

WHO FRAMEWORK
CONVENTION ON
TOBACCO CONTROL

**RULES OF PROCEDURE
OF THE CONFERENCE
OF THE PARTIES**



F C T C

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

WHO FRAMEWORK
CONVENTION ON
TOBACCO CONTROL

**RULES OF PROCEDURE
OF THE CONFERENCE
OF THE PARTIES**



F C T C

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

WHO Library Cataloguing-in-Publication Data

Conference of the Parties to the WHO Framework Convention on Tobacco Control.

Rules of procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control.

1.Conference of the Parties to the WHO Framework Convention on Tobacco Control. 2.Rules of procedure. 3.Tobacco industry - legislation. 4.Smoking - prevention and control. 5.International cooperation. 6.Treaties. I.World Health Organization. II.Title.

ISBN 92 4 159455 1

(LC/NLM classification: HV5726)

ISBN 978 92 4 159455 4

© World Health Organization 2006

All rights reserved. Publications of the World Health Organization can be obtained from WHO Press, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland (tel.: +41 22 791 3264; fax: +41 22 791 4857; e-mail: bookorders@who.int). Requests for permission to reproduce or translate WHO publications – whether for sale or for noncommercial distribution – should be addressed to WHO Press, at the above address (fax: +41 22 791 4806; e-mail: permissions@who.int).

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted lines on maps represent approximate border lines for which there may not yet be full agreement.

The mention of specific companies or of certain manufacturers' products does not imply that they are endorsed or recommended by the World Health Organization in preference to others of a similar nature that are not mentioned. Errors and omissions excepted, the names of proprietary products are distinguished by initial capital letters.

All reasonable precautions have been taken by the World Health Organization to verify the information contained in this publication. However, the published material is being distributed without warranty of any kind, either expressed or implied. The responsibility for the interpretation and use of the material lies with the reader. In no event shall the World Health Organization be liable for damages arising from its use.

Printed by the WHO Document Production Services, Geneva, Switzerland.

Reprinted in 2010 with new cover.

Table of Contents

Preface	iii
Part I: Applicability	1
Rule 1.....	1
Part II: Definitions	1
Rule 2.....	1
Part III: Sessions	2
Rule 3.....	2
Rule 4.....	2
Rule 5.....	2
Part IV: Agenda	2
Rule 6.....	2
Rule 7.....	3
Rule 8.....	3
Rule 9.....	3
Rule 10.....	3
Rule 11.....	3
Rule 12.....	4
Rule 13.....	4
Part V: Secretariat	4
Rule 14.....	4
Rule 15.....	4
Part VI: Representation and credentials	5
Rule 16.....	5
Rule 17.....	5
Rule 18.....	5
Rule 19.....	5
Rule 20.....	5
Part VII: Officers	5
Rule 21.....	5
Rule 22.....	6
Rule 23.....	6
Rule 24.....	6
Part VIII: Subsidiary bodies	7
Rule 25.....	7
Rule 26.....	7
Rule 27.....	7
Rule 28.....	7
Part IX: Observers	7
Rule 29.....	7
Rule 30.....	8
Rule 31.....	8
Part X: Conduct of business	8
Rule 32.....	8
Rule 33.....	8

	Rule 34.....	9
	Rule 35.....	9
	Rule 36.....	9
	Rule 37.....	9
	Rule 38.....	10
	Rule 39.....	10
	Rule 40.....	10
	Rule 41.....	10
	Rule 42.....	10
	Rule 43.....	11
	Rule 44.....	11
	Rule 45.....	11
	Rule 46.....	11
	Rule 47.....	11
	Rule 48.....	12
Part XI:	Voting.....	12
	Rule 49.....	12
	Rule 50.....	12
	Rule 51.....	12
	Rule 52.....	13
	Rule 53.....	13
	Rule 54.....	13
	Rule 55.....	14
	Rule 56.....	14
Part XII:	Languages and records.....	14
	Rule 57.....	14
	Rule 58.....	14
	Rule 59.....	14
	Rule 60.....	14
	Rule 61.....	14
	Rule 62.....	14
	Rule 63.....	15
	Rule 64.....	15
	Rule 65.....	15
Part XIII:	Amendment of rules of procedure.....	15
	Rule 66.....	15
Part XIV:	Overriding authority of the convention.....	15
	Rule 67.....	15

PREFACE

The WHO Framework Convention on Tobacco Control (WHO FCTC) entered into force on 27 February 2005, 90 days after it has been acceded to, ratified, accepted or approved by 40 States. This is the first treaty concluded under the auspices of WHO, the United Nations specialized agency for health, and it has quickly become one of the most rapidly embraced treaties within the United Nations system. The Convention seeks to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures.

At the first session of the Conference of the Parties to the WHO FCTC held in Geneva on 6-17 February 2006, 113 Parties adopted by consensus a complete set of Rules of Procedure.

The Rules of Procedure of the Conference of the Parties to the WHO FCTC are reprinted in the six official languages of the Conference of the Parties in this series of documents.

RULES OF PROCEDURE OF THE CONFERENCE OF THE PARTIES TO THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL¹

APPLICABILITY

Rule 1

The sessions of the Conference of the Parties shall be governed by these Rules of Procedure.

DEFINITIONS

Rule 2

For the purposes of these Rules:

1. “Convention” means the WHO Framework Convention on Tobacco Control, adopted at Geneva on 21 May 2003;
2. “Parties” means Parties to the Convention;
3. “Conference of the Parties” means the Conference of the Parties established by Article 23 of the Convention;
4. “session” means any regular or extraordinary session of the Conference of the Parties convened in accordance with Article 23 of the Convention and these Rules;
5. “regional economic integration organization” means an organization as defined in Article 1(b) of the Convention;
6. “President” means the President of the Conference of the Parties elected in accordance with Rule 21, paragraph 1 of these Rules;
7. “Secretariat” means the Secretariat established by Article 24, paragraph 1, of the Convention;
8. “subsidiary body” means any body established pursuant to Article 23, paragraph 5(f) of the Convention;
9. “Parties present and voting” means Parties present at the meeting in which voting takes place and casting a valid affirmative or negative vote. Parties abstaining from voting shall be considered as not voting;

¹ Text adopted by the Conference of the Parties to the WHO Framework Convention on Tobacco Control at its first session (decision FCTC/COP1(8)).

10. “public” 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 and nongovernmental organizations accredited by the Conference of the Parties pursuant to Rule 31 and members of the public;

11. “restricted” sessions or meetings means sessions or meetings held for a specific purpose and under exceptional circumstances that are open to attendance by Parties and essential Secretariat staff.

SESSIONS

Rule 3

The sessions of the Conference of the Parties shall be held at the seat of the Secretariat, unless the Conference of the Parties decides otherwise.

Rule 4

1. Unless otherwise decided by the Conference of the Parties, the second and third regular sessions of the Conference of the Parties shall be held yearly; thereafter, regular sessions shall be held every two years.

2. At each regular session, the Conference of the Parties shall decide on the date and duration of the next regular session. The Conference of the Parties should endeavour not to hold such a session at a time which would make the attendance of a significant number of delegations difficult.

3. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one third of the Parties.

4. Extraordinary sessions held at the written request of a Party, shall take place not more than sixty days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 above.

Rule 5

The Secretariat shall notify all Parties of the dates and venue at least sixty days in advance of a regular session, and at least thirty days in advance of an extraordinary session.

AGENDA

Rule 6

In consultation with the Bureau, the Secretariat shall prepare the provisional agenda for each session.

Rule 7

The provisional agenda for each regular session shall include, as appropriate:

- (a) items arising from the Articles of the Convention, including those specified in its Article 23;
- (b) items the inclusion of which has been decided at a previous session;
- (c) items referred to in Rule 13;
- (d) the proposed budget and all questions pertaining to the accounts and financial arrangements;
- (e) the reports of the Parties, which shall be presented in accordance with the modalities approved by the Conference of the Parties;
- (f) reports from the subsidiary bodies; and
- (g) any other item relevant to the implementation of the Convention proposed by a Party and received by the Secretariat prior to circulation of the provisional agenda.

Rule 8

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 sixty days before the opening day of the session.

Rule 9

The Secretariat shall, in consultation with the Bureau, include in a supplementary provisional agenda any item proposed by a Party which reaches the Secretariat between the dispatch of the provisional agenda for a regular session and ten days before the opening day of the session, provided that it falls within the scope of Rule 7 of the Rules of Procedure.

Rule 10

The Conference of the Parties shall examine the provisional agenda together with any supplementary provisional agenda. When adopting the agenda for a regular session, the Conference of the Parties may decide to add, delete, defer or amend items.

Rule 11

The provisional agenda for each extraordinary session shall include only those items proposed for consideration by the Conference of the Parties at a regular session or in a Party's written request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the notification of the extraordinary session.

Rule 12

1. The Secretariat shall report to the Conference of the Parties on the administrative, financial and budgetary implications of all substantive agenda items submitted to the session, before they are considered by the Conference.
2. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received a report from the Secretariat on its administrative, financial and budgetary implications.

Rule 13

Any item on the agenda of a regular session, that has not been considered or completed at the session, shall automatically be included in the provisional agenda of the next regular session, unless otherwise decided by the Conference of the Parties.

SECRETARIAT

Rule 14

1. The Head of the Secretariat, or the representative of the Head of the Secretariat, shall act in that capacity in all sessions of the Conference of the Parties and of its subsidiary bodies.
2. The Head of the Secretariat shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources, and shall manage and direct such staff and services and provide appropriate support and advice to the Bureau of the Conference of the Parties and its subsidiary bodies.

Rule 15

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) collect, translate, reproduce and distribute the documents of the session;
- (c) publish and distribute the official documents of the session;
- (d) prepare and keep the records of the session;
- (e) arrange for the custody and safekeeping of the documents of the session; and
- (f) perform all other tasks that may be required by the Conference of the Parties.

REPRESENTATION AND CREDENTIALS

Rule 16

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 18

The credentials of representatives, as well as the names of alternates and advisers shall be submitted to the Secretariat if possible no later than twenty-four hours after the opening of the session. Any subsequent change in the composition of the delegation shall also be submitted to the Secretariat. Credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs, the Minister of Health, or any other competent government authority or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 19

The Bureau shall examine the credentials and report thereon to the Conference of the Parties.

Rule 20

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

OFFICERS

Rule 21

1. At the first regular session of the Conference of the Parties, a President and five Vice-Presidents, one of whom shall act as Rapporteur, shall be elected from among the representatives of the Parties present at the session. These officers shall constitute the Bureau of the Conference of the Parties. Each of the WHO regions shall be represented by one Bureau member. The President and Vice-Presidents shall remain in office until the closure of the second regular session of the Conference of the Parties, including for any intervening extraordinary session.

2. Before the end of the second and subsequent regular sessions of the Conference of the Parties, officers shall be elected from among the Parties to constitute the Bureau for the following session. These officers shall commence their term of office at the closure of the session and shall serve until the closure of the following regular session of the Conference of the Parties, including for any intervening extraordinary session.

3. The offices of the President and Rapporteur shall be subject to rotation among the WHO regions.
4. The President shall participate in sessions of the Conference of the Parties in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative to represent the Party in the sessions and to exercise its right to vote.
5. The Chairperson of a subsidiary body may be invited by the Bureau for a specific purpose.

Rule 22

1. In addition to exercising the powers which are conferred upon him or her elsewhere by these Rules, the President shall declare the opening and closing of the session, preside over the meetings, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He or she shall rule on points of order and, subject to these Rules, shall control the proceedings and maintain order thereat.
2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation of the time to be allowed to each speaker and of the number of times a representative may speak on a question, the adjournment or closure of the debate and the suspension or adjournment of a meeting.
3. The President, in exercising the functions of that office, remains subject to the authority of the Conference of the Parties.

Rule 23

1. The President, if temporarily absent from a session or any part thereof, shall designate a Vice-President to act as President in his or her place. A Vice-President so designated shall not at the same time exercise the rights of a representative of a Party.
2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24

1. If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or perform the functions of that office, a representative of the same Party shall be designated by the Party concerned in his or her place for the remainder of the original term of office.
2. If the President is unable to act during the intersessional period, one of the Vice-Presidents shall act in his or her place. The order in which the Vice-Presidents shall be requested to serve shall be determined by lot at the session at which the election takes place.

SUBSIDIARY BODIES

Rule 25

1. In accordance with Article 23.5(f) of the Convention, the Conference of the Parties may establish such subsidiary bodies as are necessary to achieve the objective of the Convention.
2. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body, including its mandate, objectives, duration and budget, and may authorize the President, upon the request of the Chairperson of a subsidiary body, to make appropriate adjustments in the allocation of work.
3. Except as provided in Rules 26-28, these Rules shall apply *mutatis mutandis* to the proceedings of any subsidiary bodies, subject to any modifications decided by the Conference of the Parties.

Rule 26

When a subsidiary body is not open ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum. When the subsidiary body is open ended, one quarter of the Parties shall constitute a quorum.

Rule 27

1. The Conference of the Parties shall decide the dates and venue of the sessions of the subsidiary bodies, with due regard for the desirability of holding such sessions in parallel with the sessions of the Conference of the Parties.
2. Sessions or meetings of subsidiary bodies shall be held in public, unless the Conference of the Parties or the subsidiary body concerned decides that they shall be restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.

Rule 28

1. Unless the Conference of the Parties decides otherwise, the Chairperson of a subsidiary body shall be elected by that subsidiary body. Each subsidiary body shall elect its own officers with due regard for the principle of equitable geographical representation, balanced representation of developing and developed countries and gender balance. Officers shall not serve for more than two consecutive terms.
2. Neither the Chairperson of the subsidiary body, nor the Vice-Chairperson while chairing, shall vote, unless they are the only members of their respective delegations. In that case, they may exercise the right to vote in accordance with Rule 49.1.

OBSERVERS

Rule 29

1. Any Member State of WHO which is not a Party to the Convention, any Associate Member of WHO, or any other State which is not a Party to the Convention but which is a

Member of the United Nations, or its specialized agencies or of the International Atomic Energy Agency, and any regional economic integration organization, as defined in Article 1(b) of the Convention, which is not a Party to the Convention, may attend the public sessions of the Conference of the Parties or meetings of its subsidiary bodies as an observer.

2. Observers under this Rule may participate without the right to vote in the public meetings of the Conference of the Parties and its subsidiary bodies and may speak only after the Parties. Regional economic integration organizations may speak only on matters within their competency.

Rule 30

1. Any international intergovernmental organization may apply to the Secretariat for observer status, which may be granted by the Conference of the Parties, taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention.

2. Observers under this Rule may participate without the right to vote in public meetings of the Conference of the Parties and its subsidiary bodies and may speak after the observers referred to in Rule 29.

Rule 31

1. Nongovernmental organizations which participated in the Intergovernmental Negotiating Body on the WHO Framework Convention on Tobacco Control and in the Open-ended Intergovernmental Working Group on the WHO Framework Convention on Tobacco Control are accredited as observers to the Conference of the Parties.

2. Other international and regional nongovernmental organizations whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status, which may be granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs as well as Article 5.3 of the Convention. Such applications should be submitted to the Secretariat not later than ninety days before the opening of the session.

3. The Conference of the Parties shall review the accreditation of each nongovernmental organization at any of its regular sessions and thus determine the desirability of maintaining its observer status.

4. Observers under this Rule may participate without the right to vote in public meetings of the Conference of the Parties and of its subsidiary bodies and may speak after the observers referred to in Rules 29 and 30.

CONDUCT OF BUSINESS

Rule 32

Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides that they shall be restricted. This rule shall be implemented in conformity with Article 5.3 of the Convention.

Rule 33

Proposals and amendments to proposals shall normally be introduced by the Parties in writing, in one of the official languages, and handed to the Secretariat, which shall circulate copies to delegations. Proposals and amendments shall not be considered if they have been circulated less than twenty-four hours before the meeting. The Conference of the Parties may, however, permit the discussion and consideration of proposals, amendments to proposals or procedural motions, even though such proposals, amendments to proposals or motions have not been circulated, or have been circulated only the same day.

Rule 34

1. A majority of the States Parties shall constitute a quorum for the conduct of business at plenary meetings of the Conference of the Parties. The presence of two thirds of the States Parties shall be required for any decision to be taken.
2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast in accordance with Article 32.2 of the Convention.

Rule 35

1. No representative may address a session without having previously obtained the permission of the President. Subject to Rules 36, 38 and 42, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The President may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
2. During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. The President may, however, accord the right of reply to any representative if a speech delivered after the list has been closed makes this desirable.
3. The Conference of the Parties may, on a proposal by the President or by any Party, limit the time allowed to each speaker and the number of times a representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against the proposal to set such limits. When a limit has been set, and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 36

1. The Chairperson or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.
2. The Head of the Secretariat or any member of the Secretariat designated by him or her may upon the invitation of the President make either oral or written statements concerning any question under consideration in order to provide information and clarification or explanation.

Rule 37

The right of reply shall be accorded by the President to any representative who requests it. Representatives should in exercising this right attempt to be as brief as possible and preferably deliver their statements at the end of the meeting at which this right is requested.

Rule 38

During the discussion of any matter, a representative may at any time raise a point of order, on which the President shall immediately rule in accordance with these Rules. A representative may appeal against the ruling of the President. Such appeal shall immediately be put to the vote and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative raising a point of order may not speak on the substance of the matter under discussion.

Rule 39

1. During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall immediately be put to the vote.

2. For the purpose of these Rules, “suspension of the meeting” means the temporary postponement of the business of the meeting and “adjournment of the meeting” the termination of all business until another meeting is convened.

Rule 40

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two speakers may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote.

Rule 41

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified the wish to speak. If request is made for permission to speak against closure, it may be accorded to not more than two speakers, after which the motion shall immediately be put to the vote. If the Conference of the Parties decides in favour of closure, the President shall declare the debate closed. The Conference of the Parties shall thereafter vote only on proposals moved before the closure.

Rule 42

The following motions shall have precedence in the order indicated below over all other proposals or motions, except a point of order:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the question under discussion;

- (d) to close the debate on the question under discussion.

Rule 43

Subject to Rule 42, any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

Rule 44

A representative may move that parts of a proposal or of an amendment shall be voted on separately. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote. The President may limit the time allowed to each speaker. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 45

When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference of the Parties shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal, and then on the amendment next removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote.

If one or more amendments are adopted, the amended proposal shall then be voted upon. If an amendment to a proposal has been accepted by the original proposer, such an amendment shall be deemed to be an integral part of the original proposal and no separate vote shall be required thereon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of the proposal.

A motion which constitutes a substitution for a proposal shall be considered as a proposal.

Rule 46

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 47

A proposal or motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal or motion has not been amended. A proposal or motion thus withdrawn may be reintroduced by any Party.

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two thirds majority of the Parties present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the proposer, to one speaker in favour of and two speakers opposing the motion, after which it shall immediately be put to a vote. The correction of a clerical or arithmetical error in any document concerning a proposal which has already been adopted shall not be considered as requiring the reopening of the debate on such a proposal by a two thirds majority vote.

VOTING

Rule 49

1. Each Party shall have one vote, except as provided for in paragraph 2.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice versa.

Rule 50

1. Decisions on budgetary and financial matters shall be taken by consensus and in conformity with the financial rules referred to in Article 23.4 of the Convention.
2. For all other decisions, the Conference of the Parties shall make every effort to reach agreement by consensus.
3. If all efforts to reach consensus on decisions referred to in paragraph 2 have been exhausted and no agreement has been reached, the Conference of the Parties shall proceed as a last resort as follows:
 - (a) decisions on substantive matters shall be taken by a three fourths majority vote of the Parties present and voting, unless otherwise provided by the Convention, or by these Rules;
 - (b) decisions on procedural matters shall be taken by a majority vote of the Parties present and voting.
4. The President shall rule on any question of whether a matter is procedural or substantive. Any appeal against this ruling shall immediately be put to the vote. The President's ruling shall stand unless overruled by a majority of the Parties present and voting.

Rule 51

1. Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken at the request of any Party. The roll-call shall be taken in the English alphabetical order of the names of the Parties. The name of the Party to vote first shall be determined by lot.

2. The Conference of the Parties may vote on any matter by secret ballot if it has previously so decided by a majority of the Parties present and voting, provided that no secret ballot may be taken on budgetary questions. A decision under this Rule whether or not to vote by secret ballot may only be taken by a show of hands; if the Conference of the Parties has decided to vote on a particular question by secret ballot, no other mode of voting may be requested or decided upon.
3. When the Conference of the Parties votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call.
4. The vote of each Party participating in a roll-call or recorded vote shall be included in the records of the session.

Rule 52

1. After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.
2. After the voting has been completed, the President may permit Parties to make a brief statement, consisting solely of an explanation of vote. A sponsor of a proposal shall not speak in explanation of vote thereon, except if it has been amended. The President may limit the time to be allowed for such explanations.

Rule 53

Elections shall be held by secret ballot, except that, in the absence of any objection, the Conference of the Parties may decide to proceed without taking a ballot on an agreed candidate or list of candidates. Where a ballot is required, two tellers appointed by the President from among the delegations present shall assist in the counting of votes.

Rule 54

1. When only one person or one Party is to be elected and no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.
2. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be elected.
3. If the number of candidates obtaining such majority is less than the number of persons or Parties to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Party.
4. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 55

In an election each representative, unless he or she abstains, shall vote for that number of candidates equal to the number of elective places to be filled. Any ballot paper on which there are more or fewer names than there are elective places to be filled shall be null and void.

Rule 56

If during an election one or more elective places cannot be filled by reason of an equal number of votes having been obtained by two or more candidates, a ballot shall be held among such candidates to determine which of them will be elected. This procedure may be repeated if necessary.

LANGUAGES AND RECORDS

Rule 57

Arabic, Chinese, English, French, Russian and Spanish shall be both the official and the working languages of the Conference of the Parties.

Rule 58

1. Statements made in an official language shall be interpreted into the other official languages.
2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one of the official languages. Interpretation into the other official languages by interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 59

All official documents of the Conference of the Parties shall be made available in all the working languages.

Rule 60

Verbatim records of the sessions of the Conference of the Parties and summary records of the sessions of subsidiary bodies shall be made in the six working languages by the Secretariat.

Rule 61

Recordings of the meetings of the Conference of the Parties, and, whenever possible, of the subsidiary bodies, shall be kept by the Secretariat.

Rule 62

The provisional version of the summary records referred to in Rule 60 shall be sent as soon as possible to delegations, who shall inform the Secretariat in writing not later than fifteen days after the date of receipt of any corrections they wish to have made.

Rule 63

As soon as possible after the close of each session, copies of all verbatim and summary records, resolutions, recommendations and other formal decisions adopted by the Conference of the Parties shall be transmitted by the Head of the Secretariat to Parties and to States and regional economic integration organizations invited to attend the sessions. The records of restricted meetings shall be transmitted to the participants only.

Rule 64

Verbatim and summary records of public meetings and the reports of all subsidiary bodies shall be published.

Rule 65

The Head of the Secretariat shall issue in the working languages for the convenience of participating delegations, in the form of a daily *Journal* of the session, a summary account of the proceedings of plenary meetings, and of public meetings of committees and subcommittees.

AMENDMENT OF RULES OF PROCEDURE

Rule 66

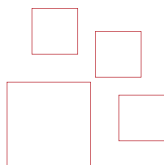
These Rules of Procedure may be amended by consensus by the Conference of the Parties.

OVERRIDING AUTHORITY OF THE CONVENTION

Rule 67

In the event of any conflict between any provision of these Rules and any provision of the Convention, the Convention shall prevail.

The WHO Framework Convention on Tobacco Control was developed in response to the globalization of the tobacco epidemic. The spread of the tobacco epidemic is facilitated by a variety of complex factors with cross-border effects, including trade liberalization, foreign direct investment, and other activities such as global marketing, transnational tobacco advertising, promotion and sponsorship, and the international movement of contraband and counterfeit cigarettes. The WHO FCTC is an evidence-based treaty that reaffirms the right of all people to the highest standard of health.



Convention Secretariat
WHO Framework Convention on Tobacco Control
World Health Organization
Avenue Appia 20, 1211 Geneva 27, Switzerland
Tel: +41 22 791 50 43 Fax: +41 22 791 58 30
Email: ftcsecretariat@who.int
Web: www.who.int/ftc

ISBN: 92 4 159455 1

