



Council of the
European Union

Brussels, 23 October 2023
(OR. en)

**Interinstitutional File:
2023/0313(NLE)**

**14437/23
ADD 1**

LIMITE

**SAN 599
FISC 234
UD 234**

NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Addendum to the Council Decision on the positions to be taken on behalf of the European Union at the tenth session of the Conference of the Parties to the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) - Adoption

ADDENDUM

to the COUNCIL DECISION

on the positions to be taken on behalf of the European Union at tenth session of the Conference of Parties to the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC)

Union positions on the key issues to be discussed at the tenth session of the Conference of the Parties to the FCTC, in Panama from 20 to 25 November 2023.

**I. Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the Working Group (document FCTC/COP/10/8).
The Union:**

Thanks the working group for the report,

1. In line with the objectives of the FCTC, supports the adoption of specific guidelines according to the lines proposed by the WG on cross-border tobacco advertising, promotion and sponsorship (TAPS), addressing *inter alia* new and innovative marketing strategies, assessing initiation and consumption with special emphasis on young people and children, recommending the application of the bans of TAPS or restriction, for those Parties that are not in a position to undertake a comprehensive ban owing to their constitutions or constitutional principles, to all types of media, including digital media and digital media communication platforms.

2. Welcomes the recommendation to reduce tobacco depictions in entertainment media.
3. Such guidelines should, in particular:
- supplement the existing Guidelines on Article 13 of the FCTC, and in no way substitute or replace them;
 - ensure that civil society has a crucial role in ensuring, monitoring and supporting their enforcement and implementation; conflict of interest, notably with the tobacco industry or its representatives should be avoided.
 - cover digital media communication platforms in the widest possible manner, including internet-accessible online spaces where users can post, purchase, view, share, create, upload, stream or engage with content that includes any form of electronic media such as digital video, audio, pictures, social media, apps, games, web pages and interactive media;
 - ensure effective enforcement of TAPS bans by asking Parties to work collaboratively and systemically to monitor, identify, remove and/or prevent cross-border TAPS and TAPS across digital media communication platforms;

- recommend a comprehensive ban/restriction, in line with Article 13.2 and 13.3 of the FCTC, on advertising, promotion and sponsorship of all tobacco, especially novel and emerging tobacco products, including devices used with them, the function of which is to enable the consumption of such products;
- impose particular obligations, in accordance with national law, on content hosts to identify TAPS and remove TAPS at least when notified by the competent authorities or civil society of tobacco advertising, promotion and sponsorship.

II. Possible amendments to the Rules of Procedure of the Conference of the Parties: report by the Secretariat (document FCTC/COP/21)

The Union:

1. Supports amendments proposed to simplify and rationalise the work at the COP, such as accepting the approval of the verbatim records after the close of the session or introducing the general possibility of live webcasting of agenda items of COP sessions, subject to an approval by the COP at the beginning of each session.
2. Agrees to clarify, without amending the Rules of Procedure of the COP, that verbatim records of plenary meetings are understood to include audio files.
3. Supports the amendment related to arranging for virtual sessions of the COP, when exceptional measures are required by an extraordinary situation. At the same time, it should also take into consideration the need to balance the environmental costs of in-presence session and the need for such sessions whenever possible. Virtual meetings should always be organised with the maximum protection from tobacco industry influence.

4. Supports the amendment to define more clearly the participation of the members of the Bureau of the Meeting of the parties (MOP) in the appointment of the Head of the Secretariat, as well as the amendment providing for the possibility of designating an acting Head of the Secretariat, when required.
5. Supports the amendment related to the presence of accredited media in public sessions, as this amendment leads to better consistency between Rules 2 and 32.
6. Proposes an amendment of Rule 8 that currently obliges the Secretariat to distribute the provisional agenda, together with other conference documents, to the Parties at least sixty days before the opening day of the session. This period should be extended to 120 days before the opening of the session in order to enable regional economic integration organizations and federal countries to properly prepare and establish their positions. This period should at the least be ensured for conference documents for COP decisions that are legally binding on the Parties or have important policy or legal implications.

[fall-back position: The Union can agree with any extension of the distribution period beyond current 60 days before the opening of the session, and at least for conference documents for COP decisions that are legally binding on the Parties or have important policy or legal implications.]

III. Appointment of the Head of the Convention Secretariat: report by the Bureau (document FCTC/COP/23)

The Union:

1. Thanks the Bureau for the report, containing joint recommendations of the Bureau of the COP and Bureau of the MOP to improve the process of selection and appointment of the Head of the Secretariat and criteria for the selection of candidates for the position of the Head of the Secretariat.
2. Supports the proposed improvements of the process for the selection and appointment of the Head of the Secretariat, established by decisions FCTC/COP8(8) and FCTC/MOP1(12), including modifications to simplify a single renewal of the term of office of the Head of the Secretariat for a further four years, provided that his/her performance is beforehand evaluated and assessed positively.

3. Supports the improved criteria for the selection of the candidates for the position of the Head of the Secretariat; however, requests that aspects related to the Protocol to the FCTC are added to the selection criteria. In particular, documentary criteria 1 should also include possible background, knowledge and experience in fight against illicit trade, and documentary criteria 2 should also include possible experience in fight against illicit trade and strong links or network with the international anti-fraud community.

[fall-back position: The Union can agree with the proposed improved criteria also if the aspects related to the Protocol are not added to them or added only to certain extent.]
