Tenth Session of the Conference of the Parties to the WHO FCTC: Summary of Key Issues

Agenda 6.1. Regulation of the Contents and Emissions of Tobacco Products (Article 9) and Tobacco Product Disclosures (Article 10)

The COP noted three reports.

1. In its report, the COP Bureau recommended to establish an Expert Group to consider and make recommendations to the COP at a future session on pertinent issues and evidence concerning the regulation of contents and disclosure of tobacco products, with a view to developing further guidance on Articles 9 and 10. A large majority of Parties supported this recommendation.

A minority of Parties, several of which were aligned with the tobacco industry, proposed instead to reactivate the mandate of the Articles 9 and 10 Working Group. Due to a lack of time to achieve consensus, a decision on this agenda item was deferred to COP11.

2. The report by the Expert Group established at COP8 (decision FCTC/COP8(21)) to examine the reasons for low implementation of Articles 9 and 10 identified the following factors:

- Lack of awareness about Articles 9 and 10
- Lack of technical capacity and human and financial resources
- Legal and political challenges
- Tobacco industry interference

The Expert Group recommended:

- product regulation to reduce the attractiveness and palatability of tobacco products, documenting lessons learned in implementation,
- strengthening coordination among stakeholders that can provide assistance (Convention Secretariat, its relevant knowledge hubs, WHO, WHO TobReg, WHO TobLabNet, WHO collaborating centres, Global Tobacco Regulators Forum, and civil society)
- establishing a knowledge hub on product regulation.

3. WHO’s progress report provided an update on product regulation, including:

- methods for testing and measuring the contents and emissions of ENDS/ENNDS
- technical and scientific assistance on ENDS/ENNDS, including monitoring of use by youths, tobacco initiation among youth users of ENDS/ENNDS, efficacy of ENDS/ENNDS for cessation, and health effects of ENDS/ENNDS
- standard operating procedures for smokeless and water-pipe tobacco and building capacity for product testing
- research and evidence on new and emerging tobacco products, in particular heated tobacco products, regarding their health impacts
- ongoing issues in product regulation (flavors, nicotine pouches, and disposable ENDS)

Comments: Governments should reduce the attractiveness of tobacco products in line with the existing Article 9 & 10 guidelines. SEATCA recommends a ban on all flavored tobacco products and accessories, a ban on cigarette filters, and requiring standardized/plain packaging. Governments should also make full use of WHO TobLabNet and TobReg reports when developing standards for testing and measuring contents and emissions of tobacco and nicotine products.

Agenda 6.2. Tobacco advertising, promotion and sponsorship (Article 13): depiction of tobacco in entertainment media

The COP adopted Specific Guidelines to address cross-border tobacco advertising, promotion and sponsorship (TAPS) and the depiction of tobacco in entertainment media. These complement the existing Guidelines for implementation of Article 13 of the WHO FCTC to assist Parties to fully implement a comprehensive TAPS ban, including for ENDS and HTPs.

Comment: Governments should enforce a comprehensive TAPS ban to protect youths from nicotine addiction and related health harms and to facilitate cessation among current users.
Agenda 6.3. Novel and emerging tobacco products

The COP noted two reports that are useful to advocate for stronger regulatory policies to effectively protect the youth from emerging tobacco products.

1. The report by the Convention Secretariat clarified that, even in the absence of combustion, smoke is produced by heating tobacco products, through pyrolysis and pyrosynthesis. The report recommends Parties consider taking a precautionary approach to the health risks posed by HTPs, ensuring that they are regulated no less strictly than conventional cigarettes. The report also identified amendments to the coding system of the World Customs Organization (WCO) Harmonized System (HS) that provides a scheme of categorization and classification that serve to control import and export of tobacco products. At the country level, it may be used in levying taxes and in assisting in identification of products and devices to be subjected to regulation.

Comment: Noting that the report says, “smoke is produced whenever substances are heated beyond a temperature at which pyrolysis occurs,” “visible aerosols deriving in whole or in part from thermally driven chemical reactions qualify as ‘smoke’, even when combustion is not involved in the process,” and “Novel and emerging tobacco products, particularly HTPs, emit pyrolysis products such as volatile aldehydes; therefore, these aerosols are clearly within the scientific definition of ‘smoke’,” SEATCA uses the term “electronic smoking devices (ESD)” as an inclusive term for both ENDS/ENNDS and HTPs.

2. The report by WHO on research and evidence on new and emerging tobacco products found existing evidence showing that HTPs are addictive and harmful, and that while smokers switching completely from cigarettes to HTPs may reduce their exposure to some harmful toxicants, there is no clear evidence that this reduces the risk of harms. There is also no conclusive evidence of their efficacy for smoking cessation.

Comment: The descriptor “novel” should be avoided, as this connotes novelty and innovation and promotes products described as such.

Agenda 6.4 Forward-looking tobacco control measures (Article 2.1)

The COP established an Expert Group 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 considered within the scope of Article 2.1, taking into account the Guidelines for implementation of the WHO FCTC. The Expert Group will submit its report to COP11.

Comment: SEATCA encourages Parties to already implement forward-looking measures that go beyond minimum FCTC measures so as to end the tobacco pandemic as soon as possible. These include (1) the Generational End Game, to protect youths against the tobacco pandemic by prohibiting sales of all tobacco and nicotine products, including e-cigarettes and nicotine pouches, to anyone born after a certain date, and (2) phasing out commercial tobacco sales, in the same way that leaded paint, leaded fuel, and CFCs were phased out due to their harms to human and environmental health.

Agenda 6.5. Liability (Article 19)

The COP decision on liability

1. urged Parties to hold the tobacco industry liable for its harmful conduct, strengthen liability regimes as part of a comprehensive tobacco control policy, and 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;

2. re-established an Expert Group on liability to review and collect information in respect of existing liability practices and support Parties 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.
Supplementary Agenda. Implementation of WHO FCTC Article 18 (Protection of the environment and health of persons)

The COP urged Parties to strengthen environmental protection, taking into account the environmental harms from tobacco cultivation, manufacture, consumption, and waste disposal of tobacco products and related electronic devices, including holding the tobacco industry liable for environmental damages and adverse health effects on workers in the tobacco sector. Parties are also urged to coordinate their efforts to address plastic waste of tobacco products and related electronic devices with the objectives of the WHO FCTC in relation to national policies and international treaties and fora dealing with plastics and hazardous waste.

Comment: This decision is relevant for banning cigarette filters in the ongoing Plastics Pollution Treaty negotiations (INC-4 will be held 23-29 April 2024).

Agenda 7.3. Contribution of the WHO FCTC to the promotion and fulfilment of human rights

This COP decision encourages Parties to consider including WHO FCTC principles and implementation efforts when engaging with the United Nations human rights mechanisms, and requested the Convention Secretariat to foster coordination and collaboration with entities in the UN system pursuing human rights mandates to raise awareness of the importance of WHO FCTC implementation in the fulfilment of human rights.

Comment: The right to the highest standard of health is a universal and basic human right. To the extent possible, health harms should be eliminated and not just reduced. Industry claims of its newer products contributing to tobacco “harm reduction” are not supported by scientific evidence.


The COP decided to extend the Global Strategy until 2030 to ensure coherence and alignment with the 2030 Agenda for Sustainable Development and requested the Convention Secretariat to consult a group of experts and stakeholders, such as those involved in the development of the Global Strategy, in order to assess the Global Strategy as a “living document to be reviewed as necessary” and provide suggestions concerning any necessary adjustments.

Comment: Governments should accelerate FCTC implementation as a means of achieving sustainable development for all, particularly Sustainable Development Goal 3.

Panama Declaration

The Panama Declaration encapsulates all the commitments made at COP10. It urges Parties to expedite the implementation of the WHO FCTC, particularly Articles 6, 8, 9, 10, 12, 13, 16 and 19, in line with the Global Strategy to Accelerate Tobacco Control and the Sustainable Development Goals, as well as to strengthen implementation of measures and further enhance policy coherence within governments to prevent tobacco industry interference in public health policies, in accordance with Article 5.3 of the WHO FCTC and its Guidelines.

All COP10 decisions

Other COP10 decisions not included here (WHO FCTC Investment Fund, assessed contributions, accreditation of Observers to the COP, improving the reporting system, Voluntary Implementation Peer Review and Support Mechanism, appointment of the Head of the Convention Secretariat, amendments to the Rules of Procedure of the COP, and the budget and workplan for 2024-2025) can be found on the FCTC website: https://storage.googleapis.com/who-fctc-cop10/Decisions/index.html