



PROTOCOL
TO ELIMINATE
ILLICIT TRADE IN
TOBACCO PRODUCTS

**MEETING OF THE PARTIES TO THE PROTOCOL
TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

**FCTC/MOP/3/18
14 November 2023**

**Third session (*de minimis*)
Geneva, Switzerland, 29–30 November 2023
Provisional agenda item 1.1**

Special procedures for the conduct of the *de minimis* session of the Third session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products

Report by the Convention Secretariat

Purpose of the document

The present report contains the proposed special procedures to regulate the conduct of the *de minimis* session of the Third session of the Meeting of the Parties (MOP3) to the Protocol to Eliminate Illicit Trade in Tobacco Products to be held virtually in the context of the postponement of MOP3.

Action by the Meeting of the Parties

The Meeting of the Parties (MOP) is invited to note the present report and consider adopting the draft decision contained in the annex, together with the special procedures to regulate the conduct of the *de minimis* virtual session of MOP3 annexed to the draft decision.

Contribute to the Sustainable Development Goals (SDGs): All SDGs; in particular SDG 3 and Target 3.a, as well as SDG 16

Link to Workplan and Budget item: None.

Additional financial implications if not included in the Workplan and Budget: None.

Related document(s): Rules of Procedure of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products; FCTC/MOP/3/INF.DOC./2, Decision-making and procedural issues on the virtual system: A practical guide.

BACKGROUND

1. By letter dated 8 November 2023, Panama, the host country of the Tenth session of the Conference of the Parties (COP10) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Third session of the Meeting of the Parties (MOP3) to the Protocol to Eliminate Illicit Trade in Tobacco Products, informed the Convention Secretariat that, in light of the current situation the country is facing and its potential impact on the security of delegates and the conduct of international meetings, it is no longer feasible to convene COP10 and MOP3 in Panama at the scheduled dates in November 2023. Panama further requested the collaboration of the Convention Secretariat in postponing COP10 and MOP3 to the beginning of 2024. Following that communication, and taking into account decisions FCTC/COP9(11) and FCTC/MOP2(15), as well as Rule 4.2 and Rule 24ter of the Rules of Procedure of the Conference of the Parties (COP) to the WHO FCTC and of the Meeting of the Parties (MOP) to the Protocol, the Bureaus of the COP and of the MOP, in consultation with Panama and the Convention Secretariat, decided during a joint meeting held on 9 November 2023 to postpone COP10 and MOP3.
2. The COP10 and MOP3 will convene in person as early as possible in 2024 at dates to be confirmed.
3. To ensure continuity of operations of the Convention Secretariat in respect of the Workplan and Budget of COP and of the MOP for the financial period 2024–2025, the Bureaus agreed that *de minimis* virtual sessions of COP10 and MOP3 would take place using videoconference technology. The Convention Secretariat has made the necessary arrangements in that respect.
4. Special procedures are required so that MOP3 can pursue its work in a virtual format for the conduct of the *de minimis* virtual session. For this reason, these special procedures must be adopted at the opening of the session.
5. The present report is intended to enable the MOP to take a decision in that regard. The special procedures to regulate the conduct of the *de minimis* virtual session of MOP3 are set out in the annex to the draft decision contained in the present report. These special procedures are based on the special procedures used for the conduct of the Second session of the Meeting of the Parties (MOP2), as adopted in decision FCTC/MOP2(1), adapted as necessary for the conduct of the *de minimis* virtual session of MOP3.

ACTION BY THE MEETING OF THE PARTIES

6. The MOP is invited to note the present report and to consider adopting the annexed draft decision.

ANNEX

**DRAFT DECISION:
SPECIAL PROCEDURES TO REGULATE THE CONDUCT
OF THE *DE MINIMIS* VIRTUAL SESSION OF THE THIRD SESSION OF THE
MEETING OF THE PARTIES TO THE PROTOCOL TO ELIMINATE ILLICIT
TRADE IN TOBACCO PRODUCTS (MOP3)**

The Meeting of the Parties (MOP),

Having considered the report on special procedures submitted and contained in document FCTC/MOP/3/18,

DECIDES to adopt the special procedures set out in the Annex to this decision to regulate the conduct of the virtual *de minimis* session of the Third session of the Meeting of the Parties (MOP3).

(XX plenary meeting, November 2023)

ANNEX TO THE DRAFT DECISION

**SPECIAL PROCEDURES TO REGULATE THE
CONDUCT OF THE *DE MINIMIS* VIRTUAL SESSION OF MOP3**

RULES OF PROCEDURE OF THE MOP

1. The Rules of Procedure of the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products shall continue to apply in full, except to the extent that they are inconsistent with these special procedures, in which case the MOP decision to adopt these special procedures shall operate as a decision to suspend the relevant Rules of Procedure to the extent necessary.¹

ATTENDANCE

2. Attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental and nongovernmental organizations accredited by the MOP pursuant to Rules 30 and 31, and accredited media² shall be through secured access to videoconference or other electronic means allowing representatives to hear other participants and to address, as appropriate, the meeting remotely.

QUORUM

3. It is understood that virtual attendance of Parties shall be taken into account when calculating the presence of a quorum.

ADDRESSING THE MOP

4. Parties, States and regional economic integration organizations that are not Parties, the Secretariat, and intergovernmental and nongovernmental organizations accredited by the MOP pursuant to Rules 30 and 31, shall be provided with the opportunity to take the floor.

¹ This will affect notably the relevant provisions of the following Rules of Procedure of MOP:

- Rules 18 (credentials);
- Rules 24quinquies (committees of the MOP);
- Rule 51 and Rules 54–56 (voting by show of hands and secret ballot); and
- Rule 66 (insofar as these special procedures may not be regarded as amendments, but only as exceptional suspensions or additions to the Rules of Procedure, subject to consensus by the MOP).

² Considering the virtual format of the meeting, the accreditation of members of the public will be suspended. Subject to decision of the MOP, the *de minimis* virtual session of the Third session of the MOP shall be open and therefore not suitable to be webcast live by the MOP.

COMMITTEES

5. All business shall be conducted in plenary. Accordingly, committees shall not be established. Matters generally entrusted to Committee B under Rule 24quinquies shall be determined by the plenary

REGISTRATION AND CREDENTIALS

6. Given the need to grant virtual access to the meeting with due regard for timely and secure conduct of business, as well as Article 5.3 of the WHO Framework Convention on Tobacco Control, all credentials and lists of representatives shall be submitted electronically to the Convention Secretariat through the online registration system, no later than 28 November 2023.

7. The credentials accepted by the MOP for the *de minimis* virtual session of the Third session of the MOP (MOP3) will remain valid for the resumed MOP3, to take place at dates to be confirmed. Parties not among those listed in the decision of the MOP adopting credentials for the *de minimis* virtual session of MOP3 shall submit credentials in accordance with Rule 18 for the resumed MOP3.

DECISION-MAKING

8. As already provided for by the Rules of Procedure, in accordance with Rule 50, decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 33 of the Protocol. For all other decisions, the MOP shall make every effort to reach agreement by consensus.

9. If all efforts to reach consensus on decisions referred to in paragraph 8 have been exhausted and no agreement has been reached, the MOP shall proceed as a last resort as follows:

- (a) in the event that a vote is required, voting shall take place by roll call conducted through the virtual system; and
- (b) during a roll-call vote, should any delegate fail to cast a vote for any reason during the roll call, that delegate shall be called upon a second time after the conclusion of the initial roll call. Should the delegate fail to cast a vote on the second call, the delegation concerned shall be recorded as absent.

EXCEPTIONAL MEASURES

10. The procedures set out above are adopted only for the purpose of the *de minimis* virtual session of MOP3 as exceptional measures to enable the work of MOP3 to continue during the extraordinary situation arising from the postponement of MOP3, and they should not be considered as setting a precedent for future sessions of the MOP.

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