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### OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council  
To: Delegations

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Subject: WHO Framework Convention on Tobacco Control (FCTC) – Eleventh session of the Conference of the Parties (COP11), Geneva, Switzerland, 17-22 November 2025:  
*- FCTC COP11 Union Positions and Common Positions*

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Delegations will find enclosed the Union positions and common positions prepared for COP11 as approved by the Permanent Representatives Committee at its meeting of 14 November 2025.

UNION POSITIONS AND COMMON POSITIONS

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# WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

## Eleventh session of the Conference of the Parties (COP11)

Geneva, Switzerland, 17-22 November 2025

Union positions and Common positions (of the EU and the Member States) on the key agenda items to be discussed during [the Eleventh session of the Conference of the Parties](#) to the WHO FCTC, in Geneva from 17 to 22 November 2025.

### Agenda item 1.1

#### **Adoption of the agenda and organisation of work (Documents FCTC/COP/11/1 and FCTC/COP/11/1 (annotated))**

#### **Common position**

The European Union and its Member States:

1. Thank the Bureau and the Convention Secretariat for their efforts to arrange COP and for preparing the provisional agenda contained in documents FCTC/COP/11/1 and FCTC/COP/11/1 (annotated).
2. Agree with the adoption of the agenda as proposed by the Secretariat in document FCTC documents FCTC/COP/11/1 and the organisation of work in Plenary session, committee A and Committee B.
3. Taking into account the significant and rapid increase in the sales and consumption of novel and emerging tobacco and nicotine products, particularly among children and young people, which can cause nicotine addiction, as well as their role as a potential gateway to traditional tobacco consumption, emphasize the strategic importance of addressing at COP11 agenda item 4.5 on the implementation of measures to prevent and reduce tobacco consumption, nicotine addiction, and exposure to tobacco smoke, and the protection of such measures from commercial and other vested interests of the tobacco industry in light of the tobacco industry's narrative on "harm reduction".

### **Agenda item 4.1**

#### **Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC): report by the Expert Group**

**(Documents FCTC/COP/11/5 and FCTC/COP/11/INF.DOC./1)**

#### **Union position**

The European Union:

1. Thanks the Expert Group for its report and for its work on the implementation of Article 2(1) of the WHO FCTC.
2. Regrets that the Convention Secretariat could not distribute all documentation at least 75 days prior to the opening of the session, in accordance with Rule 8 of the Rules of Procedure of the COP.
3. Recalls that Article 2.1 of the WHO FCTC encourages Parties to implement measures beyond those required by the Convention and its protocols, in order to better protect human health.
4. Recalls that Article 4 of the Convention highlights the need for comprehensive multisectoral tobacco control measures, and that its Article 5 calls on the Parties to adopt and implement measures for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.
5. Recalls that Article 5.4 of the Convention emphasizes that Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.
6. Recalls that the Expert Group in paragraph 26 of its Report notes that the adoption of any forward-looking tobacco control measures will depend on the readiness of Parties to take action, which is influenced by a number of factors – such as political and/or social readiness, cultural and economic factors, and public support (among others).

7. Notes that, in line with the Expert Group mandate, its report focuses on tobacco products as defined by the WHO FCTC, while it also highlights that Parties may wish to adopt and apply the forward-looking measures to both tobacco and nicotine products, depending on their domestic definitions, and approach to regulation, of those products.
8. Notes the list and description of sixteen forward-looking tobacco control measures, prepared by the Expert Group, to be considered within the scope of Article 2.1 of the WHO FCTC, as appropriate under Parties' national laws.
9. Notes the recommendation of the Expert Group that other forward-looking measures exist or may arise in the future, and that these further measures might also be considered by the Parties.
10. Considering the rapidly evolving and diversifying market, stresses that Parties could benefit from future work on forward-looking measures that would also explicitly address emerging tobacco and nicotine products which can cause nicotine addiction as well as non-nicotine containing products which pose risks to human health, especially for children, young people and non-smokers as well as their role as a potential gateway to traditional tobacco consumption.
11. Stresses that tobacco industry interference represents a challenge to the development and implementation of forward-looking tobacco control measures and for this reason strengthening the implementation of Article 5.3 of the WHO FCTC.
12. Invites the Convention Secretariat, following the dissemination of the Expert Group's work, to continue to raise awareness about forward-looking tobacco control measures that may be considered by the Parties.
13. Does not have a position on the support or rejection of the draft decision and will accordingly not pronounce itself nor vote on it at the 11<sup>th</sup> session of the COP to the FCTC.
14. Underlines that this does not pre-empt a foreseen revision of the European Tobacco Legislation which is currently being evaluated.

## Agenda item 4.2

### **Liability (Article 19 of the WHO FCTC): report by the Expert Group (Document FCTC/COP/11/6)**

#### **Common position**

The Union and its Member States:

1. Note the work carried out by the expert group mandated to:
  - review and collect information concerning the Parties' practices and policies in relation to liability,
  - support Parties, as relevant, to strengthen their criminal and civil liability regimes, including administrative measures,
  - provide options for Parties to detect and counter tobacco industry efforts to evade applicable liability regimes or to undermine tobacco control,
  - explore the possible development of a methodology that estimates or quantifies the health-care costs borne due to tobacco use and
  - report on its work at COP11.
2. Thank the expert group for its report and take note of the recommendations for Article 19 implementation, that Parties may consider, as appropriate in light of their national laws and legal systems.
3. Emphasise the need for effective, proportionate and dissuasive penalties for violations of tobacco control laws as appropriate under Parties' national laws, along with the effective enforcement of these penalties.
4. Acknowledge that liability-related actions, as determined by each Party under their national laws, are an essential part of comprehensive tobacco control.

5. Agree that any interactions between Parties and the tobacco industry in the context of civil, criminal and administrative proceedings to determine liability must be consistent with Article 5(3) of the WHO FCTC.
  6. Emphasise the importance of cooperation and information exchange between Parties in the implementation of Article 19, and to prevent tobacco industry from exploiting jurisdictional boundaries to evade liability.
  7. Note the useful list of Article 19 tools and resources annexed to the report in strengthening the implementation of Article 19.
  8. Agree with the adoption of the draft decision contained in Annex 2 to the report of the expert group, contingent upon the amendment of its final version to reflect that the Parties may, as appropriate, consider implementing the recommendations within the scope of their national laws.
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### Agenda item 4.3

## **Protection of the environment and the health of persons (Article 18 of the WHO FCTC) (Document FCTC/COP/11/7)**

### **Union position**

The European Union:

1. Thanks the Convention Secretariat for addressing the request from the decision FCTC/COP10(14) and for preparing this report, including on regulatory options regarding the prevention and management of waste generated by the tobacco industry and its products.
2. Is highly concerned about the pollution of soil and water resources by waste from tobacco and nicotine products, and their related electronic devices, including filters of cigarettes and other products, as well as plastic packaging, plastic cartridges, batteries and metals.
3. Acknowledges that several components of tobacco products are toxic and that cigarette filters are a major source of waste generated by the tobacco industry and its products, including as a consequence of littering.
4. Emphasizes the importance of addressing this issue, while recognising that biodegradable filters would not reduce the palatability and appeal of cigarettes and would not remove possible consumer misconceptions about the health benefits of filters.
5. Highlights that plastic and other components used in manufacturing and packaging of other tobacco and nicotine products and related electronic devices are an additional increasing source of toxic product waste. In addition, emerging tobacco and nicotine products will add to this waste.
6. Notes that while the Secretariat report highlights a number of measures that would contribute to the implementation of Article 18 of the WHO FCTC, it remains for the Parties to consider such measures, as appropriate, under Parties' national laws.

7. Recognises that for the implementation of Article 18 of the FCTC, and to reduce tobacco and nicotine consumption and addiction, both measures that address the demand side, and measures that address the supply side should be considered.
  8. Highlights that activities and measures aimed at protecting the environment from tobacco waste, such as extended producer responsibility systems, have to be protected from commercial and other vested interests of the tobacco industry, and not be misused for greenwashing, to follow obligations under Articles 5.3 and 13 of the FCTC.
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#### **Agenda item 4.4**

### **Regulation of contents and disclosure of tobacco products (Articles 9 and 10 of the WHO FCTC): reports by the Bureau and by WHO (Documents FCTC/COP/11/8 and FCTC/COP/11/9)**

#### **Union position**

The European Union, with regard to the report by the Bureau:

1. Thanks for the work done by the Bureau and for the report prepared for this Conference of the Parties.
2. Notes with regret the observations in the report that the Partial Guidelines for Articles 9 and 10 remain partial, and that there is no indication that Parties could reach an agreement on what type of subsidiary body should undertake the work in respect of Articles 9 and 10 of the WHO FCTC.
3. Underlines, in this regard, that this situation is not reflective of the commitment of Parties to make progress with implementation of the Convention and would divert attention from the technical and practical support that Parties expect to fully implement Articles 9 and 10.
4. Supports in this regard the alternative approach proposed by the Bureau to shift discussions, for the time being, to the technical resources that Parties can work with to strengthen their implementation of Articles 9 and 10, until future arrangements can be agreed in respect of further development of the Partial guidelines.
5. Expresses concern that the issue would be postponed indefinitely and calls for the Bureau to make a renewed assessment on the feasibility of the completion of the guidelines for Articles 9 and 10 in devising the agenda for COP12.
6. Notes the importance of ensuring broad involvement of Parties before proceeding to future adoption of final guidelines for Articles 9 and 10.

7. Agrees with the recommendations by the Bureau that, in respect of a future approach on implementation of Articles 9 and 10 of the WHO FCTC, focus be placed on:
- responding to the need to address disparities in scientific infrastructure between Parties: bridging the technical gaps by strengthening the capacity of Parties to understand and implement the Partial guidelines for implementation of Articles 9 and 10;
  - achieving cost–efficiency by redirecting financial resources that would have been used to establish a subsidiary body of the COP to activities such as capacity-building and technical assistance for Parties;
  - promoting, developing and strengthening tools, resources and understanding of the Partial guidelines for implementation of Articles 9 and 10, including providing examples of good practice and easily located resources for experience-sharing;
  - strengthening interregional cooperation between Parties on Articles 9 and 10;
  - increasing the confidence of Parties in implementing evidence-based measures, the visibility of Party work, and progress with implementation of Articles 9 and 10;
  - minimizing industry interference and reducing the risk of undue influence through education and Party-to-Party collaboration as well as strict adherence to Article 5.3.
8. Supports the adoption of the draft decision included in the Annex 2 to the report of the Bureau (FCTC/COP/11/8).

The Union, with regard to the report of the WHO:

1. Thanks the WHO for the report on technical work related to tobacco product regulation, in pursuance of implementation of Articles 9 and 10 of the WHO FCTC.
2. Notes the policy options and approaches presented in the report for consideration of Parties to support them in meeting their obligations under Articles 9 and 10 of the WHO FCTC, and notes that several are in line with the regulation of tobacco products in the Tobacco Products Directive 2014/40/EU and are already implemented in EU Member States.

3. In light of current market developments, considers the following regulatory approaches to be of particular importance, taking into account the specific policies and approaches of individual Parties:
- regulating (including banning) characterising flavours across all tobacco products, and flavourings in their components, such as filters, papers, packages and capsules, and accessories;
  - reducing the appeal of tobacco products, including by prohibiting or restricting product design characteristics that promote tobacco consumption and specifically appeal to children and young people;
  - preventing unproven claims about all categories of tobacco products, including health claims, comparative ingredient/emission claims and reduction of disease risk claims;
  - requiring manufacturers and importers of tobacco products to disclose information on tobacco products, including on their ingredients and emissions, in order to allow the national authorities to assess the attractiveness, addictiveness and toxicity of tobacco products and the health risks associated with the consumption of such products;
  - ensuring that comprehensive bans or restrictions on tobacco advertising, promotion and sponsorship – including digital marketing – apply to all categories of tobacco products, and that monitoring and enforcement is strengthened to address the aggressive marketing of flavoured tobacco products to the public, and particularly to children and young people.
4. Highlights that novel and emerging tobacco and nicotine products should be strongly regulated taking into account scientific data, impact analysis as well as a precautionary principle in order to protect public health and monitored, in particular to address the strategies used by the tobacco industry to promote these products to children, young people and other vulnerable population groups.
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## Agenda item 4.5

### **Implementation of measures to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke, and the protection of such measures from commercial and other vested interests of the tobacco industry in light of the tobacco industry’s narrative on “harm reduction” (Articles 5.2(b) and 5.3 of the WHO FCTC) (Document FCTC/COP/11/10)**

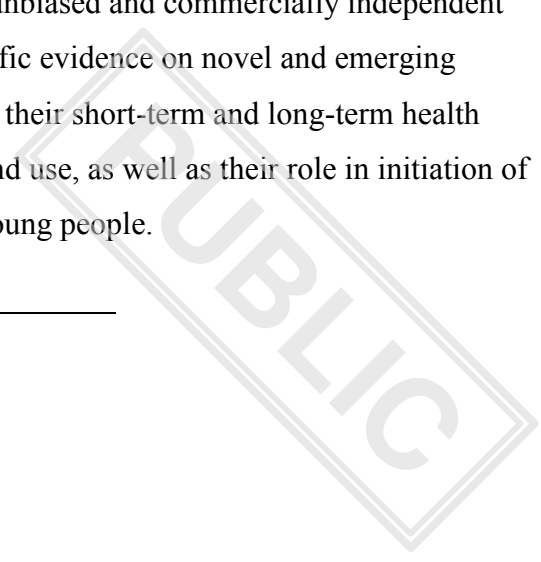
#### **Union position**

The European Union:

1. Thanks the Convention Secretariat for preparing this report to facilitate deliberations of the Parties under this agenda item.
2. Recalls Article 1(d) of the FCTC that defines tobacco control as a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke.
3. Further recalls Article 5.2 of the FCTC that requires Parties to adopt and implement effective legislative, executive, administrative and/or other measures and policies for preventing and reducing tobacco consumption and exposure to tobacco smoke, as well as for preventing and reducing nicotine addiction.
4. Notes that the EU Tobacco Products Directive provides for regulation and restriction of nicotine-containing electronic cigarettes (ENDS), and that in addition, several EU Member States decided to ban disposable ENDS and also to regulate, restrict or prohibit the distribution and sale of non-nicotine containing electronic systems (ENNDS), including disposable ones, and other nicotine products (such as nicotine pouches as appropriate under their national laws.
5. Is highly concerned about the fast-increasing market introduction and usage, particularly among children and young people, of novel and emerging nicotine and tobacco products, which can cause nicotine addiction, as well as their role as a potential gateway to traditional tobacco consumption.

6. Recognizes that nicotine is a toxic substance which in itself is a health hazard, especially for children and young people, and that nicotine products authorized as medicinal products are only safe when used in accordance with the package leaflet.
7. Considers it important to remain vigilant and continue to regularly monitor and assess novel and emerging nicotine and tobacco products, including their targeted marketing and usage, especially to and by children, young people and non-smokers, and to develop and implement appropriate regulatory measures, taking into account a high level of protection of human health.
8. Highlights that novel and emerging nicotine products are not limited to ENDS, ENNDS, including disposable ENDS and ENNDS, and nicotine pouches, but encompass a large and diverse body of nicotine products.
9. Given the increasing popularity of novel and emerging nicotine and tobacco products, reiterates its support for comprehensive regulatory measures regarding these products to protect in particular children and young people.
10. Underlines the importance of preventing children, young people and non-smokers from initiating the use of novel and emerging nicotine and tobacco products.
11. Considers it essential to prevent unproven health claims from being made about novel and emerging nicotine and tobacco products. Claims of “harm reduction” or “reduced risk” should not be used to further the marketing and commercialization of novel and emerging nicotine and tobacco products.
12. Highlights in this regard the significance of increasing public awareness by providing accurate information on nicotine addiction, health risks and consequences associated with the use of novel and emerging nicotine and tobacco products, in particular among children and young people.
13. Emphasizes the need to protect public health policies with respect to tobacco control from commercial and other vested interests related to novel and emerging nicotine and tobacco products, including interests of the tobacco industry, in accordance with Article 5.3 of the WHO FCTC.

14. Points that the Parties could benefit of additional unbiased and commercially independent research at international level to strengthen scientific evidence on novel and emerging nicotine and tobacco products, regarding inter alia their short-term and long-term health effects and risks, addictive potential, perception and use, as well as their role in initiation of smoking and nicotine addiction by children and young people.
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## Agenda item 5.1

### **Voluntary Implementation Peer Review and Support Mechanism (Document FCTC/COP/11/11)**

#### **Common position**

The European Union and its Member States:

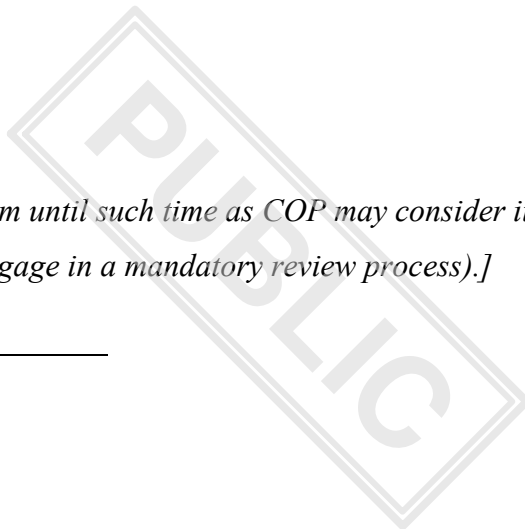
1. Would like to thank the Convention Secretariat for preparing the report on the Voluntary Implementation Peer Review and Support (VIPRS) Mechanism and for its efforts to launch it.
2. Regret that the Secretariat did not receive sufficient expressions of interest from Parties for the Voluntary Implementation Peer Review and Support Mechanism to be launched and implemented.
3. Acknowledge that the VIPRS Mechanism has some overlapping aspects with the needs assessments for the implementation of the WHO FCTC and with Party reporting under the WHO FCTC, however the latter activities are different in several respects, particularly with regard to measuring the efficiency of parties' tobacco control policies beyond enforcement.
4. Recall that COP10 adopted the VIPRS Mechanism as a voluntary, peer-led approach, aimed at fostering supportive review among Parties.
5. Recognise that such approach eventually did not receive significant interest from the Parties.
6. For this reason agree with exploring the revision of this process with other FCTC Parties, including in the direction that the mechanisms would not be voluntary and would apply to all Parties thereby aligning more closely with review mechanisms used in other multilateral treaties.
7. Emphasise that in any revision, aspects differentiating the review mechanisms from the needs assessments for the implementation of the WHO FCTC and from the Party reporting under the WHO FCTC, as recently improved, should be maintained as far as possible, also considering any additional administrative burden put on Parties.

8. Invite the Secretariat to clarify how these differences would be maintained in the suggested revisions of the VIPRS Mechanism.

*[Fallback position:*

*The EU would agree to discontinue the VIPRS Mechanism until such time as COP may consider it appropriate (for example, when Parties are willing to engage in a mandatory review process).]*

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**Agenda item 6.1**  
**Performance and progress reports**  
**(Document FCTC/COP/11/12)**

**Common position**

The European Union and its Member States:

1. Thank the Secretariat for the performance and progress reports for the reported periods.
  2. Recall that in its decision FCTC/COP10(15) COP decided to extend the Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019-2025, to ensure coherence and alignment with the 2030 Agenda for Sustainable Development.
  3. Share the view that the strategic objectives of the Global Strategy remain relevant.
  4. Note that based on this consideration and considering the abbreviated intersessional period between COP10 and COP11, the Global Strategy has not been reviewed.
  5. Welcome that the Convention Secretariat undertakes to convene consultations in the first half of 2026, with a group of experts and stakeholders, in order to assess the Global Strategy as a “living document to be reviewed as necessary”, to provide suggestions concerning any necessary adjustments, and report on this to the Bureau and to the Twelfth session of the Conference of the Parties.
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## Agenda item 6.2

### **Proposed Workplan and Budget for the financial period 2026–2027 (Documents FCTC/COP/11/13 and FCTC/COP/11/INF.DOC./2)**

#### **Common position**

The European Union and its Member States:

1. Thank the Secretariat for the comprehensive proposed Workplan and Budget for the financial period 2026-2027, that principally follows the structure of the work plan and budget for the financial period 2024-2025 approved by COP decision FCTC/COP10(25).
2. Support the adoption of the total proposed budget for the 2026–2027 financial period which is US\$ 20 115 895 representing a small overall increase of 3,2% compared to the Workplan and Budget for the 2024-2025 financial period, adopted by COP10. We note that this increase is related to a proposed small increase in voluntary Extrabudgetary Contributions (EBs).
3. Welcome the fact there is no proposed increase in Assessed Contributions (AC) compared to the Workplan and Budget for the previous financial period.
4. Support the efforts which the Convention Secretariat puts in exploring the potential savings in order to avoid a request for an increase in AC.
5. Note that some Parties are in arrears with the payment of their ACs under the Convention.
6. Support and encourage EBs to support the continuing implementation of the FCTC.
7. Emphasize that core activities of the Workplan that are essential for securing and improving the WHO FCTC implementation and conducting basic COP mandates should remain funded by ACs, since their continuation cannot be put at risk. Acknowledge that for the same reason, AC should continue to fund costs of the core staff positions.

8. Would appreciate additional explanations from the Convention Secretariat on the move of activities of “Intersessional subsidiary bodies as decided by COP” from the funding by ACs to the funding by EBs, and particularly how this could impact the efforts towards better implementation of the FCTC.
9. Welcome the efforts of the Convention Secretariat to keep the increase of the staff costs to a minimum level. Would appreciate additional explanations from the Convention Secretariat on the increase of the WHO’s staff costs, and how this compares with the increases in staff costs in other UN organisations.
10. Feel the need to discuss the conclusion in the Explanatory note (FCTC/COP/11/INF.DOC./2, para 32) that keeping the total amount of AC at the same level will unavoidably put at risk the positions essential for conducting basic COP mandates and statutory obligations of the WHO FCTC and the activities funded by AC, such as the organization of the COP.

*[Fallback position:*

*The EU remains silent regarding staff costs. If other Parties raise this question, the EU will ask for the clarification in point 9.]*

### Agenda item 6.3

#### **Payment of Assessed Contributions and measures to reduce Parties in arrears (Document FCTC/COP/11/14)**

##### **Common position**

The European Union and its Member States:

1. Welcome that some Parties have cleared their arrears in response to actions taken by the Secretariat to encourage the payment of Assessed Contributions (AC) despite financial and practical challenges.
2. Welcome the Secretariat's actions and efforts to reduce the number of Parties in arrears, including to actively engage Parties in finding ways to make payments.
3. Note that those actions by the Secretariat will have to be continued to avoid further increase in the total amount of outstanding AC.
4. Support the adoption of the draft decision included in the Annex of the respective Secretariat report (FCTC/COP/11/14).
5. Call on Parties to fulfil their financial commitments to the Convention and encourage all Parties with outstanding ACs to make their contribution in accordance with the Convention as soon as possible

#### **Agenda item 6.4**

### **Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties (Document FCTC/COP/11/15)**

#### **Common position**

The European Union and its Member States:

1. Would like to thank the Convention Secretariat for preparing the report on this item after having conducted the survey in accordance with the decision FCTC/COP6(23).
2. Highlight that all 29 nongovernmental organizations (NGOs) accredited as observers to the COP have responded to the online questionnaire by the required deadline. No conflicts of interest were declared in any of the NGO reports.
3. Support the draft decision according to which the observer status of these 29 NGOs is to be maintained.

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**Agenda item 6.5**

**Strengthening synergies between the Conference of the Parties and the World Health Assembly**

**(Document FCTC/COP/11/16)**

**Common position**

The European Union and its Member States:

1. Note the report by the WHO Director-General on the outcomes of the Seventy-seventh and Seventy-eighth World Health Assembly (WHA), 157th session of the WHO Executive Board and WHO regional committees relevant to the implementation of the WHO FCTC.
2. Highlight the call for a multisectoral action to accelerate progress on noncommunicable diseases and mental health. Reducing risk factors inevitably requires strengthened tobacco control, in order to reduce tobacco and nicotine use.
3. Welcome the opportunity to be updated on the resolutions of relevance for the FCTC taken by the WHA and WHO Regional Committees.

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