



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

Eighth session
Geneva, Switzerland, 1–6 October 2018
Provisional agenda item 8.2

FCTC/COP/8/15
5 May 2018

**Maximizing transparency of delegations from Parties and
observers to the Conference of the Parties, its subsidiary
bodies and other WHO FCTC meetings**

Purpose of the document

This report presents a set of measures proposed by the Bureau elected by the Seventh session of the Conference of the Parties to maximize transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings.

Action by the Conference of the Parties

The COP is invited to note this report and consider adopting the draft Decision and its annexes.

Contribute to the SDGs, if applicable: Target 3.a and Goal 3.

Link to the workplan and budget item: 1.

Additional financial implications if not included in the workplan and budget: Yes (USD XXX) or None.

Author team(s): Reporting and Knowledge Management team .

Related document(s):

BACKGROUND

1. At the Seventh session (New Delhi, India, 7-12 November 2016), the Conference of the Parties (COP), considered the matter of maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings without taking a decision. Issues such as inclusion of standard sentences in invitation letters reminding Parties on their obligations under Article 5.3 of the Convention, as well as completion of conflict of interest forms by delegates attending meetings organized under the auspices of the WHO FCTC, remained either unaddressed or unresolved, despite the discussion that have taken place.
2. Views diverged on the COP7 document and also on the pre-COP7 practice of barring Parties' delegates who have a direct affiliation to the tobacco industry and its interests. Parties were not able to reach consensus on measures to screen and ultimately deny access to delegates attending meetings of the COP, or on requests for delegates to sign declarations of interest to participate as State representatives in meetings. As a result, no overall decision was taken.
3. As with other pending issues deriving from COP7, this matter was brought to the attention of the Bureau elected by the Seventh session of the COP. The Bureau of the COP discussed the matter of transparency on all three meetings it had intersessionally. Furthermore, the Bureau requested the Convention Secretariat to undertake review of the draft decision that was put forward at COP7 on this matter, and called upon, through the regional coordinators, informal consultations with the various Parties with divergent views before, in order to seek a basis for compromise.
4. After the consultations, the Bureau requested the Convention Secretariat to prepare for the Bureau's consideration a new draft decision, which was eventually discussed by the Bureau at its third meeting in April 2018. The draft decision annexed to the present document is the result of those discussions.
5. The draft decision contains, for consideration by the COP, the declaration of interest (DOI) forms to be used by: i) Parties (Annex 1); ii) states non-Parties (Annex 2); iii) international intergovernmental organizations (IGOs) (Annex 3); and iv) nongovernmental organizations (NGOs) (Annex 4) .
6. The draft decision also contains, for endorsement by the COP in annex 5 the Declaration of Interest form that has been in use in previous COPs for the members of the public and the media in line with WHO and UN practices.

ACTION BY THE COP

7. The COP is invited to note this report and consider adopting the draft Decision and its annexes.

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DRAFT DECISION

Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings

The Conference of the Parties (COP),

Recalling the determination of the Parties to give priority to their right to protect public health and public health policies from commercial and other vested interests of the tobacco industry in accordance with national law as stipulated in the Preamble and Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC),

Recognizing the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco-control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco-control efforts,

Recalling recommendations 4.9 and 8.3 of the Guidelines for the implementation of Article 5.3 of the WHO FCTC, which state that persons employed by the tobacco industry or any entity working to further its interests should not serve on delegations to meetings of the COP or its subsidiary bodies,

Also recognizing the need for strengthening policy coherence among the different branches of the government;

Recalling also Rules 27.2 and 32 of the Rules of Procedure of the COP to conduct its meetings “in conformity with Article 5.3 of the Convention”,

Recalling Decision FCTC/COP5(22) by which the Parties adopted a process for its reviews of accreditation of nongovernmental organizations pursuant to Rule 31.3 of the Rules of Procedure of the Conference of the Parties”,

Recalling Decision FCTC/COP6(25) by which the Parties mandated the Bureau to “give consideration to providing options for maximizing transparency with regard to Party delegations to COP and its subsidiary bodies”,

Noting the document FCTC/COP6/27 describing regular practices of the Convention Secretariat to register at COPs the public and the media in line with WHO and UN practices, http://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_27-en.pdf

Noting that Declaration of Interest (DOI) forms have been regularly used for the members of the media and the public during the sessions of COP, as regular practice of the Convention Secretariat in line with FCTC/COP6/27,

Noting with concern the alarming tactics of the tobacco industry to interfere with the implementation of the WHO FCTC, also evident from the previous sessions of the COP, and ratification or accession by Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, as well as its subsequent implementation,

1. URGES Parties:

- a) to accelerate and strengthen implementation of Article 5.3 of the WHO FCTC and of its Guidelines;
- b) to remain vigilant of tobacco industry efforts to undermine implementation of the WHO FCTC, especially through Party delegations;

- c) to nominate members of their delegations to sessions of the COP, its subsidiary bodies or any other bodies established pursuant to Decisions of the COP, as well as technical meetings organized under the auspices of or associated with the Secretariat of the WHO FCTC, in line with Article 5.3 and recommendations 4.9 and 8.3 of its Guidelines;

2. DECIDES:

- a) to call on Parties' delegates nominated to attend the COP, its subsidiary bodies or any other bodies established pursuant to Decisions of the COP, as well as technical meetings organized by or associated with the Convention Secretariat, to complete, on a voluntary basis, the DOI form contained in Annex 1 of this decision;
- b) to invite Delegates from States non-Parties, nominated to attend sessions of the COP, to complete and submit a voluntary DOI, contained in Annex 2 of the present Decision;
- c) to request delegates from IGOs, nominated to attend sessions of the COP, its subsidiary bodies or any other bodies established pursuant to Decisions of the COP, as well as technical meetings organized by or associated with the Convention Secretariat, to complete and submit a DOI form on a voluntary basis (Annex 3);¹
- d) to request NGOs to submit, on a mandatory basis, an overall DOI on behalf of the organization comprising all the names of the delegates nominated to attend sessions of the COP, its subsidiary bodies and any other bodies established pursuant to Decisions of the COP, as well as technical meetings organized by or associated with the Convention Secretariat, after the organization has requested all members of the delegation to complete individual declaration of the interest forms.² NGOs should ensure compliance with their commitment made under the "declaration" section of the form submitted to apply for the status of observer to COP in line with Decision FCTC/COP5(22);
- e) to suspend, in accordance with the form for NGOs applying for observer status to the COP and pending a formal review by the COP at its next regular session, the observer status of any NGO of which the DOI reflects any conflict of interest, or when any information that the Secretariat became aware of raises an issue about the veracity of the DOI.

A summary of the above requirements is provided in the table below.

	Parties	States non-Parties	IGOs	NGOs
Completion of DOI form	voluntary	voluntary	voluntary	mandatory
Outcome	make reference in the COP Credentials decision	make reference in the COP Credentials decision	List of IGOs will be displayed on the Convention Secretariat website	List of NGOs will be displayed on the Convention Secretariat website

¹ See Annex 4

² See Annex 5

3. REQUESTS the Convention Secretariat:
- a) to inform Parties to the Convention and organizations accredited as observers to the COP on the Decision of the COP concerning the completion and submission of DOI forms;
 - b) to include standard sentences in all future letters of invitation it sends, as follows:
 - i. in case of meetings of the COP, its subsidiary bodies or any other bodies established pursuant to the Decision of the COP: “In accordance with Article 5.3 of the WHO FCTC and the Guidelines for implementation of Article 5.3 adopted by the COP, Parties should not nominate a person with a conflict of interest with the tobacco industry or its affiliates, or any beneficiary of the proceeds of the tobacco trade”;
 - ii. in case of technical meetings organized by or associated with the Convention Secretariat: “In accordance with Article 5.3 of the WHO FCTC and the Guidelines for implementation of Article 5.3 adopted by the COP in 2008, Parties are urged not to invite persons who represent the tobacco industry or entities working to further the interests of the tobacco industry as part of their delegations.”
 - c) to include, in COP Credentials decision, reference to State Parties who have submitted voluntary declaration of conflict of interests and to publish, in the Convention Secretariat website, the list of the voluntary declaration of State Non Parties and IGOs whose delegates have signed DOI forms.
 - d) to monitor any actual, potential or apparent conflict of interest that may arise from an NGO delegate’s DOI.

Annex 1**Declaration of Interest form for delegates from States Party
– VOLUNTARY –**

Name of Party: _____

Name of delegate: _____

Declaration:

☐ I declare I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ I declare that I do not have and I have not had any professional relationship with, or received any form of funding or support from, an entity directly involved in the manufacture, whole sale distribution or importation of tobacco products or representing the interests of any such entity. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

☐ If you are not in a position to make such declaration, you may provide any explanation below.

.....

Signed by: *(full name and title)*

Signature:

Date:

Annex 2

**Declaration of Interest form for delegates from States non-Parties
– VOLUNTARY –**Name of State non-Party:
_____Name of delegate:

Declaration:

☐ I declare I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ I declare that I do not have and I have not had any professional relationship with, or received any form of funding or support from, an entity directly involved in the manufacture, whole sale distribution or importation of tobacco products or representing the interests of any such entity. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

☐ If you are not a position to make such declaration, you may provide any explanation below.

.....

Signed by: *(full name and title)*

Signature:

Date:

Annex 3**Declaration of interest form for delegates from international intergovernmental organizations
– VOLUNTARY –**

Name of the International intergovernmental organization (IGO):

Name of delegate:

Declaration:

☐ I declare I am not and have not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ I declare that I do not have and I have not had any professional relationship with, or received any form of funding or support from, an entity directly involved in the manufacture, whole sale distribution or importation of tobacco products or representing the interests of any such entity. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

☐ If you are not a position to make such declaration, you may provide any explanation below.

.....

Signed by: *(full name and title)*

Signature:

Date:

Annex 4

**Declaration of interest form for nongovernmental organizations
– MANDATORY –**

Name of nongovernmental organization (NGO): _____

Declaration:

I, in my capacity of _____, declare that all members of the delegation of the above mentioned organization complies with Article 5.3, and that all of the delegates:

☐ is not and has not been employed in the last five years by the tobacco industry or any entity working to further the interests of the tobacco industry.

☐ has not had any professional relationship with, or received any form of funding or support from, an entity directly involved in the manufacture, whole sale distribution or importation of tobacco products or representing the interests of any such entity. (NOTE: the notion of “professional relationship” used in this paragraph be understood as not including a public office holder’s interactions with the tobacco industry required for setting and implementing public health policies with respect to tobacco control).

If you have a conflict of interest, you may provide an explanation below:

.....

Please attach a list of delegates to whom the statement above applies.

Signed by: *(full name and title)*

Signature:

Date:

**Annex 5 – Declaration of interest form for members of the public
(the same form is used for the media)**

**Eighth session of the Conference of the Parties to the WHO FCTC (COP8)
1–6 October 2018, Geneva, Switzerland
REGISTRATION FORM FOR MEMBERS OF THE PUBLIC**

**Huitième session de la Conférence des Parties à la Convention-cadre de l'OMS
pour la lutte antitabac (COP8), 1-6 octobre 2018, Genève, Suisse
FORMULAIRE D'INSCRIPTION RÉSERVÉ AUX MEMBRES DU PUBLIC**

ALL FIELDS BELOW SHOULD BE COMPLETED, INCLUDING PAGE 2 / TOUTES LES RUBRIQUES CI-DESSOUS DOIVENT ÊTRE COMPLÉTÉES Y COMPRIS LA DEUXIÈME PAGE

Date:		Badge n°
<i>(to be completed by the Registration Desk officer / cadre réservé au bureau d'enregistrement)</i>		
Prof./ Dr/Mr/ Mrs/ Ms Prof./Dr./M./Mme	Family Name : Nom de famille :	First Name : Prénom :
Name and type of the organization/institution with which you are affiliated (e.g. business and industry, nongovernmental organization, scientific and technical community, academic, etc.): Nom et type de l'organisation/institution à laquelle vous êtes affilié(e) (par exemple : entreprise et industrie, organisation non gouvernementale, communauté scientifique et technique, université, etc.) : Address of the organization/institution/Adresse de l'organisation/institution : Your position and title/ votre fonction		
Address during session / Adresse pendant la session 		
Are you attending the meeting in a private capacity? (e.g. student) / Assistez-vous à la réunion à titre privé ? (par exemple : étudiant, etc.) Yes / Oui No / Non		

DECLARATIONS (circle as appropriate)

I declare that I and/or the organization(s) which I am representing do / does not receive, either directly or indirectly, any financial support or other contributions or assistance from the tobacco industry or groups or individuals involved in advancing the tobacco industry's commercial and other vested interests.

I am not affiliated³, directly or indirectly, with the tobacco industry.

DÉCLARATIONS (entourez la proposition qui convient)

☐ Je déclare ne recevoir et/ou je déclare que l'organisation ou les organisations que je représente ne reçoit/reçoivent directement ou indirectement aucune contribution ou assistance financière ou autre de la part de l'industrie du tabac ni d'aucun autre groupe ou personne qui s'attache à promouvoir les intérêts commerciaux ou autres de cette dernière.

☐ Je déclare ne pas être affilié(e)⁴, directement ou indirectement, à l'industrie du tabac.

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³ Affiliation means the organization or person has financial ties with the tobacco industry or the tobacco industry has representatives participating in the activities of the organization.

⁴ Une personne ou une organisation est considérée comme affiliée à l'industrie du tabac si elle entretient des liens financiers avec cette dernière ou si des représentants de cette dernière participent à ses activités.