



F C T C

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

Bureau of the Conference of the Parties

Second meeting of the Bureau elected by COP5
13-14 November 2013, Geneva (WHO Headquarters)

**COP/Bureau/5/2/ Draft SR
6 December 2013**

Draft summary record of the second meeting of the fifth Bureau of the Conference of the Parties to the WHO FCTC Geneva, 13-14 November 2013

Agenda Item 1. Opening and adoption of the agenda

(Documents COP/Bureau/5/2/2 and COP/Bureau/5/2/2 (annotated))

1. The President welcomed the participants (see list in the Annex). He informed them that Dr Oleg Salagay (Russian Federation, European Region) would not be able to participate in the meeting and would be replaced by a representative from the Permanent Mission of the Russian Federation in Geneva.

2. The draft agenda contained in document COP/Bureau/5/2/2 was adopted with no changes. It was agreed that item 9, on the Rules of Procedure of the Conference of the Parties, would be discussed after item 11.

Agenda item 2 Adoption of the summary record of the first meeting of the Bureau (Geneva, 9–11 April 2013)

(Document COP/Bureau/5/2/3)

3. The President recalled that the summary record, as contained in document COP/Bureau/5/2/3, had been circulated to the members of the Bureau and the comments received taken into account. It had also been posted on the Parties' protected website.

4. Ms Dorcas J. Kiptui (Kenya, (African Region) requested that agenda item 7 of the summary record be amended to refer to the discussion that had taken place at the first meeting of the Bureau with the participation with the Legal Department and the Department of Human Resource Management of WHO, on the roles of the Bureau and of WHO in the process for the appointment of the Head of the Secretariat.

5. The summary record was adopted with the requested amendment.

Agenda item 3 Update on regional and global developments related to implementation of the WHO FCTC

6. Under this agenda item, the participants shared information on key developments related to the implementation of the Convention in their respective regions.

7. Mr Denis Choinière (Canada, Region of the Americas) recalled the regional implementation workshop that had taken place in Bogota, Colombia, from 3 to 6 September 2013 and that had been organized by the Convention Secretariat in cooperation with the Regional Office of the Americas; the regional workshop had been attended by 31 Parties of the Region as well as by 11 accredited observers to the COP and development partners. He suggested considering the raising of both technical and strategic/policy issues during future implementation workshops. Concerns had been raised by several Parties about the legal challenges brought by the tobacco industry and the need to coordinate government responses in this regard. He also pointed out that some Parties had raised concerns that new multilateral and bilateral trade agreements may make it more difficult in the future to implement, and maintain, innovative tobacco control measures.
8. Mr Choinière informed the Bureau that Jamaica had adopted new regulations in June 2013 on smoke-free places, labelling and health warnings. In Chile, the Minister of Health was currently seeking evidence that could be used to enable him to ban on menthol cigarettes.
9. Mr Amal Pusp (India, South-East Asia Region) referred to the regional implementation workshop that had taken place in New Delhi, India, from 23 to 26 July 2013 and that had been organized by the Government of India and the Convention Secretariat. The workshop had been attended by nine Parties and one non-Party (Indonesia) and representatives of development partners such as the World Bank, UNCTAD, UNODC, WCO, as well as IARC. Civil society had been represented by the Framework Convention Alliance and the World Lung Foundation.
10. The workshop had produced suggestions and recommendations on implementation of the Convention in the Region. Parties had agreed, inter alia, that adequate resources, capacity and funds dedicated to tobacco control as well national coordination mechanisms were needed to further strengthen implementation of the Convention in countries. Enforcement remained a significant challenge together with the strong lobbying by and interference of the tobacco industry. Thailand, Nepal and Sri Lanka had adopted legislation/regulations on large pictorial health warnings and were currently facing legal challenges brought by the tobacco industry.
11. Recognizing the threat posed smokeless tobacco (SLT) products and nicotine delivery systems (ENDS), including electronic cigarettes, Parties in the Region were expecting that due consideration would be given by COP6 to discussing and providing guidance on regulatory measures. Proliferation in the use of water pipes (hookah) was another concern raised by the Parties in the Region that would also require regulatory measures.
12. With regard to the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol), he noted that, so far only one Party of his region – Myanmar – had signed the Protocol and that concerns had been raised by Parties at the cost implications of implementing the Protocol.
13. Ms Dorcas J. Kiptui (Kenya, African Region) raised concern at the strong and aggressive interference of the tobacco industry in her Region, in particular with regard to the threat posed by the introduction of SLT products and ENDS and the claims made by the industry that these products were safer than cigarettes. It was important in her view that a decision be taken by COP6 on this matter to help countries regulate these products as soon as possible.
14. She also referred to the meeting of the East African Community (EAC), which she had attended and at which she had taken the opportunity to remind Parties of their obligations under the WHO FCTC. Efforts were being made in the region to harmonize taxation on tobacco products. The Chair of the East African Council had been requested to put implementation of the WHO FCTC on the agenda of the next meeting of the Council. The EAC meeting had also been an opportunity to mobilize Parties to accelerate the process of signing and ratifying the Protocol.
15. Gabon had recently adopted a tobacco control law and she had been invited to make an intervention at the recent Union World Conference on Lung Health (Paris, 30 October – 3 November 2013) to which a number of African health ministers had been invited.

16. In Kenya, a decision had been made to establish a distinct and stronger unit on tobacco control within the department of noncommunicable diseases, of which she was the head. The aim was to integrate tobacco control into all other health programmes.

17. Mr Yahia Bouzo (Syrian Arab Republic, Eastern Mediterranean Region) mentioned that a WHO Regional workshop on taxation was scheduled to take place in Beirut, Lebanon, on 26–27 November 2013. Lebanon was making progress on strengthening its tobacco control legislation, which would be a major achievement considering the high smoking prevalence in that country.

18. Professor Chang-jin Moon, President (Republic of Korea, Western Pacific Region) outlined developments in the Region which the regional coordinator had conveyed to him. The WHO FCTC and the NCD strategy had been discussed at the Regional Committee of the Western Pacific Region. The importance of signing and ratifying the Protocol as soon as possible had also been highlighted.

19. The Government of New Zealand had agreed to the goal of making New Zealand a smoke-free nation by 2025.

20. Australia had adopted the world's first plain packaging legislation for tobacco products, which had taken effect from 1 December 2012. Graphic health warnings on tobacco products had been updated and expanded. Existing restrictions on tobacco advertising in Australia had been extended to the internet and other electronic media (e.g. mobile phones). The regulation aims to bring the requirements for online tobacco advertising in line with physical point-of-sale of tobacco advertising requirements. The amount of duty-free tobacco that travellers are allowed to bring into Australia had been substantially reduced. Since November 2012, Australia had been applying stronger penalties for tobacco smuggling. Mass media campaigns were being conducted to raise awareness of the harms of smoking and to promote and motivate quit attempts. Finally, it was noted that Australia had made substantial voluntary contributions to the Secretariat in 2013 to support implementation of the Convention, totalling AUD 1.07 million.

21. The President referred to the Global Health Conference 2013 organized in Seoul, Republic of Korea, from 29 to 31 October 2013, which had highlighted global implementation of the WHO FCTC. The Conference had also touched on the 10 years of implementation of the Convention. He thanked the Head of the Convention Secretariat for his participation in the Conference.

22. The Head of the Convention Secretariat echoed the concerns raised by the representative of Kenya with regard to the growing and aggressive interference of the tobacco industry. He noted that the first anniversary of adoption of the Protocol had been celebrated on 12 November 2013, which he had been able to highlight at a global diplomacy symposium in Geneva on the same day. To mark the first anniversary of the Protocol, a note verbale had been sent to all Parties to urge them to sign and ratify the Protocol to allow its entry into force as soon as possible.

23. The Head of the Secretariat felt that more importance should be given to the threat posed by electronic cigarettes and other smokeless products, which in his view could result in a new wave of the tobacco epidemic. This item should in his view be given a special attention at COP6.

Agenda item 4. Interpol's application for the status of observer to the Conference of the Parties

(Document COP/Bureau/5/2/4)

24. In accordance with the mandate given to the Bureau by the COP concerning Interpol's application for the status of observer to the COP, the Bureau had requested Interpol to provide information on what safeguards it had in place to protect its policies from the vested interests of the tobacco industry. Interpol provided a reply in a letter of 25 July 2013. Interpol also agreed that the letter could be shared with the Parties and circulated to the delegates before the opening of COP6.

25. With a view to preparing a report to COP6, the Bureau requested the Secretariat to translate into all official languages of the COP, and circulate on its behalf, Interpol's letter of 25 July 2013 to all Parties through their permanent missions in Geneva; Parties would be requested to indicate whether the information provided by Interpol was sufficient or to indicate what other information would be needed. The Parties would channel their comments on the matter through the Bureau members.

26. The Bureau agreed to meet through a teleconference in mid-February 2014 to review the feedback received from the Parties and the further steps for preparing its report to COP6. This item will be further discussed at the third meeting of the Bureau.

Agenda item 5. Intersessional groups established by the COP: update on progress
(document COP/Bureau/5/2/5)

27. The Secretariat informed the Bureau of the progress made by the five intersessional groups mandated by the COP, some of which had already started their work to meet the deadlines established by the COP although they were included in the workplan for the next biennium (2014–2015).

28. The open-ended drafting group on Article 6 of the WHO FCTC had met in Geneva on 3–6 June 2013 under the chairmanship of Mr Simon Cotterell of Australia, with representatives of 41 Parties participating. The drafting group had agreed on a text of the draft guidelines, which had been made available for Parties' comments for eight weeks. The Chair, supported by the friends of the Chair, will consider the comments received from the Parties and finalize the draft guidelines and the report of the drafting group (which is expected to be completed in the first quarter of 2014) for submission to COP6.

29. The expert group on Article 19 (*Liability*) of the WHO FCTC, composed of 17 experts as well as three observer experts designated by the Secretariat, had met in Geneva on 23–25 October 2013. The group had agreed on a plan for further work and its second meeting was scheduled for 10–12 March 2014 in Geneva.

30. The working group on sustainable measures to strengthen implementation of the WHO FCTC, composed of representatives of 31 Parties, had met in Geneva on 29–31 October under the chairmanship of Ms Lucia Trucillo of Uruguay. The group had decided that the Chair and a group of friends of the Chair as well as the key facilitators would continue the work in view of preparing the report to COP6.

31. The Head of the Secretariat noted that the work of the three groups had been made possible thanks to the generous financial contribution of Australia.

32. The Bureau was informed that the working groups on Articles 9 and 10 and on Articles 17 and 18 would meet in early 2014. Parties that were members of the working group on Articles 9 and 10 had been requested to inform the Secretariat as to whether they wished to participate in the meeting of group scheduled for 28–30 January 2014, as the workplan and budget adopted by the COP limited participation to up two Parties per region in addition to the Key Facilitators ..

33. Concerning the working group on Articles 17 and 18, which was composed of representatives from 34 Parties, a meeting was scheduled for 18–20 February 2014 in Geneva. Brazil had hosted and funded a meeting of experts (30 September – 3 October 2013) in which experts from 10 Parties had participated as well as representatives of nongovernmental organizations. The expert meeting had agreed that the standardized methodological framework it had discussed should also be discussed by the working group at its meeting in February 2014 and encouraged Parties that are members of the working group to provide input in relation to that framework. The working group was expected to develop policy options and recommendations to be submitted to COP6. Ms Dorcas J. Kiptui (Kenya, African Region) raised concern that some of the invited Parties in her Region had not been able to participate in the meeting held in Brazil as they had been required to meet their travel costs. She suggested that future consultative meetings should include plans to facilitate participation of developing countries.

34. In relation in particular to the work on Articles 17 and 18, the Bureau also addressed the issue of the International Tobacco Growers' Association (ITGA), and the numerous claims made by ITGA that it should be involved in the work of the group and in policy development. The Secretariat had prepared a note summarizing its communications with the ITGA, which was distributed to the Bureau. ITGA was insisting on holding a meeting with the Head of the Secretariat, which the latter felt would be inappropriate in the absence of a mandate from the COP to engage in discussions with this type of association, whose objectives were in clear conflict with those of the Convention.

35. The Secretariat also recalled that ITGA had applied for observer status to the COP in 2010, which had been rejected by the COP.

36. The Bureau was concerned that ITGA would attempt again to organize demonstrations of tobacco farmers at COP6 and felt that the COP may need to consider this issue in order to clarify whether any engagement could be envisaged in particular to convey messages to clarify the objectives of the Convention on this matter and to counteract the inaccurate messages of the industry affirming that the interests of tobacco growers were being ignored by the COP.

Agenda item 6. Sixth session of the Conference of the Parties to the WHO FCTC (COP6)
(Document COP/Bureau/5/2/6)

37. The agreement to host COP6 and MOP1 had been signed by the Government of the Russian Federation and the Convention Secretariat on 22 October 2013 in Moscow. COP6 will be held from 13 to 18 October 2014 followed by the first meeting of the Parties to the Protocol (MOP1) from 20 to 22 October 2014, subject to timely entry into force of the Protocol.

38. The Secretariat will undertake a preparatory visit in December 2013 to review conference facilities and discuss local arrangements with the host. The Bureau requested the Secretariat to ensure that a smoke-free environment will be enforced for COP6 and MOP1.

39. It was agreed that invitations to Parties and accredited observers would be sent in early May 2014 and that the official documents for the session would be made available in mid-August 2014.

40. The Bureau reviewed in detail the first draft of the provisional agenda for COP6; the agenda items derived from previous COP decisions and requirements stipulated in the Rules of Procedure and the Convention. The agenda items were discussed, along with the expected content of the associated documents that would be submitted to COP6, and the relevant action expected in each case by the COP.

41. A number of suggestions were made concerning the provisional agenda, in particular: the need to highlight the 10th anniversary of the Convention under the agenda item on global progress in implementation of the Convention, and to move the agenda item on control and prevention of smokeless tobacco products and electronic nicotine delivery systems, including electronic cigarettes, higher up the agenda in order to ensure sufficient time for its consideration.

42. The Bureau recommended that a discussion on the legal challenges faced by the Parties with the tobacco industry be included. In this regard, it was recommended to incorporate those aspects under the agenda item on trade and investment-related tobacco control issues.

43. The Bureau requested the Secretariat to share the draft of the papers that will be submitted to COP6 on impact assessment as well as on voluntary assessed contributions at its third meeting, to be held in 2014.

44. Regarding agenda item 7 on the date and place of COP7, the Bureau discussed the possibility of extending the duration of future regular sessions of the COP, considering the number of agenda items to be dealt with, which resulted in insufficient time being allocated to a number of important items. The Bureau also discussed the possibility for the COP to adopt the workplan and budget closer to the actual start of the financial period and to hold the COP on uneven years instead of even years, as

suggested by a number of Parties during COP5. In this regard, the Secretariat was requested to explore the availability of conference facilities in Geneva in late 2016, the period when the COP is normally held, as well as in the first and second quarter of 2017 including the possibility of a longer duration of the COP (7 days instead of 5.5 days as is normally the case) and to prepare a discussion paper for its third meeting in 2014, including cost implications.

45. A number of lunchtime seminars were suggested to facilitate the discussions at COP6 of some agenda items, in particular on matters related to SLT products and ENDS as well as one on trade, investment agreements and legal challenges, that would allow Parties to share experiences on these topics.

46. The Bureau will consider a final draft of the provisional agenda at its next meeting, taking into account the suggestions made. In the meantime, the Bureau members would consult their respective regions to collect feedback on the draft provisional agenda as discussed by the Bureau.

Agenda item 7 Status of implementation of the workplan and budget, including status of collection of voluntary assessed contributions
(Document COP/Bureau/5/2/7)

47. The Secretariat presented the progress made in implementing the workplan and budget for 2012–2013 adopted by COP4, which was outlined in the document presented to the Bureau. A detailed performance report of the financial period 2012–2013 would be presented to COP6.

48. Activities had all been accomplished in the areas of work concerning the fifth session of the Conference of the Parties; Protocol, guidelines and other instruments for implementation of the Convention; and reporting arrangements under the Convention.

49. Activities in the area of assistance to Parties in implementing the Convention had been mostly accomplished through regional intercountry workshops and country-specific advice and assistance as well as needs assessment missions, as requested by the COP. Regional workshops for the European and Western Pacific Regions were scheduled for early 2014 and late 2013/early 2014 respectively. Twenty needs assessment had been conducted during the biennium 2012–2013 with one additional assessment scheduled for the end of 2013. The Secretariat also continued to update and raise awareness of the databases of available resources. A series of publications to reinforce and sustain assistance and intercountry exchange had been initiated.

50. The activities in the area of work on coordination with intergovernmental organizations and other bodies had mostly been accomplished and work continued to strengthen and establish cooperation with several international organizations and bodies; in particular, work was ongoing with WCO and UNODC in relation to the Protocol, with UNDP on supporting national coordination mechanisms, with the World Bank on price and tax policies, and with UNCTAD on trade and investment-related issues.

51. The tasks related to administration and management had mostly been accomplished or were on course. The activities related to communication and advocacy had, however, been limited by the lack of resources for a permanent communication staff member in the Secretariat, which had also been highlighted in the interim performance report presented to COP5.

52. The update provided to the Bureau included the additional work adopted by COP5, which was not included in the workplan and budget adopted by COP4, namely that in relation to the promotion and preparation for entry into force of the Protocol, the work related to intersessional bodies as well as the reporting system and impact assessment.

53. Finally, the Head of the Convention Secretariat drew the Bureau's attention to the fact that a number of activities that were included in the workplan and budget for 2014–2015 had been started in 2013 in order that the timelines established by the COP could be met.

54. In addition to the financial information provided in the annex to the paper presented to the Bureau, the Secretariat provided a breakdown of staff costs as well as an outline of the organizational structure of the Secretariat.

55. The level of collection of voluntary assessed contributions (VAC) amounted to US\$ 7 405 658 (81%) as at 30 September 2013; however, concern was raised at the amount of unpaid VAC, which came to US\$ 1 744 444. It was noted that any unpaid VAC would be deducted from the available funds in the next biennium 2014–2015. In addition, US\$ 395 247 remained unpaid from previous bienniums despite the progress made in the collection of arrears. The Bureau members agreed to encourage the Parties in their respective region to pay their VAC.

56. The unpredictability in the payment of VAC as well as the arrears in payment of VAC (20 Parties had never paid their contributions), and the increase in the staffing costs subsequent to the new WHO budgetary rules generated a debate on the capacity of the Secretariat. It was noted that the capacity of the Secretariat had hardly changed since its inception in 2006-2007 despite the substantive growth of the treaty work and the increasing needs of the Parties. The Secretariat explained that some posts had been frozen to address the rising staff costs and unpaid VAC and that the delivery of the work requested by the COP had been made possible due to the high commitment of staff. However, it was clear that the situation was not sustainable. Although resource mobilization was satisfactory, it was not possible to allocate extrabudgetary funds to staff costs. With a view to presenting a proposal to the COP, it was suggested that an analysis of the Secretariat's staff and activities required to implement the workplan could be helpful in identifying the level of resources needed to meet the level of work requested of the Secretariat. In this regard, it was hoped that the working group on sustainable measures to strengthen implementation of the Convention would also look at this matter and the Bureau requested that the draft report of the group be presented at its third meeting.

Agenda item 8. Participation of members of the public in the meetings of the COP and its subsidiary bodies
(Document COP/Bureau/5/2/8)

57. It was recalled that this item had been requested by a Party following the discussions on this matter at COP5, at which it had been noted that there was a need for clearer procedures for dealing with attendance of the public and to facilitate decision-making by the COP.

58. At the request of the Bureau, following an initial discussion at its first meeting,¹ the document presented to the Bureau contained two options:

- to clarify and establish a procedure for the screening function of the Secretariat that would allow for the exclusion of members of the public who were associated with the tobacco industry, in line with Rule 5.3 of the Rules of Procedure of the COP. This option would not require amendments to the Rules of Procedure and would leave both the plenary meetings and the meetings of subsidiary bodies open to the public.
- to introduce (in addition to the screening function) the possibility of restricting attendance, or closing a session of the COP or a meeting of its subsidiary bodies. This option would require amendments to the Rules of Procedure and would mean that only plenary meetings would be open to the public while the subsidiary bodies (committees and other bodies established by the COP or the committees) would be restricted to Parties and accredited observers. This option would also provide the possibility for the plenary or a subsidiary body to decide to close its meetings to accredited observers as well if needed for a specific purpose and under exceptional circumstances.

¹ See summary record of the first meeting of the Bureau, 9–11 April 2013.

59. There was overall support in the Bureau for the second proposed option. However, the Bureau members agreed that they would consult their respective regions to collect the views of the Parties on this matter. In developing procedures for screening of the public, the Secretariat was asked to make a distinction between the various groups of the public that normally attend the COP and its subsidiary bodies and to clarify the procedures for admitting members of the media.

60. The Bureau would consider this matter again at its third meeting and it was expected that a draft decision would be tabled at COP6.

Agenda item 9. Rules of Procedure of the COP
(Document COP/Bureau/5/2/9)

61. As agreed at its first meeting, Mr Denis Choinière (Canada, Region of the Americas) presented a short discussion paper highlighting areas in which the Rules of Procedure of the COP (RoP) could be amended in order to address topics of importance that were not currently covered and where improvements to the wording of existing provisions could be considered.

62. The RoP had not been reviewed since their adoption by the first session of the COP in 2006 although a number of interventions and discussions had taken place at previous sessions of the COP, some of which had resulted in decisions on the need for more clarity in certain areas of the RoP. These included: the role of the Bureau in the intersessional period, the process for appointment and renewal of the Head of the Secretariat, attendance of the public, procedures for applications for observer status to the COP, and official records. Other issues, such as the role of the regional coordinators, whether Bureau members could be accompanied during Bureau meetings, and whether Bureau members could be replaced at specific meetings, still remained unclear.

63. The Bureau felt that it may be timely for the COP to consider reviewing and clarifying its RoP with a view to facilitating its proceedings and decision-making process, though, for example, the establishment of an intersessional mechanism.

64. The Bureau agreed that this was a matter for consultation with their respective regions and that each member would convey his/her region's views to Mr Denis Choinière for him to consolidate the proposals to the COP. It was expected that an agenda item on this matter would be proposed by one or more Parties and that a draft decision would be tabled at COP6.

Agenda item 10. Process for appointment, term of office, and renewal of the Head of the Secretariat: Bureau's report to COP6
(Document COP/Bureau/5/2/10)

65. At its first meeting, the Bureau had reviewed and amended the draft decision on the process for appointment, term of office, and renewal of the Head of the Secretariat that had been submitted to COP5² taking into account the debate at COP5. It was recalled that the regional coordinators had participated in the discussion of this item.

66. The Bureau, in its role as selection panel, as mandated by the COP,³ had conducted interviews of the shortlisted candidates on 10 and 11 November 2013 in Geneva and finalized the evaluation report including its recommendations to the Director-General of WHO.

67. In discussing the way forward for preparing its report on the outcome of the process and recommendations to COP6, the Bureau noted that the future selection process needed further improvements, taking account of the lessons learnt throughout the current selection process. In this

² See document FCTC/COP/5/25, available at <http://www.who.int/fctc/publications>

³ See decision FCTC/COP5(20).

regard, the Bureau members agreed to consult their regions on the draft decision that had been prepared at its first meeting, in order to collect views and suggestions before submitting the Bureau's report to COP6 on the outcome of the process including recommendations. Regions would be asked to provide feedback by mid-January 2014.

68. The Bureau agreed that it would request, through the Secretariat, a meeting with the Director-General of WHO on the occasion of its third meeting, to be held in 2014, to share and consult with her on the outcome of that consultation. A document summarizing the outcome of the consultation with the regions on the future process would be communicated to the Director-General one month in advance of the meeting with her.

Agenda item 11. Control and prevention of smokeless tobacco products and electronic nicotine delivery systems, including electronic cigarettes: progress report from WHO
(Document COP/Bureau/5/2/11)

69. It was recalled that the COP had requested WHO to further examine emerging evidence, collect and examine best practices, and identify research needs and policy options in relation to smokeless tobacco products (SLT products) and electronic nicotine delivery systems (ENDS), including electronic cigarettes.⁴

70. Dr Armando Peruga and Ms Gemma Vestal from the WHO Prevention of Noncommunicable Diseases Department (WHO/PND) presented the timeline of activities that were being undertaken in response to the COP decision.

71. WHO/PND had prepared a draft of the background paper on ENDS to be submitted to COP6, which was expected to be reviewed by experts of the WHO Committee on Tobacco Products Regulation and further discussed at the upcoming meeting of the WHO Study Group on Tobacco Product Regulation (TobReg) to be held in Rio de Janeiro, Brazil, from 6 to 10 December 2013. A survey of the areas of work identified by the COP on both SLT products and ENDS had been sent to all Parties and its outcome would be reflected in the final paper to COP6. Subject to availability of funds, a regulatory consultation would be convened in the first quarter of 2014. The paper to COP6 would address the scientific evidence on toxicity and addictiveness of ENDS and would hopefully contain policy options for the prevention and control of ENDS as requested by the COP.

72. The Bureau felt that it was important to include scientific evidence as to whether ENDS contained nicotine from tobacco leaves – and not synthetic nicotine as claimed by the tobacco industry – in which case they would be considered as tobacco products as per the WHO FCTC. The Bureau also referred to Articles 5, 8, 13 and 16 of the WHO FCTC that contained provisions to allow the COP to make recommendations on regulation of SLT products and ENDS.

73. With regard to SLT products, WHO/PND was using as the basis for its report to COP6 the data and information contained in the volume entitled *Smokeless tobacco products and public health: a global perspective*, which would be published by the National Cancer Institute, the US Centers for Disease Control and Prevention, and the US Department of Health and Human Services. WHO/PND was preparing an abridged version of that volume for review by TobReg together with the draft background document on ENDS, and a final shorter version would be submitted to COP6.

74. The Bureau shared experiences and practices in their respective regions on the use of SLT products and ENDS. Members expressed concern at the threat posed by aggressive marketing by the tobacco industry, including the regular introduction of novel SLT products. Several countries had taken a firm stand by banning these products because of the potential harm they caused and because they undermined tobacco control policies.

⁴ See decision FCTC/COP5(10) available at <http://www.who.int/fctc/publications>.

75. The Bureau recommended to WHO/PND that the paper to be submitted to COP6 should contain clear recommendations and policy options that would allow the COP to provide guidance to the Parties on appropriate regulatory measures.

Agenda item 12. Others matters and closure

76. The Bureau discussed what activities could be undertaken to speed up ratification and entry into force of the Protocol, which was causing concern in some regions. It was acknowledged that the Protocol required wide and lengthy intersectoral consultations within each country and that the legal requirements and cost implications of implementing its provisions needed to be taken into account.

77. The Secretariat highlighted the activities it had undertaken so far, as requested by the COP, with a view to raising awareness and promoting signature and ratification of the Protocol and making available to Parties a self-assessment checklist. The Secretariat was currently undertaking a study of the requirements of the global tracking and tracing regime envisaged in the Protocol. The study was expected to be available by the time of MOP1. The Secretariat was also establishing relations with the key partners mentioned in the Protocol, the World Customs Organization and the United Nations Office on Drugs and Crime. The Secretariat noted that it was regularly urging Parties to sign and ratify the Protocol and offering technical assistance that may be required in that process.

78. The Bureau agreed that it should have a strategic discussion at its third meeting on the issue of shisha and other emerging issues.

79. The Bureau also agreed that its third meeting would be held on either 26–28 March 2014 or 14–16 April 2014, and requested the Secretariat to identify possible meeting facilities on these dates and to inform the Bureau accordingly. *(Following consultations with the Bureau, the dates of 14-16 April 2014 were agreed and confirmed).*

80. Finally, the President thanked the participants for the productive discussions and for their valuable contributions. He also thanked the Secretariat for the preparations made and the support provided to the meeting.

Annex 1

List of Participants

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⁵ Listed in accordance with Rule 24 of the Rules of Procedure of the Conference of the Parties to the WHO FCTC.

⁶ Mr A. Kulikov participated on 13 November 2013

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