INFORMATION KIT FOR DELEGATES TO THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL



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Welcome message

This information kit is based on relevant provisions of the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control. It has been developed mainly for new delegates to the Conference of the Parties who may represent Parties and/or may be attending as observers. It is intended to help delegates understand how the Conference of the Parties operates, as well as its practices and procedures.

This kit does not address the substance of discussions at the Conference of the Parties. Instead, it provides practical information to facilitate coordination among delegations, the Secretariat of the WHO Framework Convention on Tobacco Control and any other Party or observer during the Conference of the Parties.

Disclaimer

This kit is not intended to supplement or supersede the Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

It was developed by the Secretariat of the WHO Framework Convention on Tobacco Control, in consultation with and under the guidance of the Bureau of the Conference of Parties. The kit is based on experience gained during several sessions of the Conference of the Parties, as well as information from official United Nations guidelines and documents.

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Basic documents available in the six official languages of the United Nations:

WHO Framework Convention on Tobacco Control

Rules of Procedures of the Conference of the Parties to the WHO Framework Convention on Tobacco Control

Protocol to Eliminate Illicit Trade in Tobacco Products

Adopted guidelines and policy recommendations

1. WHO Framework Convention on Tobacco Control

The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first international treaty negotiated under the auspices of the World Health Organization (WHO). It was adopted by the World Health Assembly on 21 May 2003 and entered into force on 27 February 2005. It has since become one of the most rapidly and widely embraced treaties in United Nations history.

The WHO FCTC was developed in response to the globalization of the tobacco epidemic. It is an evidence-based treaty that reaffirms the right of all people to the highest standard of health. The treaty represents a milestone for the promotion of public health and provides new legal dimensions for international health cooperation.

2. Treaty governing body and its subsidiary bodies

2.1. The Conference of the Parties

The Conference of the Parties (COP) is the governing body of the WHO FCTC and is comprised of all Parties to the treaty. It regularly reviews the implementation of the WHO FCTC and makes decisions necessary to promote its effective implementation. The COP may also adopt protocols, annexes and amendments to the WHO FCTC.

At the first session of the COP held in Geneva in 2006, 113 Parties adopted by consensus a complete set of Rules of Procedure (ROP) that can be found on the WHO FCTC website. Conduction of the sessions of the COP is governed by the ROP.

Since the third session of the COP in 2008, regular sessions of the COP are held every two years. At each regular session, the COP decides on the dates and venue of its next regular session. According to the ROP, extraordinary sessions of the COP may be held at the request of any Party.

In accordance with Rules 32 of the ROP, the COP has the authority to decide whether the sessions will be public, open or restricted, see Rules 2.10, 2.11 and 2.12 of the ROP. Sessions of the committees shall be held in public (see Rule 24quinquies of the ROP), unless the respective committees decide otherwise.

Who can attend each type of session or meeting					
Public sessions or meetings	Open sessions or meetings	Restricted sessions or meetings			
Parties	Parties	Parties and essential Convention Secretariat staff			
States and regional economic integration organizations that are not Parties	States and regional economic integration organizations that are not Parties				
The Convention Secretariat	The Convention Secretariat				
IGOS with observer status	IGOS with observer status				
NGOs with observer status	NGOs with observer status				
Members of the public					

2.2. The Bureau of the Conference of the Parties

The COP elects its President at each regular session, as well as five Vice-Presidents. Each of these six officers represents one of the six WHO regions. Together they constitute the Bureau of the COP.

According to Rule 21 of the ROP, the officers of the Bureau shall commence their term of office at the closure of the session of the COP at which they are elected. They shall serve until the closure of the following regular session of the COP, including for any intervening extraordinary session.

At each regular session of the COP, the Parties in each WHO region shall elect a regional coordinator. Their term shall commence at the closure of the session of the COP to the closing of the next session of the COP, see Rule 24quarter of the ROP.

Learn more about the officers of the Bureau, visit the WHO FCTC website

In the two-year period between regular sessions of the COP – known as the intersessional period – the Bureau meets three times to undertake its work, such as prepare, in collaboration with the Convention Secretariat the provisional agenda for each session of the COP, provide guidance to the Convention Secretariat on implementation of the workplans and budgets adopted by the COP and in the preparation of reports, recommendations and draft decisions submitted to the COP. It reviews the applications of nongovernmental organizations that apply for the status of observer to the COP and make recommendations in that regard. All the functions of the Bureau are described in Rules 6, 9, 19 and 21-24.

Regional coordinators attend meetings of the Bureau in an observer capacity and perform the following functions, according to Rules 24quarter: (a) Liaise with the officer of the Bureau representing the region and facilitate consultations with the Parties in the region between the sessions of the Conference of the Parties with a view to informing the work of the Bureau and keeping Parties informed of the Bureau's work; (b) receive working documents or proposals of the bureau and ensure that they are circulated to the Parties in the region; (c) collect and send comments on such documents or proposals to the officer of the Bureau; (d) and act as a channel for the exchange of information, including a copy of invitations to the meetings for the implementation of the Convention, and coordination of activities with other regional coordinators.

The meetings of the Bureau are usually held in Geneva, Switzerland, where the Convention Secretariat is headquartered.

2.3. Working groups and expert groups

Working groups and expert groups are established by the COP with specific mandates and terms of reference. Both types of groups are considered as subsidiary bodies of the COP.

In the case of a working group, after notification by the Convention Secretariat, Parties can express interest to participate and nominate representatives.

In the case of an expert group, Parties nominate individuals in accordance with the Terms of Reference adopted by the COP and the required expertise. Experts attend expert group meetings in an individual capacity and not as representatives of their country.

Both types of groups report to the COP and their work is expected, but not limited, to result in the development of guidelines and recommendations for the implementation of various articles of the Convention.

3. The Secretariat of the WHO Framework Convention on Tobacco Control

The Convention Secretariat is the administrative arm of the COP that supports treaty implementation by Parties. It is hosted by WHO at WHO headquarters building in Geneva. Nevertheless, the Convention Secretariat has totally separate mandates, workplans and budgets from those of WHO and its work is guided by the COP and the Bureau.

The functions of the Convention Secretariat are clearly defined in the WHO FCTC and the ROP. In short, the overall responsibility for the work of the Convention Secretariat resides with the Head of the Convention Secretariat.

The Convention Secretariat is organized around five teams: Office of the Head of the Convention Secretariat; Governance and International Cooperation; Reporting and Knowledge Management; Legal, Trade and the Protocol to Eliminate Illicit Trade in Tobacco Products; and Development Assistance. The Convention Secretariat's organigram can be seen on the WHO FCTC website.

When the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) enters into force, the Convention Secretariat shall be the Secretariat of this Protocol and make arrangements for sessions of the Meeting of the Parties (MOP) and any subsidiary bodies as well as working groups and other bodies established by the MOP and provide them with services as required. The ROP and the financial rules that apply to the COP shall apply, mutatis mutandis, to the MOP unless the MOP decides otherwise. COP and MOP ordinary sessions will be held back to back.

4. Participation, credentials and registration

In addition to the Parties, observers such as States that are not Parties to the WHO FCTC, international intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) are also entitled to attend the COP and take part in the discussions.

COP sessions are very well-attended, reflecting the commitment from governments and observers in implementing the WHO FCTC.

4.1. Parties to the Conference of the Parties

All Parties are invited to participate in the sessions of the COP and enjoy the equal rights.

In accordance with the function and roles designated by the Parties, a Party delegation may consist of a head of delegation, alternative representatives and advisers, see Rule 16 of the ROP.

As a Party delegate you will be granted access to all public, open and restricted sessions.

Delegations use their country nameplates to request the floor. This is done by turning the nameplate to the vertical position in its holder. The intervention can be made when the President or the chairs of the committees call the country name. A request to raise a point of order is made by forming a "T" with the nameplate and one arm.

Decisions by COP are usually reached by consensus. Nevertheless, the treaty provides for voting if required, and in this case each Party shall have one vote.

Curious to know when a country became a Party to the WHO FCTC? Visit the United Nations Treaty collection website

4.2. Observers to the Conference of the Parties

States that are not Parties to the WHO FCTC: Also called 'States non-Party', these are countries that have not ratified or acceded to the WHO FCTC, and where the WHO FCTC has not entered into force.

States non-Party are considered observers and may participate without the right to vote in public or open meetings and may request the floor to speak, but only after Parties.

International intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs)

IGOs and NGOs observers may participate without the right to vote in public or open meetings and may speak only after Party States, followed by non-Party observers as appropriate.

4.3. Public and media

A limited number of members of the public will be allowed to attend the COP's plenary and committee meetings, if the COP does not decide otherwise (see Rule 27 of the ROP).

The applications for attendance are submitted on a daily basis at the Conference venue and are granted by the Convention Secretariat on a first-come, first-serve basis. Members of the public will be asked to fill out a Declaration of Interest.

Representatives of the media are considered part of the public, but have to follow an accreditation procedure in line with United Nations practice and separate from the public.

4.4. Credentials

Parties and observers must formally notify the Head of the Convention Secretariat of the composition of their delegation for each session of the COP. Both Parties and States non-Party observers must submit credentials for delegates. These credentials must be issued by the Head of State or Government, the Minister of Foreign Affairs, the Minister of Health or any other competent government authority, see Rule 18 of the ROP.

Although a copy of the credentials shall be submitted through the online registration system, Parties must deliver their original credential documents to the Convention Secretariat if possible before, but no later than 24 hours after, the opening of the session of the COP. The Bureau of the COP can only recognize original documents as formal credentials for delegates.

The COP formally accepts representatives of Parties by recognizing the validity of their credentials and by adopting a Report on Credentials in a plenary meeting. It is important to note that delegates with a decision pending on their credentials will be entitled to participate provisionally in the session (see *Rule 20 of the ROP*).

For IGO and NGO observers, a nomination letter signed by the head of the organization shall be submitted through the online registration system.

Credentials or nomination letters addressed to WHO officials are not valid.

4.5. Registration

Each delegation to the COP must register via the online registration system and submit their credentials. The registration system opens approximately four months prior to the opening of the session. The link to registration system will be sent to Parties and observers in due course.

The registered delegations are invited to collect their badges the day prior to the opening of the session, or on the morning of the opening.

4.6. Article 5.3 and its guidelines

The Preamble of the WHO FCTC recognizes 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".

There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.

Article 5.3 stipulates that in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of tobacco industry in accordance with national law.

Article 5.3 guidelines recommend the following:

- Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.
- Furthermore, Parties should ensure that representatives of State-owned tobacco industry do not form part of delegations to any meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties. Interested in getting more information on

Interested in getting more information on Article 5.3 and its guidelines? Visit the WHO FCTC website

5. The Conference of the Parties at work

The debates and discussions about agenda items are supported by reports of various entities. These include the Bureau of the COP, expert and working groups established by the COP, the Convention Secretariat, WHO, or other international agency upon the invitation of the COP.

5.1. Functions of the Secretariat of the WHO Framework Convention on Tobacco Control to support the Conference of the Parties

The functions of the Convention Secretariat during the COP are clearly defined in the ROP (see Rules 14 and 15). The overall responsibility for organizing the COP resides with the Head of the Convention Secretariat.

The Governance and International Cooperation Team is responsible for the overall organization and smooth functioning of the COP, in coordination with other teams from the Convention Secretariat, WHO and external partners, including with host country governments when applicable.

The Convention Secretariat's Senior Legal Officer, with support from WHO Office of the Legal Counsel, ensures that legal advice is provided to the COP. The Secretaries of Committee A and Committee B are also staff of the Convention Secretariat. They are responsible for supporting the chairpersons with the conduct of the respective committees and overseeing the finalization of the reports of the committees.

5.2. Conduct of business

The proceedings of the COP sessions are governed by Rules 32 to 48 of the ROP.

COP meetings usually run Monday to Friday from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., with a lunch break between the two meetings. Saturday meetings run from 10 a.m. to 1 p.m. Evening meetings may be convened, if necessary, from 7 p.m. to 10 p.m.

The first day opens with a plenary meeting.

On the second day, the COP will break into Committee A and Committee B, each of which deals with specific issues related to the WHO FCTC. Additional plenary meetings may be held in the course of the session.

The last day closes with the final plenary.

5.3. Documentation

Documentation is distributed in the six official languages of the United Nations at least 60 days before the opening of the session and made available on the WHO FCTC website and the WHO FCTC smartphone application.

Provisional agenda: The Convention Secretariat, in consultation with the Bureau, is responsible for the preparation of the provisional agenda for each session of the COP and the coordination of the preparation of the corresponding documents.

Guide for Participants: The Convention Secretariat issues a Guide for Participants to the COP, with detailed information on the venue, visa requirements and logistical information. The Guide for Participants is issued at every COP as part of the documentation.

Journals: The daily journal of the COP contains the most up-to-date information on meetings and events scheduled during the session. It also includes procedural summaries of discussions. A preliminary journal is published before the COP opens. The journals are available, in the six official languages of the United Nations, on the WHO FCTC website and on the smartphone application. Printed versions can be picked up at the venue's documentation desk.

Report of the COP: On Saturday (the last day of the COP), the COP adopts the provisional report of the session. At this time, the report will contain a provisional record of the proceedings up to the cut-off time of 6 p.m. Thursday.

After the session, the Convention Secretariat adds a summary of the proceedings and decisions that took place after the cut-off time, and the full report is shared with the Parties for any corrections. Parties have 15 days after the date of receipt of the report to inform the Convention Secretariat about any corrections.

The report is then finalized by the Convention Secretariat and made available on the WHO FCTC website in the six official languages of the United Nations.

Verbatim record of plenary meetings: The verbatim record is a transcript of the discussions in the plenary meetings. It will be made available online a few months after the closure of the COP.

5.4. High-level Segment

COP sessions might include a High-level Segment. The objective of a High-level Segment is to bring together Heads of States or Heads of Governments, ministers from various ministries and heads of United Nations agencies to raise the profile of the WHO FCTC and discuss the implementation of the treaty.

More information about the High-level Segment will be available on the WHO FCTC website, as necessary.

5.5. The General Debate

The General Debate directly follows the agenda item entitled "Global progress in implementation of the WHO FCTC".

The General Debate allows ministers of health, high-level officials or heads of delegations and regional groups to deliver their statements.

The speaker list: During the COP, the General Debate in the plenary meeting is the only time when the Secretariat will establish a speaker list in advance. In this regard, governments wishing to speak on developments in the implementation of the treaty are invited to notify the Convention Secretariat as soon as possible.

Interventions will be monitored by a "traffic light". Individual statements are limited to three minutes (330 words) and statements on behalf of a WHO region to five minutes (550 words).

5.6. Organization of work

The adoption of the agenda and the organization of work are the first items to be discussed and adopted in the first plenary meeting. The plenary meetings, Committee A and Committee B meetings have a daily programme of work, with morning and afternoon meetings, and occasional evening meetings.

Drafting groups may be established by the two committees to aim to reach agreement by the interested Parties on the draft decisions.

- **5.6.1.** Plenary: The COP opens with a plenary meeting chaired by the President of the COP. The plenary meetings deals with issues related to proceedings, observer applications and the global progress report. This is followed by the General Debate, which continues in the second plenary meeting. Usually, on the second or third day of the session, a plenary meeting is convened to validate the credentials of Party representatives. The plenary meeting also adopts reports of Committees A and B, which contain the draft decisions and were agreed by the Committees.
- **5.6.2.** Committees A and B: The work of Committees A and B is governed by Rule 24quinquies. Committee A is generally entrusted with work on treaty instruments and technical matters. Committee B deals with work on reporting, implementation assistance, international cooperation, and institutional and budgetary matters.

Each committee shall elect a Chairperson and two Vice-Chairpersons, with due regard to representation from each of the six WHO regions. Informal consultations to select the officers of the committees shall take place before the opening of the session. The plenary meeting decides on the officers before the committees begin their work.

Committee A and Committee B do not adopt decisions. The committees will present their reports containing the draft decisions for adoption by the COP in a plenary meeting.

- 5.6.3. Drafting groups: Committees A and B may establish drafting groups as necessary. Usually, drafting groups are convened to allow Parties to reach consensus on a specific draft decision if it was not possible to do so in committee meetings. Each drafting group will be chaired by a Party's representative. The Convention Secretariat will provide support as needed, such as onscreen drafting.
- **5.6.4. Decisions**: All COP decisions related to an agenda item are titled and numbered. They start with a number of background paragraphs (preamble), which are followed by a number of paragraphs urging specific actions, called operational paragraphs.

For some agenda items, the COP will simply take note of the report without adopting a decision. For other agenda items, a decision is made following a discussion.

<u>Pre-session:</u> Reports to the COP often contain a draft decision, which can be used as a basis for further discussions and negotiations for a final decision. Parties interested in submitting a draft decision prior to the session are encouraged to do so as early as possible.

<u>In session</u>: Parties have the right to propose decisions at the session, but these have to be submitted at least 24 hours prior to discussion. The Convention Secretariat will arrange the translation and circulate the draft decisions as Conference Papers in the session.

Proposals for decisions cannot be tabled after an agenda item is closed, unless the COP decides to reopen the agenda item (see Rule 48 of the ROP).

To be tabled, a draft decision needs to be submitted in person to the Secretary of the plenary meeting or of Committee A or Committee B. The submission should include one electronic version and one hard copy of the draft text, signed and dated on every page by the initiator as well as by the

co-sponsor, if any. It must also indicate the agenda item number under which the draft decision is tabled.

Once submitted, the text is edited and formatted by the Convention Secretariat into an official document of the COP as a Conference Paper, which will be translated into the six official languages of the United Nations. The Convention Secretariat requires a minimum of 24 hours to process a draft decision. The 24hour rule requires that a draft decision be circulated to all Parties the day before it can be considered for adoption. However, this rule can be waived (see Rule 33 of the ROP).

The conference papers will be distributed and used as the basis for negotiations. In cases in which

a drafting group has been established, the final agreed text will be reported back to the respective committee. This is done either by projecting it on the screen, (if that is the case, the text will have to be read out to enhance interpretation), or issuing a Conference Paper (if time permits), or a white paper will be circulated in the room.

The agreed draft decisions are then included in a report of the respective committees to be adopted during the next plenary meeting.

5.7. Negotiation and consultation practices

Parties can consult on developing draft decisions in a number of ways. Here are the two most common practices:

Negotiations before tabling: Parties consult one another prior to the COP and submit, if necessary, a new draft decision. This practice saves time and enables quick adoption.

Negotiations after tabling: Parties decide to discuss and negotiate the draft decision contained in the presession documents in session with no prior consultation. In some cases, a few interested Parties will gather together on the margins of the meeting and report back with proposed text. In other cases, a drafting group will be established. However, the Chairpersons should facilitate efforts to reach a consensus as much as possible, either in plenary or committee meetings before setting up drafting groups.

If no consensus is reached, the committees will report to the plenary meeting on the need to make a decision on whether to defer the agenda item to a future session of the COP, to take note of the report without adopting a decision, or to proceed with voting in accordance with the Rules 49–56.

5.8. Languages and interpretation

The COP is a Governing Body meeting that follows the United Nations procedures regarding languages and interpretation. All official documentation is made available in the six official languages of the United Nations.

Only plenary, committee and informal regional meetings will include interpretation into the six official languages of the United Nations.

5.9. Seating arrangements

Parties will be seated in English-language alphabetical order for the first plenary meeting, with the letter of the first row drawn by lot before the session.

Beginning on the second day, Parties usually prefer to be seated according to WHO region. Observers will be seated in a specified area. The public will be seated in the public gallery.

5.10. Informal regional meetings

The six WHO regions will hold daily informal regional meetings during the COP. Usually those meetings take place in the morning before the plenary or Committees meetings. The schedule for the regional meetings will be reflected in the journals.

The regional meetings usually are chaired by regional coordinators, with the support from Bureau Members of the respective regions and with the assistance of the Convention Secretariat. It is up to the Parties in the regions to decide whether they will invite the observers to the COP to participate in these meetings.

5.11. Bilateral or information meetings

Any other bilateral meetings or information meetings can be arranged by the delegations. Requests for meeting rooms should be sent to the Convention Secretariat by email at least 24 hours prior to the meeting. Upon the availability of the rooms and, on first-come, first-serve basis, the Convention Secretariat will accommodate these requests.

6. Events around the Conference of the Parties

6.1. Side events

The Convention Secretariat in consultation with the Bureau will select proposals for side events. Parties or observers willing to host a side event during the COP should submit their request to the Convention Secretariat three months in advance. The side event organization remains the sole responsibility of the organizer.

More information about Side events submissions will be provided on the WHO FCTC website.

6.2. Marketplace/exhibitions

The aim of the marketplace is to provide new forms of engagement/networking and reinforce international cooperation. The marketplace will be open on the first day and will function from the morning until 6 p.m. every day of the Conference at the COP venue, except for the final day. They will be organized the day before the beginning of the COP.

Parties and observers will be able to showcase progress made in the implementation of the treaty and what kind of support they can offer Parties in implementing the Convention.

More details about the marketplace and exhibitions will be available on the WHO FCTC website, as necessary.

7. Abbreviations and terms frequently used during the sessions of the Conference of the Parties

COP Conference of the Parties

ENDS Electronic nicotine delivery systems

ENNDS Electronic non-nicotine delivery systems

LDC Least-developed country

MOP Meeting of the Parties

NCDs Noncommunicable diseases

ROP Rules of Procedure of the Conference of the Parties to the WHO FCTC

(2017 edition)

SDGs Sustainable Development Goals

Convention Secretariat The Secretariat of the WHO Framework Convention on Tobacco Control

SLT Smokeless tobacco

TI Tobacco industry

UN United Nations

UNIATF United Nations Interagency Task Force on the Prevention and

Control Noncommunicable Diseases

(V)AC (Voluntary) assessed contributions

WHA World Health Assembly

WHO World Health Organization

WHO FCTC WHO Framework Convention on Tobacco Control