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NOTE

From: General Secretariat of the Council
To: Council

Subject: WHO Framework Convention on Tobacco Control (FCTC) - Tenth Session
of the Conference of the Parties (COP 10) Panama, 5-10 February 2024
- Information from the Presidency and the Commission

Delegations will find in [Annex](#) an information note from the Presidency and the Commission services on the above-mentioned subject to be raised under "Any Other Business" at the session of the EPSCO Council (Health) on 21 June 2024.

**Information note from the Presidency and the Commission services on the WHO Framework
Convention on Tobacco Control (FCTC)**

10th Session of the Conference of the Parties (COP10)

Panama City, 5-10 February 2024

The 10th Conference of the Parties (COP10) to the Framework Convention on Tobacco Control (WHO FCTC), 20 years after the adoption of the WHO FCTC, was originally planned to take place in Panama from 20 to 25 November 2023, but was postponed to 5 to 10 February 2024 due to a security issue in Panama.¹

The 10th Conference of the Parties was attended by over 1000 delegates representing 142 Parties of the 183 Parties to the WHO FCTC, as well as several non-Party States (e.g., the US) and a large number of intergovernmental and nongovernmental organisations accredited as observers. The EU together with all 27 Member States is a full Party to the FCTC and its Protocol to Eliminate Illicit Trade in Tobacco Products. COP10 was followed by the third Meeting of the Parties (MOP3) to the Convention's Protocol to Eliminate Illicit Trade in Tobacco Products (12-15 February 2024).

COP10 achieved several important positive outcomes, notably by advancing work to combat **cross-border tobacco advertising**, address the **environmental impact** of tobacco, strengthen tobacco industry **liability** and overall link tobacco control to the **human rights** agenda and the **Sustainable Development Goals**.

¹ On 23 and 24 November 2023, the Convention Secretariat thus organised a “de minimis virtual session” to ensure continuity of operation of the Convention Secretariat in respect of the Workplan and budget for the financial period 2024-2025.

At COP10 the EU continued to show leadership in tobacco control and achieved its main strategic objectives, in particular the successful adoption of the specific guidelines on cross-border tobacco advertising, promotion, and sponsorship. The visibility of the EU was also underlined by the election of an EU-vice-chair of the Committee A and the election of two EU representatives as the EURO Bureau of the COP-member and as the EURO regional coordinator respectively.

An additional important element during the start of the COP was the strong support for Ukraine expressed by the EU in the plenary.

The main COP10 discussions and outcomes were the following:

On treaty instruments and technical matters

1. The comprehensive implementation of **Article 13 of the WHO FCTC on tobacco advertising, promotion and sponsorship** was advanced, thanks to strong EU support, through the adoption of specific additional guidelines on cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in the entertainment media. The guidelines focus on challenges posed by digital and social media advertising, particularly on advertising of novel and emerging tobacco products, and clarify that the devices used with such products should also be covered by comprehensive bans (or restrictions).
2. A Decision advancing the implementation of **Article 18 of the FCTC on protection of the environment and health of persons** was adopted. It inter alia recognises the extensive harm caused to the environment by the entire lifecycle of cigarettes and other tobacco products, including their electronic devices, calls on Parties to coordinate their efforts to address plastic waste from these products, and to consider comprehensive regulatory options regarding filters in cigarettes and other tobacco and related products. A reference to the protection of rights of workers in line with international labour standards as reflected in the 2022 ILO Declaration was also included, in line with the EU position.

3. The COP for the first time adopted a Decision **on forward-looking tobacco control measures** advancing the implementation of **Article 2.1 of the FCTC**, in line with the EU position. It established an Expert Group to explore cutting edge policies which go beyond minimum FCTC measures and report back to COP11.
4. An additional expert group was established by the Decision on the implementation of **Article 19 of the FCTC on liability**. The expert group will inter alia support Parties to strengthen their liability regimes to ensure accountability, access to justice and effective remedies for those affected by tobacco harm.

On reporting, implementation assistance, and international cooperation

1. 1. On the proposal of the FCTC-secretariat, the COP agreed on an **improved reporting system** which will establish a user-friendly quality-control framework for data collection and will reduce the reporting burden on Parties. The instrument will be pilot tested by Parties.
2. An agreement was reached on the “**voluntary implementation peer review and support mechanism**” after several changes to the original proposal for an “Implementation Review Mechanism”. 25 Parties indicated their interest in participating in the pilot exercise, but participation had to be limited to 12 Parties (for the moment due to a decision of COP8).
3. Another important issue was the adoption of a **Human Rights Decision** encouraging parties to consider including the World Health Organization (WHO) FCTC principles and implementation efforts when engaging in the UN human rights mechanisms.

On budgetary and institutional matters

1. The COP agreed on the **performance and progress reports** and on the **proposed workplan and budget for the financial period 2024-2025**. This workplan was already adopted on an interim basis during the de minimis session of COP 10 but needed to be formally approved.

2. Parties also agreed on the terms of reference for a “**single oversight committee**” to serve the investment funds for the WHO-FCTC and the Protocol to Eliminate Illicit Trade in Tobacco products (not 2 separate committees as originally proposed) that would comprise up to 6 members, chosen for their expertise and reflecting (as far as possible) geographical representation of the 6 WHO regions.
3. An agreement was reached on extra measures for those Parties in **arrears with the payment of Assessed Contributions**. Such Party is not entitled to become a member of the Bureau of the COP or to nominate a member to it, and such a Party cannot chair a subsidiary body or working group. It was also recalled that any Party found not to have met the requirement regarding the payment of arrears would have their voting rights suspended after the closure of COP10.
4. The COP further decided to maintain the **observer status of the 26 accredited NGOs** to the COP.
5. After a very difficult discussion and a lack of support from other Parties, the COP reached a compromise on the proposal of the EU to amend Rule 8 of **the Rules of Procedure of the COP. The EU’s proposal** called for the provisional agenda and other COP documents to be distributed by the Convention Secretariat to the Parties at least 120 days before the opening of each session (compared with the current rule of 60 days). The COP agreed on a compromise for a deadline of 75 days instead.
6. The COP also agreed on the joint (COP and MOP) recommendations on improving the process of appointment of the Head of the Convention Secretariat.

An important outcome at this COP was the adoption of the **Panama Declaration**, which took stock of the COP10 achievements, emphasised the fundamental and irreconcilable conflict between the interests of the tobacco industry and those of public health, as well as included important additional references, proposed by the EU, to the need to account for the environmental impact of filters of cigarettes as well as other tobacco products, to nicotine products and nicotine addiction, and to smoke and aerosol-free environments.

An **EU statement** was delivered in the **final plenary session** of the COP underlining the importance of keeping the work free from the influence of the tobacco industry in line with Article 5.3 of the FCTC and of having an ambitious agenda for COP11 with a view to comprehensively addressing the tobacco and nicotine-addiction epidemic.

On the **date and place of the 11th Conference of the Parties (2025)**, COP10 could not take a final decision because the discussions to identify an appropriate host had been inconclusive.
