la parte resolutive enumera en forma taxativa cuáles podrían ser las funciones de la Mesa.

Abro el debate del plenario para este asunto. ¿Comentarios?

Tiene la palabra Australia.

Mr COTTERELL (Australia):

Thank you Chair. We would just like to raise a few issues related to this draft decision. The first relates to the process for the appointment of the Head of the Secretariat, and I am not sure that subparagraph 1(a) as it is currently drafted properly reflects our previous understandings about how the appointment process occurs, nor the understanding that is set out in the document for the next

agenda item (item 8.7), document FCTC/COP/5/25, and particularly the Annex to that document. We have some alternative drafting to propose in relation to subparagraph 1(a).

Our other major point relates to the important roles that this decision would formalize for the Bureau. The Bureau has always been vital to the functioning of the Conference of the Parties and vital to ensuring that our work continues intersessionally. We support these functions being formalized. However, given their importance it is absolutely vital that the Bureau operates in a consultative and transparent manner, and we have some amendments to the text to reinforce that point. We also have some minor editorials to suggest. I do not know if you want us to introduce the text now or wait for other interventions. Thank you.

The PRESIDENT:

Muchas gracias, señor delegado. Lo que propongo es que escuchemos a los que se han anotado, Camerún, Unión Europea y Canadá, y luego pongamos en pantalla esta resolución para que, en primer lugar, Australia sugiera los cambios y así sucesivamente para poder discutir este documento. Tiene la palabra Camerún.

Dr SA'A (Cameroon):

Merci beaucoup Monsieur le Président. Pour une première prise de parole en session plénière, la délégation du Cameroun voudrait sincèrement remercier la République de la Corée pour l'accueil chaleureux qui lui a été réservé, féliciter le Secrétariat pour la bonne organisation de cette COP5 et vous féliciter également Monsieur le Président pour la façon dont les travaux sont conduits.

Le Cameroun prend la parole au nom des états Parties de la Région Africaine, sur ce point 8.6, et la Région Africaine a examiné avec une bonne attention le document soumis par le Secrétariat et voudrait indiquer ce qui suit :

Premièrement, la Région Africaine souhaite la création d'un bureau élargi spécialement chargé de questions d'intersessions et qui serait composé de deux représentants de chaque région de l'OMS. Elle est favorable aux recommandations contenues aux paragraphes 22, 24 et 25 qui identifient les fonctions les plus importantes du Bureau. Les fonctions devraient être rendues permanentes et viendraient ainsi compléter celles contenues dans le règlement intérieur. Le processus d'élection des membres du Bureau devrait officiellement commencer au moins un mois avant chaque session, et qu'il soit laissé à chaque région la liberté de fixer les critères de sélection de ses candidats.

S'agissant de la manière de procéder pour signer la fonction supplémentaire, la Région Africaine est favorable à une décision de la Conférence qui offrirait plus de souplesse et faciliterait des ajustements futurs.

La Région Africaine voudrait enfin suggérer que les réunions de Bureau soient ouvertes aux coordonnateurs régionaux en tant qu'observateurs.

Je vous remercie, Monsieur le Président.

The PRESIDENT:

Muchas gracias a usted, señor delegado. Chipre tiene la palabra.

Mrs GEORGIU (Cyprus):

Thank you, Chair. I speak on behalf of the EU and its Member States and we as well would like to thank the Secretariat for the complete report and we would like to support the comments made by Australia with regard to operative paragraph 1(a) on the selection of the Head of the Secretariat. But we can maintain our comments until the document is on the screen and then we have suggestions to propose. Thank you.

The PRESIDENT:

Muchas gracias, señora delegada. Tiene la palabra Canadá.

Ms SABISTON (Canada):

Thank you, Chair. Canada also has some text to propose that would help with the consultative and transparent manner of the functioning of the Bureau. Thank you.

The PRESIDENT:

Muchas gracias a usted, le voy a pedir a la Secretaría entonces que proyecte la resolución y vamos a hacer los agregados y las enmiendas que correspondan.

Le pido al delegado de Australia si puede leernos a los efectos de su incorporación provisional el texto que sugiere.

Mr COTTERELL (Australia):

Thank you Mr President, and this is an alternative formulation for subparagraph 1(a):

“to make recommendations to the Director-General of the World Health Organization regarding the appointment of the Head of the Secretariat and undertake the performance evaluation on matters related to delivery of treaty and technical activities for possible renewal of the Head of the Secretariat’s term of office.”

That is all in relation to subparagraph 1(a). Would you like to take all of our amendments now or just deal with that issue first?

The PRESIDENT:

Podemos ver este primer punto. Está entonces sometida a consideración la propuesta de Australia de la enmienda para el artículo 1.A.

¿Comentarios? Turquía tiene la palabra.

Ms EKEMAN (Turkey):

Thank you Mr Chairman. We would like to support the proposal made by the Australia, thank you.

The PRESIDENT:

La Unión Europea quería hablar.

Mrs GEORGIU (Cyprus):

Thank you, Chair. Our suggestion would be under operative subparagraph 1(a) to add, following “renewal of his or her term of office”: “in accordance with any ad hoc arrangements that may be decided by COP”. Thank you.

The PRESIDENT:

Muchas gracias. Tailandia tiene la palabra.

Professor VATHESATOGKIT (Thailand):

Thailand supports Australia's proposal, thank you.

The PRESIDENT:

Muchas gracias, México.

Dr REGALADO PINEDA (Mexico):

Gracias, señor presidente. En nombre de México y de Panamá queremos apoyar la propuesta hecha por Australia.

The PRESIDENT:

Muchas gracias. Maldivas tiene la palabra.

Mr MOHAMED (Maldives):

Thank you, Chair. The South-East Asia Region would like to support the proposal by Australia but would also like to add that we do have an observation here. Our decision or understanding of this particular item, the first decision point on the appointment of Head of the Secretariat, is based on the paper FCTC/COP/5/25, as I understand, because the proposals are contained therein, which also captures the suggestion made by Australia. The reference now in the decision is on paper FCTC/COP/5/24, which actually does not contain the proposals. So in FCTC/COP/5/24 we do not see cross-reference to FCTC/COP/5/25, which in fact contains the proposals, so somewhere in this document decision I think the reflection of the document that contains the proposals, the basis on which we are making this decision, is important. Thank you.

The PRESIDENT:

Muchas gracias por los comentarios que nos hace y la necesaria referencia al documento que vamos a discutir más adelante, el número 25, que es el proceso de selección del secretario del Convenio.

Ahora bien, entiendo yo que no necesariamente habría que hacer una referencia a otro documento, porque puede haber en el futuro alteraciones del modelo. Lo que sí es importante es que dentro de las funciones de la Mesa esté bien definido qué es lo que hace la mesa. En ese sentido creo que las opiniones de Australia y muchos otros estados son acertadas. Podemos entonces... Uruguay.

Mr ASQUETA SÓÑORA (Uruguay):

Gracias, señor presidente. Agradecemos a la delegación de Brasil que iba a tomar la palabra y nos la ha cedido. Vamos a hablar en nombre de la región de las Américas, apoyando en el párrafo 1 el literal A, lo que ha propuesto la delegación de Australia. La región de las Américas apoya esa propuesta.

The PRESIDENT:

Muchas gracias, señor delegado. Chipre tiene la palabra.

Mrs GEORGIU (Cyprus):

Thank you, Chair. If I may suggest, we could accept the proposal made by Australia and we could propose to include the text we have already suggested after “the Head of the Secretariat”, which should read: “to select the Head of the Secretariat, in accordance with any ad hoc arrangements that may be decided by COP”, and then include the proposal by Australia. Thank you.

The PRESIDENT:

Muchas gracias. Australia tiene la palabra.

Mr COTTERELL (Australia):

Apologies, Sir, I do not want the floor at this time. Thank you.

The PRESIDENT:

India. You have the floor.

Mr DESIRAJU (India):

Thank you, Mr Chair. I am not very clear as to what is meant by “ad hoc arrangements to be decided by COP”, because to my understanding we are going to be looking at conference document 25 and take a decision, so how would that decision differ from other ad hoc arrangements? Thank you, Mr Chair.

The PRESIDENT:

Señor delegado yo tiendo a coincidir con usted, inclusive había dicho hace unos segundos que no hay que hacer referencia a otros textos o al propio mecanismo de selección porque eso va por separado y en el correr del tiempo puede ser modificado. Creo que lo que tenemos que conservar dentro de este artículo es dejar en claro que es la Mesa la que hace la selección del candidato de la recomendación al director general y con eso es suficiente. Obviamente, ese proceso de selección va a tener concordancia con el mecanismo que por separado hayamos establecido, el que seguramente iremos a establecer ahora y otro que en el futuro pueda cambiarse. ¿Comentarios?

Entonces, la propuesta de parte de la India sería, si no entendí mal, suprimir la referencia “in accordance with any ad hoc arrangements that may be decided by the COP”, y sería una sola frase, ¿entendí bien?

El delegado de la India me dice que sí.

Yo le pediría entonces a la Secretaría que refleje en el texto la propuesta de la India.

Unión Europea.

Mrs GEORGIU (Cyprus):

Thank you, Chair, maybe I can try and explain our proposal. In the absence of any discussion on the proposal with regards to the arrangements, our suggestion was to include “in accordance to any ad hoc arrangements”. As long as there is no discussion and agreement upon the arrangements, then we would like to maintain for the COP to decide on those. I hope that makes it clear. Thank you.

The PRESIDENT:

Lo que yo propondría es esperar a que extracten el punto 25, porque si nosotros tenemos éxito con el establecimiento de un mecanismo, esto quedaría en forma un poco contradictoria. Veo que asienten con la cabeza, así que lo que haríamos es dejar el texto sin la referencia, y lo dejaríamos en

suspense. Si no logramos tener un mecanismo que es el punto siguiente 25, volveríamos y haríamos esa salvedad, porque entonces sí sería necesaria y se quedaría a la espera de un mecanismo.

Si están todos de acuerdo, entonces pondríamos con la misma letra la segunda parte.

No hemos olvidado las referencias que hizo el distinguido delegado de Camerún. Propongo un mecanismo casi permanente, más inclusivo, con mayor participación de los países y más vigente en el tiempo. Es mi parecer constituye una iniciativa que debe ser estudiada. Por supuesto, ese ejercicio de mayor participación e integración de las delegaciones de nuestros países en el proceso tendría seguramente repercusiones presupuestarias, que no las tenemos contempladas en el plan de trabajo en el ejercicio 2014-2015. Por lo que podríamos hacer una recomendación por separado de que la Mesa estudie nuevas modalidades del ejercicio de la Mesa en el futuro.

Yo propongo seguir transitando en este ejercicio de análisis del documento y al final de él ver la vocación de los países para convertir ese deseo en una decisión o una recomendación a la mesa.

Pregunto al delegado de Australia si tiene otros comentarios sobre el texto.

Mr COTTERELL (Australia):

Thank you Mr President. We do, in relation to some paragraph 1(g), and this is just an editorial suggestion. We would suggest that it read "to provide other guidance to the Secretariat" and delete the words "that may be" and replace them with "as requested by the COP". That's just an editorial suggestion we have more substantive suggestions in relation to paragraph 3 and a new paragraph. Are you happy to move on to those?

The PRESIDENT:

No, vamos a aprobar este, por favor. Está a consideración entonces el párrafo (g) en la redacción que ven en pantalla del artículo 1 de esta resolución.

Si no hay comentarios, entonces haríamos la modificación. Le pido a la Secretaría que deje el texto con la misma letra.

Gracias, Australia. Puede decir la siguiente observación.

Mr COTTERELL (Australia):

Thank you President. In relation to paragraph 3, this is a paragraph in which we would like to emphasize the need for the Bureau not just to liaise but also to consult with Parties about the matters before it in-between sessions. We have a very strong view that the members of the Bureau are representing their regions and therefore should take the views of Parties in their regions into account before discussing and agreeing on matters whether intersessionally or during the sessions of the COP; but our comments are going to focus on the intersessional period. The textual change we would suggest to this paragraph is to replace the word "liaise" with "consult". Sorry, we are not deleting the word "with", we are keeping the word "with", so that it would read "REQUESTS the members of the Bureau to consult with the Parties of their respective regions between the sessions of the COP to inform the work of the Bureau". Thank you.

The PRESIDENT:

Muchas gracias. ¿Comentarios?

Creo que en buena manera enriquece el texto. Le voy a dar la palabra a Tailandia. Tailandia tiene la palabra.

Professor VATHESATOGKIT (Thailand):

Mr Chair, may I propose to keep the words "liaise" and "consult" with the Parties.

The PRESIDENT:

Entonces, hay una propuesta de Tailandia de mantener los dos vocablos, ya están integradas ambas al texto.

The PRESIDENT:

Canadá tiene la palabra.

Ms SABISTON (Canada):

Thank you Chair. We are very supportive of the Australian intervention and the changes that have been proposed since. We have a sentence to add to operative paragraph 3 that we believe will increase transparency as well, to add: "request that prior to Bureau sessions the Convention Secretariat post on the Secretariat web site the provisional agenda for the session". We believe this will facilitate the Bureau members' liaison and consultation with their respective regions. So: "request that prior to Bureau sessions the Convention Secretariat post on the Secretariat web site the provisional agenda for the session... for the Bureau meeting". Thank you.

The PRESIDENT:

Muchas gracias a usted. Omán tiene la palabra.

Dr AL-LAWATI (Oman):

شكراً، سيدي الرئيس، أعتقد أن هذه نقطة مهمة، وأشكر كذلك ممثل أستراليا على هذه التوضيحات، ونتمنى من مكتب المؤتمر وخلال عمله في الفترة القادمة بين هذا المؤتمر والمؤتمر القادم إن شاء الله، أن يُوفّر الدعم للأعضاء كي يتواصلوا مع دول إقليمهم، لإيصال كل المعلومات إليهم، لأنّ هذا الأمر أحد المشاكل التي نعاني منها (عدم وصول المعلومات)، ونريد أن ندعم هذا المقترح. وشكراً سيدي الرئيس.

Mr ASQUETA SÓÑORA (Uruguay):

Gracias, señor presidente. Sobre este conf documento número 8, si la pantalla puede ir al párrafo 1, literal E. Donde dice "decidir la fecha y el lugar de las reuniones de la COP y sus órganos subsidiarios", la región tiene una consulta a la mesa, teniendo en cuenta el reglamento interior de la Conferencia de las Partes adoptado en la COP 2, en el artículo 4, párrafo 2 del reglamento interior dice: "En cada reunión ordinaria la conferencia decidirá la fecha y la duración de la siguiente reunión ordinaria". Entonces la región de las Américas desea que se clarifique en este proyecto de decisión si se está interpretando que este literal E es un cambio al reglamento interior. Querríamos clarificar ese punto o cuál es el procedimiento.

The PRESIDENT:

Gracias, Uruguay. Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President, we just like to return to paragraph 3 if we could, and because we actually had a second part to our suggestion, which may pick up the Canadian suggestion. We think this issue of agendas and papers for the intersessional meetings of the Bureau is very important, and we would like to see it referred to a separate paragraph, so we would propose a paragraph 3bis.

The PRESIDENT:

Sí, por favor, sí lo puede leer.

Mr COTTERELL (Australia):

“Requests the Secretariat to prepare formal agendas, papers, summary records and minutes of intersessional meetings of the Bureau, to be published on a protected web site in a timely way so that Parties have the opportunity to provide input to the work of the Bureau.” Thank you.

The PRESIDENT:

Muchas gracias. Vamos a abrir para comentarios. Palau tiene la palabra.

Dr OTTO (Palau):

Thank you very much Sir. Mr President, Palau takes the floor to support and appreciate the recommendations that have been made by Australia and supported by other Parties to enrich the work of the Bureau during the intersessional sessions. The indications as proposed give some appearance that consultation does not exist or does not take place, when in fact I think it does, so and this is not to defend the Bureau but to see if there can be a way to further enrich the working relationships. So I wonder if Palau can make another *3bis* to suggest that we “encourage Parties to actively participate in the intersessional consultations to enhance the work of the COP”. Thank you, Mr President.

The PRESIDENT:

Muchas gracias, señor delegado.

Tenemos ahora tres propuestas. Básicamente las sugerencias que se nos han hecho es, por un lado, la necesidad de que se consulte con los otros países y creo que está recogida en todas ellas, tendríamos que elegir cuál es la más apta. Luego tiene una especie de requerimiento a la Secretaría para que prepare las agendas y los documentos, etc., de forma que se pueda hacer un análisis interseccional, tal vez la manera en la que está redactado no sea la más adecuada, dado que esta resolución lo que tiene que reflejar son las capacidades de la Mesa, no así los encargos. Me explico mejor, si uno analiza los distintos párrafos, se indican las tareas propiamente que la Mesa tiene que desempeñar, proporcionar orientaciones a la Secretaría, examinar las solicitudes, etc. Creo que tendríamos que cambiar la redacción, porque si no queda un encargo al secretario descolgado de una resolución que más que nada se refiere a las tareas de la Mesa.

Lo dejo como sugerencia y abro el debate para mayores comentarios. Jamaica tiene la palabra.

Mr REESE (Jamaica):

Chairman I would like to endorse the position held by Australia with the exception of adding “on a timely basis”. “On a timely basis” instead of “in a timely way”.

The PRESIDENT:

Muy bien. Camerún tiene la palabra.

Dr SA'A (Cameroon) :

Merci beaucoup Monsieur le Président. Sur ce point 3, nous avons émis au niveau de la Région AFRO l'idée que les coordonnateurs soient admis aux réunions tenues à Genève comme observateurs. De toutes les propositions qui sont faites, j'ai l'impression que cette idée n'a pas suscité de réaction. C'est pourquoi je reprends la parole, Monsieur le Président, pour insister que la région AFRO

souhaiterai donc que les coordonnateurs des régions soient admis comme observateurs à toutes ces réunions tenues à Genève. Merci Monsieur le Président.

The PRESIDENT:

Gracias a usted. Turquía tiene la palabra.

Ms EKEMAN (Turkey):

Thank you Mr President we also would like to support the proposal made by Australia. Actually the proposal made by Canada is also good but I think the proposal made later on by Australia covers that item so our preference is to keep the Australian wording. Regarding the proposal made by Palau, I think that is a very important issue but I really don't know whether that is the area that we should actually cover because the decision deals with the mandate and the role of the Bureau so even though it is an important issue I do not think this is the place for it. Thank you.

The PRESIDENT:

Muchas gracias. Djibouti tiene la palabra.

Mrs ALI-HIGO (Djibouti):

Merci Monsieur le Président. J'interviens pour soutenir la proposition d'AFRO. Pour réduire les coûts, les missions qui sont présentes à Genève peuvent très bien jouer ce rôle de coordonnateur et faciliter le contact avec les pays lorsqu'il y a surtout des questions urgentes, il est très intéressant de passer par les missions présentes à Genève. Merci, Monsieur le Président.

The PRESIDENT:

Tailandia tiene la palabra.

Professor NUNTAVARN VICHIT-VADAKAN (Thailand):

Thank you, I just have a question to the Secretariat with regard to paragraph 3, the last sentence, when it states "REQUEST prior to the Bureau sessions that the Convention Secretariat post on the Secretariat web site the provisional agenda for the bureau meeting". I was wondering if there would be any sensitive items that perhaps you would not want to be publicly posted and everybody would have access to the information on the Secretariat web site. Thank you.

The PRESIDENT:

Gracias. Le daría entonces la palabra a la Secretaría. Gracias.

Dr NIKOGOSIAN (Head, Convention Secretariat):

Yes, thank you Thailand, of course one might not exclude that those items may be, and if that is the wish of the Conference of the Parties, it could be also organized in a password protected web site for the Parties; it is of course up to the COP to decide but both options are possible and I do agree that we may have and we have had matters which I would hesitate to put on the public web site until the Bureau had discussed them at least, so we had that in practice and so it may also be the case in the future so some solution in that case could be possibly considered by the Conference of the Parties, thank you.

The PRESIDENT:

Muy bien, Tailandia

Professor NUNTAVARN VICHIT-VADAKAN (Thailand):

Then may I follow-up that we have some wording that reflects what the Secretariat has just said, something perhaps along the lines of a protected web site.

The PRESIDENT:

Please go ahead. Can we add it in the text?

Professor NUNTAVARN VICHIT-VADAKAN (Thailand):

I just proposed the protected web site.

The PRESIDENT:

OK. Aparentemente, ya tendríamos un principio de acuerdo sobre los contenidos del párrafo del artículo 3. Le voy a pedir a la Secretaría que vaya corrigiendo y si hay algún comentario les pido que me interrumpan y hacemos las aclaraciones.

En primer lugar sería el pedido de usar los dos vocablos.

Yo le pediría al delegado de Australia a ver si puede conciliar el texto, si está conforme, el último párrafo de Palau se estaría repitiendo porque la intención ya está reflejada en el texto, tendríamos que tener uno solo.

Reitero, a ver si la delegación de Australia está de acuerdo con el recorrido que hace el texto desde el inicio, donde se diría que se pondrían los dos vocablos, hasta el final.

Mr COTTERELL (Australia):

Thank you President. We can accept “liaise and consult” and welcome Thailand’s proposal there. I am having difficulty I think with the interpretation: are you also asking about the rest of formulation? Because if you are, we would need to make amendments to that in order to remove our proposal because there some things that are not covered there. Thank you.

The PRESIDENT:

Muy bien, muchas gracias. Canadá tiene la palabra.

Ms SABISTON (Canada):

Thank you Chair. Given the Australian paragraph *3bis* and the edits that have been made Canada would be happy to withdraw our suggestion and stay with the Australian paragraph, thank you.

The PRESIDENT:

Muchas gracias Canadá, entonces estaríamos utilizando el párrafo de Australia, con la utilización solamente de los dos vocablos. Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. Just to clarify our proposal in relation to paragraph 3, the proposal was to delete the remaining text after the insertion, so we would delete the words “with a view to keeping

them informed the work of the Bureau” and we would have instead “to inform the work of the bureau”. Thank you.

The PRESIDENT:

Australia, ¿por qué no lee su texto desde el comienzo, por favor? Con lo que ya existía, así tenemos un solo texto y vamos a ir suprimiendo el último 3bis también, por favor, Secretaría.
¿Puede Australia darle lectura a todo el texto?

Mr COTTERELL (Australia):

Paragraph 3: “REQUESTS the members of the Bureau to liaise and consult with the Parties of their respective regions, between the sessions of the COP, to inform the work of the Bureau.”

Paragraph 3bis: “REQUESTS the Secretariat to prepare formal agendas, papers, summary records and minutes of intersessional meetings of the Bureau to be published on a protected web site in a timely way, so that Parties have the opportunity to provide input to the work of the Bureau.”

If I could just add to that, we would be happy to consider the alternative formulation in the first paragraph 3bis and we would be happy to consider supporting Palau’s proposal for the second paragraph 3bis, thank you.

The PRESIDENT:

Muy bien, entonces mantenemos estos textos y mantenemos también el párrafo que nos sugiere Palau. Tiene India la palabra.

Mr DESIRAJU (India):

Thank you Mr Chair I am sorry to ask for the floor again, the very first line of 3 needs some clarification. Do we want the Bureau to be better informed of what the Parties think, or do we want the Parties to be better informed what the Bureau thinks? I think some language is missing in that text, thank you sir.

The PRESIDENT:

Muchas gracias, señor delegado. Creo que queremos ambas cosas. Japón tiene la palabra.

Mr HASEGAWA (Japan):

Thank you Mr President. Japan is supportive of the Australian proposal and I wanted to ask the same question as the Indian delegation, thank you.

The PRESIDENT:

Si tal es el caso, tendríamos que agregar en el primer párrafo tres, al final, tendríamos que poner: de recibir los informes de la Mesa, así como las opiniones de los Estados Partes. De alguna manera tenemos que reflejar en el texto los dos aspectos que sugiere India y que sugiere Japón.

Australia.

Mr COTTERELL (Australia):

Thank you President. This is just a friendly suggestion to capture the proposals made by the other Parties and by you. So after the words “to inform the work of the Bureau”, we would suggest “and keep Parties informed of the Bureau’s work”. Thank you.

The PRESIDENT:

Yo les preguntaría a los delegados de la India y del Japón si la última propuesta de Australia les resulta satisfactoria.

Mr DESIRAJU (India):

Thank you Mr Chair. I think this most recent suggestion from Australia is fine. We would support that. Thank you sir.

The PRESIDENT:

Entonces, hagamos el cambio, pongamos la última versión de Australia, por favor.

Estos tres párrafos serían los que estamos sometiendo a la consideración del plenario en estos momentos. Si esta redacción es satisfactoria, antes de decidir sobre el párrafo, la Secretaría me ha pedido su intervención, porque aparentemente puede tener repercusiones presupuestarias si no definimos bien los trabajos que le estamos pidiendo a la Secretaría. La Secretaría tiene la palabra.

Dr NIKOGOSIAN (Convnetion Secretariat):

Thank you President, and sorry for asking for the floor but I felt I need to make some clarification on this issue. We routinely, indeed, prepare the agendas, the working papers for the Bureau meetings, and we also prepare the minutes or reports of the meetings, as you recall, but if the summary records are formally put on the request, this is quite an extensive form of reporting, and it normally has quite significant budgetary implications for a two or three day meeting of the Bureau. I would like to ask for clarification from Australia if possible what the summary records would stand for.

The PRESIDENT:

Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. Our intention here was to replicate what we've just agreed about, I think in Committee B, about how the Conference of the Parties would operate in future. So that at the end of the Bureau meeting there would be an agreement on the summary record of that meeting rather than a semi-verbatim record. Thank you.

Dr NIKOGOSIAN (Convnetion Secretariat):

Thank you that's clear now, thank you.

The PRESIDENT:

Japón tiene la palabra.

Mr HASEGAWA (Japan):

Thank you Mr President. Well, I am not insisting but if the Bureau members liaise and consult with the Parties of that region, maybe the Parties would not only be informed but the Bureau members would listen to the opinions of the Parties, so I don't know how to put it in English but something like that should be in there, but I am not insisting on that, thank you.

The PRESIDENT:

Muchas gracias Japón. Yo creo que a través de ese diálogo que va a existir ahora entre la Mesa, las Partes y la Secretaría, la información va a ser manejada de forma recíproca, se van a recibir los trabajos de la Mesa y obviamente los Estados van a reaccionar frente a los resultados de la Mesa. Creo que eso es un proceso natural que de hecho se va a dar. Creo que el texto recoge una sola parte de esta interacción, pero producida la interacción por definición va a ver proposiciones y contestaciones a los resultados de ese trabajo.

Le doy la palabra a Senegal. Senegal tiene la palabra.

Mr SYLLA (Senegal):

Oui, Monsieur le Président, c'était juste pour partager une préoccupation sur le point 3. Parce que l'Australie propose d'ajouter à la liaison, la consultation, donc des parties par le Bureau, entre les sessions de la Conférence. Après vous avez répondu partiellement à la question, mais on précise pas ici par quel mécanisme le Bureau va justement maintenir les liens avec les Parties. Et d'où, je pense, la pertinence de la proposition faite par le Cameroun et relayée par Djibouti, d'associer les coordonnateurs, les missions permanentes des différents états Parties à Genève, au mécanisme de consultation pour réduire les coûts d'abord, parce-que cela nécessite quand même des coûts si on ne prévoit pas par quel mécanisme cette consultation-là, cette liaison-là, sera faite. Donc c'est la remarque que je voulais faire. Merci.

The PRESIDENT:

Muchas gracias. Jamaica tiene la palabra.

Ms DENNIS (Jamaica):

Thank you Mr Chairman and I know you may somehow passed this part already but we are making a recommendation again, so permit us please in relation to 3, just to ensure that the language is clearly understood and is clearly explained. In relation to paragraph 3 we are proposing the following slight amendments. Instead of the provision: "to inform the work of Bureau" we recommend that it reads: "with a view to informing the work of the Bureau and keeping the Parties informed of the Bureau's work". Keeping: "with a view to informing the work of the Bureau and keeping the Parties informed of the Bureau's work", thank you.

The PRESIDENT:

Muy bien, tenemos una forma tal vez más perfecta de identificar el aspecto del informe de parte de la Mesa a los países. Creo que ya nos vamos acercando al texto que deseamos, así que propongo que en el párrafo 3 se ponga la última versión que nos alcanza Jamaica. Creo que tenemos un problema, porque los textos que estoy leyendo en inglés, que no domino tanto, pero consultar con las Partes... la Mesa se informa a sí misma.

Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President, so the first point of clarity is that in relation to the word "consult" we think that that word carries the meaning of considering the views of the Parties, so not only asking for their views but taking them into consideration. We think that is a very clear meaning of the word consult. In relation to the rest of the formulation, we would just like to suggest the addition of two words which were in our previous formulation to provide clarity. So perhaps if I read it from the beginning. Paragraph 3: "REQUESTS the members of the Bureau to liaise and consult with the Parties of their respective regions between the sessions of the COP, with a view to informing the work of the

Bureau and keeping Parties informed of the Bureau's work", and that is to try to capture that it is not just informing the members of the Bureau but to inform the proceedings of the Bureau and the issues and views that it considers. Thank you.

The PRESIDENT:

Gracias a Australia. Creo que ahora estamos alcanzando una redacción que define mejor lo que se ha dicho en sala. Jamaica tiene la palabra.

Ms DENNIS (Jamaica):

Thank you again Mr Chairman. We are in total agreement with Australia. We thought that was what we had mentioned earlier, to include the work of the Bureau, so we agree with the clarification and the inclusion, thank you very much.

The PRESIDENT:

Muy bien, muchas gracias. Entonces someto los tres párrafos a consideración del plenario. ¿Algún comentario? Al no haber ningún comentario, le voy a pedir a la Secretaría que lo ponga con la misma letra del texto.

Antes de seguir, tal vez es conveniente que consideremos la propuesta que hizo el Uruguay, con respecto al párrafo (e), es decir, decidir la fecha y el lugar de las reuniones de la COP y sus órganos subsidiarios, aparentemente no es competencia de la Mesa. Australia tiene la palabra.

Mr COTTERELL (Australia):

Apologies President, there is still some square bracketed text in *3bis*, which probably needs to be cleaned up.

The PRESIDENT:

Creo que había sido Jamaica que había corregido el lenguaje, ahora no recuerdo cuál es la propuesta de Jamaica, aparentemente era de un mejor inglés, le pido a los angloparlantes que elijan la que mejor se ajusta al lenguaje.

¿Qué tal si elegimos "in a timely way"?

Así queda decidido. Tiene la palabra Sudáfrica. Sudáfrica.

Ms MATSAU (South Africa):

Chair, I was just going to ask if the word "timeously" would be acceptable. Maybe some English-speaking people could help.

The PRESIDENT:

You have to help me; I don't know the word you mean.

Ms MATSAU (South Africa):

The word is "timeously" I mean "protected web site timeously" so that the Parties can have the opportunity.

The PRESIDENT:

Muy bien, pongamos esta última propuesta, aparentemente no ha sido resistida. Le doy la palabra a Djibouti.

Mrs ALI-HIGO (Djibouti):

Merci Monsieur le Président. Nous avons le même problème que vous quand a la maîtrise de la langue anglaise, donc je vous remercie de nous relire le texte en anglais, afin que nous ayons la traduction en langue française. Merci.

The PRESIDENT:

Tiene la palabra Barbados.

Mrs CHELTENHAM NILES (Barbados):

Thank you Mr President. The option before – “on a timely basis” – would be the more appropriate of the two, the option of “timeously” I don’t think fits as neatly there, but “on a timely basis” would be what we are proposing.

The PRESIDENT:

Muchas gracias. India.

Mr DESIRAJU (India):

Thank you Mr Chair I am sorry to ask the floor again, Mr Chair we are getting completely diverted. I think “in a timely way” said all that needed to be said. Timeously does indeed means something similar but it’s a difficult word and I hate to think of what translation will do to it. I think we should go back to in a timely way and get on with our agenda. Thank you, Mr Chairman.

The PRESIDENT:

Muchas gracias por apoyar la propuesta de la Presidencia. Pasamos entonces a la consideración del párrafo E. Decía que si es el caso de que la Mesa no tiene competencia para decidir la fecha y el lugar de la celebración de la COP y de sus órganos subsidiarios, tal vez lo mejor que podemos hacer es suprimir ese párrafo. Someto a consideración del plenario la posibilidad de suprimir este párrafo. No veo comentarios, suprimimos el párrafo entonces.

¿Hay algún otro comentario en relación al documento que estamos estudiando? COP 5... ¿Djibouti? Tiene la palabra.

Mrs ALI-HIGO (Djibouti):

Monsieur le Président, si on peut remplacer le mot « décider » par « proposer » il faut bien qu’il y ait un organe, ou c’est le secrétariat ou c’est le bureau, il faut bien qu’il y ait un processus pour proposer les dates et l’endroit où se tiendra la COP ?. Donc peut-être « proposer ». Merci, Monsieur le Président.

The PRESIDENT:

Muchas gracias, señora delegada. Entonces hay una propuesta de mantener el párrafo E, pero comenzando por proponer...

Entonces mantenemos el párrafo de esa manera. Le pido a la Secretaría que ponga la misma letra con proponer.

¿Hay algún otro comentario con respecto a este proyecto de decisión?

COP/5/B conf documento número 8, función de la Mesa de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco. Si no hay más comentarios propongo su adopción. Así entonces queda aceptado.

Me dicen que todavía hay temas que no hemos resuelto en el punto 1. Podemos acordar las sugerencias que nos habían dado en el párrafo A. Les voy a dar unos minutos a los delegados para que la puedan leer en pantalla.

Habíamos quedado que por el momento vamos a suprimir "in accordance with any Ad Hoc arrangements that may be decided by the COP" y el resto se mantendría como está. Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. We just wanted to seek clarification on whether we will be discussing item 8.7 the process for the appointment of the Head of the Convention Secretariat, because my understanding was that you were going to go to that item, see what the outcome was, and then come back to this paragraph. Thank you.

The PRESIDENT:

Sí, pero de todas formas me gustaría tener el párrafo cerrado, con la condición de que si no resolvemos el tema de la selección de la Secretaría, volvemos al párrafo.

Dejémoslo bien iluminado, corrijamos como aparentemente va a quedar, seamos positivos en nuestro trabajo, pero con el compromiso de la presidencia, si ustedes están de acuerdo que si no resolvemos el procedimiento del nombramiento del jefe de la Secretaría, vamos a volver y le vamos a poner eso. Yo dejaría todo el texto con la letra normal y lo único que quedaría en negrillas es "in accordance with any Ad Hoc arrangement that may be decided by the COP". Dejémoslo así. Podemos dejarlo, la decisión está en suspenso y, si no hay más comentarios sobre esta resolución, podemos seguir directamente a considerar la siguiente, que se refiere justamente al procedimiento del nombramiento del jefe de la Secretaría.

Si no hay comentarios, entonces dejamos esta decisión como está. Les voy a pedir que el segundo párrafo también lo dejen en letra normal.

Ahora entonces, si están de acuerdo, pasamos al siguiente documento, que es el documento COP/5/25, procedimiento para el nombramiento del jefe de la secretaria del convenio. Canadá tiene la palabra.

Ms SABISTON (Canada):

Thank you Chair. Thank you for allowing Canada to take the floor again. I am speaking on behalf of the AMRO Region. It is our understanding that the current Head's appointment ends in June 2014 and referring to paragraphs 10 and 11 in paper FCTC/COP/5/25, where the Secretariat draws to the Parties attention the issue that synchronizing the term of office with the cycle of the COP sessions would be beneficial, AMRO proposes that the date of the next COP be moved to February or March 2015 for three reasons: first, this would allow a new incoming chair more time to prepare for the next COP, second it brings the Conference of the Parties' deliberations on the biennium budget closer to the implementation of the budget, reducing the current gap, and third it would fall closer to the 10th anniversary of the FCTC in February 2015. And Chair, I would point out that as the Meeting of Parties on the Protocol on Illicit Trade is associated with the COP, there could be the added benefit of allowing a few extra months to allow Parties to sign the Protocol.

This proposal does not consider the location, as that is further down on our agenda. So I would ask the Chair for guidance, whether he would prefer that we move this at this juncture as it is associated with this item or later at item 9 (where we will consider date and time). Thank you. And

apparently there was an error by the interpreters who said 2014; this is moving it to 2015, February or March.

The PRESIDENT:

Muchas gracias Canadá. Senegal tiene la palabra.

Mr SYLLA (Senegal) :

Merci Monsieur le Président. Le Sénégal intervient au nom de la Région AFRO, non pas pour nous prononcer pour l'instant sur la proposition du Canada, mais pour faire des propositions en vue d'améliorer le projet de décision. Je ne sais pas si le Secrétariat peut afficher la décision à l'écran pour permettre à tout le monde de suivre les propositions que nous voulons faire.

C'est les propositions qui visent à améliorer le texte et surtout à prendre en compte le contexte actuel relatif à la désignation de fonctionnaires internationaux. Je ne sais pas si je peux énoncer les propositions que nous voulons soumettre à la COP, notamment un article *3bis* qui serait intitulé comme suit – je vais aller lentement pour permettre à la traduction de suivre : « Outre les documents habituels ...–

The PRESIDENT:

Señor delegado, le voy a pedir que espere a que pongamos el texto de la decisión en pantalla, así usted puede sugerir las enmiendas. Le pido a la Secretaría que ponga el proyecto de decisión en la pantalla. Muy bien, le voy a dar la palabra nuevamente a Senegal para que proponga los textos modificativos. Senegal tiene la palabra.

Mr SYLLA (Senegal) :

Merci, Monsieur le Président. Donc nous proposons l'ajout d'un article *3bis*, après l'article 3, donc, *3bis*, qui serait intitulé comme suit : « Outre les documents habituels, le dossier de candidature doit comprendre une déclaration d'intention attestant que le candidat n'a jamais travaillé avec ou pour l'industrie du tabac. Cette déclaration doit se terminer par une déclaration formulée par le candidat à ne pas travailler pour l'industrie du tabac dans les dix années qui suivent la fin de son mandat.

The PRESIDENT:

Muchas gracias, Senegal.

Mr SYLLA (Senegal) :

Je n'ai pas terminé, Monsieur le Président. Donc au niveau de l'article 4, le point 4 plutôt, nous proposons également l'ajout d'une phrase, « une vérification de l'information » – non c'est pas un article *4bis*, mais ça complète l'article 4 – un deuxième paragraphe, disons. « Une vérification des informations fournies par le candidat doit être faite avant la sélection de la liste restreinte. »

Et enfin, il y a une dernière proposition également que nous voulons faire au point 5 : « avec le concours deux représentants du Directeur-général de l'OMS, le Bureau décide, en tenant compte de l'équilibre géographique et le l'égalité des genres. » Le reste du point 5 continue, sans changement.

Merci Monsieur le Président, en fait nos observations ont été déjà prises en compte par les observations du Sénégal que nous appuyons fortement. Merci.

The PRESIDENT:

Muchas gracias, Senegal. Le vamos a dar la palabra por su orden a la Federación Rusa, a Togo y a la Unión Europea. Tiene la palabra la Federación Rusa.

Mr SALAGAJ (alternate to Mr Velmjajkin, Russian Federation):

Уважаемый господин председатель, уважаемые делегаты. Российская Федерация хотела бы поддержать тот принцип, который заложен в пункте 10 предлагаемого документа и который говорит о синхронизации полномочий руководителя секретариата и сессии конференции сторон по времени. Мы понимаем обеспокоенность наших коллег, которая прозвучала здесь, и в связи с этим нам кажется, что было бы проще провести такую синхронизацию с наименьшими затратами, и в этом смысле легче просить текущего секретаря остаться на несколько месяцев и провести сессию конференции сторон, чем переносить сессию конференции сторон с тем, чтобы синхронизировать ее с полномочиями секретаря. Иными словами, мы считаем, что более правильно синхронизировать контракт секретаря с сессией, чем сессию с контрактом секретаря. Кроме того, по пункту 10-му у нас имеется небольшое предложение. В пункте 10-ом – указана возможность продления срока на 2 года, мы полагали бы более правильным продлять на 4 года в связи с тем, что данная практика в большой степени соответствует практике международных организаций. Спасибо.

The PRESIDENT:

Muchas gracias por sus comentarios. Le voy a pedir a la Secretaría que en el punto 7 ponga como una opción que permanezca los dos años pero que se agreguen también los cuatro años en la reelección. Muchas gracias. Togo tiene la palabra.

Dr KUMAKO (Togo)

Merci, Monsieur le Président, en fait nos observations ont été déjà prises en compte par les observations du Sénégal que nous appuyons fortement. Merci.

The PRESIDENT:

Muchas gracias, tiene la palabra la Unión Europea.

Mrs GEORGIU (Cyprus):

Thank you Chair. I speak on behalf of the European Union and its member States. I will do my best to be as short as possible. We welcome the proposal presented by the Bureau of the COP as it constitutes an excellent basis for further discussions. Before entering in the specific details of the process of the appointment of the Head of the Secretariat, we would like to recall the following principles that should, in our view, guide the process.

Firstly, we need an agreed and transparent decision that specifies the required qualifications skills, and expertise for the post through an agreed job description; after that an early and wide as possible international dissemination of the vacancy notice and an open and transparent procedure for presentation of candidatures would be required; finally suitable screening and shortlisting processes done by a body with a clear mandate should be guaranteed. The opportunity to interview candidates and hear oral presentation of their visions for the organization would also be desirable. More specifically, for the process to select the next Head of the Convention Secretariat, we would like to make the following comments to the presented proposals:

The selection process will be led by the Bureau members plus an extension arrangement to the six regional coordinators and two representatives of the Director-General of WHO. This configuration will take the form of an ad hoc selection committee. The FCTC Secretariat would support such a committee in its task. Secondly, since the Head of the Secretariat is WHO staff member, such a committee would work throughout the process under the control of and in close collaboration with the WHO Secretariat. Thirdly, such ad hoc selection committee is expected to work on a consensus basis. Fourthly, a complete job description, including required qualifications, specific skills and expertise

desired would need to be agreed by the ad hoc selection committee and timely transmitted to the Director-General of WHO. Fifth, as proposed by the Bureau, in addition to the usual advertising procedures for WHO posts, Parties to the FCTC will be directly informed when the vacancy notice has been issued. Sixth, an open and transparent procedure for presentation of candidatures would be clearly defined. In addition to this, the WHO Secretariat will screen the applications and forward to the ad hoc selection committee a complete list of applications, a recommended shortlist and a brief reasoning for such recommendation. The ad hoc selection committee shall then decide on an initial shortlist of no more than six candidates to be interviewed. After the interviews, one single candidate will be recommended to the Director-General of WHO for the final decision. The working methods of the ad hoc selection committee should be based on new technologies in order to limit costs to the minimum possible. We support the proposal of limiting term of office to four years with possibility of a single renewal for a further two years. However, we do not see the need to change the title of the Head of Convention Secretariat and we would like to maintain the current and already well-known denomination. We also support the performance evaluation and renewal processes as proposed by the Bureau in the document FCTC/COP/5/25. The ad hoc selection committee will report to next COP on the selection process followed. Thank you.

Now I would have some drafting suggestions as well to the document that is on the screen starting with operative paragraph 1(1). As I have already said, we believe that there should be the Bureau of the COP and the regional coordinators. That should of course be reflected throughout the text. Going on to point 1(3), second line, we would also need to include “as submitted by the Bureau and the regional coordinators”. As I have already said, we do not believe that the title of the Head of the Secretariat should be changed to Executive Secretary so we would like to request the deletion of paragraph 2 on the above point, on the previous point.

The PRESIDENT:

En el punto dos tenemos que poner la alternativa de seguir manteniendo el nombre actual del jefe de la Secretaría. Reitero, es en el punto dos que tenemos que poner la opción de que sea tanto el secretario ejecutivo como el jefe de la Secretaría. Puede seguir, señora representante de la Unión Europea.

Mrs GEORGIU (Cyprus):

Thank you chair. Moving on to point 4, again, when we refer to “WHO Secretariat services shall forward to the Bureau and the regional coordinators”. Then the same should apply in point 5, “the Bureau and regional coordinators”. Then under point 6 “the appointment of the Head of the Secretariat” and the same should be reflected under point 7, and then below under point 2(1).

The PRESIDENT:

¿Tiene un punto de orden Turquía?

Ms EKEMAN (Turkey):

Apologies Mr President, I think, well, first of all I think I can understand where the European Union is going and where they are coming from, but regarding the time issue that we have, maybe we can consider all “Executive Secretaries” to be changed eventually to “Head of Secretariat”, if we agree upon that rather than going item by item and changing all of them right now. And a question to you Mr President. Well, the COP was supposed to end at 13:00 and I think also a lot of us have flights to catch. What is the proposed workplan for the rest of the day? If you can enlighten us that would be very much appreciated. Thank you.

The PRESIDENT:

Muchas gracias, señora delegada. Pienso que sí que tiene razón, vamos a incluir a la Secretaría y pedirle a la delegada de la Unión Europea que cuando hace una modificación después vemos si esa modificación es aceptable y de ser aceptada va a traducirse en todo el texto. Me adhiero al pedido en cuanto a la celeridad en este proceso. Yo entiendo que este punto como los anteriores no fueron discutidos en los comités, entonces acá en el plenario tenemos que hacer un esfuerzo. En un régimen normal acá estaríamos solamente aprobando, pero nos hemos tenido que reservar un espacio para tener que discutir un poco los temas y lo estamos haciendo.

Le cedo de nuevo la palabra a la representante de la Unión Europea y le pido que ponga toda la celeridad que el caso amerita. Muchas gracias.

Mrs GEORGIU (Cyprus):

Thank you Chair. I fully agree with the point raised by Turkey. So we have made our point. We would like to replace “the Bureau” with “the Bureau and the regional coordinators” and the title of the Executive Secretary should remain as currently stands and it should be reflected throughout the text. And I think that should be sufficient. Thank you.

The PRESIDENT:

Tiene la palabra Qatar.

Dr QOTBA (Qatar):

شكراً سيادة الرئيس، سوف أتحدث باسم الإقليم. بالإشارة إلى نفس الموضوع أعلاه، أولاً نود أن نؤكد على أهمية تعيين المرشح القادم بمجرد انتهاء عقد الأمين الحالي للاتفاقية، وذلك حفاظاً على النظام المتبع، بخلاف ما تم اقتراحه من قبل روسيا. أما بالنسبة لموعد عقد اجتماع الأطراف، قد يكون في فبراير / شباط 2015 كما اقترحت كندا، وإذا كان هناك توافق على أن يكون في يونيو/ حزيران 2014 حتى يبدأ الأمين العام الجديد وظيفته بعد مؤتمر الأطراف السادس، فلا مانع لدينا من ذلك. نود أن نتفق مع إقليم إفريقيا في جميع مقترحاته بشأن تعديل الصياغة. ونتفق جزئياً مع إقليم أوروبا بعدم الموافقة على الإبقاء على الأمين العام، و بحيث يتم الاختيار بوجود ممثلين إقليميين أيضاً. وشكراً.

The PRESIDENT:

Muchas gracias. Tiene la palabra Uruguay.

Mr ASQUETA SÓÑORA (Uruguay):

Gracias, señor presidente. La región de las Américas tiene un ánimo muy lejos de obstaculizar estos procesos que estamos transitando. Queremos facilitar, pero ha considerado que no puede dejar de preguntar a la Mesa dos o tres cuestiones fundamentales. En primer lugar la agenda estaba prevista hasta la 1 pm y sabemos que ha habido problemas de interpretación esta semana luego de culminados los horarios. Primera consulta: ¿hasta qué horas va a haber interpretación a todos los idiomas, si es que está prevista una extensión de esta sesión?

En segundo lugar, hay Partes de nuestra región que tienen comprometidos sus vuelos ya que la agenda era hasta la 1 pm, en pocos minutos o en una hora hay regiones que se tendrían que retirar, así que deseamos que en este momento, lo hacemos como moción de orden, señor presidente, se nos diga de parte de la mesa, si hay probabilidades de que esta sesión continúe in extenso, o sea por varias horas, para que puedan reprogramar o puedan hacer sus cálculos las delegaciones.

En tercer lugar, señor presidente, esta región considera que hay temas sustantivos y de fondo que se están tocando en este momento, temas que tal vez llevarían un largo debate, por lo cual, sin conocer los puntos 1 y 2 que he preguntado es difícil para la región seguir llevando este debate. Como último, agregado a esta intervención, señor presidente, también consideramos que hay otros puntos del orden del día como la declaración de Seúl y algunos más que queremos que nos clarifiquen si esto va a continuar, porque en ese caso, si ustedes nos proponen seguir por muchas horas, tal vez sería conveniente hacer un pequeño receso para que se reordenen los debates. Gracias, señor presidente.

The PRESIDENT:

Muchas gracias, Uruguay. Voy a contestar en primer lugar los aspectos de orden. Efectivamente el tiempo nos corre un poco, tenemos traducción por una hora más, hasta las 2:15 de la tarde, lo que proponemos es terminar de discutir este documento. Senegal y la India han pedido la palabra, yo me adelanto a dar un poco la visión que tengo del estudio de esta resolución.

Creo que tenemos que recoger las últimas sugerencias de cambios del texto.

Hay otro tema que es más profundo, más difícil de resolver, que es el que planteó Canadá en primer lugar, que es cuándo empiezan los mandatos, cuándo se hace la conferencia, etc., y estoy de acuerdo porque fue así como lo determinó la Mesa y, en teoría, tiene que haber una consonancia entre la selección del jefe de la Secretaría y lo períodos de las COP.

Yo propongo en ese sentido que le demos un mandato a la Mesa, que tiene tiempo y que representa a las seis regiones para que decida en esos aspectos. Yo no veo que en este plenario podamos decidir con exactitud cuándo empieza, cuándo termina y cuándo exactamente se va a celebrar la COP 6. Si eso es aceptable para ustedes, nosotros tendríamos que ir al párrafo 7 y darle un mandato a la Mesa para que determinara esos aspectos. Si se le da una prórroga o no y cuál sería el proceso de selección, cuándo se iniciaría, todos esos aspectos que creo que así en un plenario no se podría hacer y quedo tranquilo que todas las regiones van a estar representadas en la Mesa.

Les pido que tengan en cuenta eso, lo podríamos aceptar en el capítulo 7 o en algún otro artículo que todos prefieran. Le voy a dar la palabra ahora a Senegal y a la India. Antes de darles la palabra les digo que el siguiente tema es la acreditación de organizaciones no gubernamentales, que en verdad es la aprobación de un formulario de inscripción y después pasaríamos a tratar la declaración de Seúl.

Nos restaría la parte de las despedidas y las partes formales de la elección de la próxima Mesa, que eso lo tenemos que hacer.

China tiene la palabra sobre el tema de orden.

Mr SHANG ZHEN (China):

谢谢主席先生！我的发言很简单。考虑到世卫组织总干事陈冯富珍女士指出，议定书是世卫组织一项重要成就，而且议定书生效之前我们还有很多工作要做。我们认为这两年内保持秘书处的相对稳定对我们而言是一个更好的选择。为此我们愿意支持在第七条中适当延长秘书长的任期。谢谢主席先生！

The PRESIDENT:

Gracias. Senegal tiene la palabra y después la India.

Mr SYLLA (Senegal):

Merci, Monsieur le Président. Je ne veux pas être long, c'est juste une observation de forme au point 5. Il y a une erreur de frappe. Si le Secrétariat peut remonter au point 5. La deuxième ligne – donc il faut supprimer « avec la participation de deux représentants de l'OMS ». Ce bout de phrase doit être supprimé, je ne l'ai pas proposé.

Ensuite, je veux poser une question au Secrétariat, parce que dans la décision COP1(10), il est prévu qu'il y aura une liste restreinte de dix candidats. Mais au niveau du point 5, on parle de six candidats. Est-ce qu'il n'est pas nécessaire d'harmoniser par rapport à la décision de la COP ? C'est la question que je voulais poser au Secrétariat, merci.

The PRESIDENT:

Mientras la Secretaría busca ese dato le voy a dar la palabra a la India. India tiene la palabra.

Mr DESIRAJU (India):

Thank you Mr Chair. This is just to express support for the amendments suggested that we see on the screen both those suggested by the AFRO Region and those suggested by the European Union. Could I also suggest Mr Chair that if there is broad agreement on this that we go with your suggestion to leave the textual details to the Bureau as you suggested because the important questions are the amendments that have come up to the screen now and if you can get the sense from the house that there is support for those we may save some time in recording our approval of those and leaving the language details to the Bureau. Thank you Mr Chair.

The PRESIDENT:

México tiene la palabra.

Dr REGALADO PINEDA (Mexico):

Gracias, señor presidente. México ya no desea hacer uso de la palabra.

The PRESIDENT:

Gracias, señor delegado. Turquía tiene la palabra.

Ms EKEMAN (Turkey):

Thank you very much Mr President. I am very sorry to come back to the same point with the explanations that you have made. Things have become clearer. But we do have a serious problem here. We have the text in front of us with substantive amendments, we have a lot of delegates who have already left, we have a lot of delegates who are leaving, we have another couple of agenda items and I think with the AMRO suggestion we know that the issue about the setting of the date of the next COP is going to be an issue and the Seoul Declaration also, I think you know it would not be very fair or kind to our host to leave this meeting without having a declaration. So at this point Chair, I mean, I really do not know whether we should continue this discussion on this text. If you prefer to leave it to the Bureau, we would insist on having the regional coordinators in that Bureau meeting as well. And at this point I think we have to start wrapping up this meeting. Thank you.

The PRESIDENT:

Gracias. Brasil tiene la palabra.

Mr ARAÚJO PRADO (Brazil):

Thank you mister President. On the same lines of my colleague, the distinguished delegate from Turkey, I would to express our concern and our... we are actually very, very uncomfortable with the continuation of discussions this late at the day and with this much detail, bearing in mind that a lot of delegates have already left and we did not have time to go through all the details of the important

changes that are being proposed here. So on the same lines as my distinguished colleague from Turkey, I would suggest that we start wrapping up the meeting. Thank you very much.

The PRESIDENT:

Gracias. Le voy a dar la palabra a Jamaica. Jamaica tiene la palabra.

Ms DENNIS (Jamaica):

Thank you Mr Chairman, I just wanted to say that Jamaica fully endorses the recommendation or proposal made by our colleague from Brazil. Thank you.

The PRESIDENT:

Ghana tiene la palabra.

Dr KYEI-FARIED (Ghana):

Thank you very much Mr President. I think that given the fact that many of our colleagues will be leaving this evening and the extensive discussions we have had so far, and the kind of details we are now going through at this time of the day, we support the need to attempt to wrap up the meeting. Thank you.

The PRESIDENT:

Creo que dado el tiempo transcurrido, si bien las ideas están recogidas en este proyecto de resolución, no estaríamos en condiciones de cerrar esta decisión. Yo creo que, como algunos lo han sugerido, podemos hacer una decisión de emergencia, en donde con base en el documento que aparentemente si está, no la parte de la decisión sino el documento, que la nueva Mesa estudie y decida sobre el formato más adecuado, establezca las fechas que tenemos que establecer, etc. Qatar tiene la palabra.

Dr QOTBA (Qatar):

شكراً سيادة الرئيس، أحب أن أؤكد على موقف الإقليم الذي أمثله أننا لسنا بحاجة لإضافة سنتين لفترة الأمين العام، لأن الست سنوات تكفي، فإذا ما تم إضافة سنتين، فإن ثمان سنوات ستكون مدة طويلة جداً. ثانياً، أحب أن أؤكد على أنه لا حاجة للتمديد للأمين الحالي، فبإمكان الأمين القادم أن يبدأ بعد نهاية عقد الأمين الحالي. وشكراً.

6. ACCREDITATION OF NONGOVERNMENTAL ORGANIZATIONS AS OBSERVERS TO THE CONFERENCE OF THE PARTIES

The PRESIDENT:

Muchas gracias, creo que al plenario le queda en claro que falta todavía un ejercicio de ajuste en este tema, si bien en el concepto general se está de acuerdo, hay matices que yo creo que perfectamente la nueva Mesa puede resolver. Tiene el documento de base, tiene los criterios, ninguna delegación se opuso a esos criterios, más aun los enriqueció y esos criterios van a figurar en un acta. Así que le voy a pedir a la Secretaría que mientras seguimos este proceso, que nos queda la declaración y alguna cosa más, nos prepare una resolución bien concisa que cite el documento de base y le dé el mandato para que resuelva los asuntos que nos han quedado pendientes.

Si les parece bien, vamos a seguir con el análisis cuando la Secretaría me avise que está en condiciones de poner un texto en pantalla, lo vamos a ver y si les parece bien así lo vamos a resolver. ¿Observaciones?

No veo observaciones. Pasamos entonces al documento COP/5/26, acreditación de organizaciones no gubernamentales como observadores de la Conferencia de las Partes. Está contenido el informe de Secretaría y más aun en el anexo 2 se propone un formulario de solicitud para las organizaciones no gubernamentales que soliciten la condición de observadores a la COP.

Se abre la discusión de este documento. Seychelles.

Ms VISWANATHAN (Seychelles):

Thank you Mr President. Seychelles takes the floor on behalf of the AFRO Region on document FCTC/COP/5/26 on the accreditation of NGOs with the status of observer to the COP. The Region welcomes and supports the accreditation process proposed and the annexed review form, thank you.

The PRESIDENT:

Muchas gracias, Seychelles. Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. We fully support the decision as set out in FCTC/COP/5/B/Conf.Paper No.9. We were going to suggest an additional decision for this item but given the time and call from other delegates to wrap up, we would propose to handle that through the Bureau, but so that people know what it is, we are concerned that every meeting of the COP and in the meetings of the committees we have to take a quite legally complex decision to exclude members of the public from the sessions which isn't entirely in line with the Rules of Procedure. We have also had some issues in relation to the entry of intergovernmental organizations as observers and issues in relation Article 5.3 with that, and we would like to, at the next Conference of the Parties, resolve those either through the Rules of Procedure or some other mechanism, so we would be proposing to ask the Bureau to ask the Secretariat to prepare a paper on that, thank you.

The PRESIDENT:

Sigue a consideración el documento FCTC/COP/5/26. ¿Puedo entender que el plenario está en condiciones de aprobarlo? Así queda aprobado.

7. SEOUL DECLARATION

The PRESIDENT:

Vamos a pasar entonces al proyecto de declaración de Seúl, COP5/P conf documento número 2 rev 1. Yo le daría la palabra a la delegación de Corea por si quiere hacer una breve presentación de este documento.

GEUM JOO BAE (Republic of Korea):

Thank you President, distinguished delegates, after adopting the Protocol on the first day in the plenary meeting we have had many productive discussions in committees A and B and also the plenary meeting, as well as a lot of working group meetings during the whole week. During these deliberations we recognized that we are a team working towards the common goal of fighting against tobacco. The tobacco industry expands its activities worldwide so we 176 Parties of the FCTC and 142 countries participating in COP5 should think about the importance of implementation of the Convention, with a comprehensive, multisectoral and coordinated approach at national, regional and global level. This is the reason for the Republic of Korea and Uruguay proposing the Seoul Declaration. Now, we need to show our political will, supporting the Convention and Protocol. The Seoul Declaration upholds the spirit of the Punta del Este Declaration adopted at COP4, at the same

time reflecting international developments achieved since COP4 and our discussions on promoting tobacco control measures during the plenary meeting. The Republic of Korea and Uruguay would like to propose to all Parties to show our strong will to implement the FCTC by adopting the Seoul Declaration here. Let us reaffirm our commitment to make a tobacco free world. Uruguay, the host country of COP4 and the Republic of Korea, the host country of COP5, therefore, would like to request all delegates around the world to share our spirit and make a declaration together in Seoul. Thank you.

The PRESIDENT:

Tiene la palabra Uruguay.

Mrs TRUCILLO (Uruguay):

Muchas gracias, señor presidente, por haberme otorgado la palabra. Uruguay, al igual que la República de Corea, desea destacar en la declaración de Seúl la importancia que ha cobrado la implementación del Convenio Marco para el Control del Tabaco en la agenda mundial de la salud y el desarrollo de los países de nuestra última reunión en Punta del Este en el año 2010.

De igual forma, en los últimos años hemos presenciado los obstáculos que se presentan a la implementación del CMCT y las acciones que debemos mejorar para avanzar en lograr los objetivos para el Convenio Marco. Con esta declaración deseamos recoger el sentimiento de los países que se manifestó durante el primer día de esta conferencia y que fueron destacados por la Doctora Margaret Chan, directora general de la OMS, el jefe de la Secretaría del Convenio Marco, Doctor Haik Nikogosian, en su informe sobre la implementación del Convenio y los ilustres ministros y autoridades en materia de salud que participaron en el panel de alto nivel sobre los triunfos y desafíos de la implementación del CMCT, renovar nuestro compromiso en la lucha contra la epidemia del tabaquismo.

Señor presidente, deseamos expresar además que esta declaración fue ampliamente consultada en forma abierta y transparente y como resultado de esas consultas con los Países Partes surgieron algunas modificaciones de carácter formal al texto originalmente repartido en los puntos 4 y 6 de la parte expositiva de la declaración de Seúl, los cuales no alteran los significados de estos puntos. En la mañana de hoy algunas delegaciones se acercaron para sugerir una pequeña modificación en el punto 6 con la que está de acuerdo la delegación de Seúl y Corea y solicitamos a las otras delegaciones que también lo tengan en cuenta, y es en el punto 6 después de la coma en la segunda línea que se diga "en todo esfuerzo para implementar el Convenio Marco para el control del tabaco y contrarrestar la interferencia de la industria tabacalera".

Por último, la delegación de Uruguay desea agradecer a todas las delegaciones y a las regiones por sus contribuciones que permitieron los acuerdos obtenidos y ahora instamos a todos los países a adoptar esta declaración, renovando nuestro compromiso para la implementación del Convenio Marco para el Control del Tabaco. Muchas gracias, señor presidente.

The PRESIDENT:

Muchas gracias a usted. Tomamos nota de las modificaciones y las vamos a proyectar en pantalla. Mientras tanto le damos la palabra a Senegal.

Mr SYLLA (Senegal) :

Je vous remercie, Monsieur le Président. Le groupe AFRO par ma voix voudrait saluer le travail appréciable présenté par la République de Corée et l'Uruguay.

Cependant, nous voudrions apporter des observations à la page 2 de la Déclaration, précisément sur le point 6. Je pense que le souci de protéger les politiques de santé contre l'industrie du tabac a été suffisamment pris en compte dans les points 4 et 5. Ce qui, à mon avis, rend redondant le point 6, qui, au-delà de la coopération pour parer aux ingérences de l'industrie du tabac, voudrait donc ratisser plus

large et se rédiger ainsi : « leur engagement à coopérer entre elles et avec le Secrétariat de la Convention, ainsi que d'autres organismes internationaux compétents, conformément à l'article 22 de la Convention, pour renforcer leur capacité à remplir leurs obligations à l'égard de la Convention ». Je pense que par remplir leurs obligations à l'égard de la Convention, il y a la disposition 5.3 de la Convention qui est prise en compte. Je vous remercie Monsieur le Président.

The PRESIDENT:

¿Senegal está en condiciones de proponernos un texto modificativo del artículo 6 de la declaración?

Mr SYLLA (Senegal) :

Effectivement, j'ai fait une proposition dans ce sens : « Leur engagement à coopérer entre elles avec le Secrétariat de la Convention ainsi que d'autres organismes internationaux compétents, conformément à l'article 22 de la Convention, pour renforcer leur capacité à remplir leurs obligations à l'égard de la Convention ».

Donc, on enlève « parer à l'ingérence de l'industrie du tabac » parce que ces préoccupations ont déjà été réglées dans les points 4 et 5. Maintenant, il s'agit d'insister sur les obligations des Parties à l'égard de la Convention. Et je pense que dans la mise en œuvre de ces obligations, il y a la disposition 5.3 qui est prise en compte. Je vous remercie.

The PRESIDENT:

Comprendido, muchas gracias. Queríamos registrar exactamente sus palabras en el artículo 6. Le voy a pedir a la delegación de Uruguay que también nos comparta las modificaciones que está proponiendo a la declaración.

Mrs TRUCILLO (Uruguay):

Gracias, señor presidente. La delegación de Uruguay y la delegación de Corea, para facilitar las inquietudes de la delegación de Senegal y mantener las propuestas de otras regiones y otras delegaciones que preferían dejar en ese artículo los esfuerzos de contrarrestar la interferencia de la industria del tabaco, lo que había sugerido era poner los dos párrafos, o sea en inglés "to strengthen their capacity to fulfill the commitments under the Convention, and efforts to counteract tobacco industry interference".

Muchas gracias, señor presidente.

The PRESIDENT:

Tiene la palabra Zambia.

Mr KUMWENDA (Zambia):

Thank you Chair. Zambia would like to support the proposal by Senegal and would like to propose just I think a different insertion, where there is "commitments" it has to be "obligations" so that it is in line with the Convention; and now it should read: "to fulfil their obligations arising from the Convention". Thank you.

The PRESIDENT:

Palau tiene la palabra.

Dr OTTO (Palau):

Thank you Mr President we support Zambia and Uruguay, thank you.

The PRESIDENT:

Entonces la propuesta que tendríamos es enriquecer el párrafo 6 poniéndole todos esos elementos, los dos aspectos del Senegal y del Uruguay y también las obligaciones que propone Zambia. ¿Estamos de acuerdo con estas modificaciones? Si es que estamos de acuerdo con estas modificaciones, podemos someter al plenario la aprobación de la declaración de Seúl, documento FCTC/COP 5/P/Conf. documento número dos revisión 1. No veo objeción, así queda aprobado.

8. ELECTION OF THE PRESIDENT AND VICE-PRESIDENTS OF THE CONFERENCE OF THE PARTIES

The PRESIDENT:

Procedemos ahora a los últimos dos puntos de la agenda. El primero de ellos es la elección de los miembros de la nueva Mesa, de acuerdo con la regla 21 del procedimiento de la conferencia, las distintas regiones han hecho llegar a esta presidencia los candidatos.

Para el cargo de presidente de la Conferencia y miembro de la Mesa, proponen al profesor Chang Jin Moon de la República de Corea, representando a la región del Pacífico Occidental. Interrogo al plenario en el sentido de si hay alguna objeción para que el señor profesor Chang Jin Moon sea electo Presidente de la COP 6. No veo objeción, es más veo caras de aprobación, así que así ha quedado electo el señor profesor Chang Jin Moon.

Señor profesor, lo invito a decir unas breves palabras. Subrayo lo de breves, muchas gracias.

Professor CHANG JIN MOON (Republic of Korea):

Thank you very much His Excellence Ambassador Varela, his Excellence Minister Rim Chemin, Dr Nikogosian, distinguished delegates, ladies and gentleman. I am very delighted and deeply honoured to be elected as President of the sixth Conference of the Parties. On behalf of the Korean Government and myself, I would like to extend appreciation for the support and trust you have bestowed on me. Considering our challenges, including nurturing the new born baby of the Protocol, and valuable outcomes produced through COP5, I would like to commit to serve the Conference of the Parties along with the Bureau members and the Secretariat. Especially for facilitating the global effort in tobacco control, I assure you of my commitment to working with every member Party more closely and in forging partnership with other international organizations. With these activities I would like to promote substantial changes for the successful implementation of the WHO FCTC. Let me end by sincerely thanking all of you and wishing you all the best as you journey back home, and also let us meet again at the next Conference of the Parties. Thank you very much.

The PRESIDENT:

Muchas gracias, señor futuro presidente.

Procedemos ahora a elegir los otros miembros de la mesa. como dije anteriormente las distintas regiones han presentado los siguientes candidatos: por la región de África el candidato es la señorita Dorcas Kiptui de Kenia; por la región de las Américas el candidato es el señor Dennis Shornier de Canadá; de la región del Mediterráneo Oriental el candidato es el señor Iaia Bouzo de la República Árabe de Siria; de la región de Europa el candidato es el doctor Oleg Zaracaj de la Federación Rusa; y de la región de Asia Sudoriental el candidato es el señor Amal Kuch de India.

Se proponen los anteriores candidatos que acabo de leer. ¿El plenario está de acuerdo con estos candidatos? Si es así, así quedan electos.

Debemos proceder ahora a sortear el orden de las vicepresidencias, a los efectos de suplir al señor presidente en su ausencia. Le voy a pedir a la Secretaría, yo sostengo usted saca, ¿yo saco?

El primer vicepresidente es el doctor Oleg Zaracaj de la Federación Rusa, el segundo es el señor Amal Kuch de la India, el tercero es el señor Iaia Bouzo de la República Árabe de Siria, el cuarto vicepresidente es el señor Dennis Shornier de Canadá, el quinto tendría que ser de Kenia, si no está todo mal, es la señorita Dorkas Kiptui de Kenia.

Ahora tenemos que hacer un sorteo para elegir al relator de la Mesa. Estamos sugiriendo como criterio que sorteemos solamente aquellas regiones que hasta ahora todavía no han tenido la relatoría.

El relator será la señorita Dorkas Kiptui de Kenia.

9. DATE AND PLACE OF THE SIXTH SESSION OF THE CONFERENCE OF THE PARTIES

The PRESIDENT:

Muchas gracias. Queda entonces por resolver la fecha y el lugar de la sexta reunión de la Conferencia de las Partes, el documento COP/5/27 revisión 1.

Yo le daría la palabra al delegado de la Federación Rusa para que exprese brevemente lo que ya ha hecho en el plenario.

Mr VELMJAJKIN (Russian Federation):

Большое спасибо г-н президент, уважаемые стороны конвенции. Мы еще раз официально подтверждаем предложение, которое высказали в ходе дискуссии некоторое время назад. Мы приглашаем провести 6-ую конференцию сторон в городе Москве, при этом сроки проведения данной конференции могут быть нами по традиции определены уже сложившиеся в ноябре 2004 года, простите 2014 года, либо в любые другие даты из числа тех, которые перечислены в проекте документа, розданном уважаемым сторонам. Спасибо.

The PRESIDENT:

Muchas gracias, señor delegado. Se somete al plenario el ofrecimiento de la Federación Rusa de servir de sede de la próxima reunión de la COP, no vemos objeciones, se agradece mucho la gentileza y así queda decidido.

Le pregunto a la Secretaría si estamos en condiciones de proyectar la resolución por medio de la cual se da el mandato a la Mesa para que se ocupe de los temas relacionados con la elección del Secretario. Australia tiene la palabra.

10. REVIEW OF THE ROLE OF THE BUREAU OF THE CONFERENCE OF THE PARTIES AND PROCESS FOR APPOINTMENT OF THE HEAD OF THE CONVENTION SECRETARIAT

Mr COTTERELL (Australia):

Thank you Chair. While that is coming up on the screen, we just wanted to remind you that item 8.6 is still open, we still have an unresolved paragraph there. Thank you.

The PRESIDENT:

Muchas gracias, Australia, por recordarme este punto. Una vez que tengamos resuelta la resolución sobre el mandato de la Mesa vamos a volver de nuevo al asunto del punto 8.6.

Mientras tanto, le voy a pedir a la Secretaría a ver si puede proceder a su lectura para que los delegados puedan escuchar la traducción.

Dr VITA-FINZI (Convention Secretariat):

Thank you Chair. The draft decision on agenda item 8.7 reads as follows:

“Appointment and renewal of the term of office of the Head of the Convention Secretariat

The Conference of the Parties, DECIDES:

To mandate the Bureau of the Conference of the Parties to finalize the process for appointment and renewal of the term of office of the Head of the Secretariat on a provisional basis, taking into account document FCTC/COP/5/25 and the debate during the fourth Plenary meeting of COP5 on item 8.7.

In this connection, the Bureau shall arrange for the participation of the regional coordinators in this process.

Furthermore, the Bureau shall, in a timely way, inform the Parties of the outcome of this process and report thereon to the sixth session of the Conference of the Parties, with recommendations for any further action, as necessary.”

Thank you.

The PRESIDENT:

Se abre para comentarios la resolución que tenemos en pantalla.

No veo comentarios. ¿Puedo entender que el plenario está de acuerdo con esta resolución? Djibouti tiene la palabra.

Mrs ALI-HIGO (Djibouti):

Merci, Monsieur le Président. Quel sera le delai qui sera donné aux Parties pour reagir par rapport à ce point?

The PRESIDENT:

Yo creo que ellos van a ser conscientes de que existen unos plazos, sabemos que cada dos años tenemos la conferencia, esos criterios están en el documento de base, ese que estamos citando, pero dejo abierto a las opiniones de las demás delegaciones para que hagan algún comentario.

Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. In line with the remarks we made in relation to the role of the Bureau, we would suggest a slight amendment to the first paragraph, so that it reads: “The Conference of the Parties, DECIDES: To mandate the Bureau of the Conference of the Parties, in consultation with the Parties, to finalize the process”, etc. So we would just be looking for some electronic consultation before the decision is finalized.

The PRESIDENT:

Muchas gracias. Brasil tiene la palabra.

Mr ARAÚJO PRADO (Brazil):

Thank you Mr Chair. Brazil would like to endorse Australia's proposal. Thank you very much.

The PRESIDENT:

La Unión Europea.

Mrs GEORGIU (Cyprus):

Thank you Chair. Just a question for clarification. Does this mean, because it is not clear, whether that means that we cannot have a new Head of the Secretariat before COP6? Can you clarify this? Thank you.

The PRESIDENT:

No, no quiere decir eso. Hay un documento base que identifica un proceso que usted ha comentado y ha propuesto ciertas enmiendas que para nada afectan el desarrollo natural. Esto tiene su antecedente en la resolución original del mandato que se le dió a esta Conferencia, así que eso sirve como antecedente, sirve como antecedente el informe de la Mesa y lo que le estamos pidiendo ahora a la nueva Mesa es que materialice todas esas opiniones, ese informe en un acto operativo, y le corresponde a la Mesa fijar la fecha, los plazos y las modalidades sin apartarse de los documentos base que sirven de sustento. Lo que Australia acaba de agregar y que algunas delegaciones o, por lo menos las que se han pronunciado, han apoyado, es que ese proceso sea consultado también con las Partes por vía electrónica, así que el proceso va a ser conducido desde la Mesa y nosotros los Países nos vamos a ir enterando de la marcha de ese proceso. Le doy la palabra a Palau.

Dr OTTO (Palau):

Thank you Mr President. Palau takes the floor to support Australia's recommendation. Thank you.

The PRESIDENT:

Muchas gracias Palau. ¿Algún otro comentario? Si no lo hay, estaríamos poniendo el texto en claro. ¿Está el plenario en condiciones de aprobar este proyecto de decisión? Aprobado.

Tenemos que volver ahora al punto 8.6 del orden del día, que es el documento COP5/B conf documento número 8, ese es relativo a la función de la Mesa de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco.

En el proyecto de decisión, en el artículo 1 decide:

A. Elegir el jefe de la Secretaría y llevar a cabo la evaluación de la renovación de su mandato.

La delegación de la Unión Europea había propuesto un texto que a grandes rasgos lo condicionaba a la siguiente resolución que al fin y al cabo no hemos resuelto, por lo que es de estricta justicia darle la oportunidad a la Unión Europea para que ponga esa llamada y que así quede resuelta la decisión.

Estamos viendo el texto, es el artículo 1 del proyecto de decisión. La propuesta de la Unión Europea decía: "This year in accordance with any Ad Hoc arrangement that may be decided by the COP".

Creo que es exactamente lo que hemos hecho a través de la resolución que queremos aprobar, por lo que le pregunto al plenario si estamos en condiciones de hacer este cambio y proceder a la aprobación definitiva de esta decisión. ¿Comentarios? No hay comentarios, entonces vamos a poner el texto con la letra clara. ¿Está el plenario de acuerdo con aprobar la decisión que figura en el documento COP/5/B conf documento número 8, función de la Mesa de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco? Australia tiene la palabra.

Mr COTTERELL (Australia):

Thank you President. Unfortunately I think the two formulations are presented as two paragraphs in square brackets, I think they were presented as alternatives. So I do not think we are in a position to accept all of that text as it currently stands – we would like to accommodate the proposal by our colleagues from the European Union and add at the end of second formulation “or in accordance with any ad hoc arrangements that may be decided by the COP”. I just want to make sure that that makes sense. Just give me 30 seconds to think of the correct formulation. Hold on.

The PRESIDENT:

Perdón, yo creo que habría que ponerlo una sola vez, no lo vi en el segundo párrafo, creo que tendría que estar incluido la primera vez en el subpárrafo A y ya es suficiente porque esa es la salvaguardia que estaríamos haciendo.

Mr COTTERELL (Australia):

Thank you President, but actually the second paragraph was proposed as an alternative instead of the first paragraph. So that’s why I am trying to accommodate the European Union proposal in the second one.

The PRESIDENT:

Correcto, vamos a darle la palabra a la Unión Europea a ver si nos aclara el panorama. Muchas gracias. Unión Europea tiene la palabra.

Mrs GEORGIU (Cyprus):

Thank you Chair. May I suggest in the new proposal from Australia if we could include our proposal on the second line after “the appointment of the Head of the Secretariat [in accordance with any ad hoc arrangements that may be decided by the COP] and undertake the performance evaluation”. That’s all. Thank you.

The PRESIDENT:

Australia.

Mr COTTERELL (Australia):

Thank you, President. We would like in a constructive suggestion building on the European Union proposal to remove the words “any ad hoc” because we have just agreed to a process just now for the Bureau to settle the arrangements for the appointment but in consultation with Parties. So, once those arrangements are settled, they can be settled and they can be varied by the COP at any future time, so we would be happy to remove those.

The PRESIDENT:

Palau tiene la palabra.

Dr OTTO (Palau):

Thank you Mr President. Palau has a little bit of difficulty with the proposal made by the EU in putting “in accordance with arrangements” in front of “undertaking” because our understanding is that

the performance evaluation contributes to the selection of the Head of the Secretariat. So we would support putting that back in at the end as Australia has proposed. Thank you.

The PRESIDENT:

Vamos a pedirle a la Secretaría que lo integre al final y preguntarle a la Unión Europea a ver si puede aceptar este cambio. Australia.

Mr COTTERELL (Australia):

Thank you President. I think on this occasion this is somewhere where commas might assist. So, we would suggest placing a comma after the second line “the appointment of the Head of the Secretariat”, and in the second-last line after the words “term of office”, to make it clear that the final phrase “in accordance with arrangements that may be decided by the COP” applies to both of these processes. Thank you.

The PRESIDENT:

Gracias. Entonces estaríamos más cerca de aceptar el párrafo con ese añadido al final. Pregunto si podemos suprimir “any Ad Hoc”. Unión Europea.

Mrs GEORGIU (Cyprus):

Yes, thank you Chair. Yes, we can accept the deletion. May I also point out that our suggestion should also be deleted from above and also there is an extra “and” in the second line of the new proposal.

The PRESIDENT:

Muy bien. India quiere hacer uso de la palabra.

Mr DESIRAJU (India):

Thank you Mr Chair I don't need the floor, thank you Sir.

The PRESIDENT:

Gracias, delegado. Entonces aparentemente tenemos resuelto el párrafo, le pediría a la Secretaría que lo deje con el mismo texto. ¿Estamos entonces en condiciones de aprobar el documento COP/5/B conf documento número 8, Función de la Mesa de la Conferencia de las Partes en el Convenio Marco de la OMS para el Control del Tabaco? No veo observaciones, así se decide.

11. CLOSURE OF THE SESSION

The PRESIDENT:

Queda pues que nos dediquemos al acto de clausura de la COP 5. Tenemos el privilegio de contar con el Ministro de Salud Pública de la República de Corea, pero antes le voy a dar la palabra para que nos envíe un breve mensaje el jefe de la Secretaría, el Doctor Nikogosian. Tiene la palabra.

DR NIKOGOSIAN (Head, Convention Secretariat):

Distinguished President, distinguished Ministers, Excellencies, delegates and participants. It was an honour and pleasure to serve as the Secretariat for the fifth session of the Conference of the

Parties. I would like to thank the Parties for the guidance, the encouragement and cooperation we have received during this week in Seoul. On behalf of the Secretariat I would like also to thank very warmly the Government of the Republic of Korea once again for their excellent arrangements and support as well as our host country colleagues for their tireless work and support to ensure the efficient and smooth proceedings of the session. It was really a pleasure to work together.

COP5 marked an important milestone in the work of the Convention which I think we can all be proud of. Most importantly, as I said on first day, we all came to Seoul to work for the first public health treaty and now we leave Seoul with the second treaty, the Protocol, to serve global health. The Conference of the Parties enhanced the treaty instruments, it enhanced the reporting system, it also enhanced international cooperation and identified the ways and importance of impact assessment of the Convention. Parties also adopted the next workplan and budget to guide the activities of the Convention in future.

President, it has been a pleasure to work with you and under your leadership and under the guidance of the Bureau. These were very strong years for the Convention, a very strong two years of the Convention; allow me to thank you and present to you on behalf of the Secretariat with a symbolic gift in sincere appreciation of your Presidency, and thank you all participant and delegates on behalf of the Secretariat.

(Applause)

The PRESIDENT:

Now it is a pity that it is the end of the Conference! I wish to give the floor now to the Minister of Health of the Republic of Korea. Sir you have the floor.

Dr RIM CHEMIN (Minister of Health of the Republic of Korea):

Good Afternoon, honourable Mr President, distinguished delegates, ladies and gentlemen. It was a great honour and privilege for the Government of the Republic of Korea to host the World Health Organization FCTC COP5. I join you with delight to be proud of the huge success of the Conference and on behalf of the Korean people I would like to express gratitude and respect to some 800 delegates from 142 Parties around the world and to the staff of the World Health Organization and other international organizations for your dedicated work for the best possible outcomes.

We have made a number of remarkable achievements over the last six days: most importantly we should applaud the adoption of the Protocol to Eliminate Illicit Trade in Tobacco Products. We have done it. The protocol will guide us into more lucid and specific actions through our national laws and regulations. We will take a couple of steps closer to a smoke-free planet.

Further development of the partial guidelines for implementation of disclosure of toxic contents and emissions of tobacco products is indeed very important. They will provide us with a very precise sense of direction to follow. The Seoul Declaration is another brilliant feat. It epitomizes our concerted determination towards the full implementation of the FCTC. I hope it will serve as a beacon of our commitment to healthier and happier living. Having said that I would like to take this opportunity to thank you for the election of Professor Moon Chang jin as the President of the next session. The Korean Government promises its full support as the Chair country for the next two years. Distinguished delegates, ladies and gentlemen, smoking is indeed one of the gravest risk factors to health, as UN secretary general Mr Ban Ki-moon said in his message to this Conference. It is also a drive-by-shooting as WHO Director-General Dr Margaret Chan emphasized in her opening remarks a few days ago. We have to stop it, we have to stop it from spreading and we have work together to protect public health.

Now let's bring back to our countries the achievements we have made in Seoul. Let's incorporate them in our policies and secure financing for implementation. Let's do it for the sake of ourselves and our children and their children. Again I would like to thank every one of you for your cooperation and support. I wish you continued success in your undertaking and 10 000 years happiness. Thank you, it's Saturday afternoon. Thank you.

The PRESIDENT:

Durante la última semana, todos dimos lo mejor de nosotros mismos., El sano debate nos acercó a las soluciones más inteligentes, tal vez no las ideales pero sí las posibles. El espíritu fue uno solo, el mismo sentimiento: lograr que una epidemia que nos compromete sea resuelta de manera que se pueda asegurar el desarrollo del individuo y por ende de nuestros países. Los resultados han sido más que suficientes; el Convenio vive y goza de buena salud. Se nos suma un Protocolo, nuestra niña bonita, al decir de la Doctora Margaret Chan, que nos abre nuevos horizontes de esperanza para avanzar en la agenda de la salud mundial.

Queda pues agradecer al Gobierno de la República de Corea, a su Primer Ministro, a su Ministro de Salud Pública, a todo el equipo de apoyo que nos regalaron su eficiencia y su sonrisa para seguir adelante, a las delegaciones por su firmeza en las ideas, su dedicación y su flexibilidad para lograr los debidos consensos, a la Secretaría por su permanente apoyo día y noche, como hemos constatado, y a todo el equipo técnico que nos permite ser escuchados y entendernos en los seis idiomas de las Naciones Unidas.

Deseo, por último, desearles un viaje seguro de regreso a sus casas, con la frente en alto y con la satisfacción del trabajo cumplido.

Como en las olimpiadas, permítanme decir: adiós Seúl, hola Moscú.

Declaro clausurada la quinta reunión de la Conferencia de Partes del Convenio Marco para el Control del Tabaco.

The meeting rose at 14:25

**ANNEX: DECISIONS ADOPTED AT THE FIFTH SESSION
OF THE CONFERENCE OF THE PARTIES**

FCTC/COP5(1) Protocol to Eliminate Illicit Trade in Tobacco Products

The Conference of the Parties,

Deeply concerned that the illicit trade in tobacco products is contributing to the spread of the tobacco epidemic, which is a global problem with serious consequences for public health that calls for effective, appropriate and comprehensive domestic and international responses;

Taking into account Article 15 of the WHO Framework Convention on Tobacco Control, which recognizes, inter alia, that the elimination of all forms of illicit trade in tobacco products is an essential component of tobacco control;

Recalling its decision FCTC/COP2(12) by which the Intergovernmental Negotiating Body was established, with the objective of drafting and negotiating a protocol on illicit trade in tobacco products, which would build upon and complement the provisions of Article 15 of the WHO Framework Convention on Tobacco Control, and further decisions FCTC/COP3(6) and FCTC/COP4(11) which reflected upon the progress achieved during the negotiations;

Acknowledging the work undertaken by the Intergovernmental Negotiating Body on a Protocol on Illicit Trade in Tobacco Products resulting in the draft protocol to eliminate illicit trade in tobacco products, contained in document FCTC/COP/5/6;

Convinced that supplementing the WHO Framework Convention on Tobacco Control with a comprehensive protocol will be a powerful, effective means to counter illicit trade in tobacco products and its grave consequences,

1. **ADOPTS** in accordance with Article 33 of the WHO Framework Convention on Tobacco Control the attached Protocol to Eliminate Illicit Trade in Tobacco Products; and
2. **CALLS UPON** all Parties to the WHO Framework Convention on Tobacco Control, to consider signing, ratifying, accepting, approving, formally confirming or acceding to the Protocol at the earliest opportunity, with a view to bringing the Protocol into force as soon as possible.

(First plenary meeting, 12 November 2012)

ANNEX

PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS*Preamble*

The Parties to this Protocol,

Considering that on 21 May 2003, the Fifty-sixth World Health Assembly adopted by consensus the WHO Framework Convention on Tobacco Control, which came into force on 27 February 2005;

Recognizing that the WHO Framework Convention on Tobacco Control is one of the United Nations' most rapidly ratified treaties and a fundamental tool for attaining the objectives of the World Health Organization;

Recalling the Preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health as a fundamental right of every human being without distinction of race, religion, political belief, economic or social condition;

Determined also to give priority to their right to protect public health;

Deeply concerned that the illicit trade in tobacco products is contributing to the spread of the tobacco epidemic, which is a global problem with serious consequences for public health that calls for effective, appropriate and comprehensive domestic and international responses;

Recognizing further that illicit trade in tobacco products undermines price and tax measures designed to strengthen tobacco control and thereby increases the accessibility and affordability of tobacco products;

Seriously concerned by the adverse effects that the increase in accessibility and affordability of illicitly traded tobacco products has on public health and the well-being, in particular of young people, the poor and other vulnerable groups;

Seriously concerned about the disproportionate economic and social implications of illicit trade in tobacco products on developing countries and countries with economies in transition;

Aware of the need to develop scientific, technical and institutional capacity to plan and implement appropriate national, regional and international measures to eliminate all forms of illicit trade in tobacco products;

Acknowledging that access to resources and relevant technologies is of great importance for enhancing the ability of Parties, particularly in developing countries and countries with economies in transition, to eliminate all forms of illicit trade in tobacco products;

Acknowledging also that, although free zones are established to facilitate legal trade, they have been used to facilitate the globalization of illicit trade in tobacco products, both in relation to the illicit transit of smuggled products and in the manufacture of illicit tobacco products;

Recognizing also that illicit trade in tobacco products undermines the economies of Parties and adversely affects their stability and security;

Also aware that illicit trade in tobacco products generates financial profits that are used to fund transnational criminal activity, which interferes with government objectives;

Recognizing that the illicit trade in tobacco products undermines health objectives imposes additional strain on health systems and causes losses of revenue to the economies of the Parties;

Mindful of Article 5.3 of the WHO Framework Convention on Tobacco Control in which Parties agree that in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law;

Emphasizing the need to be alert to any efforts by the tobacco industry to undermine or subvert strategies to combat illicit trade in tobacco products and the need to be informed of activities of the tobacco industry that have a negative impact on strategies to combat illicit trade in tobacco products;

Mindful of Article 6.2 of the WHO Framework Convention on Tobacco Control, which encourages Parties to prohibit or restrict, as appropriate, sales to and/or importation by international travellers of tax- and duty-free tobacco products;

Recognizing in addition that tobacco and tobacco products in international transit and transshipment find a channel for illicit trade;

Taking into account that effective action to prevent and combat illicit trade in tobacco products requires a comprehensive international approach to, and close cooperation on, all aspects of illicit trade, including, as appropriate, illicit trade in tobacco, tobacco products and manufacturing equipment;

Recalling and emphasizing the importance of other relevant international agreements such as the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the obligation that Parties to these Conventions have to apply, as appropriate, the relevant provisions of these Conventions to illicit trade in tobacco, tobacco products and manufacturing equipment and *encouraging* those Parties that have not yet become Parties to these agreements to consider doing so;

Recognizing the need to build enhanced cooperation between the Convention Secretariat of the WHO Framework Convention on Tobacco Control and the United Nations Office on Drugs and Crime, the World Customs Organization and other bodies, as appropriate;

Recalling 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 and illicit manufacturing, is an essential component of tobacco control;

Considering that this Protocol does not seek to address issues concerning intellectual property rights; and

Convinced that supplementing the WHO Framework Convention on Tobacco Control by a comprehensive protocol will be a powerful, effective means to counter illicit trade in tobacco products and its grave consequences,

Hereby agree as follows:

PART I: INTRODUCTION

Article 1

Use of terms

1. “Brokering” means acting as an agent for others, as in negotiating contracts, purchases, or sales in return for a fee or commission.
2. “Cigarette” means a roll of cut tobacco for smoking, enclosed in cigarette paper. This excludes specific regional products such as bidis, ang hoon, or other similar products which can be wrapped in paper or leaves. For the purpose of Article 8, “cigarette” also includes fine cut “roll your own” tobacco for the purposes of making a cigarette.
3. “Confiscation”, which includes forfeiture where applicable, means the permanent deprivation of property by order of a court or other competent authority.
4. “Controlled delivery” means the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence.
5. “Free zone” means a part of the territory of a Party where any goods introduced are generally regarded, in so far as import duties and taxes are concerned, as being outside the Customs territory.
6. “Illicit trade” means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate such activity.
7. “Licence” means permission from a competent authority following submission of the requisite application or other documentation to the competent authority.
8. (a) “Manufacturing equipment” means machinery which is designed, or adapted, to be used solely for the manufacture of tobacco products and is integral to the manufacturing process.¹

(b) “Any part thereof” in the context of manufacturing equipment means any identifiable part which is unique to manufacturing equipment used in the manufacture of tobacco products.
9. “Party” means, unless the context indicates otherwise, a Party to this Protocol.
10. “Personal data” means any information relating to an identified or identifiable natural person.
11. “Regional economic integration organization” means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of

¹ Parties may include reference to the Harmonized Commodity Description and Coding System of the World Customs Organization for this purpose, wherever applicable.

matters, including the authority to make decisions binding on its Member States in respect of those matters.¹

12. The “supply chain” covers the manufacture of tobacco products and manufacturing equipment; and import or export of tobacco products and manufacturing equipment; and may be extended, where relevant, to one or more of the following activities when so decided by a Party:

- (a) retailing of tobacco products;
- (b) growing of tobacco, except for traditional small-scale growers, farmers and producers;
- (c) transporting commercial quantities of tobacco products or manufacturing equipment; and
- (d) wholesaling, brokering, warehousing or distribution of tobacco and tobacco products or manufacturing equipment.

13. “Tobacco products” means products entirely or partly made of the leaf tobacco as raw material, which are manufactured to be used for smoking, sucking, chewing or snuffing.

14. “Tracking and tracing” means systematic monitoring and re-creation by competent authorities or any other person acting on their behalf of the route or movement taken by items through the supply chain, as outlined in Article 8.

Article 2

Relationship between this Protocol and other agreements and legal instruments

1. The provisions of the WHO Framework Convention on Tobacco Control that apply to its protocols shall apply to this Protocol.
2. Parties that have entered into the types of agreements mentioned in Article 2 of the WHO Framework Convention on Tobacco Control shall communicate such agreements to the Meeting of the Parties through the Convention Secretariat.
3. Nothing in this Protocol shall affect the rights and obligations of any Party pursuant to any other international convention, treaty or international agreement in force for that Party that it deems to be more conducive to the achievement of the elimination of illicit trade in tobacco products.
4. Nothing in this Protocol shall affect other rights, obligations and responsibilities of Parties under international law, including the United Nations Convention against Transnational Organized Crime.

Article 3

Objective

The objective of this Protocol is to eliminate all forms of illicit trade in tobacco products, in accordance with the terms of Article 15 of the WHO Framework Convention on Tobacco Control.

¹ Where appropriate, national or domestic will refer equally to regional economic integration organizations.

PART II: GENERAL OBLIGATIONS*Article 4**General obligations*

1. In addition to the provisions of Article 5 of the WHO Framework Convention on Tobacco Control, Parties shall:

(a) adopt and implement effective measures to control or regulate the supply chain of goods covered by this Protocol in order to prevent, deter, detect, investigate and prosecute illicit trade in such goods and shall cooperate with one another to this end;

(b) take any necessary measures in accordance with their national law to increase the effectiveness of their competent authorities and services, including customs and police responsible for preventing, deterring, detecting, investigating, prosecuting and eliminating all forms of illicit trade in goods covered by this Protocol;

(c) adopt effective measures for facilitating or obtaining technical assistance and financial support, capacity building and international cooperation in order to achieve the objectives of this Protocol and ensure the availability to, and secure exchange with, the competent authorities of information to be exchanged under this Protocol;

(d) cooperate closely with one another, consistent with their respective domestic legal and administrative systems, in order to enhance the effectiveness of law enforcement action to combat the unlawful conduct including criminal offences established in accordance with Article 14 of this Protocol;

(e) cooperate and communicate, as appropriate, with relevant regional and international intergovernmental organizations in the secure¹ exchange of information covered by this Protocol in order to promote the effective implementation of this Protocol; and

(f) within the means and resources at their disposal, cooperate to raise financial resources for the effective implementation of this Protocol through bilateral and multilateral funding mechanisms.

2. In implementing their obligations under this Protocol, Parties shall ensure the maximum possible transparency with respect to any interactions they may have with the tobacco industry.

*Article 5**Protection of personal data*

Parties shall protect personal data of individuals regardless of nationality or residence, subject to national law, taking into consideration international standards regarding the protection of personal data, when implementing this Protocol.

¹ A secure exchange of information between two parties is resistant to interception and tampering (falsification). In other words, the information exchanged between the two parties cannot be read or modified by a third party.

PART III: SUPPLY CHAIN CONTROL*Article 6**Licence, equivalent approval or control system*

1. To achieve the objectives of the WHO Framework Convention on Tobacco Control and with a view to eliminating illicit trade in tobacco products and manufacturing equipment, each Party shall prohibit the conduct of any of the following activities by any natural or legal person except pursuant to a licence or equivalent approval (hereafter “licence”) granted, or control system implemented, by a competent authority in accordance with national law:
 - (a) manufacture of tobacco products and manufacturing equipment; and
 - (b) import or export of tobacco products and manufacturing equipment.
2. Each Party shall endeavour to license, to the extent considered appropriate, and when the following activities are not prohibited by national law, any natural or legal person engaged in:
 - (a) retailing of tobacco products;
 - (b) growing of tobacco, except for traditional small-scale growers, farmers and producers;
 - (c) transporting commercial quantities of tobacco products or manufacturing equipment; and
 - (d) wholesaling, brokering, warehousing or distribution of tobacco and tobacco products or manufacturing equipment.
3. With a view to ensuring an effective licensing system, each Party shall:
 - (a) establish or designate a competent authority or authorities to issue, renew, suspend, revoke and/or cancel licences, subject to the provisions of this Protocol, and in accordance with its national law, to conduct the activities specified in paragraph 1;
 - (b) require that each application for a licence contains all the requisite information about the applicant, which should include, where applicable:
 - (i) where the applicant is a natural person, information regarding his or her identity, including full name, trade name, business registration number (if any), applicable tax registration numbers (if any) and any other information to allow identification to take place;
 - (ii) when the applicant is a legal person, information regarding its identity, including full legal name, trade name, business registration number, date and place of incorporation, location of corporate headquarters and principal place of business, applicable tax registration numbers, copies of articles of incorporation or equivalent documents, its corporate affiliates, names of its directors and of any designated legal representatives, including any other information to allow identification to take place;
 - (iii) precise business location of the manufacturing unit(s), warehouse location and production capacity of the business run by the applicant;

(iv) details of the tobacco products and manufacturing equipment covered by the application, such as product description, name, registered trade mark if any, design, brand, model or make and serial number of the manufacturing equipment;

(v) description of where manufacturing equipment will be installed and used;

(vi) documentation or a declaration regarding any criminal records;

(vii) complete identification of the bank accounts intended to be used in the relevant transactions and other relevant payment details; and

(viii) a description of the intended use and intended market of sale of the tobacco products, with particular attention to ensuring that tobacco product production or supply is commensurate with reasonably anticipated demand;

(c) monitor and collect, where applicable, any licence fees that may be levied and consider using them in effective administration and enforcement of the licensing system or for public health or any other related activity in accordance with national law;

(d) take appropriate measures to prevent, detect and investigate any irregular or fraudulent practices in the operation of the licensing system;

(e) undertake measures such as periodic review, renewal, inspection or audit of licences where appropriate;

(f) establish, where appropriate, a time frame for expiration of licences and subsequent requisite reapplication or updating of application information;

(g) oblige any licensed natural or legal person to inform the competent authority in advance of any change of location of their business or any significant change in information relevant to the activities as licensed;

(h) oblige any licensed natural or legal person to inform the competent authority, for appropriate action, of any acquisition or disposal of manufacturing equipment; and

(i) ensure that the destruction of any such manufacturing equipment or any part thereof, shall take place under the supervision of the competent authority.

4. Each Party shall ensure that no licence shall be assigned and/or transferred without receipt from the proposed licensee of the appropriate information contained in paragraph 3, and without prior approval from the competent authority.

5. Five years following the entry into force of this Protocol, the Meeting of the Parties shall ensure at its next session that evidence-based research is conducted to ascertain whether any key inputs exist that are essential to the manufacture of tobacco products, are identifiable and can be subject to an effective control mechanism. On the basis of such research, the Meeting of the Parties shall consider appropriate action.

*Article 7**Due diligence*

1. Each Party shall require, consistent with its national law and the objectives of the WHO Framework Convention on Tobacco Control, that all natural and legal persons engaged in the supply chain of tobacco, tobacco products and manufacturing equipment:

- (a) conduct due diligence before the commencement of and during the course of, a business relationship;
- (b) monitor the sales to their customers to ensure that the quantities are commensurate with the demand for such products within the intended market of sale or use; and
- (c) report to the competent authorities any evidence that the customer is engaged in activities in contravention of its obligations arising from this Protocol.

2. Due diligence pursuant to paragraph 1 shall, as appropriate, consistent with its national law and the objectives of the WHO Framework Convention on Tobacco Control, include, inter alia, requirements for customer identification, such as obtaining and updating information relating to the following:

- (a) establishing that the natural or legal person holds a licence in accordance with Article 6;
- (b) when the customer is a natural person, information regarding his or her identity, including full name, trade name, business registration number (if any), applicable tax registration numbers (if any) and verification of his or her official identification;
- (c) when the customer is a legal person, information regarding its identity, including full name, trade name, business registration number, date and place of incorporation, location of corporate headquarters and principal place of business, applicable tax registration numbers, copies of articles of incorporation or equivalent documents, its corporate affiliates, names of its directors and any designated legal representatives, including the representatives' names and verification of their official identification;
- (d) a description of the intended use and intended market of sale of tobacco, tobacco products or manufacturing equipment; and
- (e) a description of the location where manufacturing equipment will be installed and used.

3. Due diligence pursuant to paragraph 1 may include requirements for customer identification, such as obtaining and updating information relating to the following:

- (a) documentation or a declaration regarding any criminal records; and
- (b) identification of the bank accounts intended to be used in transactions.

4. Each Party shall, on the basis of the information reported in paragraph 1(c), take all necessary measures to ensure compliance with the obligations arising from this Protocol, which may include the designation of a customer within the jurisdiction of the Party to become a blocked customer as defined by national law.

*Article 8**Tracking and tracing*

1. For the purposes of further securing the supply chain and to assist in the investigation of illicit trade in tobacco products, the Parties agree to establish within five years of entry into force of this Protocol a global tracking and tracing regime, comprising national and/or regional tracking and tracing systems and a global information sharing focal point located at the Convention Secretariat of the WHO Framework Convention on Tobacco Control and accessible to all Parties, enabling Parties to make enquiries and receive relevant information.

2. Each Party shall establish, in accordance with this Article, a tracking and tracing system, controlled by the Party for all tobacco products that are manufactured in or imported onto its territory taking into account their own national or regional specific needs and available best practice.

3. With a view to enabling effective tracking and tracing, each Party shall require that unique, secure and non-removable identification markings (hereafter called unique identification markings), such as codes or stamps, are affixed to or form part of all unit packets and packages and any outside packaging of cigarettes within a period of five years and other tobacco products within a period of ten years of entry into force of this Protocol for that Party.

4.1 Each Party shall, for purposes of paragraph 3, as part of the global tracking and tracing regime, require that the following information be available, either directly or accessible by means of a link, to assist Parties in determining the origin of tobacco products, the point of diversion where applicable, and to monitor and control the movement of tobacco products and their legal status:

- (a) date and location of manufacture;
- (b) manufacturing facility;
- (c) machine used to manufacture tobacco products;
- (d) production shift or time of manufacture;
- (e) the name, invoice, order number and payment records of the first customer who is not affiliated with the manufacturer;
- (f) the intended market of retail sale;
- (g) product description;
- (h) any warehousing and shipping;
- (i) the identity of any known subsequent purchaser; and
- (j) the intended shipment route, the shipment date, shipment destination, point of departure and consignee.

4.2 The information in subparagraphs (a), (b), (g) and where available (f), shall form part of the unique identification markings.

4.3 Where the information in subparagraph (f) is not available at the time of marking, Parties shall require the inclusion of such information in accordance with Article 15.2(a) of the WHO Framework Convention on Tobacco Control.

5. Each Party shall require, within the time limits specified in this Article, that the information set out in paragraph 4 is recorded, at the time of production, or at the time of first shipment by any manufacturer or at the time of import onto its territory.
6. Each Party shall ensure that the information recorded under paragraph 5 is accessible by that Party by means of a link with the unique identification markings required under paragraphs 3 and 4.
7. Each Party shall ensure that the information recorded in accordance with paragraph 5, as well as the unique identification markings rendering such information accessible in accordance with paragraph 6 shall be included in a format established or authorized by the Party and its competent authorities.
8. Each Party shall ensure that the information recorded under paragraph 5 is accessible to the global information sharing focal point on request, subject to paragraph 9, through a standard electronic secure interface with its national and/or regional central point. The global information sharing focal point shall compile a list of the competent authorities of Parties and make the list available to all Parties.
9. Each Party or the competent authority shall:
 - (a) have access to the information outlined in paragraph 4 in a timely manner by making a query to the global information sharing focal point;
 - (b) request such information only where it is necessary for the purpose of detection or investigation of illicit trade in tobacco products;
 - (c) not unreasonably withhold information;
 - (d) answer the information requests in relation to paragraph 4, in accordance with its national law; and
 - (e) protect and treat as confidential, as mutually agreed, any information that is exchanged.
10. Each Party shall require the further development and expansion of the scope of the applicable tracking and tracing system up to the point that all duties, relevant taxes, and where appropriate, other obligations have been discharged at the point of manufacture, import or release from customs or excise control.
11. Parties shall cooperate with each other and with competent international organizations, as mutually agreed, in sharing and developing best practices for tracking and tracing systems including:
 - (a) facilitation of the development, transfer and acquisition of improved tracking and tracing technology, including knowledge, skills, capacity and expertise;
 - (b) support for training and capacity-building programmes for Parties that express such a need; and
 - (c) further development of the technology to mark and scan unit packets and packages of tobacco products to make accessible the information listed in paragraph 4.
12. Obligations assigned to a Party shall not be performed by or delegated to the tobacco industry.
13. Each Party shall ensure that its competent authorities, in participating in the tracking and tracing regime, interact with the tobacco industry and those representing the interests of the tobacco industry only to the extent strictly necessary in the implementation of this Article.

14. Each Party may require the tobacco industry to bear any costs associated with that Party's obligations under this Article.

Article 9

Record-keeping

1. Each Party shall require, as appropriate, that all natural and legal persons engaged in the supply chain of tobacco, tobacco products and manufacturing equipment maintain complete and accurate records of all relevant transactions. Such records must allow for the full accountability of materials used in the production of their tobacco products.

2. Each Party shall, as appropriate, require persons licensed in accordance with Article 6 to provide, on request, the following information to the competent authorities:

- (a) general information on market volumes, trends, forecasts and other relevant information; and
- (b) the quantities of tobacco products and manufacturing equipment in the licensee's possession, custody or control kept in stock, in tax and customs warehouses under the regime of transit or transshipment or duty suspension as of the date of the request.

3. With respect to tobacco products and manufacturing equipment sold or manufactured on the territory of the Party for export, or subject to duty-suspended movement in transit or transshipment on the territory of the Party, each Party shall, as appropriate, require that persons licensed in accordance with Article 6, provide, on request, to the competent authorities in the country of departure (electronically, where the infrastructure exists) at the time of departure from their control with the following information:

- (a) the date of shipment from the last point of physical control of the products;
- (b) the details concerning the products shipped (including brand, amount, warehouse);
- (c) the intended shipping routes and destination;
- (d) the identity of the natural or legal person(s) to whom the products are being shipped;
- (e) the mode of transportation, including the identity of the transporter;
- (f) the expected date of arrival of the shipment at the intended shipping destination; and
- (g) intended market of retail sale or use.

4. If feasible, each Party shall require that retailers and tobacco growers, except for traditional growers working on a non-commercial basis, maintain complete and accurate records of all relevant transactions in which they engage, in accordance with its national law.

5. For the purposes of implementing paragraph 1, each Party shall adopt effective legislative, executive, administrative or other measures to require that all records are:

- (a) maintained for a period of at least four years;
- (b) made available to the competent authorities; and

(c) maintained in a format, as required by the competent authorities.

6. Each Party shall, as appropriate and subject to national law, establish a system for sharing details contained in all records kept in accordance with this Article with other Parties.

7. Parties shall endeavour to cooperate, with each other and with competent international organizations, in progressively sharing and developing improved systems for record-keeping.

Article 10

Security and preventive measures

1. Each Party shall, where appropriate, consistent with its national law and the objectives of the WHO Framework Convention on Tobacco Control, require that all natural and legal persons subject to Article 6 take the necessary measures to prevent the diversion of tobacco products into illicit trade channels, including, inter alia:

(a) reporting to the competent authorities:

(i) the cross-border transfer of cash in amounts stipulated in national law or of cross-border payments in kind; and

(ii) all “suspicious transactions”; and

(b) supplying tobacco products or manufacturing equipment only in amounts commensurate with the demand for such products within the intended market of retail sale or use.

2. Each Party shall, where appropriate, consistent with its national law and the objectives of the WHO Framework Convention on Tobacco Control, require that payments for transactions carried out by natural or legal persons subject to Article 6 be allowed only in the currency and in the same amount as the invoice, and only through legal modes of payment from financial institutions located on the territory of the intended market and shall not be operated through any other alternative remittance system.

3. A Party may require that payments carried out by natural or legal persons subject to Article 6 for materials used for the manufacture of tobacco products in its jurisdiction be allowed only in the currency and in the same amount as the invoice, and only through legal modes of payment from financial institutions located on the territory of the intended market and shall not be operated through any other alternative remittance system.

4. Each Party shall ensure that any contravention of the requirements of this Article is subject to appropriate criminal, civil or administrative procedures and effective, proportionate and dissuasive sanctions including, as appropriate, suspension or cancellation of a licence.

Article 11

Sale by Internet, telecommunication or any other evolving technology

1. Each Party shall require that all legal and natural persons engaged in any transaction with regard to tobacco products through Internet-, telecommunication- or any other evolving technology-based modes of sale comply with all relevant obligations covered by this Protocol.

2. Each Party shall consider banning retail sales of tobacco products through Internet-, telecommunication- or any other evolving technology-based modes of sale.

Article 12*Free zones and international transit*

1. Each Party shall, within three years of the entry into force of this Protocol for that Party, implement effective controls on all manufacturing of, and transactions in, tobacco and tobacco products, in free zones, by use of all relevant measures as provided in this Protocol.
2. In addition, the intermingling of tobacco products with non-tobacco products in a single container or any other such similar transportation unit at the time of removal from free zones shall be prohibited.
3. Each Party shall, in accordance with national law, adopt and apply control and verification measures to the international transit or transshipment, within its territory, of tobacco products and manufacturing equipment in conformity with the provisions of this Protocol in order to prevent illicit trade in such products.

Article 13*Duty free sales*

1. Each Party shall implement effective measures to subject any duty free sales to all relevant provisions of this Protocol, taking into consideration Article 6 of the WHO Framework Convention on Tobacco Control.
2. No later than five years following the entry into force of this Protocol, the Meeting of the Parties shall ensure at its next session that evidence-based research is conducted to ascertain the extent of illicit trade in tobacco products related to duty free sales of such products. On the basis of such research, the Meeting of the Parties shall consider appropriate further action.

PART IV: OFFENCES**Article 14***Unlawful conduct including criminal offences*

1. Each Party shall adopt, subject to the basic principles of its domestic law, such legislative and other measures as may be necessary to establish all of the following conduct as unlawful under its domestic law:
 - (a) manufacturing, wholesaling, brokering, selling, transporting, distributing, storing, shipping, importing or exporting tobacco, tobacco products or manufacturing equipment contrary to the provisions of this Protocol;
 - (b) (i) manufacturing, wholesaling, brokering, selling, transporting, distributing, storing, shipping, importing or exporting tobacco, tobacco products or manufacturing equipment without the payment of applicable duties, taxes and other levies or without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels;

- (ii) any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment not covered by paragraph (b)(i);
- (c) (i) any other form of illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels;
 - (ii) wholesaling, brokering, selling, transporting, distributing, storing, shipping, importing or exporting of illicitly manufactured tobacco, illicit tobacco products, products bearing false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment;
- (d) mixing of tobacco products with non-tobacco products during progression through the supply chain, for the purpose of concealing or disguising tobacco products;
- (e) intermingling of tobacco products with non-tobacco products in contravention of Article 12.2 of this Protocol;
- (f) using Internet-, telecommunication- or any other evolving technology-based modes of sale of tobacco products in contravention of this Protocol;
- (g) obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed in accordance with Article 6;
- (h) obstructing any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment;
- (i) (i) making any material statement that is false, misleading or incomplete, or failing to provide any required information to any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment and when not contrary to the right against self incrimination;
 - (ii) mis-declaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information specified in the protocol to:
 - (a) evade the payment of applicable duties, taxes and other levies, or
 - (b) prejudice any control measures for the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment;
 - (iii) failing to create or maintain records covered by this Protocol or maintaining false records; and
- (j) laundering of proceeds of unlawful conduct established as a criminal offence under paragraph 2.

2. Each Party shall, subject to the basic principles of its domestic law, determine which of the unlawful conduct set out in paragraph 1 or any other conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment contrary to the provisions of this Protocol shall be criminal

offences and adopt legislative and other measures as may be necessary to give effect to such determination.

3. Each Party shall notify the Secretariat of this Protocol which of the unlawful conduct set out in paragraphs 1 and 2 that the Party has determined to be a criminal offence in accordance with paragraph 2, and shall furnish to the Secretariat copies of its laws, or a description thereof, that give effect to paragraph 2, and of any subsequent changes to such laws.

4. In order to enhance international cooperation in combatting the criminal offences related to illicit trade in tobacco, tobacco products and manufacturing equipment, Parties are encouraged to review their national laws regarding money laundering, mutual legal assistance and extradition, having regard to relevant international conventions to which they are Parties, to ensure that they are effective in the enforcement of the provisions of this Protocol.

Article 15

Liability of legal persons

1. Each Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for the unlawful conduct including criminal offences established in accordance with Article 14 of this Protocol.

2. Subject to the legal principles of each Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the liability of the natural persons who have engaged in the unlawful conduct or committed the criminal offences established in accordance with national laws and regulations and Article 14 of this Protocol.

Article 16

Prosecutions and sanctions

1. Each Party shall adopt such measures as may be necessary, in accordance with national law, to ensure that natural and legal persons held liable for the unlawful conduct including criminal offences established in accordance with Article 14 are subjected to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

2. Each Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for the unlawful conduct, including criminal offences established in accordance with Article 14, are exercised to maximize the effectiveness of law enforcement measures in respect of such unlawful conduct including criminal offences, and with due regard to the need to deter the commission of such unlawful conduct including offences.

3. Nothing contained in this Protocol shall affect the principle that the description of the unlawful conduct including criminal offences established in accordance with this Protocol and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a Party and that such unlawful conduct including criminal offences shall be prosecuted and sanctioned in accordance with that law.

Article 17*Seizure payments*

Parties should, in accordance with their domestic law, consider adopting such legislative and other measures as may be necessary to authorize competent authorities to levy an amount proportionate to lost taxes and duties from the producer, manufacturer, distributor, importer or exporter of seized tobacco, tobacco products and/or manufacturing equipment.

Article 18*Disposal or destruction*

All confiscated tobacco, tobacco products and manufacturing equipment shall be destroyed, using environmentally friendly methods to the greatest extent possible, or disposed of in accordance with national law.

Article 19*Special investigative techniques*

1. If permitted by the basic principles of its domestic legal system, each Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems it appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities on its territory for the purpose of effectively combating illicit trade in tobacco, tobacco products or manufacturing equipment.
2. For the purpose of investigating the criminal offences established in accordance with Article 14, Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using the techniques referred to in paragraph 1 in the context of cooperation at the international level.
3. In the absence of an agreement or arrangement as set forth in paragraph 2, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the Parties concerned.
4. Parties recognize the importance of, and need for, international cooperation and assistance in this area and shall cooperate, with each other and with international organizations, in developing capacity to achieve the goals of this Article.

PART V: INTERNATIONAL COOPERATION*Article 20**General information sharing*

1. Parties shall, for the purpose of achieving the objectives of this Protocol, report, as part of the WHO Framework Convention on Tobacco Control reporting instrument relevant information, subject to domestic law, and where appropriate, inter alia, on matters such as:
 - (a) in aggregate form, details of seizures of tobacco, tobacco products or manufacturing equipment, quantity, value of seizures, product descriptions, dates and places of manufacture; and taxes evaded;
 - (b) import, export, transit, tax-paid and duty-free sales and quantity or value of production of tobacco, tobacco products or manufacturing equipment;
 - (c) trends, concealment methods and modi operandi used in illicit trade in tobacco, tobacco products or manufacturing equipment; and
 - (d) any other relevant information, as agreed by the Parties.
2. Parties shall cooperate with each other and with competent international organizations to build the capacity of Parties to collect and exchange information.
3. Parties shall deem the said information to be confidential and for the use of Parties only, unless otherwise stated by the transmitting Party.

*Article 21**Enforcement information sharing*

1. Parties shall, subject to domestic law or any applicable international treaties, where appropriate, exchange, on their own initiative or on the request of a Party that provides due justification that such information is necessary for the purpose of detection or investigation of illicit trade in tobacco, tobacco products or manufacturing equipment, the following information:
 - (a) records of licensing for the natural and legal persons concerned;
 - (b) information for identification, monitoring and prosecution of natural or legal persons involved in illicit trade in tobacco, tobacco products or manufacturing equipment;
 - (c) records of investigations and prosecutions;
 - (d) records of payment for import, export or duty-free sales of tobacco, tobacco products or manufacturing equipment; and
 - (e) details of seizures of tobacco, tobacco products or manufacturing equipment (including case reference information where appropriate, quantity, value of seizure, product description, entities involved, date and place of manufacture) and modi operandi (including means of transport, concealment, routing and detection).

2. Information received from Parties under this Article shall be used exclusively to meet the objectives of this Protocol. Parties may specify that such information may not be passed on without the agreement of the Party which provided the information.

Article 22

Information sharing: confidentiality and protection of information

1. Each Party shall designate the competent national authorities to which data referred to in Articles 20, 21 and 24 are supplied and notify Parties of such designation through the Convention Secretariat.

2. The exchange of information under this Protocol shall be subject to domestic law regarding confidentiality and privacy. Parties shall protect, as mutually agreed, any confidential information that is exchanged.

Article 23

Assistance and cooperation: training, technical assistance and cooperation in scientific, technical and technological matters

1. Parties shall cooperate, with each other and/or through competent international and regional organizations in providing training, technical assistance and cooperation in scientific, technical and technological matters, in order to achieve the objectives of this Protocol, as mutually agreed. Such assistance may include the transfer of expertise or appropriate technology in the areas of information gathering, law enforcement, tracking and tracing, information management, protection of personal data, interdiction, electronic surveillance, forensic analysis, mutual legal assistance and extradition.

2. Parties may, as appropriate, enter into bilateral, multilateral or any other agreements or arrangements in order to promote training, technical assistance and cooperation in scientific, technical and technological matters taking into account the needs of developing-country Parties and Parties with economies in transition.

3. Parties shall cooperate, as appropriate, to develop and research the possibilities of identifying the exact geographical origin of seized tobacco and tobacco products.

Article 24

Assistance and cooperation: investigation and prosecution of offences

1. Parties shall, in accordance with their domestic law, take all necessary measures, where appropriate, to strengthen cooperation by multilateral, regional or bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of natural or legal persons engaged in illicit trade in tobacco, tobacco products or manufacturing equipment.

2. Each Party shall ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating illicit trade in tobacco, tobacco products or manufacturing equipment (including, where permitted under domestic law, judicial authorities) cooperate and exchange relevant information at national and international levels within the conditions prescribed by its domestic law.

*Article 25**Protection of sovereignty*

1. Parties shall carry out their obligations under this Protocol in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.
2. Nothing in this Protocol entitles a Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

*Article 26**Jurisdiction*

1. Each Party shall adopt such measures as may be necessary to establish its jurisdiction over the criminal offences established in accordance with Article 14 when:
 - (a) the offence is committed in the territory of that Party; or
 - (b) the offence is committed on board a vessel that is flying the flag of that Party or an aircraft that is registered under the laws of that Party at the time that the offence is committed.
2. Subject to Article 25, a Party may also establish its jurisdiction over any such criminal offence when:
 - (a) the offence is committed against that Party;
 - (b) the offence is committed by a national of that Party or a stateless person who has his or her habitual residence on its territory; or
 - (c) the offence is one of those established in accordance with Article 14 and is committed outside its territory with a view to the commission of an offence established in accordance with Article 14 within its territory.
3. For the purposes of Article 30, each Party shall adopt such measures as may be necessary to establish its jurisdiction over the criminal offences established in accordance with Article 14 when the alleged offender is present on its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.
4. Each Party may also adopt such measures as may be necessary to establish its jurisdiction over the criminal offences established in accordance with Article 14 when the alleged offender is present on its territory and it does not extradite him or her.
5. If a Party exercising its jurisdiction under paragraph 1 or 2 has been notified, or has otherwise learnt, that one or more other Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those Parties shall, as appropriate, consult one another with a view to coordinating their actions.
6. Without prejudice to norms of general international law, this Protocol does not exclude the exercise of any criminal jurisdiction established by a Party in accordance with its domestic law.

*Article 27**Law enforcement cooperation*

1. Each Party shall adopt, consistent with their respective domestic legal and administrative systems, effective measures to:

(a) enhance and, where necessary, establish channels of communication between the competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the criminal offences established in accordance with Article 14;

(b) ensure effective cooperation among the competent authorities, agencies, customs, police and other law enforcement agencies;

(c) cooperate with other Parties in conducting enquiries in specific cases with respect to criminal offences established in accordance with Article 14 concerning:

(i) the identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) the movement of proceeds of crime or property derived from the commission of such offences; and

(iii) the movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

(d) provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(e) facilitate effective coordination among its competent authorities, agencies and services and promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the Parties concerned, the posting of liaison officers;

(f) exchange relevant information with other Parties on specific means and methods used by natural or legal persons in committing such offences, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities; and

(g) exchange relevant information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the criminal offences established in accordance with Article 14.

2. With a view to giving effect to this Protocol, Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them accordingly. In the absence of such agreements or arrangements between the Parties concerned, the Parties may consider this Protocol as the basis for mutual law enforcement cooperation in respect of the offences covered by this Protocol. Whenever appropriate, Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

3. Parties shall endeavour to cooperate within their means to respond to transnational illicit trade of tobacco products committed through the use of modern technology.

Article 28*Mutual administrative assistance*

Consistent with their respective domestic legal and administrative systems, Parties shall provide each other, either on request or on their own initiative, with information to ensure proper application of customs and other relevant law in the prevention, detection, investigation, prosecution and combating of illicit trade in tobacco, tobacco products or manufacturing equipment. The Parties shall deem the said information to be confidential and for restricted use, unless otherwise stated by the transmitting Party. Such information may include:

- (a) new customs and other enforcement techniques of demonstrated effectiveness;
- (b) new trends, means or methods of engaging in illicit trade in tobacco, tobacco products and manufacturing equipment;
- (c) goods known to be the subject of illicit trade in tobacco, tobacco products and manufacturing equipment as well as details of description, packaging, transport and storage and methods used in respect of those goods;
- (d) natural or legal persons known to have committed or to be a party to an offence established in accordance with Article 14; and
- (e) any other data that would assist designated agencies in risk assessment for control and other enforcement purposes.

Article 29*Mutual legal assistance*

1. Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal offences established in accordance with Article 14 of this Protocol.
2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which legal persons may be held liable in accordance with Article 15 of this Protocol in the requesting Party.
3. Mutual legal assistance to be afforded in accordance with this Article may be requested for any of the following purposes:
 - (a) taking evidence or statements from persons;
 - (b) effecting service of judicial documents;
 - (c) executing searches and seizures, and freezing;
 - (d) examining objects and sites;
 - (e) providing information, evidentiary items and expert evaluations;
 - (f) providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;

- (g) identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- (h) facilitating the voluntary appearance of persons in the requesting Party; and
- (i) any other type of assistance that is not contrary to the domestic law of the requested Party.

4. This Article shall not affect the obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual legal assistance.

5. Paragraphs 6 to 24 shall, on the basis of reciprocity, apply to requests made pursuant to this Article if the Parties in question are not bound by a treaty or intergovernmental agreement of mutual legal assistance. If the Parties are bound by such a treaty or intergovernmental agreement, the corresponding provisions of that treaty or intergovernmental agreement shall apply unless the Parties agree to apply paragraphs 6 to 24 in lieu thereof. Parties are strongly encouraged to apply these paragraphs if they facilitate cooperation.

6. Parties shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to their respective competent authorities for execution. When a Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. Each Party shall notify the Head of the Convention Secretariat at the time of accession, acceptance, approval, formal confirmation or ratification of this Protocol of the central authority designated for this purpose. Transmission of requests for mutual legal assistance and any communication related thereto shall be effected between the central authorities designated by the Parties. This requirement shall be without prejudice to the right of a Party to require that such requests and communications be addressed to it through the diplomatic channel and, in urgent circumstances, where the Parties agree, through appropriate international organizations, if possible.

7. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested Party under conditions allowing the Party to establish authenticity. The language or languages acceptable to each Party shall be notified to the Head of the Convention Secretariat at the time of accession, acceptance, approval, formal confirmation or ratification of this Protocol. In urgent circumstances, and where agreed by the Parties, requests may be made orally, but shall be confirmed in writing forthwith.

8. A request for mutual legal assistance shall contain:

- (a) the identity of the authority making the request;
- (b) the subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates, and the name and the functions of the authority conducting such investigation, prosecution or judicial proceeding;
- (c) a summary of the relevant facts, except in respect of requests for the purpose of service of judicial documents;
- (d) a description of the assistance sought and details of any particular procedure that the requesting Party wishes to be followed;
- (e) where possible, the identity, location and nationality of any person concerned;

- (f) the purpose for which the evidence, information or action is sought; and
- (g) the provisions of the domestic law relevant to the criminal offence and the punishment therefore.

9. The requested Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

10. A request shall be executed in accordance with the domestic law of the requested Party and, to the extent not contrary to the domestic law of the requested Party and where possible, in accordance with the procedures specified in the request.

11. The requesting Party shall not transmit or use information or evidence furnished by the requested Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested Party. Nothing in this paragraph shall prevent the requesting Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting Party shall notify the requested Party prior to the disclosure and, if so requested, consult with the requested Party. If, in an exceptional case, advance notice is not possible, the requesting Party shall inform the requested Party of the disclosure without delay.

12. The requesting Party may require that the requested Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting Party.

13. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a Party and has to be heard as a witness or expert by the judicial authorities of another Party, the first Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting Party. Parties may agree that the hearing shall be conducted by a judicial authority of the requesting Party and attended by a judicial authority of the requested Party.

14. Mutual legal assistance may be refused:

- (a) if the request is not made in conformity with this Article;
- (b) if the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests;
- (c) if the authorities of the requested Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;
- (d) where the request involves a crime where the maximum penalty in the requested Party is less than two years of imprisonment or other forms of deprivation of liberty or, if, in the judgment of the requested Party, the provision of the assistance would impose a burden on its resources that is disproportionate to the seriousness of the crime; or
- (e) if it would be contrary to the legal system of the requested Party relating to mutual legal assistance for the request to be granted.

15. Reasons shall be given for any refusal of mutual legal assistance.

16. A Party shall not decline to render mutual legal assistance under this Article on the ground of bank secrecy.
17. Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.
18. Parties may decline to render mutual legal assistance pursuant to this Article on the ground of absence of dual criminality. However, the requested Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested Party.
19. The requested Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting Party and for which reasons are given, preferably in the request. The requested Party shall respond to reasonable requests by the requesting Party regarding progress in its handling of the request. The requesting Party shall promptly inform the requested Party when the assistance sought is no longer required.
20. Mutual legal assistance may be postponed by the requested Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.
21. Before refusing a request pursuant to paragraph 14 or postponing its execution pursuant to paragraph 20, the requested Party shall consult with the requesting Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting Party accepts assistance subject to those conditions, it shall comply with the conditions.
22. The ordinary costs of executing a request shall be borne by the requested Party, unless otherwise agreed by the Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfill the request, the Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.
23. In the event of a request, the requested Party:
 - (a) shall provide to the requesting Party copies of government records, documents or information in its possession that under its domestic law are available to the general public; and
 - (b) may, at its discretion, provide to the requesting Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.
24. Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this Article.

Article 30

Extradition

1. This Article shall apply to the criminal offences established in accordance with Article 14 of this Protocol when:
 - (a) the person who is the subject of the request for extradition is located in the territory of the requested Party;

(b) the criminal offence for which extradition is sought is punishable under the domestic law of both the requesting Party and the requested Party; and

(c) the offence is punishable by a maximum period of imprisonment or other forms of deprivation of liberty of at least four years or by a more severe penalty or such lesser period as agreed by the Parties concerned pursuant to bilateral and multilateral treaties or other international agreements.

2. Each of the criminal offences to which this Article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. The Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

3. If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may consider this Protocol as the legal basis for extradition in respect of any criminal offence to which this Article applies.

4. Parties that do not make extradition conditional on the existence of a treaty shall recognize the criminal offences to which this Article applies as extraditable offences between themselves.

5. Extradition shall be subject to the conditions provided for by the domestic law of the requested Party or by applicable extradition treaties, including, *inter alia*, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested Party may refuse extradition.

6. Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any criminal offences to which this Article applies.

7. A Party in whose territory an alleged offender is present, if it does not extradite such person in respect of a criminal offence to which this Article applies solely on the ground that he or she is one of its nationals, shall, at the request of the Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a similar nature under the domestic law of that Party. The Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

8. Whenever a Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that Party and the Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 7.

9. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.

10. Any person regarding whom proceedings are being carried out in connection with any of the criminal offences to which this Article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the Party in the territory of which that person is present.

11. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite if the requested Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.
12. Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.
13. Before refusing extradition, the requested Party shall, where appropriate, consult with the requesting Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.
14. Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition. Where Parties are bound by an existing treaty or intergovernmental arrangement the corresponding provisions of that treaty or intergovernmental arrangement shall apply unless the Parties agree to apply paragraph 1 to 13 in lieu thereof.

Article 31

Measures to ensure extradition

1. Subject to its domestic law and its extradition treaties, the requested Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.
2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law, as appropriate and without delay, to the requesting Party.
3. Any person regarding whom the measures in accordance with paragraph 1 are being taken, shall be entitled to:
 - (a) communicate without delay with the nearest appropriate representative of the State of which that person is a national or, if that person is a stateless person, the State in the territory of which that person habitually resides; and
 - (b) be visited by a representative of that State.

PART VI: REPORTING

Article 32

Reporting and exchange of information

1. Each Party shall submit to the Meeting of the Parties, through the Convention Secretariat, periodic reports on its implementation of this Protocol.
2. The format and content of such reports shall be determined by the Meeting of the Parties. These reports shall form part of the regular WHO Framework Convention on Tobacco Control reporting instrument.

3. The content of the periodic reports referred to in paragraph 1, shall be determined having regard, inter alia, to the following:

- (a) information on legislative, executive, administrative or other measures taken to implement this Protocol;
- (b) information, as appropriate, on any constraints or barriers encountered in the implementation of this Protocol and on the measures taken to overcome those barriers;
- (c) information, as appropriate, on financial and technical assistance provided, received, or requested for activities related to the elimination of illicit trade in tobacco products; and
- (d) the information specified in Article 20.

In those cases when relevant data are already being collected as part of the Conference of the Parties reporting mechanism, the Meeting of the Parties shall not duplicate these efforts.

4. The Meeting of the Parties, pursuant to Articles 33 and 36, shall consider arrangements to assist developing-country Parties and Parties with economies in transition, at their request, in meeting their obligations under this Article.

5. The reporting of information under those Articles shall be subject to national law regarding confidentiality and privacy. Parties shall protect, as mutually agreed, any confidential information that is reported or exchanged.

PART VII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES

Article 33

Meeting of the Parties

1. A Meeting of the Parties is hereby established. The first session of the Meeting of the Parties shall be convened by the Convention Secretariat immediately before or immediately after the next regular session of the Conference of the Parties following the entry into force of this Protocol.

2. Thereafter, regular sessions of the Meeting of the Parties shall be convened by the Convention Secretariat, immediately before or immediately after regular sessions of the Conference of the Parties.

3. Extraordinary sessions of the Meeting of the Parties shall be held at such other times as may be deemed necessary by the Meeting or at the written request of any Party, provided that, within six months of the request being communicated to them by the Convention Secretariat, it is supported by at least one third of the Parties.

4. The Rules of Procedure and the Financial Rules of the Conference of the Parties to the WHO Framework Convention on Tobacco Control shall apply, mutatis mutandis, to the Meeting of the Parties unless the Meeting of the Parties decides otherwise.

5. The Meeting of the Parties shall keep under regular review the implementation of the Protocol and take the decisions necessary to promote its effective implementation.

6. The Meeting of the Parties shall decide on the scale and mechanism of the voluntary assessed contributions from the Parties to the Protocol for the operation of this Protocol as well as other possible resources for its implementation.

7. At each ordinary session, the Meeting of the Parties shall by consensus adopt a budget and workplan for the financial period until the next ordinary session, which shall be distinct from the WHO Framework Convention on Tobacco Control budget and workplan.

Article 34

Secretariat

1. The Convention Secretariat shall be the Secretariat of this Protocol.
2. The functions of the Convention Secretariat with regard to its role as the secretariat of this Protocol shall be to:
 - (a) make arrangements for sessions of the Meeting of the Parties and any subsidiary bodies as well as working groups and other bodies established by the Meeting of the Parties and provide them with services as required;
 - (b) receive, analyse, transmit and provide feedback to Parties concerned as needed and to the Meeting of the Parties on reports received by it pursuant to this Protocol and facilitate the exchange of information among Parties;
 - (c) provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation, communication, and exchange of information required in accordance with the provisions of this Protocol, and assistance in the identification of available resources to facilitate implementation of the obligations under this Protocol;
 - (d) prepare reports on its activities under this Protocol under the guidance of and for submission to the Meeting of the Parties;
 - (e) ensure, under the guidance of the Meeting of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;
 - (f) enter, under the guidance of the Meeting of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions as secretariat to this Protocol;
 - (g) receive and review applications by intergovernmental and nongovernmental organizations wishing to be accredited as observers to the Meeting of the Parties, while ensuring that they are not affiliated with the tobacco industry, and present the reviewed applications to the Meeting of the Parties for its consideration; and
 - (h) perform other secretariat functions specified by this Protocol and such other functions as may be determined by the Meeting of the Parties.

Article 35*Relations between the Meeting of the Parties and intergovernmental organizations*

In order to provide technical and financial cooperation for achieving the objective of this Protocol, the Meetings of the Parties may request the cooperation of competent international and regional intergovernmental organizations, including financial and development institutions.

Article 36*Financial resources*

1. Parties recognize the important role that financial resources play in achieving the objective of this Protocol, and acknowledge the importance of Article 26 of the WHO Framework Convention on Tobacco Control in achieving the objectives of the Convention.
2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of this Protocol, in accordance with its national plans, priorities and programmes.
3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for strengthening the capacity of developing-country Parties and Parties with economies in transition in order to meet the objectives of this Protocol.
4. Without prejudice to Article 18, Parties are encouraged, subject to national laws and policies and where appropriate, to use any confiscated proceeds of crime deriving from the illicit trade in tobacco, tobacco products and manufacturing equipment to achieve the objectives set out in this Protocol.
5. Parties represented in relevant regional and international intergovernmental organizations and financial and development institutions shall encourage these entities to provide financial assistance for developing-country Parties and for Parties with economies in transition to assist them in meeting their obligations under this Protocol, without limiting the rights of participation within these organizations.
6. Parties agree that:
 - (a) to assist Parties in meeting their obligations under this Protocol, all relevant potential and existing resources available for activities related to the objective of this Protocol should be mobilized and utilized for the benefit of all Parties, especially developing-country Parties and Parties with economies in transition; and
 - (b) the Convention Secretariat shall advise developing-country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate implementation of their obligations under this Protocol.
7. Parties may require the tobacco industry to bear any costs associated with a Party's obligations to achieve the objectives of this Protocol, in compliance with Article 5.3 of the WHO Framework Convention on Tobacco Control.
8. Parties shall endeavour, subject to their domestic law, to achieve self-financing of the implementation of the Protocol including through the levying of taxes and other forms of charges on tobacco products.

PART VIII: SETTLEMENT OF DISPUTES

Article 37

Settlement of disputes

The settlement of disputes between Parties concerning the interpretation or application of this Protocol is governed by Article 27 of the WHO Framework Convention on Tobacco Control.

PART IX: DEVELOPMENT OF THE PROTOCOL

Article 38

Amendments to this Protocol

1. Any Party may propose amendments to this Protocol.
2. Amendments to this Protocol shall be considered and adopted by the Meeting of the Parties. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the Convention Secretariat at least six months before the session at which it is proposed for adoption. The Convention Secretariat shall also communicate proposed amendments to the signatories of this Protocol and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to this Protocol. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Convention Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 shall enter into force for those Parties having accepted it on the 90th day after the date of receipt by the Depositary of an instrument of acceptance by at least two thirds of the Parties.
5. The amendment shall enter into force for any other Party on the 90th day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 39

Adoption and amendment of annexes to this Protocol

1. Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.
2. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.
3. Annexes to this Protocol and amendments thereto shall be proposed, adopted and enter into force in accordance with the procedure set forth in Article 38.

PART X: FINAL PROVISIONS***Article 40****Reservations*

No reservations may be made to this Protocol.

Article 41*Withdrawal*

1. At any time after two years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the WHO Framework Convention on Tobacco Control shall also be considered as having withdrawn from this Protocol, with effect as of the date of its withdrawal from the WHO Framework Convention on Tobacco Control.

Article 42*Right to vote*

1. Each Party to this Protocol shall have one vote, except as provided for in paragraph 2.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Protocol. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Article 43*Signature*

The Protocol shall be open for signature by all Parties to the WHO Framework Convention on Tobacco Control at World Health Organization Headquarters in Geneva from 10 to 11 January 2013, and thereafter at United Nations Headquarters in New York until 9 January 2014.

Article 44*Ratification, acceptance, approval, formal confirmation or accession*

1. This Protocol shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations that are Party to the WHO Framework Convention on Tobacco Control. It shall be open for accession from the day after the date on which the Protocol is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.
2. Any regional economic integration organization that becomes a Party without any of its Member States being a Party shall be bound by all the obligations under this Protocol. In the case of organizations one or more of whose Member States is a Party, the organization and its Member States

shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and the Member States shall not be entitled to exercise rights under this Protocol concurrently.

3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification to the extent of their competence.

Article 45

Entry into force

1. This Protocol shall enter into force on the 90th day following the date of deposit of the 40th instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.

2. For each Party to the WHO Framework Convention on Tobacco Control that ratifies, accepts, approves or formally confirms this Protocol or accedes thereto after the conditions set out in paragraph 1 for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval, accession or formal confirmation.

3. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of that organization.

Article 46

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Protocol.

Article 47

Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

FCTC/COP5(2) Applications for the status of observer to the Conference of the Parties

The Conference of the Parties (COP), in accordance with Rule 30 of its Rules of Procedure,

Having considered the applications for observer status submitted by two intergovernmental organizations contained in document FCTC/COP/5/3,

DECIDES:

- (1) to grant to the South Centre the status of observer to the COP;
- (2) to defer consideration of the application for observer status submitted by the International Criminal Police Organization (INTERPOL); and to mandate the Bureau of the COP to liaise with INTERPOL to seek clarification on considerations relating to its application for observer status, taking account Rule 30 of the Rules of Procedure of the COP, in particular in relation to Article 5.3 of the WHO FCTC; and to submit a report to the next regular session of COP.

(First plenary meeting, 12 November 2012)

FCTC/COP5(3) Election of the officers of Committees A and B

The following officers were elected to Committees A and B, pursuant to Rule 28 of the Rules of Procedure of the Conference of the Parties:

Committee A:	Chairperson	Professor Nuntavarn Vichit-Vadakan (Thailand)
	Vice-Chairpersons	Dr Frank Niggemeier (Germany) Dr Jawad Al-Lawati (Oman)
Committee B:	Chairperson	Mr Masudi Ngeywo (Kenya)
	Vice-Chairpersons	Dr Ganglip KIM (Republic of Korea) Mr Leandro Viegas (Brazil)

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(4) Credentials of the Parties

The Conference of the Parties,

RECOGNIZES the validity of the credentials of the representatives of the following Parties:

Afghanistan, Algeria, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Estonia, European Union, Fiji, Finland, France, Gabon, Gambia, Germany, Greece, Guatemala, Honduras, Hungary, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao Peoples Democratic Republic, Lesotho, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Niue, Norway, Oman, Pakistan, Palau, Panama, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Russian Federation, Senegal, Seychelles, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, and Zambia.

The representatives of following Parties were entitled to participate provisionally in the session with all rights in the Conference pending arrival of their formal credentials:

Botswana, Bulgaria, Denmark, Georgia, Ghana, Guinea, Guinea-Bissau, India, Iraq, Marshall Islands, Namibia, Papua New Guinea, Paraguay, Peru, Qatar, Samoa, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Sudan, Syrian Arab Republic, Uzbekistan, and Venezuela (Bolivarian Republic of).

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(5) Seoul Declaration

Noting the report of the Convention Secretariat on global progress in implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC);¹

Recalling decision FCTC/COP4(5) adopting the Punta del Este Declaration on the implementation of the WHO FCTC;

Welcoming the political declarations of the First Ministerial Conference on Healthy Lifestyles and Noncommunicable Disease Control held in April 2011, the High-level Meeting of the United Nations General Assembly on Prevention and Control of Non-communicable Diseases held in September 2011,² and the World Conference on Social Determinants of Health held in October 2011, the political outcome document of the United Nations Conference on Sustainable Development held in June 2012,³ and the resolution of the Economic and Social Council on United Nations system-wide coherence on tobacco control adopted in July 2012;⁴

Acknowledging that the global burden and threat of noncommunicable diseases constitutes one of the major challenges for sustainable development, and recognizing the critical importance of reducing the level of exposure of individuals and populations to risk factors including tobacco use and exposure to tobacco smoke;

Recognizing the contribution of tobacco control efforts to improving public health and supporting the fundamental right of every human being to the enjoyment of the highest attainable standard of health;

Emphasizing the call of the international community to accelerate the implementation by Parties to the WHO FCTC and the encouragement to countries that have not yet done so to consider acceding to the Convention;

Noting with concern that the most frequently reported barrier to effective implementation of the WHO FCTC is interference by the tobacco industry;

Recalling the fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests;

Reiterating their determination to give priority to their right to protect public health;

The Parties to the WHO FCTC declare:

1. Their commitment to accelerate implementation of the Convention in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.
2. Their determination to support, at the national, regional and international levels, comprehensive, multisectoral and coordinated approaches to tobacco control, recognizing that effective noncommunicable disease prevention and control requires whole-of-government approaches.

¹ Document FCTC/COP/5/5.

² Resolution A/RES/66/2.

³ Resolution A/RES/66/288.

⁴ Resolution E/RES/2012/4.

3. Their commitment to continue efforts to mobilize the financial and technical resources needed to support tobacco control activities, especially in developing countries and countries with economies in transition.
4. Their resolve to strengthen action to protect tobacco control policies from commercial and other vested interests of the tobacco industry, as required by Article 5.3 of the Convention and consistent with the guidelines for its implementation.
5. Their determination not to allow tobacco industry interference to slow or prevent the development and implementation of tobacco control measures in the interests of public health and in accordance with the Convention and consistent with its guidelines.
6. Their commitment to cooperate with each other and with the Convention Secretariat and other competent international bodies, consistent with Article 22 of the Convention, to strengthen their capacity to fulfil the obligations arising from the Convention and in efforts to counteract tobacco industry interference.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(6) 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*)

The Conference of the Parties,

Taking into account Article 7 (*Non-price measures to reduce the demand for tobacco*), Article 9 (*Regulation of the contents of tobacco products*) and Article 10 (*Regulation of tobacco product disclosures*) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling its decision FCTC/COP1(15) to establish a working group to elaborate guidelines for implementation of Article 9 and Article 10 of the WHO FCTC, and its decision FCTC/COP2(14) to extend the work of the working group to include product characteristics, such as design features, to the extent that they affect the objectives of the WHO FCTC;

Recalling its decision FCTC/COP4(10) to adopt partial guidelines for implementation of Article 9 and Article 10 of the WHO FCTC and to mandate the working group to continue its work in elaborating guidelines in a step-by-step process, to submit draft guidelines on addictiveness and toxicity to future sessions of the Conference of the Parties for consideration, to continue to monitor areas such as dependence liability and toxicology, and to examine the regulation of cigarette ignition propensity, as a product characteristic;

Noting Annex 3 of the report of the working group to the Conference of the Parties at its fifth session (document FCTC/COP/5/9) entitled *Background paper on tobacco addictiveness reduction*,

1. ADOPTS the further partial guidelines for implementation of Article 9 and Article 10 of the WHO FCTC contained in the Annex to this decision;
2. WELCOMES the report of WHO's Tobacco Free Initiative to the Conference of the Parties on the work in progress in relation to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/5/INF.DOC./1);
3. REQUESTS the Convention Secretariat:
 - (a) to make accessible, via a web site, the studies, research and other reference material used in the development of the further partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC;
 - (b) to invite WHO to:
 - (i) continue the validation of the analytical chemical methods for testing and measuring cigarette contents and emissions in accordance with the progress report (document FCTC/COP/3/6) and to inform the Conference of the Parties through the Convention Secretariat on a regular basis of the progress made;
 - (ii) prepare a comprehensive report that, based on a review of the scientific and medical literature, identifies measures that would be likely to reduce the toxicity of both smoked and smokeless tobacco products and describes the evidence supporting the effectiveness of such measures, and that examines the experience of Parties on the matter for consideration at the sixth session of the Conference of the Parties;

(iii) monitor and follow closely the evolution of new tobacco products, including products with potentially “modified risks” and to report to the Conference of the Parties on any relevant development;

(iv) direct some of its activities towards section 12 of the background paper (Annex 3 of document document FCTC/COP/5/9), which outlines aspects of addictiveness (or dependence liability) of both smoked and smokeless tobacco products that remain to be studied;

(v) develop draft fact sheets on measures recommended in the *Partial guidelines on the implementation of Articles 9 and 10 of the WHO FCTC* to provide support to effective implementation and raise awareness of their benefits among Parties;

(vi) monitor and research the country experience and scientific development with respect to reduced ignition propensity cigarettes; and

(vii) compile, make available for Parties and update a non-exhaustive list of toxic contents and emissions of tobacco products, and advise about how such information could be best used by Parties;

4. INVITES Parties, international, regional and subregional organizations, international financial institutions and/or other development partners to assign resources to the conduct of research that would support Parties in implementing Articles 9 and 10 of the WHO FCTC;

5. DECIDES to mandate the working group to:

- (a) continue to monitor areas such as dependence liability and toxicology;
- (b) continue its work in elaborating guidelines in a step-by-step process, and to submit draft partial guidelines or a progress report on the testing and measuring of contents and emissions using the analytical chemical methods validated by WHO to the next session of the Conference of the Parties;
- (c) identify which other analytical chemical methods for the testing and measuring of cigarette contents and emissions, or ingredients, need to be validated and/or to identify the methods for which validation should be extended to include tobacco products other than cigarettes;
- (d) continue work on definitions in the area of product regulation;
- (e) examine how Parties may address possible false, misleading or deceptive conduct and/or representations with respect to tobacco products contents, characteristics and/or performance, and possibly produce text on this matter to be included in the partial guidelines;

6. ALSO DECIDES, in accordance with decision FCTC/COP4(10):

- (a) to request the Convention Secretariat to provide assistance and make the necessary arrangements, including budgetary arrangements, for the working group to continue its work, and to ensure, in consultation with the Bureau of the Conference of the Parties, that Parties have access to the draft text (for example, via a protected web site) and can provide comments before the circulation of the draft guidelines to the Conference of the Parties;

(b) to adopt the timeline set out below:

Draft report made available by the Secretariat for comments by the Parties	At least six months before the opening day of the sixth session of the Conference of the Parties
Submission of the final report by the working group to the Secretariat	At least three months before the opening day of the sixth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the sixth session of the Conference of the Parties in accordance with Rule 8 of the Rules of Procedure of the Conference of the Parties

ANNEX

PUBLIC DISCLOSURE – TOXIC CONSTITUENTS AND EMISSIONS**TEXT TO BE INSERTED INTO THE PARTIAL GUIDELINES FOR IMPLEMENTATION
OF ARTICLES 9 AND 10 OF THE WHO FCTC AS ADOPTED
BY THE COP AT ITS FOURTH SESSION***INSERT after heading “1.2.3 Disclosure to the public”*

Pursuant to Article 10, the primary objective of public disclosure of information about the toxic constituents and emissions of tobacco products is to inform the public of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke. This information may also assist the public in contributing to the development and implementation of relevant policies, activities and regulations.

INSERT after heading “2.7 Confidentiality in relation to disclosure to the public”

Parties should disclose information about the toxic constituents and emissions of tobacco products to the public in a meaningful way. Parties may determine in accordance with their national laws the information about the toxic constituents and emissions of tobacco products that should not be disclosed to the public.

INSERT after heading “3.5 Disclosure to the public”

3.5.1 Background

Many people are not fully aware of, misunderstand or underestimate the risks for morbidity and premature mortality attributable to tobacco use and exposure to tobacco smoke. Complementing other measures relating to the reduction of demand for tobacco, Article 10 of the WHO FCTC requires that each Party shall adopt and implement effective measures for public disclosure of information about the toxic constituents of tobacco products and the emissions that they may produce. As stated in Article 4.1 of the WHO FCTC, Parties shall be guided by the principle that every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke.

3.5.2 Scope and means of public disclosure

3.5.2.1 Public access to information disclosed to governmental authorities

Detailed information about the toxic constituents and emissions of tobacco products is difficult to comprehend, and public disclosure of such information might not directly promote or protect public health. However, such information may assist other members of civil society, particularly academic institutions and nongovernmental organizations, in contributing to tobacco control policy.

In addition, other information disclosed to governmental authorities in accordance with these guidelines, such as information on ingredients, product characteristics and the market, may also contribute to raising public awareness and advancing tobacco control policy.

Recommendation:

Parties should consider, in accordance with their national laws, making information about the toxic constituents and emissions of tobacco products and other information disclosed to governmental

authorities in accordance with these guidelines publicly accessible (e.g. via the Internet, or by request to a governmental authority) in a meaningful way.

3.5.2.2 Public disclosure of constituents and emissions in the context of Articles 11 and 12 of the WHO FCTC

Information on how public disclosure is linked to Articles 11 and 12 of the WHO FCTC can be found in section 7, “LINKS TO OTHER ARTICLES OF THE WHO FCTC”.

INSERT after heading “7 LINKS TO OTHER ARTICLES OF THE WHO FCTC”

7.1 Packaging suggesting the presence of a prohibited or, where appropriate, restricted ingredient

INSERT after paragraph “7.1 Packaging suggesting the presence of a prohibited ingredient”

7.2 Information on relevant constituents and emissions on tobacco packaging

Tobacco product packaging and labelling are an effective means of public communication about constituents and emissions of tobacco products, as recognized in Article 11 of the WHO FCTC. Parties should refer to Article 11 and the guidelines for its implementation.

7.3 Information on relevant constituents and emissions in education, communication, training and other public awareness programmes

Parties should consider including messages about constituents and emissions of tobacco products in education, communication, training and other public awareness programmes. Such messages may reinforce efforts to inform the public of the health consequences, addictive nature and mortal threat posed by tobacco use and exposure to tobacco smoke in programmes established in accordance with Article 12 of the WHO FCTC and the guidelines for its implementation.

**PRODUCT CHARACTERISTICS IN RELATION TO FIRE-RISK
(REDUCED IGNITION PROPENSITY)**

**TEXT TO BE INSERTED INTO THE PARTIAL GUIDELINES FOR IMPLEMENTATION
OF ARTICLES 9 AND 10 OF THE WHO FCTC AS ADOPTED
BY THE COP AT ITS FOURTH SESSION**

INSERT after heading “3.3.2 Regulation”

3.3.2.1 Cigarettes – Regulation in relation to fire-risk (reduced ignition propensity)

(i) Background

Lit cigarettes that are laid down and left unattended smoulder and can ignite upholstery, other furniture, bedding and other textiles, or other material. This has been observed most often in cases of smoking in bed or smoking while under the influence of alcohol, illicit drugs or medication. Every year a considerable number of people around the world are injured or die (e.g. from burns or smoke gas poisonings) as a result of fires caused by cigarettes.

In order to prevent a significant number of such injuries and deaths, cigarettes can be designed in a way that the cigarette self extinguishes when not puffed or left unattended and thereby has a reduced risk of starting fires. These cigarettes are known as reduced ignition propensity cigarettes (RIP cigarettes).

Reductions in the number of cigarette fires and related victims have been observed in some jurisdictions that have mandated the replacement of conventional cigarettes with RIP cigarettes. Although RIP cigarettes do not self-extinguish in every case, they are expected to reduce the risk of a fire being ignited, and thus the risk of injuries and deaths. It is important to note that mandating an RIP standard is aimed at reducing the number of fires caused by lit cigarettes; it will not eliminate them.

There have been claims that RIP cigarettes may have a different toxicity than conventional cigarettes. Research suggests that RIP cigarettes are just as toxic as conventional cigarettes and equally dangerous to human health.

(ii) Regulating the ignition propensity of cigarettes

In regulating the ignition propensity of cigarettes, governmental authorities usually take a performance-based approach by adopting provisions that prescribe the test method to be used, and then provisions that set the pass/fail criteria (performance standard) applicable to the results obtained after conduct of the test (see Appendix 4).

In a number of cases, governmental authorities have also laid down requirements related to a specific technique for achieving RIP, namely banded paper technology, and requirements related to certification (see Appendix 5).

(iii) Recommendations

- (i) Parties should require that cigarettes comply with an RIP standard, taking into account their national circumstances and priorities.

(ii) When implementing recommendation (i) of this paragraph, Parties should consider setting a performance standard that corresponds at a minimum to the current international practice, regarding the percentage of cigarettes that may not burn their full length when tested according to the method described in Appendix 4.

(iii) Parties should not allow any claims to be made suggesting that RIP cigarettes would be unable to ignite fires.

INSERT instead of “4.4 Deadline – prohibited or restricted ingredients”

4.4 Deadlines

4.4.1 Prohibited or restricted ingredients

(Text remains the same as in the current paragraph 4.4)

4.4.2 Reduced ignition propensity

Parties should specify a deadline following which the tobacco industry and retailers must only supply cigarettes that comply with the required RIP standard.

INSERT instead of “4.6 Sampling and testing – prohibited or restricted ingredients”

4.6 Sampling and testing

4.6.1 Prohibited or restricted ingredients

(Text remains the same as in the current paragraph 4.6)

4.6.2 Reduced ignition propensity

Parties should consider having samples of cigarettes collected from manufacturers, importers or retailers. These samples should then be tested to ascertain whether they comply with the required RIP performance standard. Both sampling and testing should be carried out according to the method described in Appendix 4.

Appendix 4

Performance standard for reduced ignition propensity (RIP) cigarettes and related standard test methods

The performance standard for RIP cigarettes has been expressed as the percentage of cigarettes that, when ignited and laid down on a pre-determined substrate, do not burn through their whole length.

As of 2012, international practice is to require a not-burn-through rate of no less than 75% by testing on 10 layers of filter paper.

As of 2012, available standard test methods for sampling and verifying the conformity of cigarettes with the required not-burn-through rate include: ISO 12863:2010 “Standard test method for assessing the ignition propensity of cigarettes”; EN ISO 12863:2010 “Standard test method for assessing the ignition propensity of cigarettes”; AS 4830-2007 “Determination of the extinction propensity of cigarettes”; NZS/AS 4830:2007 “Determination of the extinction propensity of cigarettes”; and ASTM E2187-09 “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

Appendix 5

Reduced ignition propensity cigarettes – additional information

(a) Design of the cigarette paper

Where Parties have required banded paper technology, one of the practices with respect to both filter and non-filter cigarettes is for one band surrounding the tobacco column to be located not less than 15 mm from the lighting end of the cigarette, and for a second such band to be located not less than 10 mm from the filter end or, in the case of non-filter cigarettes, not less than 10 mm from the labelled end of the tobacco column.

The above-mentioned approach should not be understood as precluding the future use of other technologies at least as effective in reducing the ignition propensity of cigarettes.

(b) Certification approach

Where a self-certification approach has been adopted, the practice is to require the tobacco industry to file with the appropriate governmental authority a statement of conformity and/or declaration of truth, with the required RIP standard. An alternative approach would be to mandate third-party certification.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(7) Set of guiding principles and recommendations for implementation of Article 6 of the WHO Framework Convention on Tobacco Control (*Price and tax measures to reduce the demand for tobacco*)

The Conference of the Parties,

Taking into account Article 6 (*Price and tax measures to reduce the demand for tobacco*) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling its decision FCTC/COP4(13) to establish a working group to elaborate guidelines for implementation of Article 6 of the WHO FCTC;

Having considered the report of the working group contained in document FCTC/COP/5/8;

Emphasizing that the aim of this set of guiding principles and recommendations is to assist Parties in implementing provisions under Article 6 of the WHO FCTC;

Mindful of the provisional nature of this set of guiding principles and recommendations and the possible need for reassessment in light of further work on the draft guidelines,

1. ADOPTS the set of guiding principles and recommendations for implementation of Article 6 of the WHO FCTC contained in the Annex to this decision;
2. DECIDES to establish an open-ended intersessional drafting group to continue the work of elaborating guidelines for implementation of Article 6 of the WHO FCTC and present a complete draft for consideration by the sixth session of the Conference of the Parties;
3. ALSO DECIDES, in accordance with decision FCTC/COP4(13):
 - (a) to request the Convention Secretariat to provide assistance and make the necessary arrangements including budgetary arrangements for the continued work, and to ensure, in consultation with the Bureau of the Conference of the Parties, that Parties have access to the draft text (for example, via a protected web site) and can provide comments;
 - (b) to adopt the timeline set out below:

Draft report made available by the Secretariat for comments by the Parties	At least six months before the opening day of the sixth session of the Conference of the Parties
Submission of the final report by the drafting group to the Secretariat	At least three months before the opening day of the sixth session of the Conference of the Parties
Circulation to the Conference of the Parties	At least 60 days before the opening day of the sixth session of the Conference of the Parties in accordance with Rule 8 of the Rules of Procedure of the Conference of the Parties

- (c) to invite Parties, by 31 January 2013, to confirm to the Convention Secretariat their intention to participate in the work of the drafting group.

ANNEX

**SET OF GUIDING PRINCIPLES AND RECOMMENDATIONS FOR
IMPLEMENTATION OF ARTICLE 6 OF THE WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL****1. Guiding principles****1.1 Determining tobacco taxation policies is a sovereign right of the Parties**

All parts of the guidelines respect the sovereign right of the Parties to determine and establish their taxation policies, as set out in Article 6.2 of the WHO FCTC.

1.2 Effective tobacco taxes significantly reduce tobacco consumption and prevalence

Effective taxes on tobacco products that lead to higher real consumer prices (inflation-adjusted) are desirable because they lower consumption and prevalence, and thereby in turn reduce mortality and morbidity and improve the health of the population. Increasing tobacco taxes is particularly important for protecting young people from initiating or continuing tobacco consumption.

1.3 Effective tobacco taxes are an important source of revenue

Effective tobacco taxes contribute significantly to State budgets. Increasing tobacco taxes generally further increases government revenues, as the increase in tax normally outweighs the decline in consumption of tobacco products.

1.4 Tobacco taxes are economically efficient and reduce health inequalities

Tobacco taxes are generally considered to be economically efficient as they apply to a product with inelastic demand. Low- and middle-income population groups are more responsive to tax and price increases; therefore consumption and prevalence are reduced in these groups by greater magnitudes than in higher-income groups, resulting in a reduction in health inequalities and tobacco-related poverty.

1.5 Tobacco tax systems and administration should be efficient and effective

Tobacco tax systems should be structured to minimize the costs of compliance and administration while ensuring that the desired level of tax revenue is raised and health objectives are achieved.

Efficient and effective administration of tobacco tax systems enhances tax compliance and collection of tax revenues while reducing tax evasion and the risk of illicit trade.

1.6 Tobacco tax policies should be protected from vested interests

The development, implementation and enforcement of tobacco tax and price policies as part of public health policies should be protected from commercial and other vested interests of the tobacco industry, including tactics of using the issue of smuggling in hindering implementation of tax and price policies, as required under Article 5.3 of the WHO FCTC and consistent with the guidelines for its implementation as well as from any other actual and potential conflicts of interests.

2. Taxation and affordability (income elasticity)

Recommendation

When establishing or increasing their national levels of taxation Parties should take into account – among other things – both price elasticity and income elasticity of demand, as well as inflation and changes in household income, to make tobacco products less affordable over time in order to reduce consumption and prevalence. Therefore, Parties should consider having regular adjustment processes or procedures for periodic revaluation of tobacco tax levels.

3. Structure of tobacco taxes (ad valorem, specific, mixture of both, minimum taxes, other taxes on tobacco goods)

Recommendation

Parties should implement the simplest and most efficient system that meets their public health and fiscal needs, and taking into account their national circumstances. Parties should consider implementing specific or mixed excise systems with a minimum specific tax floor, as these systems have considerable advantages over purely ad valorem systems.

4. Level of tax rates to apply

Recommendation

Parties should establish coherent long-term policies on their tobacco taxation structure and monitor on a regular basis including targets for their tax rates, in order to achieve their public health and fiscal objectives within a certain period of time.

Tax rates should be monitored, increased or adjusted on a regular basis, potentially annually, taking into account inflation and income growth developments in order to reduce consumption of tobacco products.

5. Comprehensiveness/similar tax burden for different tobacco products

Recommendation

All tobacco products should be taxed in a comparable way as appropriate, in particular where the risk of substitution exists.

Parties should ensure that tax systems are designed in a way that minimises the incentive for users to shift to cheaper products in the same product category or to cheaper tobacco product categories as a response to tax or retail price increases or other related market effects.

In particular, the tax burden on all tobacco products should be regularly reviewed and, if necessary, increased and, where appropriate, be similar.

6. Authorization/licensing

Recommendation

Parties should ensure that transparent licence or equivalent approval or control systems are in place.

7. Warehouse system/movement of excisable goods and tax payments

Recommendation

Parties are urged to adopt and implement measures and systems of storage and production warehouses to facilitate excise controls on tobacco products.

In order to reduce the complexity of tax collection systems, excise taxes should be imposed at the point of manufacture, importation or release for consumption from the storage or production warehouses.

Tax payments should be required by law to be remitted at fixed intervals or on a fixed date each month and should ideally include reporting of production and/or sales volumes, and price by brands, taxes due and paid, and may include volumes of raw material inputs.

Tax authorities should also allow for the public disclosure of the information contained within the reports, through the available media, including those online, taking into account confidentiality rules in accordance with national law.

8. Anti-forestalling measures

Recommendation

In anticipation of tax increases Parties should consider imposing effective anti-forestalling measures.

9. Fiscal markings

Recommendation

Where appropriate, Parties should consider requiring the application of fiscal markings to increase compliance with tax laws.

10. Enforcement

Recommendation

Parties should clearly designate and grant appropriate powers to tax enforcement authorities.

Parties should also provide for information sharing among enforcement agencies in accordance with national law.

In order to deter non-compliance with tax laws, Parties should provide for an appropriate range of penalties.

11. Use of revenues – financing of tobacco control

Recommendation

Parties could consider, while bearing in mind Article 26.2 of the WHO FCTC, and in accordance with national law, dedicating revenue to tobacco-control programmes, such as those covering awareness raising, health promotion and disease prevention, cessation services, economically viable alternative activities, and financing of appropriate structures for tobacco control.

12. Tax-free/duty-free sales***Recommendation***

Parties should consider prohibiting or restricting the sale to and/or importation by international travellers, of tax-free or duty-free tobacco products.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(8) Economically sustainable alternatives to tobacco growing (in relation to Articles 17 and 18 of the WHO Framework Convention on Tobacco Control)

The Conference of the Parties,

Taking note of the report on global progress in implementation of the WHO Framework Convention on Tobacco Control (WHO FCTC), submitted by the Convention Secretariat to the fifth session of the Conference of the Parties, which revealed significant advances in implementation of the Convention;

Reaffirming its decision FCTC/COP3(16) establishing a working group on economically sustainable alternatives to tobacco growing in relation to Articles 17 and 18 of the WHO FCTC;

Recalling the report of the working group on economically sustainable alternatives to tobacco growing to the Conference of the Parties at its fifth session (document FCTC/COP/5/10);

Noting that the WHO FCTC does not aim to penalize tobacco farmers, but aims to promote economically viable alternatives for tobacco workers, growers, and as the case may be, individual sellers;

Considering that the success of the WHO FCTC will result in reducing consumption, and bearing in mind that Article 17 of the WHO FCTC is aimed at increasing the number of livelihood options, with a view to assisting tobacco farmers and workers;

Taking into account that the farmers who live in a situation of poverty are those most vulnerable to the dependency cycle, which in some cases is linked to tobacco production;

Noting that up to the fifth session of the Conference of the Parties there was still a need to further develop and share sound, economically viable alternatives presented in the form of policy options and recommendations with a view to offering support to tobacco growers and workers;

Remembering that developing economically viable options depends on identifying viable alternative crops, adequate policy requirements and appropriate mechanisms of implementation, according to potentialities, at the national and local level, as applicable; and

Reaffirming the need to safeguard the livelihoods of tobacco farmers and workers,

1. DECIDES:

(1) to request the working group established by decision FCTC/COP3(16) to continue to work within the new mandate and to conclude this work by its sixth session, delivering draft policy options and recommendations based on the findings produced by the implementation of a standardized methodological framework in the pilot projects and other relevant experiences;

(2) that the standardized methodological framework be centred, inter alia, on the following elements:

(i) participatory identification of agrarian systems of tobacco growers (natural resources; availability of means of production; socioeconomic determinants) and identification of alternative crops;

- (ii) pilot projects and other relevant experiences to identify the specificities of a given tobacco growing area;
- (iii) information exchange between cooperating parties;
- (iv) lessons drawn (analysis and findings); and
- (v) policy options based mainly on the following policy instruments: (a) technical assistance; (b) social and economic organization; (c) infrastructure and services; (d) rural credit; (e) price assurance; (f) crop and income insurance; (g) food acquisition programme;

(3) to develop policy options to address specific tobacco-linked environmental and health issues, especially in regard to green leaf sickness;

(4) to invite Parties, by 31 January 2013, to confirm to the Convention Secretariat their intention to continue as members of the working group or their intention to join the working group;

2. ALSO DECIDES:

(1) to request the Secretariat to support and make the necessary arrangements, including budgetary provisions, for the working group to complete its work, prioritizing the tasks mandated by subparagraphs (1)(a), (1)(b) and (1)(c) of decision FCTC/COP3(16);

(2) to request the Secretariat to facilitate the promotion of collaboration with relevant intergovernmental and nongovernmental organizations, primarily FAO, the World Bank and others, for the accomplishment of the tasks prioritized above;

(3) to request the Secretariat to promote cost-effective measures to allow the working group to accomplish these tasks, including virtual meetings as appropriate;

(4) to adopt the timeline set out below:

1	To standardize the methodological framework in a meeting with rural development specialists and delegates from the working group	First meeting in the first trimester of 2013
2	Application of the agreed-upon standardized methodological framework in the pilot project and other relevant experiences	Nine months
3	Data analysis and summary of conclusions	Two months
4	Draft of set of policy options and recommendations due to be presented to the Parties at the sixth session of the Conference of the Parties	Two months, culminating in a broad meeting involving all the working group members

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(9) Implementation of Article 19 of the WHO FCTC: “Liability”

The Conference of the Parties,

Taking note of the report by the Convention Secretariat on liability contained in document FCTC/COP/5/11,

DECIDES, subject to the prioritization of work by the Conference of the Parties:

- (1) to establish an expert group on liability comprising no more than three experts per WHO region; one observer per region with specific expertise in the area of the expert group may be invited by the Convention Secretariat;
- (2) to invite Parties to nominate members to the expert group, in a manner to be decided by the Bureau of the Conference of the Parties, taking into account appropriate technical representation;
- (3) to mandate the expert group to:
 - (a) identify, examine and collect existing best practices for civil and criminal liability including compensation;
 - (b) identify obstacles that impede effective action in the areas of civil and criminal liability, in particular, in the context of civil liability, including compensation, and provide options to address them;
 - (c) identify available options for developing legislation for Parties to consider, in the areas of civil and criminal liability, in particular in the context of civil liability;
 - (d) to provide options for technical support, international cooperation and the exchange of information for the effective implementation of Article 19 of the WHO FCTC; and
 - (e) to report on facts, information and options to the sixth session of the Conference of the Parties;
- (4) The group of experts should make maximum practical use of electronic communications and other methods to minimize the expenditures necessary for travel, and should conclude its work in sufficient time to allow the Parties to study its report prior to the sixth session of the Conference of the Parties.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(10) Control and prevention of smokeless tobacco products and electronic nicotine delivery systems, including electronic cigarettes

The Conference of the Parties,

Noting the reports of the Convention Secretariat contained in documents FCTC/COP/5/12 and FCTC/COP/5/13,

DECIDES to request the Secretariat to invite WHO to:

- (1) identify, examine and collect existing best practices on prevention and control of smokeless tobacco (SLT) products;
- (2) collate existing research, explore the research gap and identify the research areas that need to be focused upon;
- (3) identify options for the prevention and control of SLT products and electronic nicotine delivery systems (ENDS);
- (4) examine emerging evidence on the health impacts of ENDS use; and report on the outcome to the sixth session of the Conference of the Parties.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(11) Reporting arrangements under the WHO FCTC

The Conference of the Parties,

Recalling decision FCTC/COP1(14), which provided the basis for the reporting arrangements under the WHO Framework Convention on Tobacco Control (WHO FCTC), as well as decisions FCTC/COP2(9) and FCTC/COP3(17) concerning further development of the reporting instrument;

Also recalling decision FCTC/COP4(16), by which the Conference of the Parties further harmonized and standardized reporting arrangements under the Convention, and also requested the Convention Secretariat to provide recommendations for: taking into account in the reporting instrument key measures contained in the guidelines adopted by the Conference of the Parties; further standardizing definitions and indicators; and facilitating regular review of progress in implementation of the Convention;

Concerned that more than 15 Parties have not yet submitted any reports on the implementation of the WHO FCTC since the Convention entered into force;

Having considered the report of the Secretariat, *Reporting arrangements under the WHO FCTC*, as contained in document FCTC/COP/5/14, and the conclusions and recommendations therein;

Also noting the report of the Secretariat, *Global progress in implementation of the WHO FCTC: key findings*, as contained in document FCTC/COP/5/5,

DECIDES:

- (1) to mandate the Convention Secretariat to update the reporting instrument, as appropriate, in consultation with the Parties, to facilitate the voluntary submission of information by the Parties on the use of the guidelines adopted by the Conference of the Parties;
- (2) to mandate the Secretariat, in cooperation with competent authorities within WHO, to develop a WHO FCTC Indicator Compendium, as described in paragraphs 13 to 16 of document FCTC/COP/5/14, to further facilitate standardization of indicators and their use by Parties, including relevant definitions and sources of information, and to make the Compendium available to Parties for comments by 1 July 2013, in consultation with the Bureau, and provide a final version of the Compendium by 15 September 2013 for the use by Parties in the 2014 reporting cycle;
- (3) to mandate the Secretariat to utilize the first four measures described in paragraph 21 of document FCTC/COP/5/14 to facilitate reporting arrangements under the Convention;
- (4) to request the Secretariat to prepare recommendations, for consideration by the sixth session of the Conference of the Parties, on the establishment of a mechanism to facilitate review of Parties' reports by the Conference of the Parties. Such recommendations should help to define the composition, scope, timing, desired outcomes, administrative and financial implications of an efficient and effective mechanism.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(12) Impact assessment of the WHO FCTC

The Conference of the Parties,

Taking into consideration that in 2015 it will be 10 years since the WHO Framework Convention on Tobacco Control (WHO FCTC) came into force;

Welcoming the global progress reports on implementation of the WHO FCTC prepared by the Convention Secretariat for the current and previous sessions of the Conference of the Parties, based on Parties' reports;

Acknowledging a need to examine the impact of the Convention as a tool in promoting public health in general and tobacco prevention in particular;

Further acknowledging a need to conduct, based on previous reporting and other relevant sources of information, an overall assessment and analysis of the long-term trends in prevalence of tobacco use, as well as implementation levels of comprehensive tobacco control legislation, policies and programmes,

DECIDES to request the Convention Secretariat to prepare a report outlining a limited number of options with attached cost implications for conducting an impact assessment of the WHO FCTC after its 10 years of operation for consideration at the sixth session of the Conference of the Parties.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(13) Promoting South–South cooperation for implementation of the WHO FCTC

The Conference of the Parties,

Recalling its decision FCTC/COP4(19), which requested the Convention Secretariat to actively work in the areas of South–South and triangular cooperation for promoting implementation of the Convention, and to present a comprehensive report on this matter to the fifth session of the Conference of the Parties;

Welcoming the report of the Secretariat contained in document FCTC/COP/5/17, which identifies, *inter alia*, challenges and opportunities for cooperation among developing countries and development partners in different areas of the Convention;

Noting the emerging challenges relating to tobacco control in low- and lower-middle-income countries in particular, and at the same time potential opportunities for cooperation in implementation of the demonstration projects as identified in paragraph 24 of the report;

Further noting that developing countries will face an increasing burden of tobacco use in the short-, mid- and long-term, and that interventions that meet their specific needs are required in order to assist them in making progress in implementation of the Convention,

1. DECIDES to request the Parties to actively engage in promoting South–South and triangular cooperation for implementation of the Convention, including through demonstration projects as referred to in paragraph 2, in cooperation with relevant development partners, and further strengthen international cooperation aimed at addressing specific needs of the Parties, including in regional and subregional context;

2. DECIDES to request the Convention Secretariat:

- (1) to continue to work in promoting South–South and triangular cooperation for implementation of the Convention, in cooperation with relevant organizations and bodies;
- (2) to implement demonstration projects as described in paragraph 24 of document FCTC/COP/5/17, and merging, as necessary, the proposed projects concerning tobacco packaging into one project on promotion of implementation of Articles 11 and 13 in relation to packaging and labelling of tobacco products; and
- (3) to further refine and develop the elements of a proposed action plan on South–South and triangular cooperation, based on experience gained in implementation of the demonstration projects, and submit the action plan together with an implementation report to the sixth session of the Conference of the Parties.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(14) Financial resources, mechanisms of assistance and international cooperation for strengthening sustainable implementation of the WHO FCTC

The Conference of the Parties,

Recalling its decisions FCTC/COP1(13), FCTC/COP2(10) and FCTC/COP4(17) on financial resources, mechanisms of assistance and international cooperation;

Recalling also the Punta del Este Declaration on the implementation of the WHO FCTC (decision FCTC/COP4(5)) in which the Parties to the Convention declared the need to urge the United Nations Ad Hoc Interagency Task Force on Tobacco Control to support multisectoral and interagency coordination for the strengthening of the implementation of the Convention within the whole United Nations system;

Having considered the reports of the Convention Secretariat on financial resources and mechanisms of assistance, cooperation with international organizations and bodies, and South–South cooperation for strengthening implementation of the WHO FCTC contained in documents FCTC/COP/5/15, FCTC/COP/5/16, and FCTC/COP/5/17, respectively;

Welcoming the important global developments that have taken place since the previous session of the Conference of the Parties, i.e. the Moscow Declaration adopted by the First Global Ministerial Conference on Healthy Lifestyles and Noncommunicable Disease Control, the Political Declaration adopted by the High-level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases, and the Rio Political Declaration on Social Determinants of Health, which call for comprehensive implementation of the WHO FCTC and recognize the Convention's significant role in the prevention and control of noncommunicable diseases and in the context of social determinants of health;

Noting also the report of the United Nations Secretary-General to the 2012 substantive session of the Economic and Social Council (ECOSOC), and the resolution adopted by ECOSOC calling for United Nations system-wide coherence on tobacco control (resolution E/2012/L.18);

Noting the progress made on integrating support to implementation of the WHO FCTC into the United Nations Development Assistance Framework (UNDAF) at the country level, which promotes a sustainable and long-term interagency implementation assistance mechanism;

Emphasizing the potential contribution that development partners can make in assisting implementation of the WHO FCTC in developing country Parties and Parties with economies in transition;

Taking note of the fact that the *2012 global progress report on implementation of the WHO FCTC* reveals that a continuing lack of technical and financial resources is one of the most important obstacles to the full implementation of the Convention;

Taking note of the further development of the Secretariat's database on available resources and its potential contribution to assisting Parties in need in implementing the WHO FCTC;

Recognizing the need for sustainable and predictable resources for implementation of the Convention, including through voluntary assessed contributions, and the importance of such contributions in this regard,

1. DECIDES:

(1) to establish a working group on sustainable measures to strengthen implementation of the WHO FCTC, and to mandate the working group to:

prepare a report on barriers and successful experiences in mobilizing the range of resources in implementing the WHO FCTC at the country level, including through existing bilateral and multilateral mechanisms of assistance;

provide recommendations on how resources can be accessed for the WHO FCTC implementation and best practice can be shared;

provide recommendations to strengthen South–South and triangular cooperation as well as North–South cooperation for implementation of the WHO FCTC, contributing to capacity building in Parties;

review existing tools and mechanisms of assistance to the Parties to ensure they meet the needs of the Parties;

identify new tools to support Parties to implement Article 5.2 of the WHO FCTC;

identify and recommend best practices to access international resources for tobacco control through bilateral and multilateral cooperation and other opportunities in development cooperation;

examine possibilities of using modern technologies for the exchange of information, cooperation between Parties, and to promote the effective implementation of the WHO FCTC;

provide recommendations on how to promote the WHO FCTC in wider international fora.

(2) to request the Convention Secretariat to invite observers under rule 29 of the Rules of procedure of the Conference of the Parties with specific expertise in these areas to actively participate in the working group;

(3) to establish initial membership of the working group as follows;¹

(4) to set 28 February 2013 as the deadline for Parties to announce to the Secretariat their participation as partners or Key Facilitators in the working group;

(5) to make the necessary arrangements, including budgetary arrangements, for the performance of the work of the working group;

2. FURTHER DECIDES to request the Convention Secretariat to:

(1) continue to actively work in accordance with Article 24.3(e) of the Convention, in cooperation with relevant departments and offices of WHO, in facilitating support by relevant stakeholders and development partners for implementation of the WHO FCTC to Parties in need;

(2) continue to mobilize resources required under the Conference of the Parties workplan and to provide support to developing Parties and Parties with economies in transition;

¹ Membership was not established at the fifth session of the Conference of the Parties.

- (3) actively engage with WHO in the convening of annual meetings of the United Nations Ad Hoc Interagency Task Force and contribute to the resulting report of the Secretary-General to the ECOSOC, and continue to engage, as appropriate, with the ECOSOC to further facilitate multisectoral support to Parties in implementation of the WHO FCTC;
- (4) facilitate within its mandate support to Parties in strengthening comprehensive, multisectoral national tobacco-control strategies, plans and programmes as called upon in ECOSOC resolution E/2012/L.18;
- (5) further facilitate mechanisms of assistance under the Convention enumerated in paragraph 23 of document FCTC/COP/5/15, particularly to developing Parties and Parties with economies in transition.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(15) Cooperation between the Convention Secretariat, the World Health Organization, the World Trade Organization and the United Nations Conference on Trade and Development

The Conference of the Parties,

Recalling its decision FCTC/COP4(18) requesting the Convention Secretariat to cooperate with the World Trade Organization (WTO) Secretariat with the aim of information sharing on trade-related tobacco control issues, to monitor trade disputes regarding WHO FCTC-related tobacco control measures and other trade-related issues of relevance to the implementation of the Convention, to facilitate information sharing on trade-related issues between Parties, and to communicate regularly with the relevant WHO offices on tobacco control issues raised at WTO committees and report regularly on these activities to the Conference of the Parties;

Having considered the report by the WHO Secretariat on Cooperation with the WTO on trade-related tobacco control issues (document FCTC/COP/5/18);

Taking note of the paper entitled *Confronting the tobacco epidemic in a new era of trade and investment liberalization*, produced by WHO in 2012 as an update to the 2001 paper entitled *Confronting the tobacco epidemic in an era of trade liberalization*;

Welcoming the initial efforts of the Convention Secretariat and the WHO Secretariat to facilitate information sharing on trade-related tobacco control issues and provide support to Parties in cooperation with the WTO Secretariat and the United Nations Conference on Trade and Development (UNCTAD);

Mindful of the need for closer collaboration and exchange of information as illustrated by the fact that tobacco control measures taken by WTO Members that are also Parties to the WHO FCTC are discussed in the WTO, in particular in the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council) and the Committee on Technical Barriers to Trade (TBT Committee);

Recalling that WHO has observer status to, and participates in, the meetings of the TRIPS Council and the TBT Committee;

Noting that organizations with which the Convention Secretariat cooperates operate within the scope of their respective mandates,

REQUESTS the Convention Secretariat to:

- (1) continue its information sharing activities involving the WHO Secretariat, the WTO Secretariat and UNCTAD in relation to tobacco control, international trade and investment issues, including the provision of information on tobacco control and the WHO FCTC to WTO Members in relevant bodies;
- (2) continue to cooperate with the WHO Secretariat, the WTO Secretariat and the UNCTAD Secretariat to provide technical support to Parties;
- (3) in coordination with the WHO Secretariat, continue to facilitate information sharing on trade-related issues particularly between Parties to the WHO FCTC having similar problems;

- (4) continue to encourage communication and information sharing between trade and health officials of Parties to the WHO FCTC;

- (5) continue to monitor tobacco control-related trade issues and report regularly to the Conference of the Parties on these activities and any developments of relevance to the implementation of the Convention.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(16) Interim performance report for the 2012–2013 workplan and budget

The Conference of the Parties,

Having considered the interim performance report for the financial period 2012–2013 contained in documents FCTC/COP/5/20 and FCTC/COP/5/20 Add.1,

DECIDES:

- (1) to note the report and to acknowledge the progress made in implementation of the workplan and budget for the biennium 2012–2013;
- (2) to request the Convention Secretariat to facilitate, as appropriate, a meeting of the open-ended intersessional drafting group on Article 6 in 2013, supported by extrabudgetary contribution;
- (3) in relation to additional activities related to the preparation for entry into force of the Protocol to Eliminate Illicit Trade in Tobacco Products contained in Annex 2 of document FCTC/COP/5/20, to request the Convention Secretariat:
 - (a) to implement the activities referred to in items (a), (b) and (c) under paragraph 7 of the above-mentioned Annex in 2014 as part of the workplan and budget for 2014–2015 adopted by the Conference of the Parties at its fifth session;
 - (b) taking into account the importance of early commencement of activities referred to in items (d), (e) and (f) under paragraph 7 of the above-mentioned Annex, to implement these activities as early as possible in 2013 and to raise funds accordingly;
 - (c) to report to the sixth session of the Conference of the Parties on the progress and outcome of the implementation of the activities referred to in paragraphs (3)(a) and (3)(b) of this decision.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(17) Arrears in the payment of assessed contributions

The Conference of the Parties,

Taking note of the report by the Convention Secretariat (document FCTC/COP/5/21), including the fact that while arrears in payments have been reduced since the fourth session of the Conference of the Parties a substantial amount of voluntary assessed contributions is still outstanding;

Taking into account the fact that some Parties have not paid any voluntary assessed contributions;

Mindful of the need to change this situation so that necessary funding can be made available to implement the WHO FCTC and to maintain the spirit of solidarity,

DECIDES:

- (1) that the Convention Secretariat should provide Parties with efficient methods of payment of their contributions, including through the WHO country offices;
- (2) to mandate the Secretariat to ask Parties with arrears in payments to present the Secretariat with a proposal including time frame for settling such arrears;
- (3) to request the Secretariat to draw up a report on the feasibility of changing from voluntary assessed contributions to assessed contributions and other possible incentives for Parties that continue to have arrears in payments, and to present it to the sixth session of the Conference of the Parties for its consideration.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(18) Harmonization of travel support available to Parties to the WHO Framework Convention on Tobacco Control in line with current World Health Organization administrative policies for travel support

The Conference of the Parties,

Recalling World Health Assembly resolution WHA 50.1;

Recalling its decision FCTC/COP4(21) taken at the fourth session of the Conference of the Parties;

Reaffirming the decision to harmonize the travel support available to Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) in line with current WHO administrative policies for travel support in favour of least developed countries,

1. DECIDES nevertheless to finance the per diem of least developed countries from voluntary assessed contributions on the same basis until and including the sixth session of the Conference of the Parties;
2. DECIDES moreover to continue to finance travel for low- and lower-middle-income countries on the budget financed by voluntary assessed contributions, and to cover the costs of the corresponding per diem with resources available in the extrabudgetary funds until and including the sixth session of the Conference of the Parties;
3. RETAINS the right to review these decisions at the sixth session of the Conference of the Parties;
4. REQUESTS the Convention Secretariat:
 - (1) to seek the extrabudgetary funds for the per diem for low- and lower-middle-income countries as the highest priority;
 - (2) to take account of this decision in its proposal of the workplan and the budget for the financial period 2016–2017;
 - (3) to prepare a report to the sixth session of the Conference of the Parties containing all available information on the travel support to the Parties since the entry into force of the WHO FCTC, including the amount of the budgets and expenditures, the number of Parties receiving travel support and the actual participation of those Parties.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(19) Workplan and budget for the financial period 2014–2015

The Conference of the Parties,

Reaffirming its decision FCTC/COP1(9) on the adoption of the Financial Rules of the Conference of the Parties to the WHO Framework Convention on Tobacco Control;

Recalling its decision FCTC/COP4(20) on the workplan and budget for the financial period 2012–2013;

Having considered the workplan and budget for the financial period 2014–2015 submitted by the Convention Secretariat (document FCTC/COP/5/23),

DECIDES:

(1) to adopt the budget for the financial period 2014–2015 as follows:

	US\$ thousand
1. Activity costs, including:	
1.1 Conference of the Parties	1 830
1.2 Protocols, guidelines and other possible instruments for the implementation of the Convention	1 665
1.3 Reporting arrangements under the Convention	285
1.4 Assistance to Parties in implementation of the Convention, with particular focus on developing country Parties and Parties with economies in transition	2 830
1.5 Coordination with international and regional intergovernmental organizations and bodies	370
1.6 Administration and management, and other arrangements and activities	295
Subtotal	7 275
2. Staff costs	8 026
3. Programme support costs (13%)	1 989
Total	17 290

(2) to adopt the workplan for the financial period 2014–2015, as indicated in the Annex to this decision, taking into account the decisions taken by the Conference of the Parties at its fifth session;

(3) to establish the total amount of voluntary assessed contributions of Parties for the financial period 2014–2015 at the level of US\$ 9 100 000;

(4) to request the Secretariat, in coordination with the Bureau, to communicate the scale of assessment of voluntary assessed contributions for 2014–2015 to Parties by 1 April 2013 following adoption of the scale of assessment by the United Nations General Assembly in late 2012;¹

(5) to authorize the Secretariat to request the payment of voluntary assessed contributions, including from countries that may become a Party to the Convention between the fifth and sixth sessions of the Conference of the Parties, in line with the scale of assessment as indicated in paragraph 4 of this decision;

¹ Based on the corresponding WHO scale of assessment for 2014–2015 and taking into account the difference of membership of WHO and that of the Convention.

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- (6) to request the Head of the Secretariat to implement the budget and workplan adopted by the Conference of the Parties, and to submit to the Conference of the Parties:
- (a) an interim performance report on the workplan and budget for the financial period 2014–2015, along with a final performance report on the workplan and budget for the financial period 2012–2013, at its sixth session; and
 - (b) a final performance report on the workplan and budget for the financial period 2014–2015 at its seventh session;
- (7) to authorize the Secretariat to seek and receive voluntary extrabudgetary contributions for activities in line with the workplan;
- (8) to encourage Parties to the Convention to provide extrabudgetary contributions for meeting the objectives of the workplan;
- (9) to adopt the proposed efficiency measures to facilitate the work of the Convention in relation to official communication and documentation, as contained in paragraphs 6, 13 and 22 of Annex 2 of document FCTC/COP/5/23;
- (10) to call on the Head of the Secretariat to keep the Bureau regularly updated on the status of budgets and workplans agreed by the Conference of the Parties.

ANNEX

WORKPLAN AND BUDGET FOR THE FINANCIAL PERIOD 2014–2015

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
1. Conference of the Parties¹					
1.1	Sixth session of the Conference of the Parties (COP6)	1 560	130	(a) Preparing and convening COP6 (b) Finalizing and disseminating decisions and other post-session documentation	COP6 prepared and convened on time Decisions and other post-session documents sent to Parties within four months of the session
1.2	Work of the Bureau of the COP	140		(a) Preparing and convening the Bureau meetings (b) Following up on decisions of the Bureau	Up to three intersessional meetings of the Bureau prepared and convened, along with meetings immediately before and during COP6 and video/teleconferences as required
Subtotal for Area of work 1		1 700	130		
2. Protocols, guidelines and other possible instruments for implementation of the Convention²					
2.1	Protocol to eliminate illicit trade in tobacco products – work required for preparing the entry into force of the protocol				
	(i) Technical assistance and reports in preparation of entry into force and the first Meeting of the Parties (MOP1)		700	(a) Providing technical assistance through intercountry workshops (four face-to-face and two online workshops, potentially back-to-back with WHO FCTC implementation workshops), country-specific missions, and expert papers for use globally on selected provisions of the protocol (b) Establishing coordination with and	Technical assistance provided, cooperation with relevant international organizations established and the reports and studies developed as per the guidance provided by COP5

¹ In line with Article 23 and Article 24.3(a), and relevant decisions of the COP.

² In line with Article 7, Article 23.5(f) and (h), Article 24.3(a) and (g) and Article 33, and relevant decisions of the COP.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
	(ii) First Meeting of the Parties	345		engaging the potential of relevant international organizations with specific expertise on protocol-related matters (c) Promoting the use of studies on the requirements of the future tracking and tracing system and the global information sharing point, including analysis of best practices in Parties and scoping the needs for technical assistance to and capacity building in developing country Parties Preparing and convening MOP1 (immediately before or immediately after COP6)	MOP1 convened as decided by COP5
2.2	Intergovernmental working groups				
	(i) Working group on Articles 9 and 10 (<i>Regulation of the contents and disclosures of tobacco products</i>)	65	15	One meeting of Key Facilitators, and up to two representatives per region, in combination with intersessional work of the Convention Secretariat and online communication with the members of the working group	Report of the working group submitted to COP6
	(ii) Working group on economically sustainable alternatives to tobacco growing (Articles 17 and 18)	115	15	One meeting of the working group, in combination with intersessional work of Key Facilitators and the Convention Secretariat	Report of the working group submitted to COP6
	(iii) Working group on sustainable implementation of the WHO FCTC		260	Two meetings of the working group, in combination with intersessional work of Key Facilitators and the Convention Secretariat	Report of the working group submitted to COP6
2.3	Expert group (ii) Expert group on Article 19 (<i>Liability</i>)	75	75	Two meetings of the expert group along with technical support by the Convention Secretariat as requested	Report to COP6 on mandated activities

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
Subtotal for Area of work 2		600	1 065		
3. Reporting arrangements under the Convention¹					
3.1	Reports of Parties and global progress reports on implementation of the Convention	25	40	(a) Receiving and analysing the periodic reports of Parties on implementation of the Convention; maintaining and updating the web-based database of reports; and providing feedback to Parties on reports (b) Preparing the 2014 global progress report based on analysis of Parties' reports (c) One expert meeting to support the process	Increased proportion of reports received on time and in compliance with the reporting instrument Global progress report prepared and submitted on time
3.2	Support to Parties in fulfilling their reporting obligations		170	(a) Organizing training on the reporting instrument and preparation of reports, and developing a web-based training tool ² (b) Providing advice and assistance to individual Parties on request (c) Developing the WHO FCTC Indicator Compendium (d) Further promoting the use by Parties of the web-based information platform currently under development	At least 6 training sessions organized to cover all regions in conjunction with relevant regional events, and a web-based training tool developed and operational Technical assistance provided to Parties upon request The Compendium finalized and made available to Parties The impact of the information platform on improving information exchange under the WHO FCTC, and feedback by Parties, reflected in the 2014 global progress report
3.3	Expert group nominated by Parties to facilitate the review of Parties' implementation reports by the COP.	50		One meeting of the expert group (two representatives per region)	Report submitted to the COP.
Subtotal for Area of work 3		75	210		

¹ In line with Article 20.5, Article 21, Article 23.5 (a), (b) and (d), and Article 24.3(b) and (c), and relevant decisions of the COP.

² Including, if possible, training for WHO regional surveillance focal points.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
4. Assistance to Parties in implementing specific provisions of the Convention, with particular focus on developing country Parties and Parties with economies in transition¹					
4.1	Advice and support on compilation and communication of information on treaty matters, and promotion of transfers of expertise and technology		950	<p>(a) Strengthening of regional/subregional networks and institutions to assist Parties with information exchange and the transfer of expertise and technology in treaty implementation matters</p> <p>(b) Organizing intercountry workshops to identify achievements, challenges and best practices to enhance cooperation in treaty implementation within and between regions</p> <p>(c) Providing advice on treaty-specific matters</p> <p>(d) Disseminating and raising awareness of treaty instruments, through workshops and country-specific advice as required</p> <p>(e) Promoting transfer of expertise and technology between the Parties, in line with Article 22</p>	<p>Cooperation mechanisms among networks and institutions operationalized to facilitate transfer of expertise and technology</p> <p>At least 6 intercountry treaty implementation workshops organized covering all regions</p> <p>Parties assisted with advice and information upon request</p> <p>Parties assisted with transfer/receipt of expertise and technology through appropriate cooperation and assistance mechanisms upon request</p> <p>Upon request of Parties, agreements / exchanges of letters with or among Parties facilitated, and provision of expertise and technology achieved</p>
				(f) Supporting Parties in preparations for COP6 with the provision of necessary information and by facilitating information exchange on the COP6 agenda, documentation and proceedings	Support provided as requested, and feedback by Parties analysed and utilized in the next intersessional period

¹ In line with Article 22.2, Article 23.5(e), Article 24.3(c) and (g) and Article 26.5, and relevant decisions of the COP.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
				(g) Studies and publications covering issues pertinent to treaty instruments, international multisectoral cooperation, technical support and best practices, and region-specific studies based on the outcomes of intercountry workshops	Studies and publications accomplished and disseminated among Parties. At least 4 global and 4 region-specific studies and publications, and 4 best practice packages accomplished
4.2	Needs assessments and promotion of access to available resources and mechanisms of assistance, with a view to promoting harmonization and alignment of tobacco-control policies at country level		1 880	<p>(a) Needs assessments and related implementation assistance to strengthen country capacity and multisectoral implementation mechanisms in meeting obligations under the Convention</p> <p>(b) Preparing country-specific assistance profiles to advise developing country Parties on appropriate and feasible funding/assistance options</p> <p>(c) Assist developing country Parties in meeting needs identified in relation to Articles 5.1 and 5.2 given the overarching potential of those provisions to achieve full implementation of the Convention¹</p> <p>(d) Integrating WHO FCTC implementation within national development and health strategies and within the UN Development Assistance Framework (UNDAF) at country level in line with the principles of aid effectiveness, harmonization and alignment and national ownership¹</p> <p>(e) Updating and disseminating the database on resources available internationally for implementation of the Convention</p>	<p>At least 20 Parties identified upon request and needs assessment missions (with a multisectoral component) undertaken</p> <p>At least 20 Parties supported in meeting immediate needs as well as preparing project and programme proposals for funding from existing donor and development sources in view of expected larger and/or longer-term needs for further assistance</p> <p>At least 30 developing country Parties provided with assistance upon request</p> <p>At least 30 Parties assisted to align WHO FCTC implementation with national development and health strategies/policies, including, where appropriate, through the UNDAF</p> <p>The database is regularly updated and disseminated for Parties' use</p>

¹ Emerging area of priority that will require additional extrabudgetary contributions and fundraising.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
Subtotal for Area of work 4			2 830		
5. Coordination with international and regional intergovernmental organizations and other bodies¹					
5.1	Establishment and extension of cooperation and coordination with relevant international and regional intergovernmental organizations and other bodies	110		<p>(a) Operationalization of action plan of cooperation with members of the UN Ad Hoc Interagency Task Force on Tobacco Control (IATF) in accordance with the report of the Secretary-General and ECOSOC resolution²</p> <p>(b) Concluding cooperation arrangements with intergovernmental organizations and bodies with technical expertise and potential to support implementation of the WHO FCTC</p> <p>(c) Supporting the convening of annual meetings of the IATF in supporting implementation of the Convention</p> <p>(d) Further consolidating the Secretariat's work in establishing a multisectoral framework for WHO FCTC implementation at country, regional and global levels, in accordance with the guidance provided by the COP on international cooperation and coordination</p>	<p>Cooperation with members of the IATF resulting in achievement of multisectoral support to the Parties, through mechanisms such as needs assessments, intercountry workshops, technical support at country level and publication of technical tools</p> <p>At least 5 cooperation arrangements concluded with relevant international organizations</p> <p>Report on the outcome of the meeting of the Task Force prepared and submitted to COP6, and feedback provided to ECOSOC through contribution to the Secretary-General's report on IATF activities to ECOSOC</p> <p>Overall consolidation of work related to integration of WHO FCTC implementation within the UNDAF at country level; progress demonstrated through increasing number of UNDAFs incorporating treaty implementation</p>

¹ In line with Article 23.5(g), Article 24.3(e) and Article 25, and relevant decisions of the COP.

² Document E/2012/70 and resolution E/2012/L.18, respectively.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
				(e) Strengthening cooperation with relevant treaty bodies of the UN system, including human rights treaties, to strengthen the legal dimension in implementation of the Convention in response to the needs of vulnerable groups such as children, young girls and women ¹	Country-level response integrated into national policies and strengthened through contribution of relevant treaty bodies and UN entities, such as UNWOMEN
5.2	Promotion of South–South cooperation in the exchange of scientific, technical and legal expertise as relevant to the implementation of the Convention		260	(a) Convening a stakeholder meeting to review achievements and experience gained and to develop recommendations for strengthening this area of work beyond COP6 (b) Interested South–South frameworks and institutions assisted in utilizing their potential in regard to WHO FCTC implementation and strengthening South–South and triangular cooperation, where appropriate (c) Review of demonstration projects implemented thus far (at least 3), followed by relevant publications and further demonstration projects (d) Prospecting and mobilizing resources from interested development partners from South and North with a view to promoting triangular cooperation	Stakeholder meeting convened and recommendations prepared and made available to Parties South–South and triangular cooperation framework for WHO FCTC implementation identified and a matrix/action plan for potential cooperation developed and presented to Parties at COP6 Needs emerging from demonstration projects identified and met. Further demonstration projects identified and implemented (at least 3) Report submitted on progress in this area of work to COP6
5.3	Review of accreditation of nongovernmental organizations in line with Rule 31.3 of the Rules of Procedure of the COP			Conducting the review and presenting the outcome to the COP, through the Bureau of the COP	Report submitted on time to COP6
Subtotal for Area of work 5		110	260		

¹ Emerging area of priority that will require additional extrabudgetary contributions and fundraising.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
6. Administration and management, and other arrangements and activities¹					
6.1	General administration and management	135		<p>(a) General administration, staff and finance management</p> <p>(b) Providing updates to the Bureau on the status of implementation of the workplan and budget for the biennium, development of the workplan and budget for the subsequent biennium to be submitted for adoption by the COP</p> <p>(c) Resource mobilization</p> <p>(d) Preparing and submitting to the COP the Secretariat's report on its activities</p>	<p>Workplans and administrative arrangements customized and run within WHO's global management system</p> <p>Payment of voluntary assessed contributions facilitated with the aim of close to 100% collection by the end of the biennium</p> <p>Fund-raising mechanism in the Convention Secretariat further advanced, and extrabudgetary contributions for fulfilling the 2014–2015 workplan promoted and received</p> <p>Report of the Secretariat prepared and submitted on time</p>
6.2	Advocacy, communication, participation in professional meetings	85	75	<p>(a) Communication activities to ensure increased public and political awareness of the Convention, particularly in relation to meetings of the COP and its subsidiary bodies, and key developments such as adoption of protocol and guidelines, and global progress reports</p> <p>(b) Issuing and disseminating publications on treaty instruments and implementation, and providing relevant information through the WHO FCTC web site</p>	<p>Awareness of the treaty and treaty work increased internationally</p> <p>Decisions of the COP, as well as documents of particular technical importance, such as the global progress reports and implementation guidelines, published in all 6 languages and actively disseminated</p> <p>Web site of the Convention is up to date</p>

¹ In line with Article 24.3(d), (f) and (g), and relevant decisions of the COP.

Area of work*		Activity cost (in US\$ thousand)		Main components/activities	Expected results and indicators
		Covered by voluntary assessed contributions	Covered by extrabudgetary funds		
				(c) Holding meetings with permanent missions of the Parties in Geneva and government officials; producing the Secretariat's Newsletter (d) Participating in and presenting at key professional meetings to promote treaty awareness and implementation internationally	On average 2 meetings per year held with permanent missions of Parties in Geneva, and on average 3 issues of the Newsletter per year published and disseminated Presentations in at least 6 international meetings during the biennium
6.3	Coordination with relevant departments and offices of WHO			Holding regular technical coordination meetings, and reviewing and promoting cooperation with relevant departments of WHO, maintaining regular communication with focal points in WHO regional offices	Coordination within WHO for promoting the Convention further strengthened. Cooperation with relevant departments of WHO across at least 4 clusters, including for NCDs and health systems, and all regional offices
Subtotal for Area of work 6		220	75		
Total activity costs for all areas of work¹		2 705	4 570		

* This includes associated tasks.

¹ Total costs for implementing the workplan, which, in addition, include staff costs and programme support costs (13%, payable to WHO), are presented in the Appendix.

APPENDIX

Total budget (US\$ thousand)

	Covered by voluntary assessed contributions	Covered by extrabudgetary funds	Total
1. Activity costs	2 705	4 570	7 275
<i>Regular</i>	2 360	3 870	6 230
<i>Protocol-related</i>	345	700*	1 045
2. Salary costs	5 348	2 678	8 026
<i>Regular</i>	5 153	1 209	6 362
<i>Protocol-related</i>	195	1 469*	1 664
3. Total direct costs (1+2)	8 053	7 248	15 301
<i>Regular</i>	7 513	5 079	12 592
<i>Protocol-related</i>	540	2 169	2 709
4. Programme support costs (13%)	1 047	942	1 989
<i>Regular</i>	977	660	1 637
<i>Protocol-related</i>	70	282	352
5. Grand total (3+4)	9 100¹	8 190	17 290
<i>Regular</i>	8 490	5 739	14 229
<i>Protocol-related</i>	610	2 451	3 061

* Indicative cost subject to availability of extrabudgetary funds.

(Fourth plenary meeting, 17 November 2012)

¹ Including an additional contribution of US\$ 300 000 as a one-time exception. This is to facilitate funding for projected expenditure through additional voluntary assessed contributions.

FCTC/COP5(20) Role of the Bureau of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties,

Recalling its decision FCTC/COP4(24), *Review of the role of the Bureau of the Conference of the Parties*;

Taking note of document FCTC/COP/5/25, *Process for appointment of the Head of the Convention Secretariat*;

Recalling also the Rules of Procedure of the Conference of the Parties, in particular Rules 6, 9, 19, as well as Rules 21–24 concerning the Officers of the Conference of the Parties;

Having considered the proposals contained in document FCTC/COP/5/24 and acknowledging the need to clarify the role and functions of the Bureau, in particular those between sessions of the COP,

1. DECIDES that the functions of the Bureau shall include the following in addition to those described in Rules 6, 9, 19 and 21–24 of the Rules of Procedure of the Conference of the Parties, and in line with the relevant decisions of the COP:
 - (a) to make recommendations to the Director-General of WHO regarding the appointment of the Head of the Secretariat, and undertake the performance evaluation on matters related to delivery of treaty and technical activities for possible renewal of the Head of the Secretariat's term of office, in accordance with arrangements that may be decided by the COP;
 - (b) to facilitate the process for nominations to subsidiary bodies of the COP;
 - (c) to provide guidance to the Convention Secretariat on implementation of the workplans and budgets adopted by the COP;
 - (d) to provide guidance to the Secretariat, as necessary, in the preparation of reports, recommendations and draft decisions to be submitted to the COP;
 - (e) to propose the date and venue of sessions of the COP and its subsidiary bodies;
 - (f) to review the applications of nongovernmental organizations that apply for the status of observer to the COP and make recommendations in that regard to the COP;
 - (g) to provide other guidance to the Secretariat as requested by the COP;
2. FURTHER DECIDES that the functions described in paragraph 1 above shall be carried out within the budget allocated to the work of the Bureau in the biennial workplans and budgets adopted by the COP;
3. REQUESTS the members of the Bureau to liaise and consult with the Parties of their respective regions between the sessions of the COP with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work;

4. REQUESTS the Secretariat to prepare formal agendas, papers, summary records and minutes of intersessional meetings of the Bureau, to be published on a protected website in a timely way so that Parties have the opportunity to provide input to the work of the Bureau;
5. ENCOURAGES Parties to actively participate in the intersessional consultations to enhance the work of the COP;
6. CALLS UPON the Parties to give due consideration to the process for nomination of the members of the Bureau by their respective regional groups, in line with Rule 21 of the Rules of Procedure of the Conference of the Parties, in order to ensure that the nominations by the regional groups can be finalized before the opening of the regular session of the Conference of the Parties at which the Bureau shall be elected.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(21) Appointment and renewal of the term of office of the Head of the Convention Secretariat

The Conference of the Parties,

DECIDES:

To mandate the Bureau of the Conference of the Parties, in consultation with the Parties, to finalize the process for appointment and renewal of the term of office of the Head of the Secretariat on a provisional basis, taking into account document FCTC/COP/5/25 and the debate during the fourth Plenary meeting of COP5 on item 8.7.

In this connection, the Bureau shall arrange for the participation of the regional coordinators in this process.

Furthermore, the Bureau shall, in a timely way, inform the Parties of the outcome of this process and report thereon to the sixth session of the Conference of the Parties, with recommendations for any further action, as necessary.

(Fourth plenary meeting, 17 November 2012)

FCTC/COP5(22) Accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

The Conference of the Parties,

Recalling 17th and 18th preambular paragraphs and Article 5.3 of the Convention;

Recalling decisions FCTC/COP2(6) and FCTC/COP4(23);

Having considered the proposals contained in document FCTC/COP/5/26,

1. DECIDES, pursuant to Rule 31 of the Rules of Procedure of the Conference of the Parties, to adopt the application form contained in Annex 2 to document FCTC/COP/5/26 to be used by international and regional nongovernmental organizations wishing to apply for observer status to the Conference of the Parties;
2. FURTHER DECIDES to adopt the proposed process contained in document FCTC/COP/5/26¹ for its future reviews of accreditation of nongovernmental organizations pursuant to Rule 31.3 of the Rules of Procedure of the Conference of the Parties;
3. REQUESTS the Convention Secretariat to:
 - (h) make available the application form in Annex 2 to document FCTC/COP/5/26 on the web site of the WHO FCTC;
 - (i) analyse the applications received for observer status and to prepare a report for review by the Bureau to enable it to make recommendations to the Conference of the Parties;
4. FURTHER REQUESTS the Convention Secretariat to analyse the reports received from nongovernmental organizations and prepare a report thereon for the Bureau for its review with a view to the Bureau making recommendations to the Conference of the Parties at its next regular session on whether to maintain, suspend or discontinue the observer status of accredited nongovernmental organizations.

(Fourth plenary meeting, 17 November 2012)

¹ Paragraphs 14–16.

FCTC/COP5(23) Election of the President and the five Vice-Presidents of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties, pursuant to Rule 21 of its Rules of Procedure,

1. ELECTS the following officers to constitute the Bureau of the Conference of the Parties:

President: Professor Chang jin Moon (Republic of Korea)

Vice-Presidents:¹ Dr Oleg Salagaj (Russian Federation)
Mr Amal Pusp (India)
Mr Yahia Bouzo (Syrian Arab Republic)
Mr Denis Choinière (Canada)
Ms Dorcas Kiptui (Kenya)

2. DECIDES that, of the five Vice-Presidents, the following should act as Rapporteur:

Rapporteur: Ms Dorcas Kiptui (Kenya)

(Fourth plenary meeting, 17 November 2012)

¹ In accordance with Rule 24 of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, lots were drawn to determine the order in which the Vice-Presidents would serve in the place of the President. The order presented in this list is the order in which the lots were drawn.

FCTC/COP5(24) Date and place of the sixth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

The Conference of the Parties, in accordance with Rules 3 and 4 of its Rules of Procedure,

DECIDES:

- (1) to accept the offer of the Russian Federation to host its sixth session in 2014 in Moscow, Russian Federation, subject to the conclusion of an appropriate host agreement between the Russian Federation and the Convention Secretariat;
- (2) the exact venue and dates will be decided by the Bureau of the Conference of the Parties after receiving confirmation by the Convention Secretariat of the conclusion of a host agreement.

(Fourth plenary meeting, 17 November 2012)

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