PROTOCOL
TO ELIMINATE
ILLICIT TRADE IN
TOBACCO PRODUCTS

**Second meeting of the Working Group on
Tracking and Tracing Systems (Article 8)**

14–16 October 2022
Geneva, Switzerland

Summary report

1. The present report contains a summary of the discussions and decisions taken at the Second meeting of the Working Group on Tracking and Tracing Systems (Article 8), held in person in Geneva on 14–16 October 2022. The Working Group was established by the First session of the Meeting of the Parties (MOP1) to the Protocol to Eliminate Illicit Trade in Tobacco Products, in decision FCTC/MOP1(6), and its mandate was extended by the Second session of the Meeting of the Parties (MOP2) to the Protocol in decision FCTC/MOP2(6). The Convention Secretariat, which serves as the secretariat of both the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Protocol facilitated three meetings of the Key Facilitators – namely the European Union (EU), Kenya, Pakistan and Senegal – to plan the meeting.

2. The provisional agenda and meeting programme, contained in Annex 1 and Annex 2 of the present document, were prepared by the Convention Secretariat under the guidance of Key Facilitators. In addition, per the request of the Working Group at its first meeting, the following technical documents were prepared and distributed in advance for consideration by the Working Group: a) *Collection of information on tracking and tracing systems,* which is a preliminary report by the Convention Secretariat; and b) *Global information sharing focal point (GSP) Initial Requirements Document* and *Global information sharing focal point (GSP) Evolution* reports by the United Nations International Computing Centre (UNICC). The second meeting contained a segment during which volunteer Parties shared experiences on data collected and available in their tracking and tracing systems, and a workshop to discuss and decide next steps in relation to the road map for implementing the GSP.

3. While the meeting was held in person to facilitate discussions and decisions by the Working Group, a virtual information-sharing segment was organized to provide a brief update on the outcomes of the meeting for delegates that could not attend the meeting in person. This segment was for information only, with no possibility to make interventions from the floor.

4. The second meeting was attended by:

    -   14 Parties to the Protocol that expressed interest in participating in the Working Group as members;

- seven Parties to the WHO FCTC that are not Parties to the Protocol but expressed interest in participating in the Working Group as observers;
- one nongovernmental organization (Smoke Free Partnership), invited by the Convention Secretariat on the basis of relevant expertise and sound knowledge of matters related to the response of authorities to illicit tobacco trade, as observers;
- the UNICC, invited as an expert;
- the World Health Organization (WHO), Fiscal Policies for Health Unit, invited as an expert; and
- the staff of the Convention Secretariat.

5. The full composition of the Working Group was communicated by the Convention Secretariat in the meeting documents and was reported verbally during the meeting; it is also available on the Convention Secretariat website. An overview is provided in Annex 3 of the present document.

6. The summary below follows the provisional agenda as adopted by the Working Group. Throughout the text, interventions are identified by function, either Working Group member or observer.

Welcome, objectives of the meeting and adoption of the agenda

7. The Second meeting of the Working Group was chaired by Pakistan, with Kenya acting as the Vice-Chairperson, with agreement of the Working Group. The EU had agreed to serve as Rapporteur.

8. The objectives of the meeting were agreed upon as follows: "The Second meeting of the Working Group will provide its members and observers, as well as invited experts, with the opportunity to work on the development of the global information sharing focal point and to start drawing the road map as specified in decision FCTC/MOP2(6). It will also allow members and observers to exchange and discuss information related to existing tracking and tracing systems, data collection and agree on the next steps."

9. The provisional agenda was adopted as proposed.

Introductory matters, including legal, security and confidentiality issues related to sharing tracking and tracing information

10. The Convention Secretariat introduced the applicable legal framework both requiring and enabling Parties to exchange tracking and tracing information, based on Article 8 and other provisions of the Protocol. It recalled that the Protocol is an internationally legally binding instrument, serving as a legal basis for the exchange of information and that the implementation of obligations by Parties is subject to the basic principles of national law and agreement among the Parties. It was also highlighted that confidentiality and security issues were considered interrelated, and that they played a critical role in establishing the Parties' mutual trust in the exchange of information.

11. The Working Group members welcomed the explanation that the Protocol provided for the appropriate legal basis for Parties to share tracking and tracing information.

12. A Working Group member highlighted the sensitivity of the issue of confidentiality and the importance for members to understand that exchange of information is subject to the basic principles of their national laws with respect to information confidentiality and privacy.

13. Another Working Group member urged peers to assess and address any security and confidentiality matters at the national level in advance, so that information can flow once the GSP is established.

Collection of information on the development and implementation of tracking and tracing systems

14. The Convention Secretariat provided an overview on the collection of information on the establishment of tracking and tracing systems, building on the work that was carried out within this Working Group under its initial mandate, as well as additional desktop research conducted by the Convention Secretariat, on the basis of the preliminary report *Collection of information on tracking and tracing systems* prepared for consideration of the Working Group.

15. Following a discussion, the Working Group made the following suggestions:
    - The second round of the questionnaire for the data collection on the development and implementation of tracking and tracing systems should better target specific areas or requests.
    - Follow-up be organized with Parties that had previously responded to allow them to provide only relevant additional information (it was not deemed necessary that Parties that have previously responded be requested to fill in the full questionnaire again).
    - The questionnaire be sent out again to the Parties to the Protocol to obtain a higher response rate for better representation.
    - The national tobacco control focal points in ministries of health be engaged to facilitate the dissemination of the questionnaire, including to other sectors outside of health.

16. The Convention Secretariat indicated that the questionnaire will be shared with the Permanent Missions to the United Nations Office at Geneva and treaty focal points. It also recalled the intention to share the questionnaire with both Parties to the Protocol and Parties to the WHO FCTC to obtain a broader landscape of Parties' tracking and tracing solutions.

17. A Working Group observer (a nongovernmental organization) suggested that the Working Group consider the need for two types of information:
    - which countries already have tracking and tracing systems; and
    - what information is available in the public domain and what is in the private domain.

18. The Convention Secretariat recalled the multimodal approach for collecting information on tracking and tracing systems. A targeted approach, focusing on more pertinent issues, will be employed for the interviews with stakeholders working in this area at the national level.

Experience-sharing by Parties in relation to developing and implementing tracking and tracing systems

19. Working Group members – namely the EU, Kenya, and Pakistan – shared presentations in relation to data collected and available in their tracking and tracing systems at the regional (EU) and national levels (Kenya and Pakistan). The United Kingdom of Great Britain and Northern Ireland made an oral update on its experience with tracking and tracing.

20. Key points noted by Working Group members included:
    - While the systems presented were based on different models, there are already some data that could be shared among Parties.
    - The data should be requested and shared solely for enforcement purposes.
    - There should be a minimum set of data to be provided for the GSP.
    - In exchanging information, it will be key to identify the manufacturing Party, and from whom to request the information.
    - The systems should be established and overseen by the government, with no delegation of responsibility to the tobacco industry and its front groups; the tobacco industry, however, could bear the costs for the establishment of the systems, as per Article 8 of the Protocol.

Project plan for the interim solution for the global information-sharing focal point

21. The UNICC introduced a possible interim solution for the GSP, based on the report *Global information sharing focal point (GSP) Initial Requirements Document* prepared for consideration of the Working Group. The Convention Secretariat clarified that the proposed solution is a response to decision FCTC/MOP2(6). In that decision, the Meeting of the Parties (MOP) adopted the recommendations made by the Working Group in document FCTC/MOP/2/6, requiring, among the basic system design features, that the GSP have minimal impact on the national and regional tracking and tracing systems, as well as technological neutrality, by providing a platform to link the systems without prescribing one model or the other.

22. The UNICC highlighted that:
    - the proposed interim system has no provisions for any automation (requiring manual processing of data); and
    - the system is foreseen to be end-to-end encrypted.

23. Working Group members discussed the possibility that predetermined fields with text templates be provided for requesting and replying to queries, in place of a fully free-text option. The proposal was met with support, with a consensus on using totally or partially predetermined fields with text templates for requesting and replying to queries and an additional field with free text to be provided. However, views were expressed that the use of the free-text field should be limited, to simplify the query and reply process. At this stage, the interim solution cannot provide for a detailed template.

24. Working Group members raised the question of whether all the information pursuant to paragraphs (a) to (j) of Article 8.4.1 of the Protocol should be provided in the query process.

25. The Convention Secretariat highlighted that, indeed, the Protocol required that all the information indicated in paragraphs (a) to (j) of Article 8.4.1 of the Protocol be provided. Some Working Group

members raised the fact that in some circumstances, only part of the information may be needed by the requesting Party.

26. A Working Group member raised the question of providing multiple language options for the template. Following a discussion, there was a consensus within the Working Group that the template be made available in the six official United Nations languages.

27. The Convention Secretariat clarified that it will not have visibility of the data in the text fields, since these would be end-to-end encrypted. However, for the purpose of reporting by the Convention Secretariat, the system would be able to generate statistics on the number of Parties registered and using the system, the number of requests and answers, and, if such option is allowed, the number of unique identification markings (UIMs) that are queried.

28. The UNICC emphasized that the interim GSP would respond to strict security requirements, as it would be built in an information technology platform built for the purpose, in line with relevant International Organization for Standardization (ISO) standards and international certifications.

Technical specifications and timeline needed to develop each option of the features of the GSP

29. The UNICC introduced the technical specifications and timeline needed to develop the GSP, based on the report *Global information-sharing focal point (GSP) Evolution* prepared for consideration of the Working Group, following decision FCTC/MOP2(6). The UNICC presented a rough demonstration of its proposal to the Working Group.

30. Working Group members raised the following questions:
    - Would the human insertion of an answer automatically generated in the stage 3 of the GSP represent any cost savings?
    - What serves as basis for the estimation of the timeline (i.e. serial or parallel timeline) for the development of each phase of the GSP?
    - Would the GSP be accessible only to Parties to the Protocol or also to Parties to the WHO FCTC that are not yet Parties to the Protocol?

31. The UNICC clarified that:
    - human insertion of the answer is possible, although this may not lead to cost savings; and
    - the development of each phase of the GSP would follow a serial timeline.

32. The Convention Secretariat recalled that:
    - the GSP would only be accessible to Parties to the Protocol; and
    - technological neutrality should be upheld, and Parties should be allowed to maintain their national and regional practices for their systems, including the coding of UIMs.

Road map for implementing the GSP

33. The Chairperson recalled that in decision FCTC/MOP2(6), MOP2 requested the Working Group on Tracking and Tracing Systems "to draw a road map setting out the various phases for implementing the global information-sharing focal point taking into account the number of Parties that have established national or regional tracking and tracing systems at each stage, the information exchange needs of those Parties, and the compatibility and connectivity of their systems with the IT infrastructure of the global information exchange system; the road map should also set out the development costs for each stage of this project."

34. The Working Group discussed the broad outline and the next steps to develop the road map for implementing the GSP during a workshop-style segment of the meeting, facilitated by the EU. The UNICC provided support in relation to technical specifications of the GSP, while the Convention Secretariat provided explanations in relation to the text of the Protocol, MOP decisions, documents that were presented to MOP2 by the Working Group under its first mandate, and general inquiries.

35. A three-stage approach, evolving from the interim solution to the fully developed GSP, was proposed:
    - Stage 1: manual and secure "email exchange" model and list (a "library") of UIM patterns;
    - Stage 2: automated routing of queries to the Party responsible for issuing the UIM at stake based on the recognition of UIM patterns; and
    - Stage 3: integrated system with an interface for national or regional tracking and tracing systems to automate the process to be carried out by the requested Party.

36. In order to move from one stage to the next, it was proposed that predetermined trigger events and criteria be developed (and ultimately met, subject to a MOP decision). The proposal was met with support.

37. In relation to predetermined trigger events and criteria to transit between stages of the GSP, a Working Group member proposed that quantitative and qualitative analyses be conducted at each stage in order to decide to move on to the next stage of the development of the GSP. The proposal was met with support, and the Convention Secretariat clarified that reports to the MOP can include quantitative and qualitative assessments.

38. Working Group members emphasized the issue of data confidentiality and security. Another Working Group member raised a question regarding the metadata ownership of the GSP. The Convention Secretariat recalled that pursuant to paragraph 9(e) of Article 8 of the Protocol: "Each Party or the competent authority shall protect and treat as confidential, as mutually agreed, any information that is exchanged." The Convention Secretariat also highlighted that the GSP metadata will be kept by the UNICC, which acts as custodian, and co-owned by the Convention Secretariat and the MOP.

Next Steps

Scheduling the Third meeting of the Working Group

39. Following a discussion on the various options to hold the Third meeting of the Working Group, and thanking India for its generous consideration to host the meeting, it was agreed that:
    - the meeting would take place virtually, in accordance with the decision taken at the First meeting of the Working Group; and
    - the meeting is to take place on the 3–4 April 2023.

Summary of the work to be carried out in advance of the Third meeting of the Working Group

40. Following a discussion on the summary of the work to be carried out in advance of the Third meeting of the Working Group, presented by the Chairperson, the Working Group decided:
    (1) To continue working according to the approved workplan and timeline.
    (2) With respect to the drafting of the Working Group report for submission to the Third session of the Meeting of the Parties (MOP3):
        - the drafting group will consist of the four Key Facilitators (in accordance with the decision taken at the First meeting of the Working Group), along with any other interested Parties;
        - the first draft of the report will be circulated to all members of the Working Group by 1 February 2023 (tentatively);
        - the Working Group members will be able to provide comments over a three-week period to the drafting group, which will review the comments;
        - the Working Group will discuss the first draft report and comments at its third meeting, in order to finalize the report; and
        - the draft report will be finalized by the Key Facilitators before submission to the Convention Secretariat for final editing and preparation for submission to MOP3.
    (3) The UNICC will run a pilot phase for the interim solution of the GSP in the second quarter of 2023; the Convention Secretariat should make arrangements for the implementation of interim solution by September 2023, as per FCTC/MOP2(6).
    (4) The Convention Secretariat will circulate the questionnaire on tracking and tracing systems to both Parties to the Protocol and Parties to the WHO FCTC; at this stage, it would not be done for the purpose of collecting the same information again, but rather to enable the Working Group members to review the data collected for further use, if necessary.

Any other business

41. There were no requests for any other business to be discussed.

Closure

42. The Chairperson thanked participants for their contributions and closed the meeting.

ANNEX I

PROVISIONAL AGENDA

1. Opening of the meeting
   - Election of the Chair, Vice-Chair and Rapporteur of the meeting
   - Welcome remarks from the Chair and the Head of the Convention Secretariat
   - Tour de table of participants
   - Objectives of the meeting

2. Adoption of the agenda

3. Introductory matters, including legal, security and confidentiality issues related to sharing tracking and tracing information
   Presentation by the Convention Secretariat

4. Collection of information on the development and implementation of tracking and tracing systems
   Report by the Convention Secretariat

5. Experience-sharing by Parties in relation to developing and implementing tracking and tracing systems
   Presentation by Parties (European Union, Kenya and Pakistan)

6. Project plan for the interim solution for the global information-sharing focal point (GSP)
   Report by the United Nations International Computing Centre (UNICC)

7. Technical specifications and timeline needed to develop each option of the features of the GSP
   Report by UNICC

8. Road map for implementing the GSP

   Workshop and discussion

9. Next steps:
   - Planning of the Third meeting of the Working Group
   - Summary of the work to be completed for the Third meeting of the Working Group

10. Any other business

Virtual information-sharing segment
   During this segment, delegates that could not attend the meeting in person will be able to connect virtually for a brief update on the outcomes of the meeting. This segment will be informative only, with no possibility to make interventions from the floor.

11. Closure

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ANNEX 2

PROVISIONAL MEETING PROGRAMME

DAY 1: MONDAY 24 OCTOBER 2022

09:00 – 09:30   **Registration**

09:30 – 10:20   **Item 1 – Opening of the meeting**

- 09:30 – 09:35: Welcome remarks from the Head of Convention Secretariat
- 09:35 – 09:45: Election of the Chair, Vice Chair and Rapporteur of the meeting
- 09:45 – 09:50: Opening speech from Chair
- 09:50 – 10:10: Tour de table of participants
- 10:10 – 10:20: Objectives of the meeting

  – Summary of the actions agreed at the First meeting of the Working Group
  – Objectives of the Second meeting of the Working Group

10:20 – 10:30   **Item 2 – Adoption of the agenda**

10:30 – 11:00   **Item 3 – Introductory matters, including legal, security and confidentiality issues related to sharing tracking and tracing information**

  – Presentation by the Convention Secretariat
  – Questions and answers / discussion

11:00 – 11:15   **Coffee break**

11:15 – 12:30   **Item 4 – Collection of information on the development and implementation of tracking and tracing systems**

- 11:15 – 11:45: Presentation by the Convention Secretariat based on report
- 11:45 – 12:30: Question and answers / discussion

12:30 – 14:00:   **Lunch break**

14:00 – 16:55:   **Item 5 – Experience-sharing by Parties in relation to developing and implementing tracking and tracing systems**

- 14:00 – 14:30: Presentation by the European Union
- 14:30 – 14:40: Question and answers
- 14:40 – 15:10: Presentation by Kenya
- 15:10 – 15:20: Question and answers

15:20 – 15:30:   **Coffee break**

- 15:30 – 16:00: Presentation by Pakistan
- 16:00 – 16:10: Question and answers
- 16:10 – 16:55: Discussion

16:55 – 17:00: Wrap-up of Day 1

DAY 2: TUESDAY 25 OCTOBER 2022

09:30 – 09:45:   **Opening of Day 2**

- Summary of the work and conclusions of Day 1
- Programme of work for Day 2

09:45 – 11:00:   **Item 6 – Project plan for the interim solution for the global information-sharing focal point (GSP)**

- 09:45 – 10:15: Presentation by the United Nations International Computing Centre (UNICC) based on report
- 10:15 – 11:00: Questions and answers / discussion

11:00 – 11:15:   **Coffee break**

11:15 – 12:30:   **Item 7 – Technical specifications and timeline needed to develop each option of the features of the GSP**

- 11:15 – 11:45: Presentation by the UNICC based on report
- 11:45 – 12:30: Question and answers / discussion

12:30 – 14:00:   **Lunch break**

14:00 – 16:45:   **Item 8 – Road map for implementing the GSP**

- Workshop and discussion (part 1)

16:45 – 17:00:   **Wrap-up of Day 2**

DAY 3: WEDNESDAY 26 OCTOBER 2022

09:30 – 09:45:   **Opening of Day 3**

- Summary of the work and conclusions of Day 2
- Programme of work for Day 3

09:45 – 12:30:   **Item 8 – Road map for implementing the GSP**

- Workshop and discussion (part 2)

12:30 – 14:00:   **Lunch break**

14:00 – 15:00:   **Item 9 – Next steps**

- Planning of the Third meeting of the Working Group
- Summary of the work to be completed for the Third meeting of the Working Group

15:00 – 15:30:   **Item 10 – Any other business**

15:30 – 15:45:   **Wrap-up of Day 3**

- Summary of the work completed during the three days

15:45 – 16:00:   **Coffee break**

16:00 – 17:00:   **Virtual information-sharing segment**

During this segment, delegates that could not attend the meeting in person will be able to connect virtually for a brief update on the outcomes of the meeting. This segment will be informative only, with no possibility to make interventions from the floor.

17:00:   **Item 11 – Closure**

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ANNEX 3

COMPOSITION OF THE WORKING GROUP ON TRACKING AND TRACING

MEMBERS

African Region
- Benin
- Burkina Faso
- Congo
- Cote d'Ivoire
- Kenya (Key Facilitator)
- Mali
- Senegal (Key Facilitator)

Region of the Americas
- Brazil
- Ecuador
- Nicaragua
- Panama

Eastern Mediterranean Region
- Pakistan (Key Facilitator)

European Region
- European Union (Key Facilitator)
- France
- Hungary
- Netherlands
- Slovakia
- Turkey
- United Kingdom of Great Britain and Northern Ireland

South-East Asian Region
- India
- Sri Lanka

Western Pacific Region
No confirmed member

OBSERVERS – NON-PARTIES TO THE PROTOCOL

African Region
- Zimbabwe

Region of the Americas
- Canada
- El Salvador

Eastern Mediterranean Region
- Jordan
- Kingdom of Bahrain

European Region
- Bosnia and Herzegovina
- Poland
- Romania

South-East Asian Region
- Thailand

Western Pacific Region
- Philippines
- Australia

OBSERVERS – INTERGOVERNMENTAL ORGANIZATIONS

- United Nations Office on Drugs and Crime
- World Customs Organization
- MERCOSUR

OBSERVERS – NONGOVERNMENTAL ORGANIZATIONS

- Framework Convention Alliance for Tobacco Control
- Smoke Free Partnership

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