



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

FCTC/COP/9/3
12 October 2021

Ninth session
Geneva, Switzerland, 8–13 November 2021
Provisional agenda item 1.3

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

Report by the Convention Secretariat

Purpose of the document

This report contains the proposed special procedures to regulate the conduct of the Ninth Session of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC) to be held virtually in the context of restrictions made necessary as a result of the COVID-19 pandemic.

Action by the Conference of the Parties

The COP is invited to note the report and consider adopting the draft decision contained in the annex of the document, together with the special procedures for the conduct of virtual COP9 annexed to the draft decision.

Contribute to the SDGs, if applicable: None.

Link to the workplan and budget item: None.

Additional financial implications if not included in the workplan and budget: None.

Related document(s): Rules of Procedure of the Conference of the Parties to the WHO FCTC, FCTC/COP/9/INF.DOC./3 Decision-making and procedural issues on the virtual system: A practical guide.

BACKGROUND

1. Responding to organizational difficulties caused by the COVID-19 pandemic, at the Resumed Virtual Special Joint Meeting of the Bureau elected by the Eighth Session of the Conference of the Parties (COP8) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Bureau elected by First Session of the Meeting of the Parties (MOP1) to the Protocol to Eliminate Illicit Trade in Tobacco Products, held on 22 March 2021, the Bureaus agreed that the Ninth Session of the Conference of the Parties (COP9) would take place on 8–13 November 2021 and the Second Session of the Meeting of the Parties (MOP2) would take place on 15–18 November 2021, virtually, using videoconference technology.
2. Special procedures need to be put in place so that COP9 can pursue its work in a virtual format. For this reason, these special procedures need to be adopted in the opening of the session.
3. This report is intended to enable the Conference of the Parties (COP) to take a decision in that regard. The special procedures to regulate the conduct of the virtual COP9 are set out in the annex to the draft decision contained in this report. They are the result of consultations with Parties to the WHO FCTC,¹ conducted at the request and under the guidance of the Bureau of the COP.

ACTION BY THE CONFERENCE OF THE PARTIES

4. The COP is invited to note this report and to consider adopting the annexed draft decision.

¹ The proposal was prepared by the Convention Secretariat, following the special procedures used for the conduct of the Seventy-third World Health Assembly, with adaptations to the Rules of Procedure of the COP, and further aligned with the special procedures used for the conduct of the Seventy-fourth World Health Assembly.

ANNEX

**DRAFT DECISION ON SPECIAL PROCEDURES FOR THE CONDUCT
OF THE NINTH SESSION OF THE CONFERENCE OF THE PARTIES (COP9)**

The Conference of the Parties,

Having considered the report on special procedures submitted and contained in document FCTC/COP/9/3,

DECIDES to adopt the special procedures set out in the Annex to this decision to regulate the conduct of virtual meetings of the Ninth Session of the Conference of the Parties (COP9).

ANNEX TO THE DRAFT DECISION

SPECIAL PROCEDURES TO REGULATE THE CONDUCT OF VIRTUAL COP9

RULES OF PROCEDURE OF THE COP

1. The Rules of Procedure of the COP shall continue to apply in full, except to the extent that they are inconsistent with these special procedures, in which case the COP decision to adopt these special procedures shall operate as a decision to suspend the relevant Rules of Procedure to the extent necessary.¹

ATTENDANCE

2. Attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the COP pursuant to Rules 30 and 31, accredited media and members of the public² shall be through secured access to videoconference or other electronic means allowing representatives to hear other participants and to address, as appropriate, the meeting remotely.

QUORUM

3. It is understood that virtual attendance of Parties shall be taken into account when calculating the presence of a quorum.

ADDRESSING THE COP

4. Parties, States and regional economic integration organizations that are not Parties, the Secretariat, and intergovernmental and nongovernmental organizations accredited by the COP pursuant to Rules 30 and 31, shall be provided with the opportunity to take the floor.

5. Parties, States and regional economic integration organizations that are not Parties shall also have the opportunity, if they so wish, to submit individual pre-recorded video statements of no more than three minutes, and regional and group statements of no more than four minutes. Intergovernmental and nongovernmental organizations accredited by the COP pursuant to Rules 30 and 31 may also submit pre-recorded video statements of no more than two minutes, and respectively, one minute. Pre-recorded video statements should be submitted by a given deadline communicated by the Convention Secretariat

¹ This will affect notably the relevant provisions of the following Rules of Procedure of COP:

- Rules 18 and 20 (credentials);
- Rule 51 and Rules 54–56 (voting by show of hands and secret ballot); and
- Rule 66 (insofar as these special procedures may not be regarded as amendments, but only as exceptional suspensions or additions to the Rules of Procedure, subject to consensus by the COP).

² Considering the virtual format of the meeting, the accreditation of members of the public will be suspended. Members of the public will access public meetings as decided suitable to be webcast live by the COP.

in advance of the opening of the session. The video statements submitted will be broadcast in lieu of a live intervention.¹

6. Any Party wishing to raise a point of order or exercise a right of reply in relation to either an oral or a pre-recorded video statement made at the COP should signal their intention to do so. It is understood that, in accordance with well-established practice, any right of reply to either an oral or a pre-recorded video statement shall be exercised at the end of the relevant meeting.

7. Video statements in the language of submission shall form part of the official records of the session.

REGISTRATION AND CREDENTIALS

8. Online registration will follow the usual practice. Additional information is provided in a related note verbale.

9. Given the need to grant virtual access to the meeting with due regard for timely and secure conduct of business, as well as Article 5.3 of the WHO FCTC, all credentials and lists of representatives shall be submitted electronically to the Convention Secretariat through the online registration system, if possible, no later than 15 days before the opening of the COP9. Additional information is provided in the related note verbale.

10. The Bureau, having examined, before the opening of the COP, whether credentials are in conformity with the requirements of the Rules of Procedure of the COP, shall report to the COP accordingly during the opening with a view to the COP making a decision.

11. If a Party wishes to modify the composition of its delegation, any subsequent change shall also be submitted to the Convention Secretariat. This may take the form either of supplemental credentials or of new credentials indicating the revised composition of the full delegation. In line with past practice, changes to the composition of a delegation will not normally require a decision of the COP.

DECISION-MAKING

12. As already provided for by the Rules of Procedure, in accordance with Rule 50, decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 23.4 of the Convention. For all other decisions, the COP shall make every effort to reach agreement by consensus.

13. If all efforts to reach consensus on decisions referred to in paragraph 12 have been exhausted and no agreement has been reached, the COP shall proceed as a last resort as follows:

- (a) in the event that a vote is required, voting shall take place by roll call conducted through the virtual system; and

¹ With respect to the item *Global Progress in implementation of the WHO FCTC*, it is proposed that pre-recorded video statements are not played in session but posted on the WHO FCTC website.

(b) during a roll-call vote, should any delegate fail to cast a vote for any reason during the roll call, that delegate shall be called upon a second time after the conclusion of the initial roll call. Should the delegate fail to cast a vote on the second call, the delegation concerned shall be recorded as absent.

ELECTION OF THE OFFICERS OF THE BUREAUS OF THE COP

14. In accordance with practice of the COP, by which members of the Bureau of COP are elected by acclamation, following nominations made by the six World Health Organization (WHO) regions, the President shall propose to the COP to proceed on an agreed list of candidates reflecting the nominations made by the six regions.

EXCEPTIONAL MEASURES

15. The procedures set out above are adopted for the purpose of COP9 only as exceptional measures to enable the work of the COP to continue during the extraordinary situation arising from the COVID-19 pandemic, and they should not be considered as setting a precedent for future sessions of the COP.

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