



20 November 2025

(Draft) FCTC/COP/11/A/R/2

Second report of Committee A

(Draft)

Committee A held its fifth and sixth meetings on 20 November 2025, with Damini Mohur (Mauritius) in the chair.

Committee A recommends to the Conference of the Parties the adoption of the attached decision related to the following agenda item,

4. Treaty instruments and technical matters

4.2 Liability (Article 19 of the WHO FCTC): report by the Expert Group

One decision as amended entitled:

- Implementation of Article 19 of the WHO FCTC on Liability

Agenda item 4.2

Implementation of Article 19 of the WHO FCTC on Liability

The Conference of the Parties (COP),

Acknowledging that issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control;

Reminding Parties of their obligations under Article 19 of the WHO FCTC;

Recalling decisions FCTC/COP4(15), FCTC/COP5(9), FCTC/COP6(7), FCTC/COP7(11) and FCTC/COP10(13) in relation to implementation of Article 19 of the WHO FCTC on liability;

Recalling also decision FCTC/COP8(18), which encouraged Parties to promote national and international cooperation to enhance implementation of Article 5.3 of the WHO FCTC in relation to Article 19 of the WHO FCTC;

Further recalling that in decision FCTC/COP10(13) the COP re-established an expert group on liability, taking into account the work completed by the expert group on liability established pursuant to decision FCTC/COP5(9) and whose mandate was extended in decision FCTC/COP6(7);

Welcoming the report contained in document FCTC/COP/11/6 and noting the outcome of the work of the Expert Group on Implementation of Article 19 of the WHO FCTC on Liability;

1. INVITES the Parties:

- (a) to consider the recommendations and options provided by the Expert Group in their report FCTC/COP/11/6, as appropriate in their national context and taking full account of their respective domestic laws, to strengthen their implementation of Article 19 of the WHO FCTC;
- (b) to consider the tools and resources available, as applicable, for Parties to strengthen their implementation of Article 19, including those contained in Annex 1 of the report FCTC/COP/11/6; and
- (c) in line with Articles 21 and 22 of the WHO FCTC, to share updated information, experiences and expertise, as applicable, in relation to implementation of Article 19.

2. REQUESTS the Convention Secretariat:

- (a) to disseminate the report of the Expert Group and to continue to raise awareness about Article 19 of the WHO FCTC, as well as the resources, expertise and tools available for Parties to strengthen its implementation;
- (b) to continue efforts to provide support to Parties in implementation of Article 19 of the WHO FCTC, including through facilitating information and experience sharing among Parties and, as appropriate, with the participation of civil society not directly or indirectly affiliated with the tobacco industry or those furthering its interests;
- (c) to develop a self-assessment tool to assist Parties in identifying the status and gaps in their administrative and non-judicial liability frameworks under Article 19;

- (d) to develop a report to assess feasible policy options for the implementation of administrative and other non-judicial liability measures – drawing on work being done in relevant international fora;
- (e) to invite WHO to develop and make available to Parties a set of policy options and tools for applying cost recovery measures to the tobacco industry, including through the use of fiscal measures such as levies, fees, surcharges or other mechanisms; and
- (f) to continue to update the COP on progress with implementation of Article 19 of the WHO FCTC by the Parties, as necessary.
