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**WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Public Health (Attachés) Working Party on Public Health (Framework Convention on Tobacco Control (WHO))
Subject:	11th Conference of the Parties (COP11) to the WHO Framework Convention on Tobacco Control (FCTC) - Draft positions

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Delegations will find enclosed the draft Union positions and common positions proposed by the Commission services.

This document is intended for the meeting of the Working Party on Public Health scheduled for 9 October.

# **WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)**

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

**Geneva, Switzerland, 17-22 November 2025**

Proposed 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))**

Background: At the opening of the COP11 session, the first item will be the adoption of the agenda and organisation of work. Due to possible attempts of the industry to put on the COP11 agenda disruptive topics, this item is expected to trigger discussions at COP.

Action requested: The COP is invited to examine the provisional agenda and consider adopting the draft decision annexed to the present report.

#### **Proposed 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 young people, and their role as a gateway to nicotine addiction and ultimately 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".

## **Annex**

### **Draft decision: Adoption of the agenda**

The Conference of the Parties (COP),

Noting the provisional agenda contained in documents FCTC/COP/11/1 and FCTC/COP/11/1 (annotated) prepared by the Convention Secretariat in consultation with the Bureau of the COP, in accordance with Rules 6 and 7 of the Rules of Procedure of the COP,

DECIDES to adopt the provisional agenda as proposed.

(First plenary meeting, X November 2025)

#### **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)**

#### **Background:**

- In accordance with decision FCTC/COP10(12), the concerned report provides an overview of the work of the Expert Group on Forward-looking Tobacco Control Measures (in relation to Article 2.1 of the WHO FCTC) established by the Conference of the Parties (COP). The Expert Group was mandated to identify and describe forward-looking tobacco control measures and measures that expand or intensify approaches to tobacco control as they apply to tobacco products, and that may be contemplated within the scope of Article 2.1, taking into account the Guidelines for implementation of the WHO FCTC.

- The proposed Union position is in line with the EU position at COP10 regarding documents FCTC/COP/10/11 and FCTC/COP10/P/CONF./1 on forward-looking measures (in relation to Article 2.1 of the WHO FCTC) and with above noted COP decision FCTC/COP10(12) on this item, as well as with the current EU acquis.

Action requested: The COP is invited to note the report of the Expert Group in document FCTC/COP/11/5 and the additional information contained in document FCTC/COP/11/INF.DOC./1, to provide further guidance and to consider adopting the draft decision contained in Annex 3 to the Expert Group report.

#### **Proposed 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. 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, and to complement and reinforce the implementation of other Articles of the Convention.
3. 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.
4. 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.
5. Welcomes the non-exhaustive 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, with a view to their potential adoption and implementation within each Party's jurisdiction.
6. Notes the recommendation of the Expert Group that other forward-looking measures exist or may arise in the future, and these further measures might also be contemplated for adoption by the Parties.

7. Considering the rapidly evolving and diversifying market, stresses that Parties would benefit from future work on forward-looking measures that would also explicitly address nicotine products as well as non-tobacco and non-nicotine containing products which pose risks to human health, also considering their role as a gateway to traditional tobacco consumption and nicotine addiction.
8. Agrees that tobacco industry interference represents a significant 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.
9. Invites the Convention Secretariat, following the dissemination of the Expert Group's work, to explore ways to continue to raise awareness about forward-looking tobacco control measures that may be contemplated within the scope of Article 2.1 of the WHO FCTC, taking into account that novel and emerging tobacco and nicotine products may require new measures tailored to their specific characteristics.
10. Supports the adoption of the draft decision contained in Annex 3 to the Expert Group's report.

*[Fallback position:*

*If proposed by other Parties, the EU would agree to continue the work on forward-looking tobacco control measures, including to potentially establish a new Expert Group, to expand and intensify approaches to tobacco control that may be contemplated within the scope of Article 2.1 of the WHO FCTC, also to explicitly address nicotine products, as well as non-tobacco and non-nicotine products, which pose risks to human health, as appropriate. Any additional costs arising from such decision should not lead to an increase in assessed contributions and must be covered by extra-budgetary contributions or reallocation within the current budget.]*

### **Annex 3**

#### **Draft decision:**

#### **Forward-looking tobacco control measures (in relation to Article 2.1 of the WHO FCTC)**

The Conference of the Parties (COP),

Recalling that Article 2.1 of the WHO Framework Convention on Tobacco Control (WHO FCTC) states that in order to better protect human health, Parties are encouraged to implement measures beyond those required by the Convention and its protocols, and that nothing in those instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law;

Noting that Article 3 of the Convention articulates the objective of the treaty in the context of a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke;

Recalling that Article 4 of the Convention highlights the need for comprehensive multisectoral tobacco control measures, and that Article 5 provides that each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention;

Recalling that Article 5.3 of the WHO FCTC calls on Parties in setting and implementing their public health policies with respect to tobacco control to act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law;

Recalling decision FCTC/COP10(12) that established an expert group on tobacco control measures that are forward-looking and could be contemplated within the scope of Article 2.1 of the WHO FCTC;

Welcoming the report contained in document FCTC/COP/11/5 and noting with satisfaction the outcome of the work of the Expert Group,

1. INVITES Parties:

(a) to consider the forward-looking tobacco control measures that expand or intensify approaches to tobacco control that may be contemplated within the scope of Article 2.1 of the WHO FCTC that have been listed and described by the Expert Group, with a view to their potential adoption and implementation by Parties, and to contribute to their efforts to meet their obligations under the WHO FCTC;

(b) to note that the list of forward-looking tobacco control measures identified and described by the Expert Group is not exhaustive, and other forward-looking measures exist or may arise in the future: these further forward-looking measures might also be contemplated for adoption by Parties;

(c) to report, as part of their reporting obligations on their implementation of the Convention, on implementation of forward-looking tobacco control measures that expand or intensify approaches to tobacco control, and that may be contemplated within the scope of Article 2.1, including lessons and outcomes arising from the implementation of such measures;

(d) to consider the need to conduct further work and mobilize resources, in respect of forward-looking tobacco control measures, taking into account that the findings contained in document FCTC/COP/11/5 may be reviewed and updated as necessary;

2. REQUESTS the Convention Secretariat:

(a) to disseminate the work of the Expert Group, through facilitating experience-sharing between Parties on the adoption and implementation of forward-looking tobacco control measures; publishing information received from the Parties pursuant to their reporting obligations under the Convention in relation to forward-looking measures, in ways that showcase and support their potential adoption by other Parties; supporting the work of Knowledge Hubs in developing and sharing best practice, and case studies on Parties' experience, in relation to forward-looking tobacco control measures; and publishing information material, including with support from WHO, on forward-looking tobacco control measures;

(b) to continue to raise awareness about forward-looking tobacco control measures and measures that expand or intensify approaches to tobacco control that may be contemplated within the scope of Article 2.1.

(XX plenary meeting, November 2025)

## **Agenda item 4.2**

### **Liability (Article 19 of the WHO FCTC): report by the Expert Group**

**(Document FCTC/COP/11/6)**

#### **Background:**

- In its Decision FCTC/COP10(13) on the implementation of Article 19 of the WHO FCTC, the Conference of the Parties (COP) urged Parties, *among others*, to: apply to the tobacco industry the highest standards and best practices of holding businesses liable for their conduct; require that the tobacco industry and those working to further its interests operate and act in a manner that is accountable and transparent; consider legislative development or reform to strengthen liability regimes, including to facilitate compensation where appropriate, as part of a comprehensive tobacco control policy; establish and apply, in accordance with their national law, criminal, civil or administrative procedures, and effective, proportionate and dissuasive sanctions in order to enforce the liability of the tobacco industry; exchange information on means of enforcement of liability of the tobacco industry, including sanctions and penalties, or compensation where appropriate.

- In the same Decision, the COP decided to re-establish an expert group on liability and mandated the expert group to: (i) review and collect information in respect of the practice that has evolved at Party level, taking into account the work being done in relevant international fora, and support Parties, as relevant, to strengthen their criminal and civil liability regimes, including administrative measures, to ensure accountability and deterrence, improve access to justice, and allow for effective remedies for those affected by tobacco harms, on a voluntary basis and upon request by the Parties; (ii) provide options for Parties to detect and counter tobacco industry efforts to evade applicable liability regimes or to undermine tobacco control, including through corporate reorganization or investments; (iii) explore the possible development of a methodology that estimates or quantifies the health care costs borne due to tobacco use, in order to support Parties in collecting evidence to be used in tobacco-related litigation; (iv) report on its work at the Eleventh session of the Conference of the Parties.

- In this Decision, the COP also requested the Convention Secretariat, among others, to facilitate the establishment of the expert group, under the guidance of the Bureau, and make arrangements for the expert group to complete its work.

Action requested: The COP is invited to note the report of the Expert Group and to consider adopting the draft decision contained in Annex 2 of the present report.

### **Proposed Common position**

The Union and its Member States:

1. Note with satisfaction 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, to be considered as appropriate in light of the Parties' national laws and respective legal and judicial systems.
3. Emphasise the need for establishing effective, proportionate and dissuasive penalties for violations of tobacco control laws, along with the effective enforcement of these penalties.
4. Acknowledge that liability-related actions, as determined by each Party within each jurisdiction, 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. Recognise the valuable role of the 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.

## **Annex 2**

### **Draft decision:**

#### **Implementation of Article 19 of the WHO FCTC on Liability**

The Conference of the Parties (COP),

Acknowledging that issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control;

Reminding Parties of their obligations under Article 19 of the WHO FCTC;

Recalling decisions FCTC/COP4(15), FCTC/COP5(9), FCTC/COP6(7), FCTC/COP7(11) and FCTC/COP10(13) in relation to implementation of Article 19 of the WHO FCTC on liability;

Recalling also decision FCTC/COP8(18), which encouraged Parties to promote national and international cooperation to enhance implementation of Article 5.3 of the WHO FCTC in relation to Article 19 of the WHO FCTC;

Further recalling that in decision FCTC/COP10(13) the COP re-established an expert group on liability, taking into account the work completed by the expert group on liability established pursuant to decision FCTC/COP5(9) and whose mandate was extended in decision FCTC/COP6(7);

Welcoming the report contained in document FCTC/COP/11/6 and noting with satisfaction the outcome of the work of the Expert Group on Implementation of Article 19 of the WHO FCTC on Liability,



1. CALLS ON the Parties:

- (a) to apply the recommendations and options provided by the Expert Group in their report FCTC/COP/11/6, as appropriate, to strengthen their implementation of Article 19 of the WHO FCTC;
- (b) to use the tools and resources available for Parties to strengthen their implementation of Article 19, including those contained in Annex 1 of the report FCTC/COP/11/6;
- (c) to share updated information including practice, challenges, lessons learned and expertise in relation to implementation of Article 19, between the Parties and through the Convention Secretariat, using, among others, the reporting system of the WHO FCTC and the database of experts and institutions for implementation of Article 19;

2. REQUESTS the Convention Secretariat:

- (a) to disseminate the findings of the work of the Expert Group and to continue to raise awareness about Article 19 of the WHO FCTC, as well as the resources, expertise and tools available for Parties to strengthen its implementation;
- (b) to continue efforts to provide support to Parties in implementation of Article 19 of the WHO FCTC, including through facilitating information and experience sharing among Parties and with the participation of civil society not directly or indirectly affiliated with the tobacco industry or those furthering its interests;
- (c) to continue to update the COP on progress with implementation of Article 19 of the WHO FCTC by the Parties, as necessary.

(XX plenary meeting, xx November 2025)

### **Agenda item 4.3**

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

##### **Background:**

- The concerned Secretariat report (FCTC/COP/11/7) is submitted to the COP following a decision taken at COP10 (FCTC/COP10(14) on the implementation of Article 18 of the WHO FCTC, which requested the Convention Secretariat to examine regulatory options regarding the prevention and management of waste generated by the tobacco industry and its products, and to identify a number of other matters, to be reported to the COP11.
- In the decision FCTC/COP10(14) on the implementation of Article 18 of the WHO FCTC, the Conference of the Parties (COP) urged Parties to take into account the environmental impacts from tobacco products and related electronic devices, including through national policies related to tobacco and protection of the environment; to strengthen the implementation of Article 18 of the WHO FCTC; to consider comprehensive regulatory options regarding filters in cigarettes and in other tobacco and related products, and their related electronic devices; and, in accordance with Article 5.3 of the WHO FCTC, to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry.
- In the decision FCTC/COP10(11) Panama declaration, COP urged parties to explore and strengthen measures to prevent and address the negative impact of tobacco on the environment, including in relation to plastic filters of cigarettes and other tobacco products, deforestation and disposable products.
- The proposed Union position is in line with the EU positions at COP10 regarding the above noted decision FCTC/COP10(14) on the implementation of Article 18, and decision FCTC/COP10(11) on Panama Declaration, as well as with the current EU acquis.

**Action requested:** The COP is invited to note the report of the Convention Secretariat and provide further guidance.

#### **Proposed 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 cartridges, batteries and metals.
3. Acknowledges that several components of tobacco products are toxic waste and that cigarette filters are a major source of this waste.
4. Emphasizes the importance of addressing this issue, while recognising that biodegradable filters do not seem to provide a solution to the problem of tobacco and related products waste as they would still be discarded and leach contaminants into the environment, they would also not reduce the palatability and appeal of cigarettes and would not remove consumer misconceptions about filters substantially reducing health harms.
5. Notes that the Report of the twelfth meeting of the WHO Study Group on Tobacco Product Regulation, Barcelona (Spain), 10–13 December 2024, specifically recommended “banning filters to reduce the palatability and appeal of cigarettes,

remove consumer misconceptions about filters substantially reducing health harms and reduce a major source of toxic tobacco waste, including the microplastics deposited by cellulose acetate in filters”.

6. Notes the conclusions of the Secretariat report that banning the manufacture, import, distribution and sale of filtered cigarettes would be a significant step in contributing to the implementation of Article 18 of the WHO FCTC, and that banning other single-use plastic-containing tobacco products and plastic accessories is an additional regulatory option.
7. Highlights that plastic and other components used in manufacturing and packaging of other tobacco products (including heated tobacco products) as well as related products (such as electronic nicotine delivery systems (ENDs) and electronic non-nicotine delivery systems (ENNDs)) are an additional, significantly increasing source of toxic product waste. In addition, emerging tobacco and nicotine products will further add on this waste.
8. Notes the conclusion of the Secretariat report that, beyond filters, banning single-use plastic in all tobacco products and plastics included in packaging is also a regulatory option that would significantly contribute to the implementation of Article 18 of the WHO FCTC.
9. 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, such as manufacture, import, distribution and sales restrictions, or banning the use of single-use plastics in tobacco and related products.
10. Recalls that, in accordance with Article 5.3. of the WHO FCTC, the Parties have to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry, and in this respect acknowledges that any extended producer responsibility (EPR) system has to ensure that Parties follow their obligations under Article 5.3 of the WHO FCTC.

#### **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)**

#### **Background:**

- Document FCTC/COP/11/8 contains a report of the Bureau with recommendations in respect of implementation of Articles 9 and 10 of the WHO FCTC.
- The report reminds that, to complete the remaining elements of the Partial guidelines on Articles 9 and 10, the Parties discussed various options at COP 10 but could not reach consensus. The report notes that, should discussions on this matter resume at COP11, with a focus on what type of subsidiary body should undertake the work, there is no indication that Parties could reach an agreement.
- Thus the Bureau concluded that an alternative approach was needed, to shift discussions to the technical resources that Parties can work with to strengthen their implementation of Articles 9 and 10.
- In light of these considerations, six Recommendations by the Bureau are noted in the report in respect of a future approach on implementation of Articles 9 and 10.
- Annex 2 of the report in FCTC/COP/11/8 contains a draft decision that COP is invited to adopt. In summary the COP would decide (a) to defer the establishment or re-establishment of a working group or expert group to further develop the Partial guidelines for implementation of Articles 9 and 10; (b) to focus work on implementation of the obligations in Articles 9 and 10.
- Document FCTC/COP/11/9 contains the report by the World Health Organization (WHO) which provides an update on WHO's work on product regulation, pursuant to Articles 9 and 10 of the WHO FCTC and the work of WHO's technical advisory groups.
- The report also includes a non-exhaustive list of policy options and approaches (regulatory options) that Parties should consider for meeting their obligations under Articles 9 and 10.

#### **Action requested:**

- The COP is invited to note the Bureau report and consider adopting the draft decision contained in Annex 2 to that report (FCTC/COP/11/8).
- The COP is invited to note the WHO report in FCTC/COP/11/9 and to provide further guidance.

#### **Proposed 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 the observations in the report that the Partial Guidelines for Articles 9 and 10 are largely complete, 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. Agrees, in this regard, that such an outcome would not be reflective of the commitment of Parties to make progress with implementation of the Convention and would divert attention from the technical support that Parties expect in this area.
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. 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 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.
6. Supports the adoption of the draft decision included in the Annex 2 to the report of the Bureau (FCTC/COP/11/8).

*[Fallback position:*

*In case no agreement could be reached at COP on the alternative approach proposed by the Bureau and included in the draft decision, the EU would oppose any proposals for the reactivation of the mandate of the Working Group in the short term. With a positive view of the prospects for developing additional guidance on Articles 9 and 10 of the FCTC in the medium and longer term, the EU could however agree to continue the work at the Expert Group level.]*

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. Welcomes 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 many are in line with its approach to the regulation of tobacco products as set out in the Tobacco Products Directive 2014/40/EU.
3. In light of current market developments, considers the following regulatory approaches to be of particular importance:
  - regulating (including banning) flavours across all tobacco products and their components, such as filters, papers, packages and capsules;
  - reducing the appeal of tobacco products, including by prohibiting or restricting product design characteristics that specifically appeal to children and young people, which could include standardized product design;

- preventing unproven claims about 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 children.
4. Highlights that novel and emerging tobacco and nicotine products should be strongly regulated and monitored, in particular to address the strategies used by the tobacco industry to promote these products to children and young people.

## **Annex 2**

### **Draft decision: Regulation of contents and disclosure of tobacco products (Articles 9 and 10 of the WHO FCTC)**

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;

Recalling also decision FCTC/COP8(21), in which the COP suspended the mandate of the Working Group, established through decision FCTC/COP1(15) and amended through subsequent decisions, to elaborate guidelines for implementation of Articles 9 and 10, until the Ninth session of the COP (COP9);

Noting that in decision FCTC/COP8(21), the COP requested the Bureau 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, and to report back to COP9 for its consideration;

Recalling decision FCTC/COP9(2), in which the COP decided to defer to the Tenth session of the COP (COP10) the report by the Bureau with respect to the Working Group on the implementation of Articles 9 and 10 of the WHO FCTC, with the understanding that the mandate of the Working Group remained suspended until COP10;

Noting document FCTC/COP/10/5, containing the report of the Bureau on implementation of Articles 9 and 10 of the WHO FCTC; document FCTC/COP/10/6, containing the report of the Expert Group established to examine the reasons for low implementation of Articles 9 and 10; and document FCTC/COP/11/8, containing an updated report by the Bureau, in light of discussions held at COP10,

1. DECIDES:

- (a) to defer the establishment or re-establishment of a working group or expert group to further develop the Partial guidelines for implementation of Articles 9 and 10 until such future time as the COP deems appropriate to resume that work;
- (b) to focus work on implementation of the obligations in Articles 9 and 10, on enhancing the capacity of Parties and on reducing disparities between Parties on implementation of Articles 9 and 10, through increasing Party awareness of the technical requirements of those provisions and the Partial guidelines for their implementation, strengthening Party infrastructure, and facilitating information-sharing and cooperation between Parties on implementation of Articles 9 and 10;
- (c) to provide support to the Parties by prioritizing the use and strengthening of existing tools and resources, and building on efficiency and avoidance of duplication;

2. REQUESTS the Convention Secretariat:

- (a) to support the Parties to increase awareness of and strengthen their understanding and capacity to implement Articles 9 and 10 and their Partial guidelines for implementation, by promoting, disseminating, strengthening and developing tools and resources; providing examples of good practice and accessible resources for experience-sharing between Parties; and identifying opportunities for collaboration between Parties and/or with WHO on these articles;
- (b) to collaborate with WHO in its work to support Parties with implementation of Articles 9 and 10 and their Partial guidelines for implementation, to benefit from WHO technical expertise, including that of the WHO Study Group on Tobacco Product Regulation (TobReg) and the WHO Tobacco Laboratory Network (TobLabNet);
- (c) to invite WHO to continue to report on technical matters related to implementation of Articles 9 and 10 at future sessions of the COP.

(XXX plenary meeting, XX November 2025)



### **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)**

#### **Background:**

- The Bureau received several proposals from Parties requesting that items be included in the provisional agenda of COP11. Those proposals requested the addition of agenda items on WHO FCTC Article 5.2(b), on "harm reduction" as an Article 5.3 industry interference issue, and on "harm reduction" strategies in the context of tobacco control.
- All proposals made by the Parties highlighted concerns regarding the threat posed by novel and emerging nicotine and tobacco products, and the use by industry and those working to further its interests of a "harm reduction" or "reduced risk" narrative to market and broadly commercialize these products.
- The Bureau combined proposals into a single agenda item, entitled "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)".
- The Secretariat report provides context to facilitate the deliberations of Parties under this item.
- COP adopted decisions FCTC/COP6(9) and FCTC/COP7(9) inviting Parties to consider prohibiting or otherwise regulating electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS). There are several COP documents that addressed novel and emerging nicotine products (that is ENDS and ENNDS) and provided the COP with updated information on these products as well as respective policy and regulatory options.
- The proposed position is in line with the EU positions expressed in COP8, COP9 and COP10, by which the EU supported the actions under the FCTC regarding novel and emerging tobacco and nicotine products.

**Action requested:** The COP is invited to note the present report and provide further guidance.

### **Proposed 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 that Article 5.2 of the FCTC 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.
3. Notes that the EU Tobacco Products Directive provides for regulation and restriction of nicotine-containing electronic cigarettes, and that several EU Member States decided to also regulate, restrict or prohibit the distribution and sale of non-nicotine

- containing electronic cigarettes and other nicotine products (including nicotine pouches and disposable ENDS and ENNDS), as appropriate under their national laws.
4. Is highly concerned about the fast-increasing market introduction and usage, particularly among young people, of novel and emerging nicotine and tobacco products, their role as a gateway to nicotine addiction and ultimately traditional tobacco consumption, and the misleading industry claims that these products would be better and less harmful alternatives to conventional tobacco products.
  5. 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 young people and non-smokers, and to develop and implement appropriate regulatory measures, taking into account a high level of protection of human health.
  6. Given the increasing popularity of novel and emerging nicotine and tobacco products, reiterates its support for strong regulation of ENDS/ENNDS and nicotine pouches, which could include a ban to protect in particular children and adolescents.
  7. Underlines that in order to combat the tobacco and nicotine epidemic, it is particularly important to prevent young people and non-smokers from initiating the use of novel and emerging nicotine and tobacco products.
  8. Considers it important to prevent unproven health claims from being made about novel and emerging nicotine and tobacco products, in particular claims of “harm reduction” or “reduced risk”, being used to further the marketing and commercialization of novel and emerging nicotine and tobacco products, and/or to avoid or reduce regulation of these products.
  9. Highlights in this regard the significance of increasing public awareness by providing accurate information on the nicotine addiction, health risks and consequences associated with the use of novel and emerging nicotine and tobacco products, in particular among the children and youth.
  10. Emphasizes the need of protecting tobacco-control policies and activities from all 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.
  11. 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 youth initiation of smoking and nicotine addiction.

## **Agenda item 5.1**

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

#### **Background:**

- By its decision FCTC/COP10(22), the Conference of the Parties (COP) established the Voluntary Implementation Peer Review and Support (VIPRS) Mechanism and adopted its terms of reference, to be reviewed as necessary. The COP also requested the Convention Secretariat to make the necessary arrangements to launch the VIPRS Mechanism, to assess its effectiveness, and to report on progress to the Eleventh session of the COP (COP11).
- Despite its efforts, the Secretariat did not receive sufficient expressions of interest from Parties for the VIPRS Mechanism to become operational. The Convention Secretariat sought guidance from the Bureau on how to further proceed on this matter.
- At its Third meeting, the Bureau discussed the need to outline the differences, added value and limitations of the VIPRS Mechanism, in relation to the WHO FCTC reporting system. It also agreed that options such as transitioning the VIPRS Mechanism to a more structured or mandatory mechanism, or discontinuing it altogether, should be considered.
- Previous EU positions (COP8, COP9 and COP10) supported the development and launch of the implementation review mechanism (IRM) as an additional, voluntary peer review process, to identify implementation gaps and needs as well as possible assistance mechanisms.
- Following deliberations at several sessions, COP10 adopted the VIPRS Mechanism as a voluntary, peer-led approach, aimed at fostering supportive review among Parties. As evidenced by the low interest in participation in the VIPRS Mechanism, that approach however did not gain significant traction with the Parties.

**Action requested:** The COP is invited to note the concerned report of the Convention Secretariat and provide further guidance.

### **Proposed 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, despite its efforts, 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.
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, in particular 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.
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, which entails oversight of their non-compliance with obligations of the Convention.)*

### **Agenda item 6.1**

#### **Performance and progress reports**

**(Document FCTC/COP/11/12)**

##### **Background:**

- The Secretariat report submits for consideration by the Conference of the Parties (COP) information including:

(a) Performance report for the 2022–2023 Workplan and Budget

(b) Interim performance report for the 2024–2025 Workplan and Budget

(c) Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019–2030

##### **Action required:**

- The COP is invited to note the performance and progress reports for the reported periods, and the update on progress in respect of the Global Strategy

#### **Proposed 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.

## **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)**

#### **Background:**

- The proposed Workplan and Budget for the financial period 2026–2027 is aligned with the Global Strategy to Accelerate Tobacco Control: Advancing Sustainable Development through the Implementation of the WHO FCTC 2019–2025 adopted by the COP in decision FCTC/COP8(16) and extended to 2030 in decision FCTC/COP10(15).
- It is structured according to its three strategic goals, which are further divided into corresponding strategic objectives and specific objectives, and two operational objectives, as following:
  1. Strategic goal 1 - Accelerating action
    - a. Strategic Objective 1.1 Give priority to enabling action to accelerate WHO FCTC implementation, including effective forms of technical and financial assistance to support Parties in the identified priority action areas;
    - b. Strategic Objective 1.2 Strengthen systems for regularly capturing and sharing lessons and evidence on new, innovative and successful means of implementing tobacco control measures;
  2. Strategic Goal 2. Building international alliances and partnerships across sectors and civil society to contribute to WHO FCTC implementation;
    - a. Strategic Objective 2.1 Mobilize international, intergovernmental and developmental partners to integrate the WHO FCTC into their work, and/or their Sustainable Development Goals (SDGs) responses;
    - b. Strategic Objective 2.2 Catalyse and leverage the contributions of external stakeholders, particularly civil society, to achieve the aims of the Convention;
  3. Strategic Goal 3. Protecting the integrity and building on the achievements under the WHO FCTC;
    - a. Strategic Objective 3.1 Improve the governance and administrative mechanisms of the WHO FCTC to ensure that all WHO FCTC-related activities undertaken are prioritized, effective and sustainable, and insulated from any influence by the tobacco industry;
    - b. Strategic Objective 3.2 Support and encourage Parties in their efforts to remove barriers to country-level tobacco control efforts;
- Operational Objective 4.1 Sustainable funding – manage the finances of the Convention to maximize its efficiency and effectiveness, and find new revenue streams to support WHO FCTC implementation activities;
- Operational Objective 4.2 Operational effectiveness – promote optimal operation of the COP and the capacity and ability of the Convention Secretariat to provide support to the COP and to the Parties in their implementation, monitoring and reporting work.
- As in previous years, the budget will be based on obligatory Assessed Contributions (AC), according to the scale of assessment adopted by the COP, and on voluntary Extrabudgetary Contributions (EB) that the Convention Secretariat would be mandated to mobilize.
- The EU's approved obligatory Assessed Contribution for financial period 2025-2026 amounted to US\$ 220 027 (same as for 2023-2024 financial period).

- The total proposed budget in the 2026–2027 financial period is US\$ 20 115 895 which represents a small overall increase of 3,2% (in the 2023-2024 financial period it was US\$ 19 498 888). This increase is related to a proposed small increase in EB.
- The proposed budget does not propose an increase in AC compared to the Workplan and Budget for the financial period 2024–2025, adopted by COP10.
- AC are envisaged at US\$ 8 801 093 for 2026–2027, including recovery costs. This represents no increase compared to the 2024–2025 AC, which was adopted by COP10. (There was also no increase of AC in the two previous financial periods).
- EB, including recovery costs, are envisaged at US\$ 11 314 802. EB are required for activities not covered by AC, which include direct assistance to Parties, as well as proposed additional staffing to implement such activities. All activities proposed to be funded by EB are subject to the mobilization of the corresponding resources.
- Comparison of budget lines between the adopted 2024–2025 Workplan and Budget and the proposed 2026–2027 Workplan and Budget (US\$):

Cost category	Covered by AC in 2024–2025	Covered by AC in 2026–2027	AC variation (%)	Covered by EB in 2024–2025	Covered by EB in 2026–2027	EB variation (%)	Total 2024–2025	Total 2026–2027	Total variation (%)
Activity costs	1 657 313	1 278 446	-22.9	7 460 000	7 928 699	7	9 117 313	9 207 145	1.0
Staff costs	6 131 265	6 510 132	6.2	2 007 075	2 084 400	3.9	8 138 340	8 594 532	5.6
Total direct costs	7 788 578	7 788 578	0	9 467 075	10 013 099	5.8	17 255 653	17 801 677	3.2
Recovery costs (13%)	1 012 515	1 012 515	0	1 230 720	1 301 703	5.8	2 243 235	2 314 218	3.2
<b>Grand total</b>	<b>8 801 093</b>	<b>8 801 093</b>	<b>0</b>	<b>10 697 795</b>	<b>11 314 802</b>	<b>5.8</b>	<b>19 498 888</b>	<b>20 115 895</b>	<b>3.2</b>

- For activity costs, the proposed budget represents a 22.9% decrease in activity costs covered by AC. This is related to the need to divert AC to cover increasing staff costs.
- For staff costs, the proposed budget represents a 6.2% increase in staff costs to be covered by AC, without increasing the total amount of AC. This is related to regular increases in WHO staff costs.
- The following tables show the distribution of the costs of activities by source of funding:

Covered by AC	
Activity	Cost (US\$)
Statutory activities related to treaty administration, including the Twelfth session of the Conference of the Parties (COP12) and the work of the Bureau elected by the Eleventh session of the Conference of the Parties (COP11)	1 152 446
Reporting cycle and 2027 Global Progress Report on implementation of the WHO FCTC	45 000
International cooperation and building partnerships and alliances	5 000
General administration and management of the Convention Secretariat, including communications and information technology, digital presence (maintaining the website in six languages, social media) and fundraising	76 000
<b>Total cost of activities to be covered by AC</b>	<b>1 278 446</b>



Covered by EB	
Activity	Cost (US\$)
Activities around the COP: regional preparatory meetings for the COP (pre-COP meetings), high-level segments, invited speakers, activities, and per diem payments for delegates from low-income country (LIC) and lower-middle-income country (LMIC) Parties to the WHO FCTC	1 153 699
Intersessional subsidiary bodies as decided by COP11 (partially covered)	150 000
Activities to strengthen the reporting capacity of Parties and knowledge management	935 000
Work undertaken to provide direct assistance to Parties in implementing the Convention, including development assistance activities such as the FCTC 2030 project	4 800 000
Other activities to promote international cooperation	275 000
Work around resource mobilization and strengthening of communications activities	415 000
Voluntary Implementation Peer Review and Support (VIPRS) Mechanism, depending on COP11 decision	200 000
<b>Total cost of activities to be covered by EB</b>	<b>7 928 699</b>

#### Action requested:

The COP is invited to consider the present report and adopt the proposed Workplan and Budget for 2026–2027, as presented in Annexes 1, 2 and 3.

Annex 1 contains proposed activities and the budget. Annex 2 presents the composition of the Convention Secretariat team and staff costs. Annex 3 details the total budget for 2026–2027, including activity costs, staff costs and recovery costs. The explanatory note contained in document FCTC/COP/11/INF.DOC./2 provides further detail concerning the proposed Workplan and Budget for the financial period 2026–2027

### **Proposed 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 EB.
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 voluntary Extrabudgetary Contributions (EC) 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 ECs, 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)**

Background: When compared with the status update contained in report prepared for COP10, the status of arrears as of 30 April 2025 shows that 11 Parties have settled their arrears, and 48 Parties have not paid their arrears (on 30 April 2023 it was 13 and 46). In addition, 23 Parties that were not in arrears as outlined in the report for COP10 are included in the above table since these Parties have not yet paid their Assessed Contributions (AC) for the 2022–2023 financial period (on 30 April 2023, it was 13).

The proposed COP11 decision, follows the structure and content of respective COP10 decision, and provides that: the Party in arrears shall not be eligible to become or nominate a member of the Bureau of the COP; the Party in arrears shall not be eligible to chair any subsidiary body or working group; suspension of the right to vote of the Party in arrears. All the above measures imposed shall immediately lapse for any Party once that Party pays its arrears in full.

Action requested: The COP is invited to note the report of the Convention Secretariat (FCTC/COP/11/14) and consider adopting the annexed draft decision, as recommended by the Bureau.

#### **Proposed 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

## **Annex**

### **Draft decision: Assessed Contributions**

The Conference of the Parties (COP),

Reaffirming decision FCTC/COP7(23), recalling decision FCTC/COP10(7) and noting the report by the Convention Secretariat contained in document FCTC/COP/11/14;

Noting with concern that 71 Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) were in arrears as of 30 April 2025, including some Parties registering arrears for one biennium or more;

Welcoming with appreciation the overall spirit of commitment by Parties to meet their financial obligations to support the implementation of the WHO FCTC;

Emphasizing that Assessed Contributions are the mandatory financial contribution of each Party to the WHO FCTC in accordance with the agreed scale of assessment;

Noting the Convention Secretariat's notes verbales CS/NV/24/17 and CS/NV/24/18 through which, in accordance with decision FCTC/COP7(23), Parties in arrears of payment of Assessed Contributions were invited to pay their Assessed Contributions or to submit their plan for making payments to clear their arrears,

1. URGES the Parties to pay their Assessed Contributions in full, at the beginning of the biennium, in order to ensure adequate resources to implement the Workplan and Budget adopted by the COP;
2. DECIDES, in accordance with decision FCTC/COP7(23) and following the recommendation of the Bureau of the COP, to apply the following measures, with immediate effect, to the Parties in arrears that have failed to submit, within the deadline established by the Head of the Convention Secretariat and communicated to the relevant Parties, their plan for making payments to clear their arrears:
  - (a) the Party shall not be eligible to become or nominate a member of the Bureau of the COP; and
  - (b) the Party shall not be eligible to chair any subsidiary body or working group;
3. DECIDES, in accordance with decision FCTC/COP7(23), to apply paragraph 3(d) of the said decision, with effect at the close of the Eleventh session of the COP, to those Parties that are in the situation described in the aforementioned paragraph;

4. DECIDES, in accordance with decision FCTC/COP7(23), that the measures imposed under paragraphs 2 and 3 shall immediately lapse for any Party once that Party pays its arrears in full;
5. REQUESTS the Convention Secretariat:
  - (a) to communicate this decision to all Parties in arrears in the payment of their Assessed Contributions, as shown in the table of document FCTC/COP/11/14;

- (b) to report at each COP session the status of Assessed Contributions, and to the Twelfth session of the COP on actions in accordance with the measures adopted in paragraphs 2 and 3 above;
  - (c) to continue to actively engage Parties in finding ways to make payments, including providing individual invoices and receipts for each Party, as well as clear payment information on the WHO FCTC website, and in enhancing coordination with regional and country offices of the World Health Organization, as well as assisting in the formulation of plans of payment.

(XXX plenary meeting, XX November 2025)

#### **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)**

Background: The concerned report of the Secretariat provides a summary of the work reported by nongovernmental organizations (NGOs) that are accredited as observers to the Conference of the Parties (COP) to the WHO FCTC as part of the review of their accreditation by the COP.

Action requested: The COP is invited to note the report of the Convention Secretariat (FCTC/COP/11/15) and consider adopting the annexed draft decision.

#### **Proposed 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.

#### **Annex**

##### **Draft decision:**

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

The Conference of the Parties (COP),

Recalling the 17th and 18th preambular paragraphs and Article 5.3 of the WHO Framework Convention on Tobacco Control;

Recalling also decisions FCTC/COP2(6), FCTC/COP4(23), FCTC/COP5(22), FCTC/COP6(23), FCTC/COP7(16), FCTC/COP8(3), FCTC/COP9(6) and FCTC/COP10(18);

Having considered document FCTC/COP/11/15,

DECIDES, in accordance with Rule 31.3 of its Rules of Procedure, to maintain observer status of the following 29 nongovernmental organizations:

- Action on Smoking and Health
- African Tobacco Control Alliance
- American Cancer Society
- Campaign for Tobacco-Free Kids
- Cancer Research UK
- Coalición América Saludable
- Corporate Accountability
- European Network for Smoking and Tobacco Prevention
- FDI World Dental Federation
- Global Alliance for Tobacco Control
- InterAmerican Heart Foundation
- International Alliance of Women
- International Council of Nurses
- International Federation of Medical Students' Associations
- International Network of Women Against Tobacco
- International Pharmaceutical Federation
- International Pharmaceutical Students' Federation
- International Union Against Tuberculosis and Lung Disease
- NCD Alliance
- Smoke Free Partnership
- Southeast Asia Tobacco Control Alliance
  
- Tobacco Control Research Group
- Tobacco Free Portfolios
- Union for International Cancer Control
- Vision Mondiale de la Santé
- Vital Strategies Inc.
- World Federation of Public Health Associations
- World Heart Federation
- World Medical Association

XXX plenary meeting, XX November 2025



### **Agenda item 6.5**

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

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

Background: The Head of the Convention Secretariat transmitted to COP11 to the FCTC the report submitted by the Director-General of the World Health Organization (WHO) on resolutions and decisions at the Seventy-seventh and Seventy-eighth World Health Assembly, the 157th session of the WHO Executive Board, and the WHO regional committees relevant to the implementation of the WHO FCTC.

Action requested: The COP is invited to note the report submitted by the Director-General of the World Health Organization (WHO) on resolutions and decisions at the Seventy-seventh and Seventy-eighth World Health Assembly, the 157th session of the WHO Executive Board, and the WHO regional committees relevant to the implementation of the WHO FCTC.

### **Proposed 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.

\* \* \*