



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

**(Draft) FCTC/MOP/3/B/R/2
13 February 2024**

**Third session (resumed)
Panama City, Panama, 12–15 February 2024**

Second report of Committee B

(Draft)

Committee B held its second and third meetings on 13 February 2024, under the chairmanship of Mr Hugo Mayer (Austria).

Committee B recommends to the Meeting of the Parties the adoption of the attached decisions related to the following agenda items:

7. Budgetary and institutional matters
 - 7.3 Payment of Assessed Contributions and measures to reduce Parties in arrears

One decision as amended entitled:

 - Assessed Contributions
 - 7.4 Investment Fund for implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

One decision entitled:

 - Investment Fund for implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products
 - 7.5 Review of accreditation of nongovernmental organizations with the status of observer to the Meeting of the Parties

One decision as amended entitled:

 - Review of accreditation of nongovernmental organizations with the status of observer to the Meeting of the Parties
 - 7.7 Appointment of the Head of the Convention Secretariat: report by the Bureau

One decision entitled:

 - Appointment of the Head of the Convention Secretariat and renewal of the term of office

Agenda item 7.3

Assessed Contributions

The Meeting of the Parties (MOP),

Reaffirming decision FCTC/COP7(23), FCTC/MOP2(12) and FCTC/MOP1(18), and noting the report by the Convention Secretariat contained in document FCTC/MOP/3/10/Rev.1;

Reiterating the process and methodology established in decision FCTC/COP7(23), adopted in decision FCTC/MOP1(18);

Noting with concern that 23 Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products were in arrears as of 30 April 2023, including some Parties registering arrears for one biennium or more;

Welcoming with appreciation the overall spirit of commitment by Parties to meet their financial obligations to support the implementation of the Protocol;

Emphasizing that Assessed Contributions are the mandatory financial contribution of each Party to the Protocol in accordance with the agreed scale of assessments;

Noting the Convention Secretariat's note verbale CS/NV/22/24 through which, in accordance with decision FCTC/COP7(23), Parties in arrears of payment of Assessed Contributions were invited to pay their Assessed Contributions or to submit their plan for making payments to clear their arrears,

1. URGES the Parties to pay their Assessed Contributions in accordance with decision FCTC/MOP2(12), in order to ensure adequate resources to implement the Workplan and Budget adopted by the MOP;
2. DECIDES, in accordance with decision FCTC/COP7(23) and FCTC/MOP1(18), and following the recommendation of the Bureau of the MOP, to apply the following measures, with immediate effect to the Parties in arrears that have failed to submit, within the deadline established by the Head of the Convention Secretariat and communicated to the relevant Parties, their plan for making payments to clear their arrears:
 - (a) the Party shall not be eligible to become or nominate a member of the Bureau of the MOP; and
 - (b) the Party shall not be eligible to chair any subsidiary body or working group;
3. DECIDES, in accordance with decision FCTC/COP7(23), to apply paragraph 3(d) of the said decision, with effect at the close of the Third session of the MOP, to those Parties that are in the situation described in the aforementioned paragraph;
4. DECIDES, in accordance with decision FCTC/COP7(23), that the measures imposed under paragraphs 2 and 3 shall immediately lapse for any Party once that Party pays its arrears in full;

5. REQUESTS the Convention Secretariat:

- (a) to communicate this decision to all Parties in arrears in the payment of their Assessed Contributions, as shown in the table of document FCTC/MOP/3/10/Rev.1;
- (b) to report at each MOP session the status of Assessed Contributions and to the Fourth session of the MOP on actions in accordance with the measures adopted in paragraphs 2 and 3 above;
- (c) to continue to actively engage Parties in finding ways to make payments, including providing individual invoices and receipts for each Party, as well as clear payment information on the WHO FCTC website, and in enhancing coordination with regional and country offices of World Health Organization, as well as assisting in the formulation of plans of payment.

Agenda item 7.4

Investment Fund for implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

The Meeting of the Parties (MOP),

Recalling the objective of the Protocol to Eliminate Illicit Trade in Tobacco Products, Articles 4.1(f) (General obligations) and 36 (Financial resources) of the Protocol, as well as Articles 5.6 (General obligations) and 26 (Financial resources) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recognizing the importance of financial resources to support the implementation of the Protocol, including the establishment of a global information-sharing focal point, in accordance with Article 8 (Tracking and tracing);

Recalling decision FCTC/MOP2(8), in which the MOP decided to launch the Investment Fund to support implementation of the Protocol and requested the Convention Secretariat to make the necessary arrangements to launch the Fund in an expedient manner;

Noting decision FCTC/COP9(13), in which the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC) decided to launch the WHO FCTC Investment Fund;

Recalling that in decisions FCTC/MOP2(8) and FCTC/COP9(13) the MOP and the COP requested the Convention Secretariat to ensure management synergies between the Investment Funds supporting implementation of the Protocol and the WHO FCTC;

Acknowledging the report of the Convention Secretariat contained in document FCTC/MOP/3/11, and the proposed terms of reference for a single Oversight Committee to serve the Protocol and the WHO FCTC Investment Funds, developed under the guidance of the Bureau of the MOP and the Bureau of the COP, contained in Annex 1 of that report,

1. DECIDES:

(a) to establish a single Oversight Committee serving the Protocol and the WHO FCTC Investment Funds, composed of:

- up to six members, reflecting to as great an extent as possible equitable representation from the regions of the World Health Organization (WHO); and
- one representative from a nongovernmental organization (NGO) accredited as observer to the MOP and/or the COP will serve as observer to the Oversight Committee;

(b) to adopt the terms of reference for the Oversight Committee, as contained in Annex 1 of document FCTC/MOP/3/11, if also adopted by the COP;

2. REQUESTS the Convention Secretariat to make the necessary arrangements to establish the Oversight Committee in an expedient manner.

Agenda item 7.5

Review of accreditation of nongovernmental organizations with the status of observer to the Meeting of the Parties

The Meeting of the Parties (MOP),

Recalling the 17th and 18th preambular paragraphs, and Article 5.3 of the WHO Framework Convention on Tobacco Control, as well as Article 4.2 of the Protocol to Eliminate Illicit Trade in Tobacco Products;

Having considered the proposals contained in document FCTC/MOP/3/12,

1. DECIDES, in accordance with Rule 31.2 of its Rules of Procedure to maintain the observer status of the following eight nongovernmental organizations (NGOs):

- Campaign for Tobacco Free Kids
- Corporate Accountability
- European Network for Smoking and Tobacco Prevention
- Global Alliance for Tobacco Control
- International Union Against Tuberculosis and Lung Disease
- Smoke Free Partnership
- Tobacco Control Research Group
- Tobacco Free Portfolios.

2. REQUESTS the Convention Secretariat, taking into account experience from the first cycle of review of accreditation of NGO observers to the MOP, to develop and propose for adoption by the MOP, at its fourth session: (a) a process to facilitate the review of accreditations of NGOs with observer status to the MOP; and (b) a standard reporting questionnaire for use by NGOs for future reviews of accreditation;

3. FURTHER REQUESTS the Convention Secretariat to ensure that contributions of the NGO observers to the MOP to the implementation of the Protocol are widely disseminated to the Parties.

Agenda item 7.7

Appointment of the Head of the Convention Secretariat and renewal of the term of office

The Meeting of the Parties (MOP),

Recalling decisions FCTC/COP1(10) on the establishment of a permanent secretariat of the Convention, FCTC/COP4(6) on the Head of the Convention Secretariat, FCTC/COP5(20) on the role of the Bureau of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC), FCTC/COP5(21) on the appointment and renewal of the term of office of the Head of the Convention Secretariat, FCTC/COP6(22) on the process for appointment and renewal of the term of office of the Head of the Convention Secretariat, FCTC/COP7(15) on the process and methodology to conduct the performance evaluation for the current and subsequent Head of the Convention Secretariat, FCTC/COP8(8) on the appointment of the Head of the Convention Secretariat and renewal of the term of office, and FCTC/COP9(9) on the appointment of the Head of the Convention Secretariat;

Recalling also decisions FCTC/MOP1(12) and FCTC/MOP2(9) on the appointment of the Head of the Convention Secretariat;

Having considered the report and recommendations of the Bureau of the COP and the Bureau of the MOP on the appointment of the Head of the Convention Secretariat as submitted and contained in document FCTC/MOP/3/14;

Underscoring the importance of a rigorous, transparent and merit-based process to attract the best candidates, and ensure the selection of the most qualified individual,

DECIDES to establish the following process for the selection and appointment of the Head of the Convention Secretariat, and the following conditions for the renewal of the term of office:

- (a) the Bureau of the COP and the Bureau of the MOP – in consultation with the Regional Coordinators of the COP and of the MOP, and the WHO Secretariat – shall prepare a job description for the position of Head of the Convention Secretariat and the selection criteria for the selection of candidates, taking into consideration the provisional selection criteria as contained in the annex to this decision, and adjusting them to the needs of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. The job description shall be based on the existing job description, Article 24 of the WHO FCTC and Article 34 of the Protocol, as well as relevant COP and MOP decisions;
- (b) the Bureau of the COP and the Bureau of the MOP shall submit the job description, including the selection criteria, to the Director-General of WHO no later than eight months before the contract of the incumbent ends;
- (c) the Bureau of the COP and the Bureau of the MOP shall invite the Director-General of WHO: to advertise the post of Head of the Convention Secretariat, as submitted by the Bureaus, no later than 30 days after receiving it; to ensure wide circulation of the advertised post, including by informing and inviting Parties to the WHO FCTC and to the Protocol to encourage qualified candidates from all WHO regions to apply using the WHO standard form for a curriculum vitae,

limited to 3500 words; and to utilize the WHO Secretariat services to screen applications and perform reference checks;

(d) WHO Secretariat services shall forward to the Bureau of the COP and the Bureau of the MOP a complete list of all applications received, along with recommendations as to which candidates should be shortlisted and brief reasons for the recommendations;

(e) the Bureau of the COP and the Bureau of the MOP, with the support of one representative of the Director-General of WHO, shall decide on an initial shortlist of no more than six candidates to be interviewed, whom it considers to be the most qualified taking into account the job description and the selection criteria and reflecting, to as great an extent as possible, equitable representation of WHO regions;

(f) the WHO Secretariat services shall for transparency purposes communicate the list of candidates and the shortlist of candidates to be interviewed to the Parties of the WHO FCTC and to the Protocol, through a dedicated and protected website to ensure at the same time the confidentiality of the process;

(g) following the interviews, the Bureau of the COP in agreement with the Bureau of the MOP shall select the suitable candidates and recommend the first two candidates, in order of priority, to the Director-General of WHO;

(h) the Regional Coordinators of the COP and of the MOP will be invited to observe the complete selection process and will facilitate two-way communication with the Parties in their respective regions, as validated by the Bureaus in respect of the schedule and content of information to be shared and ensuring that confidentiality of the process is respected;

(i) the appointment of the Head of the Convention Secretariat shall be made by the Director-General of WHO, in consultation with the President of the COP and the President of the MOP;

(j) the term of office of the Head of the Convention Secretariat shall be for a period of four years, with the possibility of a single renewal for a further four years following an appropriate performance evaluation of the incumbent Head of the Convention Secretariat and a joint recommendation for renewal to the Director-General of WHO by the Bureau of the COP and the Bureau of the MOP;

(k) the above process shall be applicable with immediate effect, if also adopted by the Conference of the Parties to the WHO FCTC.

ANNEX

CRITERIA FOR THE SELECTION OF CANDIDATES FOR THE POSITION OF HEAD OF THE CONVENTION SECRETARIAT

A. Documentary criteria¹

1. Strong background and knowledge on technical and regulatory issues and substantive experience in tobacco control, public health, and international cooperation.
2. Experience in international health, including working with international organizations and Member States, and maintaining strong links with the international tobacco control community, and preferably working experience in developing countries.
3. Proven ability to deal effectively with the media, academic groups, United Nations entities, industry, political leaders, and civil society, as well as public health and anti-illicit trade specialists.
4. Demonstrable competence in organizational management and financing for complex health-related organizations, including the ability to analyse organizational problems and find adequate solutions as well as to effectively mobilize resources to support the implementation of the Convention and the Protocol.
5. A strong commitment to the objectives and implementation of the Convention and the Protocol, as well as to evidence-based promotion and protection of public health, in accordance with the principles of the Convention and the Protocol.
6. A health record compatible with carrying out the duties of the post.
7. Proven integrity and independence, including the ability to protect the Convention and the Protocol from commercial and other vested interests of the tobacco industry, and vested interests of economic and commercial actors whose main business is related to implementation of the Protocol.
8. Required expert knowledge in English, as one of the six official languages of WHO, and desirable intermediate knowledge in a second official language.

B. Criteria for assessment during the interview

9. Demonstrable leadership skills and experience, including the ability to translate into action the COP and MOP vision for the Convention and the Protocol.
10. Excellent communication and advocacy skills, including the ability to build consensus and the commitment to improve coordination with relevant United Nations entities.
11. Sensitivity to cultural, social and political differences.

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¹ Documentary criteria may also be taken into account for assessment during the interview.