

## **NOTE FOR THE RECORD**

### **First meeting of the Expert Group on Implementation of Article 19 of the WHO FCTC on liability**

26 June 2024

Virtual meeting

#### **Opening of the meeting**

1. The present report contains a summary of the discussions at the First meeting of the Expert Group on Implementation of Article 19 of the WHO Framework Convention on Tobacco Control (WHO FCTC) on liability, held via videoconference. The Expert Group was re-established by decision FCTC/COP10(13) at the Tenth session of the Conference of the Parties (COP10) to the WHO FCTC.

2. At the First meeting of the Bureau elected by COP10, the Bureau considered and approved the list of experts for the Expert Group, as well as its terms of reference. The composition of the Expert Group as approved by the Bureau is contained in the list of experts in Annex 1 of the present report.

3. Following welcoming remarks and a round of introductions, the Expert Group adopted the provisional agenda as proposed. The agenda is contained in Annex 2 of the present report.

#### **Background and mandate of the Expert Group**

4. The meeting began with a discussion of the background and mandate of the Expert Group, with reference to decision FCTC/COP10(13) and the terms of reference approved by the Bureau.

5. The Convention Secretariat provided updates on work done in relation to relevant decisions of the Conference of the Parties (COP) on implementation of Article 19 of the WHO FCTC, including the establishment of the (i) database of experts on Article 19 of the WHO FCTC and (ii) the online civil liability toolkit. It was recalled that a summary of the work undertaken in relation to Article 19 of the WHO FCTC was available in the relevant report produced for COP10 (document FCTC/COP/10/12). Members of the current Expert Group who formed part of the previous Expert Group on Article 19 of the WHO FCTC also provided insights on past work undertaken by the latter.

#### **Consideration of matters related to the work of the Expert Group**

6. A Chairperson and officers were elected by the members of the Expert Group to facilitate the work of the Expert Group. A Rapporteur was also elected, to be supported in its function by the Convention Secretariat.

7. The Expert Group further discussed the timeline for carrying out its work, and agreed that its second meeting would be scheduled from 9-11 October 2024. The meeting would be conducted in person at WHO Headquarters in Geneva, Switzerland. The deadline for the submission of the report of the Expert Group to the Convention Secretariat was also tentatively set on 1 May 2025, to allow sufficient time for editing and translation in time for the Eleventh session of the COP in November 2025.

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8. Further, the experts engaged in a brief discussion of the scope of the mandate and the method of work of the Expert Group, including practical considerations such as access to data, budget, and the potential participation of external resources. The experts were invited to utilize their networks to help inform the work, as well as consider options to coordinate with experts outside of the Expert Group on elements of specific expertise.

9. The Expert Group requested the Convention Secretariat to facilitate further exchanges between the experts, in order to prepare the discussions at the Second meeting of the Expert Group. In that respect, the experts agreed to share further reflections and comments on possible ways forward in respect of each of the three main areas of the mandate as set out in decision FCTC/COP10(13). These would be compiled by the Convention Secretariat and disseminated to the members of the Expert Group, following a review by the Chairperson, with support from designated experts and the Convention Secretariat. The objective, provisional agenda and supporting documentation for the Second meeting of the Expert Group would also be communicated for comments by the Convention Secretariat.

#### **Closure of the meeting**

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

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ANNEX 1

**EXPERT GROUP ON IMPLEMENTATION OF ARTICLE 19 OF THE WHO FCTC ON LIABILITY**

<b>Name</b>	<b>Organization, Country</b>
Raouf Alebshehy	University of Bath, United Kingdom of Great Britain and Northern Ireland
Davi Bressler	Attorney General's Office of Brazil, Brazil
Cynthia Callard	Physicians for a Smoke-Free Canada, Canada
Andrew Higgins	University of Oxford, United Kingdom of Great Britain and Northern Ireland
Sungkyu Lee	Korea Center for Tobacco Control Research and Education, Republic of Korea
Peter Magati	Development Hub Consulting Ltd., Kenya
Mohammad Nsour	United Arab Emirates University, United Arab Emirates
Pokpong Srisanit	Thammasat University, Thailand
Gustavo Sónora	Vital Strategies, Uruguay
Deborah Sy	Global Center for Governance in Tobacco Control, Thailand
Theodore Te	University of the Philippines, Philippines
Amit Yadav	Vital Strategies, India
<i>Expert named by observers</i>	
Daniel Dorado	Global Alliance for Tobacco Control
Monique Muggli	Campaign for Tobacco Free Kids
<i>Alternate</i>	
Margherita Melillo	O'Neill Institute for National and Global Health Law, Italy
<i>Special Advisor to the WHO FCTC Secretariat</i>	
Vuyile Dumisani Dlamini	Ministry of Foreign Affairs and International Cooperation, Eswatini

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## ANNEX 2

### PROVISIONAL AGENDA

1. Opening remarks and introductions
2. Background and mandate of the Expert Group
  - a. Review of decision FCTC/COP10(13) and terms of reference of the Expert Group
  - b. Updates on work done in relation to relevant COP decisions
    - i. Database of experts on Article 19 of the WHO FCTC
    - ii. Online civil liability toolkit
    - iii. Review of past work of the previous Expert Group on Article 19 of the WHO FCTC
4. Consideration of matters related to the work of the Expert Group
  - a. Election of officers
  - b. Timeline of work of the Expert Group
    - i. Second meeting of the Expert Group on the week of 7 October 2024 (in-person)
    - ii. Third meeting of the Expert Group in February or March 2025 (possible in-person)
    - iii. Deadline for the report of the Expert Group on 1 May 2025
  - c. Methods of work of the Expert Group
    - i. Review and collection of information on practice that has evolved at Party level
    - ii. Development of options for Parties to detect and counter tobacco industry efforts to evade applicable liability regimes or to undermine tobacco control
    - iii. Possible development of a methodology to estimate or quantify health care costs
4. Practical matters
5. Any other business
6. Closure