

1. DECIDES:

- (a) to defer the establishment or re-establishment of a working group or expert group to further develop the Partial guidelines for implementation of Articles 9 and 10 until such future time as the COP deems appropriate to resume that work;
- (b) to focus work on implementation of the obligations in Articles 9 and 10, on enhancing the capacity of Parties and on reducing disparities between Parties on implementation of Articles 9 and 10, through increasing Party awareness of the technical requirements of those provisions and the Partial guidelines for their implementation, strengthening Party infrastructure, and facilitating information-sharing and cooperation between Parties on implementation of Articles 9 and 10;
- (c) to provide support to the Parties by prioritizing the use and strengthening of existing tools and resources, and building on efficiency and avoidance of duplication;

2. REQUESTS the Convention Secretariat:

- (a) to support the Parties to increase awareness of and strengthen their understanding and capacity to implement Articles 9 and 10 and their Partial guidelines for implementation, by promoting, disseminating, strengthening and developing tools and resources; providing examples of good practice and accessible resources for experience-sharing between Parties; and identifying opportunities for collaboration between Parties and/or with WHO on these articles;
- (b) to collaborate with WHO in its work to support Parties with implementation of Articles 9 and 10 and their Partial guidelines for implementation, to benefit from WHO technical expertise, including that of the WHO Study Group on Tobacco Product Regulation (TobReg) and the WHO Tobacco Laboratory Network (TobLabNet);
- (c) to invite WHO to continue to report on technical matters related to implementation of Articles 9 and 10 at future sessions of the COP.

(XXX plenary meeting, XX November 2025)

Agenda item 4.5

Implementation of measures to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke, and the protection of such measures from commercial and other vested interests of the tobacco industry in light of the tobacco industry's narrative on "harm reduction" (Articles 5.2(b) and 5.3 of the WHO FCTC)

(Document FCTC/COP/11/10)

Background:

- The Bureau received several proposals from Parties requesting that items be included in the provisional agenda of COP11. Those proposals requested the addition of agenda items on WHO FCTC Article 5.2(b), on "harm reduction" as an Article 5.3 industry interference issue, and on "harm reduction" strategies in the context of tobacco control.
- All proposals made by the Parties highlighted concerns regarding the threat posed by novel and emerging nicotine and tobacco products, and the use by industry and those working to further its interests of a "harm reduction" or "reduced risk" narrative to market and broadly commercialize these products.
- The Bureau combined proposals into a single agenda item, entitled "Implementation of measures to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke, and the protection of such measures from commercial and other vested interests of the tobacco industry in light of the tobacco industry's narrative on 'harm reduction' (Articles 5.2(b) and 5.3 of the WHO FCTC)".
- The Secretariat report provides context to facilitate the deliberations of Parties under this item.
- COP adopted decisions FCTC/COP6(9) and FCTC/COP7(9) inviting Parties to consider prohibiting or otherwise regulating electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS). There are several COP documents that addressed novel and emerging nicotine products (that is ENDS and ENNDS) and provided the COP with updated information on these products as well as respective policy and regulatory options.
- The proposed position is in line with the EU positions expressed in COP8, COP9 and COP10, by which the EU supported the actions under the FCTC regarding novel and emerging tobacco and nicotine products.

Action requested: The COP is invited to note the present report and provide further guidance.

Proposed Union position

The European Union:

1. Thanks the Convention Secretariat for preparing this report to facilitate deliberations of the Parties under this agenda item.
2. Recalls that Article 5.2 of the FCTC requires Parties to adopt and implement effective legislative, executive, administrative and/or other measures and policies for preventing and reducing tobacco consumption and exposure to tobacco smoke, as well as for preventing and reducing nicotine addiction.
3. Notes that the EU Tobacco Products Directive provides for regulation and restriction of nicotine-containing electronic cigarettes, and that several EU Member States decided to also regulate, restrict or prohibit the distribution and sale of non-nicotine containing electronic cigarettes and other nicotine products (including nicotine pouches and disposable ENDS and ENNDS), as appropriate under their national laws.
4. Is highly concerned about the fast-increasing market introduction and usage, particularly among young people, of novel and emerging nicotine and tobacco products, their role as a gateway to nicotine addiction and ultimately traditional tobacco consumption, and the misleading industry claims that these products would be better and less harmful alternatives to conventional tobacco products.
5. Considers it important to remain vigilant and continue to regularly monitor and assess novel and emerging nicotine and tobacco products, including their targeted marketing and usage, especially to and by young people and non-smokers, and to develop and implement appropriate regulatory measures, taking into account a high level of protection of human health.

6. Given the increasing popularity of novel and emerging nicotine and tobacco products, reiterates its support for strong regulation of ENDS/ENNDS and nicotine pouches, which could include a ban to protect in particular children and adolescents.
7. Underlines that in order to combat the tobacco and nicotine epidemic, it is particularly important to prevent young people and non-smokers from initiating the use of novel and emerging nicotine and tobacco products.
8. Considers it important to prevent unproven health claims from being made about novel and emerging nicotine and tobacco products, in particular claims of "harm reduction" or "reduced risk", being used to further the marketing and commercialization of novel and emerging nicotine and tobacco products, and/or to avoid or reduce regulation of these products.
9. Highlights in this regard the significance of increasing public awareness by providing accurate information on the nicotine addiction, health risks and consequences associated with the use of novel and emerging nicotine and tobacco products, in particular among the children and youth.
10. Emphasizes the need of protecting tobacco-control policies and activities from all commercial and other vested interests related to novel and emerging nicotine and tobacco products, including interests of the tobacco industry, in accordance with Article 5.3 of the WHO FCTC.
11. Points that the Parties could benefit of additional unbiased and commercially independent research at international level to strengthen scientific evidence on novel and emerging nicotine and tobacco products, regarding inter alia their short-term and long-term health effects and risks, addictive potential, perception and use, as well as their role in youth initiation of smoking and nicotine addiction.

Agenda item 5.1

Voluntary Implementation Peer Review and Support Mechanism (Document FCTC/COP/11/11)

Background:

- By its decision FCTC/COP10(22), the Conference of the Parties (COP) established the Voluntary Implementation Peer Review and Support (VIPRS) Mechanism and adopted its terms of reference, to be reviewed as necessary. The COP also requested the Convention