

COP6 Mandate and Potential COP7 Risks

Topic	COP6 Mandate	Risks	Risk of Potential Outcome
ENDS – NTPs (RRPs)	Expert Report (by a group of independent scientists and regulators) on: update of health impact; role of ENDS/ENNDS in quitting; impact on tobacco control efforts	Ban or extreme regulations on ENDS and Novel Tobacco Products	Declaration or Ad Hoc Decision
Articles 9 & 10 (Product Content & Design)	Working Group to develop Guidelines or Progress Reports; WHO Tobacco Control Department Report on toxic content and emissions of smokeless and water pipe tobacco	<ul style="list-style-type: none"> i. Adoption of guidelines recommending nicotine prohibition, resulting in a <i>de facto</i> ban of conventional cigarettes ii. Ban on cigarette design features such as slims, capsules, filter ventilation iii. Excessive reporting requirements for cigarette contents and emissions iv. Toxicity reduction (unreasonable ceilings for smoke constituents) for COP8 	Partial Guidelines (even beyond mandate i.e. addictiveness)
Article 5.3	Report by FCTC Secretariat on Industry engagement with international organizations	<ul style="list-style-type: none"> i. Re-opening the Art. 5.3. Guidelines seeking to expand the scope to IGOs and harden the language ii. Proposals to force delegations to disclose links to the tobacco industry 	<ul style="list-style-type: none"> • Declaration or Ad Hoc Decision • Re-opening of Guidelines
Article 19 (Liability)	Expert Group Report (on how to strengthen civil liability mechanisms) to be provided before COP7	<ul style="list-style-type: none"> i. Health-cost recovery funds ii. Class actions lawsuits iii. Procedural rules that penalize industry defendants iv. Model law/s for criminal and/or civil liability 	<ul style="list-style-type: none"> • Declaration or Ad Hoc Decision • Establishment of Working Group
International Trade, Dispute Settlement and Plain Packaging	2 Reports by FCTC Secretariat (1- on how to operationalize Dispute Settlement provision and 2- on potential impact of new trade & investment provisions)	<ul style="list-style-type: none"> i. Exclusion of tobacco from international trade and investment agreements ii. FCTC-over-trade decision iii. Ad hoc decisions related to PP (linked with outcome of the WTO PP case, expected for Q32016) iv. FCTC DS mechanism 	Declaration or Ad Hoc Decision
Illicit Trade Protocol	Report by FCTC Secretariat & Panel of Experts	<ul style="list-style-type: none"> i. Use of the Protocol to eliminate the legitimate tobacco industry: <ul style="list-style-type: none"> a. Full proprietary technologies to tackle illicit trade in tobacco products b. Punitive licensing schemes c. Ban sales in Duty Free and Internet d. Industry exclusion ii. MOP1: Guidelines on implementation of T&T and Free Trade Zones (i.e., release of the guidelines) iii. MOP1: Kick-off Working Group developing studies on Key Inputs and Duty Free 	<ul style="list-style-type: none"> • Ad Hoc Decisions • Establishment of Working Groups
Article 6 (Tobacco Taxation)	None	<ul style="list-style-type: none"> i. Implementation of FCTC guidelines at domestic level based on a misleading interpretation of its content (e.g. work at World Bank) ii. Push for 75% tax on RSP 	<ul style="list-style-type: none"> • Ad Hoc Decision • Link tobacco taxation with financing for development
Emerging Threats	None	Consolidation of emerging threats (e.g. profit taxes, smoker licensing, Year 2000 smoke-free generation, sinking lid, etc.)	
Development - SDGs	None	FCTC and ATOs linking tobacco control with economic development issues and engaging with a broad range of international organizations with a view to further de-normalize the industry and push for extreme measures and expansion of Article 5.3	Arguments to push for more extreme regulation
Articles 17 & 18 (Agriculture & Environment)	Report by FCTC Secretariat on pilot projects	Unreasonable recommendations on preventing occupational risks in tobacco farming	Ad Hoc Decision
Sustainable Implementation of the FCTC	Working Group Recommendations	<ul style="list-style-type: none"> i. Establishment of additional funding mechanisms for FCTC and tobacco control ii. Model for inter-ministerial coordination on tobacco control that prevents industry engagement 	Decision or Recommendations
FCTC Impact Assessment	Expert Group Assessment in 12 countries		