

POLICY BRIEFING

This document relates to item 1.1 of the provisional COP agenda and corresponds to documents [FCTC/COP/9/1](#) and [FCTC/COP/9/1\(annotated\)](#)

Ninth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, 8-13 November 2021

Adoption of the agenda

Key Recommendations

- FCA supports the proposed agenda for COP9, as elaborated in the annotated agenda, including the Bureau's proposal to defer a number of discussions on technical matters and treaty instruments to COP10.
- FCA supports the Bureau's proposal to note the reports and defer discussions on agenda items 4 and 5 (documents COP/9/6 to COP/9/11) to the next in-person session of the COP. The foreseen in-person discussions at COP10 will provide a more appropriate environment for discussions and negotiations and would be more conducive to consensus and progress in FCTC implementation.

Why this is important

The ongoing COVID-19 pandemic has imposed many restrictions on the ways we all work, including on how COP9 could be run. This year, we will participate in a virtually-run COP with an abridged agenda. The agenda is to be adopted, exceptionally, through a COP decision which includes not only agenda adoption but also adopting the recommendations of the Bureau to defer certain items to COP10 and to note reports under certain items and defer related substantive discussions to COP10.

We support the arrangements that have been made for COP9 to be held virtually with an abridged version of the provisional agenda. We recognise that there are challenges inherent in running such a large virtual event, and we commend the Bureau of the COP for their leadership in this area and the Convention Secretariat for their hard work in preparing for a new format for the Ninth Session of the COP.

At COP9, reports under some of the agenda items will be provided for the information of the Parties and the Bureau has recommended to the COP that consideration of these items be postponed to COP10. This includes reports on the implementation of Articles 9 and 10 of the FCTC (Documents [FCTC/COP/9/6](#), [FCTC/COP/9/7](#), [FCTC/COP/9/8](#)), novel and emerging tobacco products (Documents [FCTC/COP/9/9](#) and [FCTC/COP/9/10](#)), and the Implementation Review Mechanism (Document [FCTC/COP/9/11](#)). We support this proposal to defer discussions to COP10.

These topics are complex, with many technical in nature, and would require substantial discussion among Parties in order to come to decisions. COP10, which is anticipated to be held in-person, would provide a much more appropriate environment to support such negotiations. Deferring

substantive discussions to COP10, in line with Bureau recommendations, enables such discussions to be held in an environment more conducive to consensus and progress in FCTC implementation.

In addition, we support the proposal to extend the mandate of the Expert Group to examine the reasons for low implementation of Articles 9 and 10, and related partial guidelines, with the same mandate, and with a view to discussing an updated report at COP10. This Expert Group is comprised of individual experts and is different from the Working Group on Articles 9 & 10, which is comprised of Parties. Given that the Expert Group met in November 2019, having an opportunity to prepare an updated report may be beneficial given that four years will have elapsed between the meeting of the Expert Group and COP10, anticipated for approximately November 2023.

Ultimately, in order to facilitate the discussions and negotiations that these complex matters require, it would be in Parties' best interest to adopt the provisional agenda, in line with the Bureau's recommendations in the annotated agenda, and to devote the required time in-person at COP10 to order to address such topics fully in pursuit of FCTC implementation.