



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

**Conference of the Parties to the
WHO Framework Convention
on Tobacco Control**

Eighth session
Geneva, Switzerland, 1–6 October 2018

6 October 2018

DECISION

FCTC/COP8(21) Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products)

The Conference of the Parties (COP),

Recognizing the Parties' obligations set out in Article 9 (Regulation of the contents of tobacco products) and Article 10 (Regulation of tobacco product disclosures) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling decision FCTC/COP1(15) to establish a working group to elaborate guidelines for implementation of Articles 9 and 10 of the WHO FCTC, and decision FCTC/COP2(14) to extend the work of the working group to include product characteristics, such as design features, to the extent that they affect the objectives of the WHO FCTC;

Recalling also decision FCTC/COP4(10) to adopt partial guidelines for implementation of Articles 9 and 10 of the WHO FCTC and to mandate the working group to continue its work in elaborating guidelines in a step-by-step process, and to submit draft guidelines on addictiveness and toxicity to future sessions of the COP for consideration;

Noting decision FCTC/COP5(6) to adopt further partial guidelines;

Recalling decision FCTC/COP7(14) to, among other actions, adopt further partial guidelines, in particular the recommendation that Parties should consider specifying that information on the contents of tobacco products be collected using standards agreed by the Parties to the Convention or recommended by the WHO Tobacco Laboratory Network such as Official Method SOP 04, entitled Standard operating procedure for determination of nicotine in cigarette tobacco filler;

Mindful of the Progress Report by the WHO on technical matters related to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/8/8);

Recognizing that Parties are facing particular challenges in implementing Article 9, as evidenced by the average implementation rate of 48% reported in the *2018 Global progress report on*

implementation of the WHO Framework Convention on Tobacco Control, and the use of the partial guidelines for that article reported by only 44% of the Parties;

Mindful of the intensified attempts by the tobacco industry and any entities and individuals working to further the interests of the tobacco industry to influence the work carried out in product regulation under the auspices of the Convention;

1. WELCOMES the report by WHO to the COP on the progress in relation to Articles 9 and 10 of the WHO FCTC (document FCTC/COP/8/8) and thanks both WHO and the participating laboratories for their work in assessing the applicability of WHO Tobacco Laboratory Network standard operating procedures to the testing of contents and emissions of other tobacco products and in validating additional analytical methods;
2. DECIDES to suspend the mandate of the working group until the Ninth Session of the COP, established through decision FCTC/COP1(15) and amended through subsequent decisions, to elaborate guidelines for implementation of Articles 9 and 10 of the WHO FCTC;
3. REQUESTS the Bureau:
 - a) to consult the Parties with respect to the working group on the implementation of Articles 9 and 10, on a long-term plan for developing further guidance on these Articles, a possible short and medium-term programme of work, and the appropriate working methods for the working group;
 - b) to report back to the Ninth session of the COP for its consideration.
4. REQUESTS the Convention Secretariat to establish, in accordance with guidance from the Bureau, an expert group to examine the reasons for low implementation of Articles 9 and 10 of the Convention, and related partial guidelines, by Parties and set out the terms of reference of the expert group taking into account the following:
 - a) Each WHO region will be represented by two experts, selected by the Bureau, in consultation with the Parties;
 - b) The chairs of the WHO Tobacco Laboratory Network (WHO TobLabNet) and the WHO Study Group on Tobacco Product Regulation (TobReg), and representation from the WHO, will be invited to be members of the expert group;
 - c) Key informants in the topics under consideration, with field experience in implementation of Articles 9 or 10 of the Convention and in addressing challenges in tobacco product regulation, will be selected by the Bureau, in consultation with the Convention Secretariat, as appropriate, and will be invited to attend;
 - d) Two representatives of civil society with relevant expertise, and who are observers accredited to the COP, will be invited to attend as observers;
 - e) The Convention Secretariat will make the necessary arrangements, subject to availability of extra-budgetary funds, for the expert group to complete its work using, as much as possible, electronic means of communication;
5. MANDATES the Expert Group:
 - a) to provide a detailed analysis of factors that impede implementation of Articles 9 and 10, and related partial guidelines, including adoption of the test methods referenced therein;

- b) to describe the methodology used to arrive at their findings and the limitations to their study;
 - c) to identify and present positive experiences from Parties in addressing barriers to their implementation of these articles and related partial guidelines, and examples of successful international cooperation in this respect;
 - d) to prepare a report to be submitted to the Ninth session of the COP covering the above points as well as recommending ways the COP could use their findings;
6. ALSO REQUESTS the Convention Secretariat to explore the feasibility of establishing a global Knowledge Hub to support Parties in their implementation of Articles 9 and 10 of the Convention and its partial guidelines;
7. ENCOURAGES Parties to acknowledge and implement the WHO Tobacco Laboratory Network methods, as referenced in the Articles 9 and 10 Partial Guidelines, as appropriate, and FURTHER REQUESTS the Convention Secretariat to invite WHO to continue to provide support in synergy with other WHO FCTC work in facilitating take-up of the WHO Tobacco Laboratory Network resources and capacity-building activities, upon the request of Parties ;
8. REQUESTS the Convention Secretariat in cooperation with the WHO to hold a face-to-face meeting on cigarette ventilation, with a wide range of relevant experts, Party representatives and observers accredited to the COP independent from the tobacco industry, to gain an overview of the latest scientific evidence on the impact of cigarette ventilation on cigarette use and report back their findings to the Ninth session of the COP.

(Fifth plenary meeting, 6 October 2018)

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