Council of the European Union

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'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	WHO Framework Convention on Tobacco Control (FCTC) – Tenth session of the Conference of parties (COP10) a) 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 b) Union positions and common positions - Approval

1. The Tenth session of the Conference of the Parties (COP10) to the Framework Convention on Tobacco Control (hereinafter "FCTC") was due to take place in Panama from 20-25 November 2023. On 9 November 2023, however, the Secretariat of the WHO Framework Convention on Tobacco Control circulated a communication announcing that the Conference of the Parties has been postponed to early 2024[1].

2. On 7 September 2023, the Commission submitted a proposal for a 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 Organisation Framework Convention on Tobacco Control [2], based on Article 114 TFEU in conjunction with Article 218 (9) TFEU. The Annex to the proposal included positions on almost all items on the COP10 Agenda.

[1] 15349/23
[2] 12851/23 + ADD 1

3. At its meeting of 18 October 2023, the Committee of Permanent Representatives decided on a hybrid approach[3]. This consisted of the amended draft Council Decision and addendum including the positions on the three items of the COP10 Agenda identified by the Commission in its proposal as having legal effect on the one hand, and a note including the Union positions and common positions on the rest of items of the COP 10 Agenda, on the other hand.

   With one change, the Committee reached agreement by unanimity on the draft Council Decision and its addendum[4] . With one change, the Committee also reached agreement by consensus on the note with the Union positions and common positions[5]. The Committee agreed to recommend to the Council to adopt and approve them as "A" items on the agenda of one of its forthcoming meetings.

4. Against this background, the Council is invited:

   - to adopt 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), after revision by the lawyer linguists, as set out in 14437/23 and to adopt the Annex to the Council Decision as set out in 14437/23 ADD1;

   - to approve the Union positions and common positions for the Tenth session of the Conference of the Parties (COP) of the WHO Framework Convention on Tobacco Control (FCTC), as set out in 14595/23;

   - to enter into the minutes of the Council the statements in the addendum to this note;

   - to inform the European Parliament of the Council Decision (14437/23) and its Annex (14437/23 ADD1) in accordance with Article 218 (10) TFEU;

   - to agree that, given the sensitivity of the Council Decision and the addendum, their publication in the Official Journal should be postponed until after the Conference of the Parties, at the earliest.

[3] 14194/1/23 REV 1
[4] 13837/23 + ADD 1
[5] 14172/23