

Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products)

This document relates to item 6.1 of the provisional COP agenda and corresponds to documents [FCTC/COP/10/5](#), [FCTC/COP/10/6](#) and [FCTC/COP/10/7](#)

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Key recommendations

- GATC recommends that the draft decision of the Bureau regarding Articles 9 and 10 be adopted without amendment. The draft decision would:
 - maintain the suspension of the Working Group on Articles 9 & 10; and
 - establish an Expert Group to examine developments, issues and evidence related to Articles 9 & 10.

Key messages

- The Bureau consulted with Parties regarding the potential future mandate of the Articles 9 & 10 Working Group. As outlined in the report from the Bureau (FCTC/COP/10/5), the Bureau's consultation found that there was a lack of consensus for a possible reactivation of the mandate of the Working Group in the short term.
- There has been a low level of implementation by Parties of Articles 9 & 10 and the Articles 9 & 10 guidelines. Many of the issues and measures in this area can be technical and difficult. When governments adopt measures in this area, the tobacco industry often uses approaches that undermine the measures. An Expert Group would be able to examine developments, issues and evidence on matters related to Articles 9 & 10 for the benefit of Parties.

What is being proposed

The draft decision of the Bureau would maintain the suspension of the Working Group on Articles 9 & 10, and would establish an Expert Group to do further work on developments, issues and evidence related to Articles 9 & 10.

Why this is important

There has been a low level of adoption related to Articles 9 & 10 and the Articles 9 & 10 guidelines. Issues and evidence related to Articles 9 & 10 are sometimes technical and difficult. Moreover, when measures are adopted by government, often the tobacco industry has used techniques to undermine measures in this area. A group of individual experts in an Expert Group can examine issues in detail.

Background

- The Articles 9 & 10 Working Group, established at COP1 in 2006, is by far the longest running Working Group. It is important to note the difference between a 'Working Group' and an 'Expert Group'. As such, a Working Group is comprised of Parties, whilst an Expert Group is comprised of individual experts. The Working Group has completed considerable good work in developing guidelines in stages for Articles 9 and 10.
- COP8 decided to suspend the work of the Working Group and to establish an Expert Group to examine the reasons for low implementation of Articles 9 and 10 and the Articles 9 & 10 guidelines and to prepare a report for COP9.¹ The report of this Expert Group, originally provided to COP9 and now provided to COP10, is available as document FCTC/COP/10/6. COP9 decided to maintain the suspension of the Working Group.²
- COP8 also requested that the Bureau consult with Parties regarding the potential future mandate of the Articles 9 & 10 Working Group in the short, medium and long-term. The Bureau prepared a report for COP9,³ but consideration of this was deferred to COP10 due to COVID related circumstances. Document FCTC/COP/10/5 includes the outcome of the Bureau's consultation with Parties, finding that there was a lack of consensus for a possible reactivation of the mandate of the Working Group in the short term.
- In the report to COP (FCTC/COP/10/5), the Bureau recommends that the mandate of the Working Group continue to be suspended, and that an Expert Group be created to consider and make recommendations to COP regarding pertinent issues and evidence concerning Articles 9 & 10. These recommendations are reflected in the Bureau's draft decision for COP10, found in the Annex to document FCTC/COP/10/5.

¹ COP8 Decision FCTC/COP8(21).

² COP9 Decision FCTC/COP9(2).

³ Document FCTC/COP/10/5.