



WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

CONFERENCE OF THE PARTIES TO THE
WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

(Draft) FCTC/COP/10/B/R/5
10 February 2024

Tenth session (resumed)
Panama City, Panama, 5–10 February 2024

Fifth report of Committee B

(Draft)

Committee B held its ninth meeting on 10 February 2024, under the chairmanship of Dr Mansour Zafer Alqahtani (Saudi Arabia).

Committee B recommends to the Conference of the Parties the adoption of the attached decisions relating to the following agenda items:

6. Treaty instruments and technical matters

6.2 Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media: report by the Working Group

One decision entitled:

- Specific guidelines on cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media for implementation of Article 13 (Tobacco advertising, promotion and sponsorship) of the WHO FCTC

8. Budgetary and institutional matters

8.6 Possible amendments to the Rules of Procedure of the Conference of the Parties

One decision as amended entitled:

- Amendments to the Rules of Procedure of the Conference of the Parties

8.2 Proposed Workplan and Budget for the financial period 2024–2025

One decision as amended entitled:

- Workplan and Budget for the financial period 2024–2025

Agenda item 6.2

Specific guidelines to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media for implementation of Article 13 (Tobacco advertising, promotion and sponsorship) of the WHO FCTC

The Conference of the Parties (COP),

Recalling Article 13 (Tobacco advertising, promotion and sponsorship) of the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling also the *Guidelines for implementation of Article 13* of the WHO FCTC adopted by the Third session of the COP in decision FCTC/COP3(12);

Recalling further Article 12 of the WHO FCTC (Education, communication, training and public awareness) and its Guidelines for implementation as adopted by the Fourth session of the COP (FCTC/COP4(7));

Reaffirming the eleventh preambular paragraph of the WHO FCTC, which emphasizes serious concerns about the impact of all forms of advertising, promotion and sponsorship aimed at encouraging the use of tobacco products;

Reaffirming also decision FCTC/COP8(18) on the protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry in line with Article 5.3 of the WHO FCTC;

Recognizing that tobacco companies and those working to further their interests increasingly use digital communication platforms for tobacco advertising, promotion and sponsorship and to interfere with the setting and implementation of tobacco control measures;

Reaffirming decision FCTC/COP8(22) reminding Parties to apply measures regarding advertising, promotion and sponsorship of novel and emerging tobacco products in accordance with Article 13 of the WHO FCTC;

Reaffirming also decision FCTC/COP7(9) inviting Parties to consider applying regulatory measures such as those referred to in document FCTC/COP/7/11 to prohibit or restrict the manufacture, importation, distribution, presentation, sale and use of electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS), as appropriate to their national laws and public health objectives;

Recalling decision FCTC/COP7(5) on Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media, through which the COP to the WHO FCTC requested the Convention Secretariat to establish an Expert Group that provided a report in this regard;

Having considered the recommendations made by the Expert Group on tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media in their report referenced in document FCTC/COP/8/7;

Recognizing that the landscape of entertainment media has changed substantially since adoption of the *Guidelines for implementation of Article 13*;

Recognizing also that the access to entertainment media is increasingly digital, and available via the internet, with creation, production, provision and consumption increasingly crossing national borders;

Recognizing further that changes to the media landscape have been accompanied by changes to marketing strategies, with consumers, including young people, interacting in new ways with companies, such that their exposure to, and power of, marketing can be increased;

Acknowledging that in this context, tobacco advertising, promotion and sponsorship now includes a focus on digital marketing channels such as social media which increases adolescent and young people's exposure to tobacco marketing;

Acknowledging also that entertainment media content such as movies, music videos, online videos, television programmes, streaming services, social media posts, video games and mobile phone applications have all been shown to depict and promote tobacco use and tobacco products in ways that may encourage youth smoking uptake;

Recognizing that in this context, commercial communications, including commercial depictions of tobacco products by consumers and other individuals, may be misleadingly presented as legitimate expression as provided for in the *Guidelines for implementation of Article 13* and that making this distinction poses a challenge for the enforcement of tobacco advertising, promotion and sponsorship bans and/or restrictions;

Recognizing also that in some instances, conventional approaches to banning or restricting tobacco advertising, promotion and sponsorship should be strengthened through new domestic laws or stronger implementation of existing laws;

Recognizing further that enforcement of comprehensive cross-border bans or restrictions on tobacco advertising, promotion and sponsorship can best be achieved through international cooperation;

Recalling decision FCTC/COP8(17) on Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media, in which the COP decided to establish an intersessional Working Group to develop specific guidelines, without examining the existing *Guidelines for implementation of Article 13*;

Recalling also that in decision FCTC/COP8(17) the COP determined that the existing *Guidelines for implementation of Article 13* remain fully relevant and should not be examined,

1. DECIDES to adopt the Specific guidelines to address cross-border tobacco advertising, promotion and sponsorship and the depiction of tobacco in entertainment media for implementation of Article 13 of the WHO FCTC contained in the Annex of the present decision;
2. CALLS ON the Parties:
 - (a) to fully implement Article 13 of the Convention, in line with Article 13.2 and 13.3;

- (b) to ensure that domestic implementation and enforcement of Article 13 keeps pace with changes to the media landscape and marketing methods by monitoring and evaluating the effectiveness of implementation and enforcement;
- (c) to exchange information in order to assist other Parties with cross-border enforcement, where appropriate, including in the context of digital channels, including by collaborating:
 - (i) to increase the breadth and scope of monitoring of cross-border tobacco advertising, promotion and sponsorship to capture country/region-specific data in accordance with constitutional principles and national laws;
 - (ii) to cooperate in the development of technologies and other means necessary to facilitate the elimination or restriction of cross-border advertising, promotion and sponsorship;
 - (iii) to develop mechanisms for regular notification between the Parties to facilitate the elimination of cross border tobacco advertising, promotion and sponsorship, particularly where Parties are neighbouring countries, share a common language or otherwise share media content;
 - (iv) to share details of the competent independent authority to monitor and enforce tobacco advertising, promotion and sponsorship laws and entrust it with the necessary powers and resources, as recommended in the existing *Guidelines for implementation of Article 13*; and
 - (v) to monitor advances and changes in communications technology, entertainment media consumption and marketing strategies relating to all tobacco products (including novel and emerging tobacco products), to ENDS/ENNDS and to nicotine products other than approved medicines.

3. FURTHER DECIDES that the Specific guidelines apply in addition to, and do not replace or amend, the *Guidelines for implementation of Article 13*;

4. REQUESTS the Convention Secretariat to continue its efforts to provide technical assistance and materials to support Parties in implementing Article 13.

ANNEX 1

SPECIFIC GUIDELINES TO ADDRESS CROSS-BORDER TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP AND THE DEPICTION OF TOBACCO IN ENTERTAINMENT MEDIA FOR IMPLEMENTATION OF ARTICLE 13 OF THE WHO FCTC*

TITLE

INTRODUCTION

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Indicative (non-exhaustive) list of forms of cross-border tobacco advertising, promotion and sponsorship in digital media communication platforms and the depiction of tobacco in entertainment media.

* In accordance with decision FCTC/COP8(17), the *Guidelines for implementation of Article 13* of the WHO FCTC remain fully relevant.

**SPECIFIC GUIDELINES TO ADDRESS CROSS-BORDER TOBACCO
ADVERTISING, PROMOTION AND SPONSORSHIP AND
THE DEPICTION OF TOBACCO IN ENTERTAINMENT MEDIA FOR
IMPLEMENTATION OF ARTICLE 13 OF THE WHO FCTC[†]**

INTRODUCTION

1. Article 13 of the WHO Framework Convention on Tobacco Control (WHO FCTC) obliges Parties to undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship (TAPS) (Article 13.2) or restrictions where a Party is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles (Article 13.3).

2. Key terms in Article 13 are defined in Article 1 of the Convention. Article 1(c) defines “tobacco advertising and promotion” as “any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”. Article 1(g) defines “tobacco sponsorship” as “any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly”.

3. In 2008, the Third session of the Conference of the Parties adopted the *Guidelines for implementation of Article 13* to assist Parties in meeting their obligations under Article 13. The *Guidelines for implementation of Article 13* identify forms of TAPS that should be covered by comprehensive bans.

4. The *Guidelines for implementation of Article 13* address cross-border TAPS. The Guidelines recommend that internet sales of tobacco be banned as they inherently involve tobacco advertising and promotion (at paragraph 21). More broadly, the Guidelines recommend (at paragraph 52):

“Parties with a comprehensive ban or restrictions on tobacco advertising, promotion and sponsorship should ensure that any cross-border tobacco advertising, promotion and sponsorship originating from their territory is banned or restricted in the same manner as domestic tobacco advertising, promotion and sponsorship. Parties should make use of their sovereign right to take effective actions to limit or prevent any cross-border tobacco advertising, promotion and sponsorship entering their territory, whether from Parties that have restrictions or from non-Parties, recognizing that in some cases effective actions might have to be addressed in a protocol.”

5. With respect to depictions of tobacco in entertainment media, the *Guidelines for implementation of Article 13* recommend (at paragraph 31):

“Parties should take particular measures concerning the depiction of tobacco in entertainment media products, including requiring certification that no benefits have been received for any tobacco depictions, prohibiting the use of identifiable tobacco brands or imagery, requiring

[†] In accordance with decision FCTC/COP8(17), the *Guidelines for implementation of Article 13* of the WHO FCTC remain fully relevant.

anti-tobacco advertisements and implementing a ratings or classification system that takes tobacco depictions into account.”

6. Although Parties to the WHO FCTC have already banned many forms of TAPS – including television, radio, print and outdoor media – TAPS have shifted to alternative channels and methods. These channels and methods may not be as well regulated, for example due to tobacco control laws being insufficiently broadly drafted or interpreted, to cover digital media communication platforms and associated methods, or due to perceived or actual difficulties with monitoring or enforcing compliance in digital media communication platforms.

7. Since the *Guidelines for implementation of Article 13* were adopted, cross-border digital entertainment media has expanded, including through wider internet access, social media, smartphone use, and access to digital video, films and games. These forms of digital media are being used for TAPS. TAPS in digital media have the potential for vast exposure, especially among young people. The power of TAPS is also enhanced through digital media communication platforms because users can create, engage and interact with content, and publicly endorse it.

8. Further, since the *Guidelines for implementation of Article 13* were adopted, novel and emerging tobacco product markets have expanded. Recognizing that some Parties have chosen to prohibit such products, they pose particular challenges to the application of TAPS bans and restrictions. In many jurisdictions, the advertising and promotion of the devices designed mainly (and in most cases, exclusively) for the purpose of enabling the consumption of such tobacco products is widespread and often present on cross-border digital media communication platforms. Any advertising or promotion of a device whose function is to enable the consumption of a tobacco product would have the aim, or the direct or indirect effect, of advertising or promoting that tobacco product.

PURPOSE

Purpose of the Specific guidelines

9. The purpose of these Specific guidelines is to supplement the *Guidelines for implementation of Article 13* and further support Parties in meeting their obligations under Article 13 of the WHO FCTC. They draw on the best available evidence and the experience of Parties that have successfully implemented effective measures to address TAPS. They give Parties guidance for introducing and enforcing a comprehensive ban on TAPS or, for those Parties that are not in a position to undertake a comprehensive ban owing to their constitutions or constitutional principles, for applying restrictions on TAPS that are as comprehensive as possible. To this end, the Specific guidelines provide guidance on how to effectively and comprehensively ban or restrict TAPS in light of the increasing use of cross-border channels and digital media.

10. Nothing in these Specific guidelines detracts from or modifies the *Guidelines for implementation of Article 13*. These Specific guidelines apply in addition to the *Guidelines for implementation of Article 13*, and do not in any way replace or serve as substitute for them.

STATEMENT OF PRINCIPLES AND RELEVANT APPLICATION

Principles

11. The effectiveness of efforts to eliminate cross-border TAPS depends first and foremost on the comprehensiveness of TAPS bans and/or restrictions and their enforcement in the territory of each Party in line with Article 13 of the WHO FCTC.

12. Enforcement in the jurisdiction of each Party can be aided by international cooperation given that concerted enforcement action can be more effective and avoid duplication of work, especially when regulating digital entertainment media, which is generally cross-border by nature. Strong enforcement action taken in the source country of TAPS is the most efficient way to eliminate cross-border TAPS.

13. Civil society has a crucial role in ensuring TAPS measures are adequately implemented, upheld, and enforced including through its role in monitoring, identifying and reporting on tobacco depictions in entertainment media and on digital media communication platforms. Conflicts of interest, notably with the tobacco industry or its representatives, should be avoided.

Application

14. Digital media communication platforms include internet-accessible online spaces where users can post, purchase, view, share, create, upload, stream or engage with content that includes any form of electronic media such as digital video, audio, pictures, social media, apps, games, web pages and interactive media.

15. Digital media communication platforms can contain various forms of tobacco depictions that may constitute TAPS in each Party's legal context, including but not limited to in the form of:

- (a) content that is funded directly or indirectly by the tobacco industry or those working to further its interests;
- (b) individuals funded directly or indirectly by the tobacco industry, or those working to further its interests, to promote, or with the likely effect of promoting a tobacco product and/or tobacco use;
- (c) tobacco product and/or tobacco use depictions that constitute TAPS in digital media platform content to any extent (irrespective of whether they have tobacco industry involvement); and
- (d) online advertising or promotion of tobacco products or tobacco use on digital media communication platforms.

RECOMMENDATIONS

16. In accordance with the Guidelines on implementation of Article 13, any Party whose constitution or constitutional principles impose constraints on undertaking a comprehensive ban should, under Article 13.3 of the Convention, apply restrictions that are as comprehensive as possible in the light of those constraints.

17. Comprehensive bans* on TAPS should apply to all types of media, including digital media communication platforms, in accordance with national law.
18. Effective enforcement of TAPS bans* can be enhanced if Parties work collaboratively and systemically to monitor, identify, remove and/or prevent outgoing and incoming cross-border TAPS and TAPS across digital media communication platforms. This should include cooperation among Parties to strengthen bans* and their enforcement.
19. Parties should develop or further implement legislation, regulations or administrative measures to reduce tobacco depictions in entertainment media.
20. Parties may choose not to provide, or to withdraw existing, tax concessions, production incentives or subsidies for any entertainment product or service that breach national laws on TAPS.
21. Parties are encouraged to consult or work with the media industry to reduce tobacco depictions in entertainment media, particularly in media content that is consumed by youth and adolescents. Engaging stakeholders outside of the health sector will assist in increasing understanding of the impact of tobacco depictions on smoking uptake.
22. Parties should require digital media communication platforms to apply and enforce existing TAPS bans and adopt measures, in accordance with their national laws, to prevent the publication of content that constitutes TAPS through various accounts and channels. This should be applicable to all digital media communication platforms.
23. Comprehensive bans* on advertising, promotion and sponsorship of novel and emerging tobacco products, should, in accordance with national law, include devices used with them, the function of which is to enable the consumption of such products.
24. Parties should ensure that comprehensive TAPS bans and their enforcement are an integral part of efforts to protect young people online and promote a safer internet.

MONITORING AND ENFORCEMENT

25. According to the *Guidelines for implementation of Article 13*, Parties should introduce and enforce effective, proportionate and dissuasive penalties. Where not already in place, Parties should designate a competent, independent authority to monitor and enforce the law and entrust it with the necessary powers and resources. Civil society should be involved in the monitoring and enforcement of the law, and have access to justice. Monitoring efforts should also include a focus on advances in communications technology and changes in entertainment media consumption.
26. Recognizing that the *Guidelines for implementation of Article 13* define content hosts as responsible entities, and without detracting from the general legal obligations to be imposed on content hosts in accordance with the *Guidelines for implementation of Article 13*, particular obligations should be imposed, in accordance with national law, on content hosts to identify TAPS and remove TAPS at least when made aware of them.

* Or restrictions, where a Party is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, in line with Article 13.3 of the WHO FCTC.

27. *Novel cross-border strategies.* Once monitoring efforts have recognized new communication technologies and widespread changes in entertainment media, additional measures should be considered by Parties to ban** cross-border TAPS. Parties should consider regulating novel strategies/initiatives without prejudice to the application of Article 13 provisions and the *Guidelines for implementation of Article 13* and the Specific guidelines. Parties should promote and facilitate research on the impact of novel cross-border TAPS strategies on normalization of the use of tobacco products, and the influence of such strategies on initiation and consumption with special emphasis on young people and minorities.

** Or restrict, where a Party is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, in line with Article 13.3 of the WHO FCTC.

APPENDIX

The following is an indicative (non-exhaustive) list illustrating forms of cross-border TAPS in digital media communication platforms and the depiction of tobacco in entertainment media, which may vary between Parties and may be categorized differently in different jurisdictions.

Examples of TAPS across media types

1. Digital media-sharing platforms provide the tobacco industry an additional platform for promoting their products and undermining tobacco control strategies. TAPS on these sites include:

(a) *Direct product promotion through paid advertisements.* Such direct promotion is often signalled through the inclusion of “Paid Sponsorship”, “Paid Partnership” or #ad.

(b) *Influencer promotions.* Tobacco industry entities, or those working to further their interests, incentivise or sponsor individuals to post content online featuring product brands. Social media influencers often are trained on what brands to promote, when to post for maximum exposure and how to avoid posting content that look like staged advertisements. Tobacco industry entities, or those working to further their interests, organize parties and contests with brand sponsorships and encourage participants to post on their social media accounts. Influencers and individuals are often instructed to include specific hashtags when promoting products on social media posts.

(c) *Commercial promotions of posts by consumers of their own tobacco usage.* Consumers who use tobacco products may share content that depicts tobacco use and may also comment directly on content that advocates tobacco consumption or recommends particular brands or products. Depending on the context, this may constitute legitimate expression. Other parties working in the interests of the tobacco industry can then choose to increase the reach of this content by paying digital media communication platforms to broadcast it to other audiences, turning these personal, legitimate expression posts into commercial promotions.

(d) *Event promotion.* Participants or teams in an event are sponsored by tobacco companies and social media, and audiovisual sharing platforms broadcast the event and/or images from the event. In the case of major sporting events such as motor racing, the reach can be global as these events are widely broadcasted, including in traditional media.

(e) *Corporate and campaign promotions.* Tobacco companies, or those working to further their interests, promote a corporate or campaign brand rather than a tobacco product brand and operate social media accounts that promote the corporate or campaign brand. Corporate promotion campaigns and actions portray tobacco companies as innovative performers and socially responsible actors, and often advance novel tobacco products as less harmful alternatives to traditional cigarettes, often despite a lack of independent scientific evidence to support such claims.

(f) *Tobacco use depictions embedded in commercial content where those depictions are not legitimate expression.* While the bulk of the content on social media is not commercial in nature, commercial content draws a high degree of user traffic (for example, music videos, short films, web series, etc.) or is linked to a content creator that generates revenue from user traffic and users purchasing products featured/reviewed. Music videos, for example, are highly viewed and shared, and they constitute popular content on audio-visual-sharing sites; they are also a major global source of exposure to tobacco depictions.

(g) *Product integration.* Tobacco companies, or those working to further their interests, work with producers, production companies and screenwriters in order to build storylines involving their products and integrate them seamlessly in their productions.

(h) *Sponsored news or infotainment content.* The tobacco industry, or those working to further its interests, offers news/current affairs journalists or editors facility visits, pitch story ideas or sponsor news stories on related or unrelated topics.

(i) *Device advertising promotion and sponsorship.* Advertising or promotion of a device or devices that enable the consumption of tobacco products may directly or indirectly advertise or promote tobacco products themselves.

2. Tobacco companies and those working to further their interests operate social media accounts and websites with content that is broadcast across borders. These sites are frequently used not solely for legitimate expression, but also to promote the corporate brands of a company, to promote specific products or disseminate brand messaging under the guise of providing information to consumers, or as an exercise in corporate social responsibility. Social networking sites and corporate websites are used by the tobacco industry to reinvent itself as a modern, socially responsible, sustainable industry and dissociate itself from the harm caused by its products.

3. Tobacco industry entities and associated third parties may assist in designing, distributing and sponsoring video games, computer games and smart-device applications.

Examples of tobacco depictions in entertainment and digital media communication platforms

4. *Films, movies, television and streaming content* are significant sources of tobacco depictions. Content that is appealing to young people, such as reality television programming, has been found to contain high amounts of tobacco depictions.

5. *Streaming television programmes.* With viewership of traditional television decreasing, and online streaming and paid subscription increasing, streamed content is a growing source of potential tobacco promotions. Globally, young people (aged 18–34) are much more likely to be internet and smartphone users compared with those aged 35 and older; this age-related difference is found at the time of drafting across high- and lower-income countries. Tobacco depictions in popular streamed content are more prevalent than in traditional broadcast or cable programming.

6. *Video/computer games.* Both packaged and online video games are popular among young people and very few controls are in place to protect/prevent users from being exposed to tobacco depictions embedded within games or in-game/in-app purchases. Age restrictions may not take tobacco use into account and are easily skirted by younger payers.

Smartphone applications. Some smartphone applications, or apps as they are commonly known, show images of cigarette brands or images that resemble existing brands. Pro-smoking apps include a cartoon game and an opportunity to simulate the smoking experience with high-quality, free apps, or apps that facilitate the sale of tobacco products, novel and emerging tobacco products, and devices designed for consuming such products.

Agenda item 8.6

Amendments to the Rules of Procedure of the Conference of the Parties

The Conference of the Parties (COP),

Recalling that its Rules of Procedure were adopted in decision FCTC/COP1(8) and amended in decisions FCTC/COP6(24), FCTC/COP7(28) and FCTC/COP8(11);

Noting the report of the Convention Secretariat submitted in document FCTC/COP/10/21, containing possible amendments to the Rules of Procedure of the COP, as recommended by the Bureau;

Recognizing the importance of updating the Rules of Procedure of the COP to facilitate the effective functioning of the COP;

Further recognizing the need to ensure coordination between the governing bodies of the WHO Framework Convention on Tobacco Control and of the Protocol to Eliminate Illicit Trade in Tobacco Products,

1. ADOPTS the amendments to the Rules of Procedure of the COP, as articulated in the Annex of this decision;
2. DECIDES:
 - (a) to apply with immediate effect the amendment of Rule 60 in relation to the provisional adoption of the report of each session of the COP;
 - (b) to clarify that verbatim records of plenary meetings, as referred to in Rule 60 and Rule 64 of the Rules of Procedure of the COP, are understood to include audio files;
3. REQUESTS the Bureau of the COP to periodically review the need to amend the Rules of Procedure of the COP and propose amendments to the COP, as necessary, and to coordinate with the Bureau of the Meeting of the Parties to the Protocol when those rules may relate to joint matters.

ANNEX

**AMENDMENTS TO THE RULES OF PROCEDURE
OF THE CONFERENCE OF THE PARTIES**

Rule 2 (Definitions)	11. “open” sessions or meetings means sessions or meetings that are open to attendance by Parties, States and regional economic integration organizations that are not Parties, the Secretariat, intergovernmental organizations and nongovernmental organizations that have observer status pursuant to Rules 30 and 31, respectively, and, unless the Conference of the Parties decides otherwise, accredited media;
Rule 15 (Secretariat)	In addition to the functions specified in the Convention, in particular in Article 24, the Secretariat shall, in accordance with these Rules: (a) arrange for interpretation at the session; (b) arrange for live webcasting of all agenda items considered in plenary meetings, unless the Parties decide otherwise, following a recommendation by the Bureau, at the beginning of each session, subject to resolution of any relevant technical issues and the availability of financial resources; (c) arrange for virtual sessions of the Conference of the Parties, upon a coordinated decision of the Bureau of the Conference of the Parties and the Bureau of the Meeting of the Parties, when such exceptional measures are required by an extraordinary situation; (d) collect, translate, reproduce and distribute the documents of the session; (...)
Rule 24ter (Officers)	In addition to the functions that the Conference of the Parties may assign to it from time to time, and in addition to those described in Rules 6, 9, 19 and 21–24, the functions of the Bureau shall include the following: (a) to make a recommendation, in agreement with the Bureau of the Meeting of the Parties , to the Director-General of WHO regarding the appointment of the Head of the Secretariat, including the designation of an acting Head of the Secretariat when required;
Rule 60 (Languages and records)	Verbatim records of plenary meetings of the Conference of the Parties and reports of each session of the Conference of the Parties and each session of its subsidiary bodies shall be made in the six working languages. Reports shall reflect the proceedings and incorporate any decisions and shall be prepared by the Rapporteur with the support of the Secretariat.
Rule 8 (Agenda)	For each regular session, the provisional agenda, together with other conference documents, shall be distributed in the official languages by the Secretariat to the Parties, and to observers invited to attend the session in accordance with Rules 29, 30 and 31, at least seventy-five days before the opening day of the session.

Agenda item 8.2

Workplan and Budget for the financial period 2024-2025

The Conference of the Parties (COP),

Reaffirming decision FCTC/COP1(9) on the adoption of the Financial Rules of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC);

Recalling decision FCTC/COP9(7) on the Workplan and Budget for the financial period 2022–2023;

Having considered the Workplan and Budget for the financial period 2024–2025 submitted by the Convention Secretariat as contained in document FCTC/COP/10/17;

Recalling decision FCTC/COP10(3) on the adoption, on an interim basis, of the Workplan and Budget for the financial period 2024–2025;

Having considered also the performance and progress reports contained in document FCTC/COP/10/16,

DECIDES:

- (a) to adopt the Workplan and Budget for the financial period 2024–2025, as contained in Annexes 1, 2 and 3 of the present decision;
- (b) to establish the total amount of Assessed Contributions of Parties for the financial period 2024–2025 at US\$ 8 801 093;
- (c) to finance the travel and per diem of least-developed countries from Assessed Contributions until and including the Eleventh session of the COP (COP11);
- (d) to finance, moreover, travel for low- and lower-middle-income countries from Assessed Contributions and to cover the cost of the corresponding per diem with resources available in the Extra-budgetary Contributions until and including COP11;
- (e) to authorize the Convention Secretariat to request the payment of Assessed Contributions, including from countries that may become a Party to the Convention between COP10 and COP11, in line with the scale of assessment as indicated in paragraph (b) of the present decision;
- (f) to request the Head of the Convention Secretariat to implement the workplan and budget adopted by the COP, and to report on implementation as part of the performance reports to COP11;
- (g) to authorize the Convention Secretariat to seek and receive voluntary Extra-budgetary Contributions for activities in line with the workplan;
- (h) to call on the Head of the Convention Secretariat to regularly update the Bureau on the status of workplans and budgets adopted by the COP;

- (i) to encourage Parties to provide Extra-budgetary Contributions for meeting the objectives of the workplan;
- (j) to invite the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products to cover the proportion of the shared core staff costs, including those of the Head of the Convention, in its respective workplan and budget;
- (k) to request the MOP to consider adopting a workplan and budget consistent with the shared staff costs as identified in the Workplan and Budget of the COP for the financial period 2024–2025.

ANNEX 1

PROPOSED WORKPLAN AND BUDGET FOR FINANCIAL PERIOD 2024–2025: ACTIVITY COSTS

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL (WHO FCTC)

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
1	Strategic Goal 1. Accelerating action					
1.1	Strategic Objective 1.1 Give priority to enabling action to accelerate WHO FCTC implementation, including effective forms of technical and financial assistance to support Parties in the identified priority action areas					
1.1.1	Specific Objective 1.1.1 Parties develop, implement and regularly update comprehensive, costed national tobacco control strategies (WHO FCTC Article 5), focusing on multisectoral and cross-cutting policies and articles most important in the national context and with a focus on supporting Parties that are classified as low- and middle-income countries by the Organisation for Economic Co-operation and Development					
1.1.1.1	Provide needs assessment missions upon request, including post-needs assessment support	Number of needs assessments performed	At least eight needs assessments conducted	0	320 000	320 000
1.1.1.2	Provide technical assistance to Parties on Article 5.1 (develop costed national tobacco control strategies), upon request	Number of Parties that received technical assistance on Article 5	At least four Parties assisted	0	160 000	160 000
1.1.1.3	Provide technical assistance to Parties on articles most important in the national context, upon request	Number of Parties that received technical assistance on other articles (different from Articles 5, 6, 8, 11 and 13) according to national priority	At least eight Parties assisted	0	320 000	320 000
	Total for 1.1.1			0	800 000	800 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
1.1.2	Specific Objective 1.1.2 Parties implement price and tax measures (Article 6)					
1.1.2.1	Provide technical assistance to Parties on Article 6, upon request (including coordination with stakeholders and partners that can provide tobacco taxation advice to Parties)	Number of Parties that received technical assistance on Article 6	At least 10 Parties assisted	0	400 000	400 000
	Total for 1.1.2			0	400 000	400 000
1.1.3	Specific Objective 1.1.3 Parties implement time-bound measures (Articles 8, 11 and 13)					
1.1.3.1	Provide technical assistance to Parties on Articles 8, 11 and 13, upon request	Number of Parties that received technical assistance on Articles 8, 11 and/or 13	At least 20 Parties assisted on implementation of Articles 8, 11 and 13	0	1 200 000	1 200 000
1.1.3.2	Prepare materials (including e-learning tools, toolkits, policy briefs and manuals) to assist in the implementation of the WHO FCTC and maintain existing tools	Number of new materials developed and disseminated	At least four new materials developed and available for use by Parties	0	400 000	400 000
1.1.3.3	Organize workshops to address specific challenges identified by Parties in the implementation of the WHO FCTC and to engage in South-South and Triangular cooperation.	Number of Parties that attended the workshops	At least 30% of Parties attended a workshop	0	800 000	800 000
	Total for 1.1.3			0	2 400 000	2 400 000
	Total for 1.1			0	3 600 000	3 600 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
1.2	Strategic Objective 1.2 Strengthen systems for regularly capturing and sharing lessons and evidence on new, innovative and successful means of implementing tobacco control measures					
1.2.1	Specific Objective 1.2.1 Improve mechanisms for sharing of expertise through South–South and Triangular cooperation					
1.2.1.1	Assist and facilitate interested partners in South–South and Triangular cooperation	Number of Parties that have engaged in South–South and Triangular cooperation programmes (either as donor or recipient)	At least 10 Parties engaged in South–South and Triangular cooperation	0	200 000	200 000
	Total for 1.2.1			0	200 000	200 000
1.2.2	Specific Objective 1.2.2 Strengthen the role of knowledge hubs in assisting the Parties					
1.2.2.1	Coordinate the work of WHO FCTC Knowledge Hubs and their provision of assistance to Parties in line with decisions of the Conference of the Parties (COP) to the WHO FCTC	Number of Parties that have received assistance from the WHO FCTC Knowledge Hubs	Assistance to at least 80 Parties provided	0	200 000	200 000
	Total for 1.2.2			0	200 000	200 000
	Total for 1.2			0	400 000	400 000
	TOTAL FOR STRATEGIC GOAL 1			0	4 000 000	4 000 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
2	Strategic Goal 2. Building international alliances and partnerships across sectors and civil society to contribute to WHO FCTC implementation					
2.1	Strategic Objective 2.1 Mobilize international, intergovernmental and developmental partners to integrate the WHO FCTC into their work, and/or their Sustainable Development Goals (SDGs) responses					
2.1.1	Specific Objective 2.1.1 Establish stronger alignment between, and cooperation with, the World Health Organization (WHO), agencies within the United Nations system, and other relevant international agencies and initiatives					
2.1.1.1	Promote collaboration or joint activities with United Nations entities	Number of collaborations or joint activities with United Nations agencies	At least two collaborations and/or joint activities established or conducted	10 000	90 000	100 000
2.1.1.2	Produce advocacy materials for WHO country offices to promote the inclusion of WHO FCTC in the Country Cooperation Strategy (CCS)	Number of Parties where WHO country offices included WHO FCTC implementation in the CCS	WHO FCTC implementation included in at least 12 WHO CCSs	0	10 000	10 000
	Total for 2.1.1			10 000	100 000	110 000
2.1.2	Specific Objective 2.1.2 Ensure that the WHO FCTC is fully mainstreamed in the implementation of the 2030 Agenda for Sustainable Development and deliberations in any relevant forum organized under the United Nations umbrella that are relevant to the WHO FCTC					
2.1.2.1	Organize side events during the relevant meetings of United Nations entities	Number of applications for side events	At least four applications for side events submitted	10 000	20 000	30 000
2.1.2.2	In monitoring implementation of Target 3.a globally, to participate, as co-custodian for Target 3.a, in the work coordinated by the United Nations Statistical Division on the monitoring of SDGs in voluntary national reviews	Number of SDG reports to which the Convention Secretariat of WHO FCTC is requested to contribute	Convention Secretariat contributed to all the requested SDG reports	0	25 000	25 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
2.1.2.3	Provide contributions to pertinent resolutions of relevant United Nations entities	Number of contributions provided for pertinent resolutions of relevant United Nations agencies	Contributions provided to all resolutions that the Convention Secretariat is informed of	0	0	0
	Total for 2.1.2			10 000	45 000	55 000
2.1.3	Specific Objective 2.1.3 Develop mutually reinforcing approaches to implementing the Global Action Plan for the Prevention and Control of NCDs 2013–2020 through cooperation the United Nations Interagency Task Force on NCDs, the Global Coordination Mechanism on NCDs, etc.					
2.1.3.1	Participate in the United Nations interagency work – United Nations Interagency Task Force on Prevention and Control of NCDs (UNIATF) and the WHO Global Coordination Mechanism on NCDs (GCM/NCD)	Number of multisectoral assistance activities to Parties implemented in cooperation with UNIATF and/or GCM/NCD	At least one project developed and implemented	5 000	20 000	25 000
	Total for 2.1.3			5 000	20 000	25 000
2.1.4	Specific Objective 2.1.4 Foster partnerships with government or intergovernmental organizations (IGOs) and institutions					
2.1.4.1	Stimulate applications from IGOs and other relevant institutions for observer status	Number of IGOs and other relevant institutions to which the Convention Secretariat was granted observer status or that have been granted observer status to the WHO FCTC	At least one new application for IGO observer status received	0	0	0
	Total for 2.1.4			0	0	0
2.1.5	Specific Objective 2.1.5 Develop a communications plan on the Global Strategy to Accelerate Tobacco Control to also raise the profile and visibility of the Convention					
2.1.5.1	Continue implementation of the Corporate Communications Strategy	Number of new products developed as part of the Corporate Communications Strategy	At least four new products developed	40 000	200 000	240 000
	Total for 2.1.5			40 000	200 000	240 000
	Total for 2.1			65 000	365 000	430 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
2.2	Strategic Objective 2.2 Catalyse and leverage the contributions of external stakeholders, particularly civil society, to achieve the aims of the Convention					
2.2.1	Specific Objective 2.2.1 Enhance civil society participation including through the adoption of best practices of other United Nations organizations, taking into consideration WHO FCTC Article 5.3					
2.2.1.1	Reach out to nongovernmental organizations (NGOs) to apply for observer status to the COP	Number of new applications from NGOs for observer status	At least one new application received from NGOs for observer status	0	0	0
2.2.1.2	Participation in key global and regional conferences and events organized by civil society in order to increase visibility of the WHO FCTC and engagement with civil society partners	Number of conferences or events attended and side events/sessions organized by Convention Secretariat	At least two conferences or events attended and two side events/sessions organized by the Convention Secretariat	0	50 000	50 000
2.2.1.3	Organize virtual meetings with NGO observers	Number of meetings organized	At least four virtual meetings organized	0	5 000	5 000
2.2.1.4	Organize biennial reporting by NGO observers as part of their accreditation process	Number of reports submitted	All NGOs with observer status to COP submitted their biennial reaccreditation reports	0	0	0
2.2.1.5	Co-organize with or invite to participate NGOs with observer status in workshops, training or awareness raising events convened by the Convention Secretariat	Number of NGOs that co-organized or participate in workshops, training or awareness-raising events	At least 30% of NGOs co-organize or participate in workshops, training or awareness-raising events	0	10 000	10 000
	Total for 2.2.1			0	65 000	65 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
2.2.2	Specific Objective 2.2.2 Establish and operate a Coordination Platform in accordance with recommendations provided by the Working Group on Sustainable Measures (FCTC/COP/7/18)					
2.2.2.1	Operate and maintain the Coordination Platform	Number of page views of the Coordination Platform	Increased number of page views (compared with the previous biennium)	0	150 000	150 000
	Total for 2.2.2			0	150 000	150 000
2.2.3	Specific Objective 2.2.3 Promote research that is relevant to WHO FCTC implementation, particularly in priorities set out in the Global Strategy, in accordance with Article 20					
2.2.3.1	Organize virtual meetings with Parties and researchers to identify research gaps, particularly in priorities set out in the Global Strategy	Number of reports on research gaps with feasibility and cost analysis provided	At least one report developed	0	0	0
	Total for 2.2.3			0	0	0
	Total for 2.2			0	215 000	215 000
	TOTAL FOR STRATEGIC GOAL 2			65 000	580 000	645 000
3	Strategic Goal 3. Protecting the integrity and building on the achievements under the WHO FCTC					
3.1	Strategic Objective 3.1 Improve the governance and administrative mechanisms of the WHO FCTC to ensure that all WHO FCTC-related activities undertaken are prioritized, effective and sustainable, and insulated from any influence by the tobacco industry					
3.1.1	Specific Objective 3.1.1 Align the agendas, workplans and budgets of the COP with the Global Strategy					
3.1.1.1	Align agendas, workplans and budgets of the COP with the Global Strategy	Agenda, workplan plan and budget developed in alignment with the Global Strategy	Agenda, workplan and budget aligned with the Global Strategy presented to COP	0	0	0
	Total for 3.1.1			0	0	0

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
3.1.2	Specific Objective 3.1.2 Create a peer-led WHO FCTC Implementation Review Mechanism to facilitate addressing gaps and challenges of individual Parties, share lessons learned and contribute to the implementation of the Global Strategy					
3.1.2.1	Develop and operate a Voluntary Implementation Peer Review and Support Mechanism for the WHO FCTC	Terms of reference developed and experts identified for the Voluntary Implementation Peer Review and Support Mechanism	At least 25 Parties underwent an Voluntary Implementation Peer Review and Support Mechanism	0	200 000	200 000
	Total for 3.1.2			0	200 000	200 000
3.1.3	Specific Objective 3.1.3 Protect COP and other WHO FCTC activities from the commercial and other vested interests of the tobacco industry					
3.1.3.1	Collect and process Declaration of Interest (DOI) forms and perform due diligence, as appropriate	DOI requested and processed by the Convention Secretariat in accordance with COP decisions (for the Convention Secretariat, and governing bodies and subsidiary bodies meetings)	DOI requested in COP and any other subsidiary bodies and Convention Secretariat meetings, as appropriate	0	0	0
	Total for 3.1.3			0	0	0
	Total for 3.1			0	200 000	200 000
3.2	Strategic Objective 3.2 Support and encourage Parties in their efforts to remove barriers to country-level tobacco control efforts					
3.2.1	Specific Objective 3.2.1 Build political support for tobacco control efforts					
3.2.1.1	High-level engagement by the Head of the Convention Secretariat with Parties to build political support for WHO FCTC implementation	Number of high-level visits and meetings of the Head of the Convention Secretariat to build political support for tobacco control efforts	At least six high-level political visits conducted/meetings organized	5 000	15 000	20 000
	Total for 3.2.1			5 000	15 000	20 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
3.2.2	Specific Objective 3.2.2 Promote multisectoral collaborative efforts, including increased collaboration with civil society organizations					
3.2.2.1	Provide technical assistance to Parties on Article 5.2 (establishment of national coordinating mechanism) upon request	Number of Parties who received technical assistance on Article 5.2	At least five Parties assisted in implementation of Article 5.2	0	200 000	200 000
	Total for 3.2.2			0	200 000	200 000
3.2.3	Specific Objective 3.2.3 Mobilize sustainable resources for tobacco control					
3.2.3.1	Assist Parties to develop investment cases for tobacco control	Number of investment cases developed	At least eight Parties supported with investment cases developed	0	400 000	400 000
	Total for 3.2.3			0	400 000	400 000
3.2.4	Specific Objective 3.2.4 Implement measures to protect public health policy from interference by the tobacco industry (Article 5.3) and continuously monitor tobacco industry activities at the national and international levels					
3.2.4.1	Provide technical assistance to Parties on Article 5.3 upon request	Number of Parties that received technical assistance on Article 5.3	At least 20 Parties assisted in implementation of Article 5.3	0	800 000	800 000
3.2.4.2	Raise awareness on the issue of Article 5.3 and tobacco industry tactics and interference	Number of campaigns and activities conducted for raising awareness on tobacco industry interference	At least one campaign or activity conducted to raise awareness on tobacco industry interference	0	50 000	50 000
3.2.4.3	Promote and follow up on the uptake of the Model Policy for the United Nations System on Preventing Tobacco Industry Interference	Number of communication campaigns or activities relating to the Model Policy organized by the Convention Secretariat	At least one campaign or activity conducted	0	50 000	50 000
	Total for 3.2.4			0	900 000	900 000

STRATEGIC GOALS						
	Activity	Indicator	Target By the end of 2025, unless otherwise stated	Activity cost (in US\$)		
				Assessed Contributions	Extra- budgetary Contributions	Total
3.2.5	Specific Objective 3.2.5 Monitor policy and programme progress of the key WHO FCTC provisions including estimate of lives saved, costs averted, and other improved health and economic outcomes					
3.2.5.1	Engage with entities that own or manage databases with information relevant to the WHO FCTC for data sharing and data analysis purposes	Number of entities engaged	At least three entities engaged	0	20 000	20 000
3.2.5.2	Implement workshops/webinars on reporting	Number of Parties that attended the workshops/webinars	At least 30% of Parties attended the workshops/webinars	0	65 000	65 000
3.2.5.3	Conduct the biennial reporting cycle in 2025	Number of reports received, analysed and with feedback provided when necessary	At least 80% of Parties submitted their report and received feedback, if needed	15 000	150 000	165 000
3.2.5.4	Develop the 2025 Global Progress Report	Global Progress Report 2025 produced	Global Progress Report 2025 published online and disseminated	35 000	0	35 000
			Total for 3.2.5	50 000	235 000	285 000
			Total for 3.2	55 000	1 750 000	1 805 000
			TOTAL FOR STRATEGIC GOAL 3	55 000	1 950 000	2 005 000
			TOTAL FOR ALL STRATEGIC GOALS	120 000	6 530 000	6 650 000

OPERATIONAL OBJECTIVES				
	Activity	Activity cost (in US\$)		
		Assessed Contributions	Extra-budgetary Contributions	Total
4.1	Operational Objective 4.1 Sustainable Funding – Manage the finances of the Convention to maximize its efficiency and effectiveness and find new revenue streams to support WHO FCTC implementation activities			
4.1.1	Management and administration of the Investment Fund	0	50 000	50 000
4.1.2	Update and implement a fundraising plan as per COP decision FCTC/COP7(25)	5 000	15 000	20 000
4.1.3	Follow up on collection of Assessed Contributions	5 000	0	5 000
	Total for 4.1	10 000	65 000	75 000
4.2	Operational Objective 4.2 Operational Effectiveness – Promote optimal operation of the COP and the capacity and ability of the Convention Secretariat to provide support to the COP and to the Parties in their implementation, monitoring and reporting work			
4.2.1	General administration and management			
4.2.1.1	Provide general management and administration to the Convention Secretariat	45 000	0	45 000
4.2.1.2	Conduct strategic planning and team-building retreats for the Convention Secretariat	10 000	0	10 000
	Total for 4.2.1	55 000	0	55 000
4.2.2	Organize the Eleventh session of the Conference of the Parties (COP11)	1 072 313	600 000	1 672 313
4.2.3	Organize pre-COP regional meetings	0	240 000	240 000
4.2.4	Prepare and support the work of the Bureau and convene meetings, including through videoconferences and teleconferences	200 000	0	200 000
4.2.5	Make the necessary arrangements for intersessional subsidiary bodies as decided by COP10 (Expert Group for Article 2.1, Expert Group for Article 19)	200 000	125 000	325 000
	Total for 4.2	1 527 313	865 000	2 392 313
	TOTAL FOR OPERATIONAL OBJECTIVES	1 537 313	930 000	2 467 313
	Total activity cost for all areas of work	1 657 313	7 460 000	9 117 313

ANNEX 2

GROSS STAFF COSTS BREAKDOWN (US\$)¹

Funded with Assessed Contributions (AC)				
		AC	EB	Total
1	D2 30% MOP AC/70% COP AC	573 300		573 300
4	P5 30% MOP AC/70% COP AC	1 811 040		1 811 040
2	P4 100% COP AC	1 131 900		1 131 900
2	P3 100% COP AC	947 100		947 100
1	P2 50% MOP AC/50% COP AC	170 100		170 100
1	G6 100% COP AC	391 650		391 650
2	G5 100% COP AC	699 300		699 300
Funded with Assessed Contributions (AC) and Extra-budgetary Contributions (EB)				
		AC	EB	Total
1	P3 50% COP AC/50% COP EB	236 775	236 775	473 550
1	P2 50% COP AC/50% MOP EB	170 100		170 100
Funded with Extra-budgetary Contributions (EB)				
		AC	EB	Total
3	P3 100% COP EB		1 420 650	1 420 650
1	G5 100% COP EB		349 650	349 650
Total staff costs		6 131 265	2 007 075	8 138 340

¹ Indicative costs for core Convention Secretariat staff based on WHO's latest available standard gross salary costs for 2022–2023 with a 5% increase; possible changes in 2024–2025 will be reflected once they become available. The fulfilment of the staff plan, and possible adjustments, will depend on the actual availability of funds and the evolving workload. The staff plan does not include possible short-term assignments that would be based on actual needs and resources available.

ANNEX 3

TOTAL PROPOSED BUDGET 2024–2025 (US\$)

	Covered by Assessed Contributions	Covered by Extra-budgetary Contributions	Total
1. Activity cost	1 657 313	7 460 000	9 117 313
2. Staff costs	6 131 265	2 007 075	8 138 340
3. Total direct costs	7 788 578	9 467 075	17 255 653
4. Recovery costs	1 012 515	1 230 720	2 243 235
5. Grand total	8 801 093	10 697 795	19 498 888

Total for Assessed Contributions (activities, salaries and recovery costs): **US\$ 8 801 093.**

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