



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

CONFERENCE OF THE PARTIES TO THE
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

FCTC/COP/9/1(annotated)
14 July 2021

Ninth session

Geneva, Switzerland, 8–13 November 2021

Provisional agenda item 1.1

Provisional agenda annotated

1. Opening of the session

1.1 Adoption of the agenda and organization of work

Documents FCTC/COP/9/1 and FCTC/COP/9/1(annotated)

The provisional agenda was prepared by the Convention Secretariat in consultation with the Bureau of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC), in accordance with Rule 6 of the Rules of Procedure of the COP.

In the context of the restrictions imposed in response to the COVID-19 pandemic, the Bureau of the COP approved arrangements for the Ninth Session of the COP (COP9) to be held virtually, using videoconferencing technology. COP9 will consider an abridged version of the provisional agenda. The following items will be deferred for consideration by the Tenth Session of the COP (COP10): Article 2.1 of the WHO FCTC on measures beyond those required by the Convention (item proposed by a Party); Tobacco advertising, promotion and sponsorship; depiction of tobacco in entertainment media (report by the Working Group); Accountability of the tobacco industry (item proposed by several Parties); Promotion of the WHO FCTC through human rights (item proposed by a Party); and Possible Amendment of the Rules of Procedure of the COP (item proposed by a Party).

In addition, reports under some of the agenda items will be provided for the information of the Parties, but due to the limited time available for the virtual session and the substantive discussions expected, the Bureau recommends to the COP that consideration of these items be postponed to COP10.

In considering the method and organization of its work, the COP may wish to keep the existing approach by establishing two Committees, A and B, working in parallel. Committee A could be entrusted with work on treaty instruments and technical matters under provisional Agenda item 4, and reporting, implementation assistance and international cooperation under provisional Agenda item 5, while Committee B could work on budgetary and institutional matters under provisional Agenda item 6. Provisional Agenda items 1–3 and 7–9 would be considered in the plenary session.

The COP is invited to review and consider adopting the provisional agenda and to decide on the organization of work of the session.

1.2 Credentials of participants

Document FCTC/COP/9/2

As explained in document FCTC/COP/9/3, given the virtual format of COP9, Parties were invited to communicate all credentials electronically to the Convention Secretariat through the online registration system, if possible, no later than 15 days before the opening of COP9 and the Second Session of the Meeting of the Parties (MOP2) to the Protocol to Eliminate Illicit Trade in Tobacco Products.

The Bureau of the COP, with the assistance of the Convention Secretariat, will examine the credentials of delegates and will report their findings to the COP, in accordance with Rule 19 of the Rules of Procedures of the COP (document FCTC/COP/9/2, Report on credentials of participants). It should be noted that, pursuant to Rule 20 of the Rules of Procedure of the COP, representatives shall be entitled to participate provisionally in the session, pending a decision by the COP on acceptance of their credentials.

1.3 Special procedures for the conduct of the Ninth Session of the Conference of the Parties to the WHO FCTC

Document FCTC/COP/9/3

At the Resumed Virtual Special Joint Meeting of the Bureau elected by the Eighth Session of the Conference of the Parties (COP8) and the Bureau elected by First Session of the Meeting of the Parties (MOP1), the Bureaus agreed that COP9 will take place on 8–13 November 2021, virtually. In this regard, Special Procedures need to be adopted so that COP9 can pursue its work in a virtual format.

The COP is invited to adopt the Special Procedures contained in the annex of document FCTC/COP/9/3.

2. Applications for the status of observer to the Conference of the Parties

Document FCTC/COP/9/4

The COP is invited to review the applications, in accordance with Rules 30 and 31 of the Rules of Procedure of the COP. Document FCTC/COP/9/4 contains, in its annex, a draft decision for consideration by the COP.

3. Global progress in implementation of the WHO FCTC

Document FCTC/COP/9/5

Given the virtual format of COP9, the Bureau, at its Fourth Meeting held in April 2021, decided that the report would be presented to COP9 not for discussion but as information. Parties and observers are invited to submit their pre-recorded video statements, which will be posted to the WHO FCTC website rather than played during the meeting and the General Debate. The theme for this agenda item is *Tobacco control during a global health emergency*.

Parties and observers are invited to submit to the Convention Secretariat pre-recorded video statements by 30 October 2021. The video statements submitted by that deadline will be uploaded on the COP9 webpage.

The COP is invited to note the report on Global progress in implementation of the WHO FCTC.

4. Treaty instruments and technical matters

4.1 Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products: reports by the expert group, and by WHO and the Convention Secretariat)

Documents FCTC/COP/9/6, FCTC/COP/9/7 and FCTC/COP/9/8

For the reasons articulated above under provisional Agenda item 1, the Bureau decided¹ that the report of the Expert Group established in accordance with decision FCTC/COP8(21) should be submitted to COP9 for information, with a recommendation to extend the mandate of the Expert Group, based on the same terms of reference, until COP10, to be held in 2023, with a view to discussing an updated report at COP10. In addition, for the reasons noted above, the report of the Bureau on the future of the Working Group on Articles 9 and 10 of the WHO FCTC, mandated by decision FCTC/COP8(21), the Bureau decided that this matter and the related substantive debate should be deferred to COP10. The Bureau similarly decided that the progress report on technical matters related to Articles 9 and 10 prepared by the World Health Organization (WHO) (Regulation of contents and disclosure of tobacco products, including waterpipe, smokeless tobacco and heated tobacco products, in document FCTC/COP/9/8) should be presented to COP9 and that related substantive discussions should be deferred to COP10.

The COP is invited to note the report of the Expert Group contained in document FCTC/COP/9/6 and to extend its mandate with a view of discussing an updated report at COP10. In addition, the COP is invited to defer the matter of the future of the Working Group on Articles 9 and 10 of the WHO FCTC to COP10.

The COP is invited to note the report on the cigarette ventilation meeting prepared by the Convention Secretariat following decision FCTC/COP8(21) and contained in document FCTC/COP/9/7, as well as to note the progress report on technical matters related to Articles 9 and 10 in document FCTC/COP/9/8 and defer discussion on to COP10.

4.2 Novel and emerging tobacco products *Documents FCTC/COP/9/9 and FCTC/COP/9/10*

For the reasons articulated above under provisional Agenda item 1, the Bureau decided that the reports prepared by WHO (Comprehensive report on research and evidence on novel and emerging tobacco products, contained in document FCTC/COP/9/9) and by the Convention Secretariat (Challenges posed by and classification of novel and emerging tobacco products, contained in document FCTC/COP/9/10), should be presented for information and that related substantive discussions should be deferred to COP10.

The COP is invited to note the reports and to defer discussion to COP10.

5. Reporting, implementation assistance and international cooperation

5.1 Implementation Review Mechanism *Document FCTC/COP/9/11*

Considering the virtual format of COP9, the Bureau¹ decided that the report prepared by the Convention Secretariat on the pilot project exercise or an Implementation Review Mechanism for the WHO FCTC in accordance with decision FCTC/COP8(16), as contained in document FCTC/COP/9/11, should be presented to COP9 and to defer the substantive discussion to COP10.

The COP is invited to note the report and to defer discussion to COP10.

6. Budgetary and institutional matters

¹ Fourth Meeting of Bureau elected by COP8 held in April 2021.

6.1 Performance and progress reports

Document FCTC/COP/9/12

- (a) Performance report for the 2018–2019 Workplan and Budget
- (b) Interim performance report for the 2020–2021 Workplan and Budget

The COP is invited to note the progress report, contained in document FCTC/COP/9/12, describing the implementation of the Workplan and Budget for the past full biennium (2018–2019), as adopted in decision FCTC/COP7(24). The COP is also invited to note the progress report from 1 January to 31 December 2020, aligning with the Workplan and Budget adopted in decision FCTC/COP8(10) and with the *Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019–2025*.

6.2 Proposed Workplan and Budget for the financial period 2022–2023

Documents FCTC/COP/9/13 and FCTC/COP/9/INF.DOC./1

The COP is invited to consider the report and adopt the Workplan and Budget for the financial period 2022–2023 contained in Annexes 1, 2 and 3 of document FCTC/COP/9/13, and to note the detailed description of activities, the rationale and assumptions made in calculating the cost of various activities, and efforts by the Convention Secretariat to achieve greater efficiency and savings, contained in the Explanatory Note FCTC/COP/9/INF.DOC./1.

6.3 Payment of the Assessed Contributions and measures to reduce Parties in arrears

Document FCTC/COP/9/14

The COP is invited to note the report providing information on the progress made on the payment of Assessed Contributions and the current status of Parties in arrears, contained in document FCTC/COP/9/14, and consider adopting the draft annexed decision, as recommended by the Bureau.

6.4 Convention Secretariat's fundraising strategies: Investment Fund concept

Document FCTC/COP/9/15 and FCTC/COP/9/INF.DOC./2

This report contained in document FCTC/COP/9/15 summarizes the development of a proposed Investment Fund as part of the Convention Secretariat's fundraising strategies in support implementation of WHO FCTC and provides recommendations for the establishment and operation of the Investment Fund, in accordance with decision FCTC/COP8(5). Additional information is provided, in the form of questions and answers, to support the proposal for the establishment of an Investment Fund, in document FCTC/COP/9/INF.DOC./2.

The COP is invited to note the report, to provide further guidance, as well as to consider adopting the draft decision contained in document FCTC/COP/9/15, to launch the Investment Fund.

6.5 Review of accreditation of nongovernmental organizations with the status of observer to the Conference of the Parties

Document FCTC/COP/9/16

The COP is invited to note the report reviewing the accreditation of nongovernmental organizations (NGOs) with the status of observers to the COP, contained in document FCTC/COP/9/16, and to maintain the observer status of the reviewed NGOs, considering for adoption the draft decision contained in the Annex of the report.

6.6 Strengthening synergies between the Conference of the Parties and the World Health Assembly: report by the WHO Director-General on resolutions and decisions of the Seventy-second, Seventy-third and Seventy-fourth World Health Assembly

Document FCTC/COP/9/17

The COP is invited to note the report by the WHO Director-General on the outcomes of the Seventy-second, Seventy-third and Seventy-fourth World Health Assembly and WHO Regional Committees as relevant to the implementation of the WHO FCTC, as presented in document FCTC/COP/9/17 for information purposes.

6.7 Appointment of the Head of the Convention Secretariat: report by the Bureau

Document FCTC/COP/9/18

The report presented in document FCTC/COP/9/18 contains recommendations by the Bureau on the process of appointment of the Head of the Secretariat, based on the experience gained and comments received from Parties intersessionally, and on any other matters that should be considered for future appointments, in accordance with decision FCTC/COP8(8). The COP is invited to note the report.

7. Date and place of the Tenth Regular Session of the Conference of the Parties

Document FCTC/COP/9/19

In accordance with Rules 3 and 4 of the Rules of Procedure of the COP, the COP shall decide on the date and duration of its next regular session. The report contained in document FCTC/COP/9/19 proposes a date and place for the conduct of COP10. It also makes reference to the basic requirements for Parties to host future sessions of the COP and the MOP.

The COP is invited to decide the place of COP10, with dates to be confirmed after agreement between the hosting Party and the incoming Bureau, in consultation with the MOP Bureau, and with the support of the Convention Secretariat.

8. Election of the President and the Vice-Presidents of the Conference of the Parties

Document FCTC/COP/9/20

The election of officers of the COP is governed by Rule 21 of the Rules of Procedure of the COP. Each regional group of Parties is invited to put forward a candidate for membership of the Bureau and to inform its respective current Bureau Member and the Convention Secretariat of its nomination, if possible before the opening of the session. The procedure is described in document FCTC/COP/9/20.

The COP is invited to note the report and elect the officers that constitute the Bureau of the COP.

9. Adoption of the provisional report of the Ninth Session of the Conference of the Parties

Document FCTC/COP/9/21

The COP is invited to adopt the provisional report¹ of COP9, as contained in document FCTC/COP/9/21.

10. Closure of the session

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¹ As agreed by the Bureau at the Fourth Joint Meeting of the Bureau elected by COP8 and the Bureau elected by MOP1 held in April 2021, the COP9 report will be provisionally adopted in English before the closure of the session, and translation into all official languages will be accomplished as soon as possible. Parties will have 15 days to submit comments.