

4. WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

Geneva, 21 May 2003

ENTRY INTO FORCE: 27 February 2005, in accordance with article 36(1)"1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary. 2. For each State that ratifies, accepts or approves the Convention or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession. 3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession. 4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States Members of the organization."

REGISTRATION: 27 February 2005, No. 41032.

STATUS: Signatories: 168. Parties: 181.

TEXT: United Nations, *Treaty Series* , vol. 2302, p. 166.

Note: The above Convention was adopted during the 56th World Health Assembly, which took place from 19 to 28 May 2003, at the Palais des Nations, Geneva. It was opened for signature by all Members of the World Health Organization, or Members of the United Nations, and by regional economic integration organizations from 16 June 2003 to 22 June 2003 at the World Health Organization Headquarters in Geneva, and remains open for signature at United Nations Headquarters in New York from 30 June 2003 to 29 June 2004.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Formal confirmation(c), Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Formal confirmation(c), Accession(a), Succession(d)</i>
Afghanistan.....	29 Jun 2004	13 Aug 2010	Bhutan.....	9 Dec 2003	23 Aug 2004
Albania.....	29 Jun 2004	26 Apr 2006	Bolivia (Plurinational State of).....	27 Feb 2004	15 Sep 2005
Algeria.....	20 Jun 2003	30 Jun 2006	Bosnia and Herzegovina.....		10 Jul 2009 a
Angola.....	29 Jun 2004	20 Sep 2007	Botswana.....	16 Jun 2003	31 Jan 2005
Antigua and Barbuda.....	28 Jun 2004	5 Jun 2006	Brazil.....	16 Jun 2003	3 Nov 2005
Argentina.....	25 Sep 2003		Brunei Darussalam.....	3 Jun 2004	3 Jun 2004
Armenia.....		29 Nov 2004 a	Bulgaria.....	22 Dec 2003	7 Nov 2005
Australia ¹	5 Dec 2003	27 Oct 2004	Burkina Faso.....	22 Dec 2003	31 Jul 2006
Austria.....	28 Aug 2003	15 Sep 2005	Burundi.....	16 Jun 2003	22 Nov 2005
Azerbaijan.....		1 Nov 2005 a	Cabo Verde.....	17 Feb 2004	4 Oct 2005
Bahamas.....	29 Jun 2004	3 Nov 2009	Cambodia.....	25 May 2004	15 Nov 2005
Bahrain.....		20 Mar 2007 a	Cameroon.....	13 May 2004	3 Feb 2006
Bangladesh.....	16 Jun 2003	14 Jun 2004	Canada.....	15 Jul 2003	26 Nov 2004
Barbados.....	28 Jun 2004	3 Nov 2005	Central African Republic.....	29 Dec 2003	7 Nov 2005
Belarus.....	17 Jun 2004	8 Sep 2005	Chad.....	22 Jun 2004	30 Jan 2006
Belgium.....	22 Jan 2004	1 Nov 2005			
Belize.....	26 Sep 2003	15 Dec 2005			
Benin.....	18 Jun 2004	3 Nov 2005			

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Chile.....	25 Sep 2003	13 Jun 2005	Haiti	23 Jul 2003	
China ²	10 Nov 2003	11 Oct 2005	Honduras.....	18 Jun 2004	16 Feb 2005
Colombia		10 Apr 2008 a	Hungary	16 Jun 2003	7 Apr 2004
Comoros.....	27 Feb 2004	24 Jan 2006	Iceland	16 Jun 2003	14 Jun 2004
Congo.....	23 Mar 2004	6 Feb 2007	India	10 Sep 2003	5 Feb 2004
Cook Islands	14 May 2004	14 May 2004	Iran (Islamic Republic of).....	16 Jun 2003	6 Nov 2005
Costa Rica.....	3 Jul 2003	21 Aug 2008	Iraq.....	29 Jun 2004	17 Mar 2008
Côte d'Ivoire	24 Jul 2003	13 Aug 2010	Ireland.....	16 Sep 2003	7 Nov 2005
Croatia	2 Jun 2004	14 Jul 2008	Israel	20 Jun 2003	24 Aug 2005
Cuba.....	29 Jun 2004		Italy	16 Jun 2003	2 Jul 2008
Cyprus.....	24 May 2004	26 Oct 2005	Jamaica	24 Sep 2003	7 Jul 2005
Czech Republic.....	16 Jun 2003	1 Jun 2012	Japan	9 Mar 2004	8 Jun 2004 A
Democratic People's Republic of Korea....	17 Jun 2003	27 Apr 2005	Jordan.....	28 May 2004	19 Aug 2004
Democratic Republic of the Congo.....	28 Jun 2004	28 Oct 2005	Kazakhstan.....	21 Jun 2004	22 Jan 2007
Denmark ³	16 Jun 2003	16 Dec 2004	Kenya.....	25 Jun 2004	25 Jun 2004
Djibouti.....	13 May 2004	31 Jul 2005	Kiribati.....	27 Apr 2004	15 Sep 2005
Dominica	29 Jun 2004	24 Jul 2006	Kuwait	16 Jun 2003	12 May 2006
Ecuador.....	22 Mar 2004	25 Jul 2006	Kyrgyzstan.....	18 Feb 2004	25 May 2006
Egypt.....	17 Jun 2003	25 Feb 2005	Lao People's Democratic Republic	29 Jun 2004	6 Sep 2006
El Salvador	18 Mar 2004	21 Jul 2014	Latvia.....	10 May 2004	10 Feb 2005
Equatorial Guinea		17 Sep 2005 a	Lebanon	4 Mar 2004	7 Dec 2005
Estonia	8 Jun 2004	27 Jul 2005	Lesotho	23 Jun 2004	14 Jan 2005
Eswatini	29 Jun 2004	13 Jan 2006	Liberia.....	25 Jun 2004	15 Sep 2009
Ethiopia.....	25 Feb 2004	25 Mar 2014	Libya.....	18 Jun 2004	7 Jun 2005
European Union.....	16 Jun 2003	30 Jun 2005 c	Lithuania.....	22 Sep 2003	16 Dec 2004
Fiji	3 Oct 2003	3 Oct 2003	Luxembourg.....	16 Jun 2003	30 Jun 2005
Finland.....	16 Jun 2003	24 Jan 2005	Madagascar.....	24 Sep 2003	22 Sep 2004
France	16 Jun 2003	19 Oct 2004 AA	Malaysia.....	23 Sep 2003	16 Sep 2005
Gabon.....	22 Aug 2003	20 Feb 2009	Maldives	17 May 2004	20 May 2004
Gambia.....	16 Jun 2003	18 Sep 2007	Mali.....	23 Sep 2003	19 Oct 2005
Georgia	20 Feb 2004	14 Feb 2006	Malta.....	16 Jun 2003	24 Sep 2003
Germany	24 Oct 2003	16 Dec 2004	Marshall Islands.....	16 Jun 2003	8 Dec 2004
Ghana.....	20 Jun 2003	29 Nov 2004	Mauritania.....	24 Jun 2004	28 Oct 2005
Greece.....	16 Jun 2003	27 Jan 2006	Mauritius.....	17 Jun 2003	17 May 2004
Grenada.....	29 Jun 2004	14 Aug 2007	Mexico	12 Aug 2003	28 May 2004
Guatemala.....	25 Sep 2003	16 Nov 2005	Micronesia (Federated States of)	28 Jun 2004	18 Mar 2005
Guinea.....	1 Apr 2004	7 Nov 2007	Mongolia.....	16 Jun 2003	27 Jan 2004
Guinea-Bissau.....		7 Nov 2008 a	Montenegro ⁴		23 Oct 2006 d
Guyana.....		15 Sep 2005 a			

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Formal confirmation(c), Accession(a), Succession(d)</i>		<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Formal confirmation(c), Accession(a), Succession(d)</i>	
Morocco.....	16 Apr 2004			South Africa.....	16 Jun 2003	19 Apr	2005
Mozambique.....	18 Jun 2003	14 Jul	2017	Spain.....	16 Jun 2003	11 Jan	2005
Myanmar.....	23 Oct 2003	21 Apr	2004	Sri Lanka.....	23 Sep 2003	11 Nov	2003
Namibia.....	29 Jan 2004	7 Nov	2005	St. Kitts and Nevis.....	29 Jun 2004	21 Jun	2011
Nauru.....		29 Jun	2004 a	St. Lucia.....	29 Jun 2004	7 Nov	2005
Nepal.....	3 Dec 2003	7 Nov	2006	St. Vincent and the Grenadines.....	14 Jun 2004	29 Oct	2010
Netherlands.....	16 Jun 2003	27 Jan	2005 A	Sudan.....	10 Jun 2004	31 Oct	2005
New Zealand ⁵	16 Jun 2003	27 Jan	2004	Suriname.....	24 Jun 2004	16 Dec	2008
Nicaragua.....	7 Jun 2004	9 Apr	2008	Sweden.....	16 Jun 2003	7 Jul	2005
Niger.....	28 Jun 2004	25 Aug	2005	Switzerland.....	25 Jun 2004		
Nigeria.....	28 Jun 2004	20 Oct	2005	Syrian Arab Republic.....	11 Jul 2003	22 Nov	2004
Niue.....	18 Jun 2004	3 Jun	2005	Tajikistan.....		21 Jun	2013 a
Norway.....	16 Jun 2003	16 Jun	2003 AA	Thailand.....	20 Jun 2003	8 Nov	2004
Oman.....		9 Mar	2005 a	The former Yugoslav Republic of Macedonia.....		30 Jun	2006 a
Pakistan.....	18 May 2004	3 Nov	2004	Timor-Leste.....	25 May 2004	22 Dec	2004
Palau.....	16 Jun 2003	12 Feb	2004	Togo.....	12 May 2004	15 Nov	2005
Panama.....	26 Sep 2003	16 Aug	2004	Tonga.....	25 Sep 2003	8 Apr	2005
Papua New Guinea.....	22 Jun 2004	25 May	2006	Trinidad and Tobago.....	27 Aug 2003	19 Aug	2004
Paraguay.....	16 Jun 2003	26 Sep	2006	Tunisia.....	22 Aug 2003	7 Jun	2010
Peru.....	21 Apr 2004	30 Nov	2004	Turkey.....	28 Apr 2004	31 Dec	2004
Philippines.....	23 Sep 2003	6 Jun	2005	Turkmenistan.....		13 May	2011 a
Poland.....	14 Jun 2004	15 Sep	2006	Tuvalu.....	10 Jun 2004	26 Sep	2005
Portugal.....	9 Jan 2004	8 Nov	2005 AA	Uganda.....	5 Mar 2004	20 Jun	2007
Qatar.....	17 Jun 2003	23 Jul	2004	Ukraine.....	25 Jun 2004	6 Jun	2006
Republic of Korea.....	21 Jul 2003	16 May	2005	United Arab Emirates.....	24 Jun 2004	7 Nov	2005
Republic of Moldova.....	29 Jun 2004	3 Feb	2009	United Kingdom of Great Britain and Northern Ireland.....	16 Jun 2003	16 Dec	2004
Romania.....	25 Jun 2004	27 Jan	2006	United Republic of Tanzania.....	27 Jan 2004	30 Apr	2007
Russian Federation.....		3 Jun	2008 a	United States of America.....	10 May 2004		
Rwanda.....	2 Jun 2004	19 Oct	2005	Uruguay ¹	19 Jun 2003	9 Sep	2004
Samoa.....	25 Sep 2003	3 Nov	2005	Uzbekistan.....		15 May	2012 a
San Marino.....	26 Sep 2003	7 Jul	2004	Vanuatu.....	22 Apr 2004	16 Sep	2005
Sao Tome and Principe.....	18 Jun 2004	12 Apr	2006	Venezuela (Bolivarian Republic of).....	22 Sep 2003	27 Jun	2006
Saudi Arabia.....	24 Jun 2004	9 May	2005	Viet Nam.....	3 Sep 2003	17 Dec	2004
Senegal.....	19 Jun 2003	27 Jan	2005	Yemen.....	20 Jun 2003	22 Feb	2007
Serbia.....	28 Jun 2004	8 Feb	2006	Zambia.....		23 May	2008 a
Seychelles.....	11 Sep 2003	12 Nov	2003				
Sierra Leone.....		22 May	2009 a				
Singapore.....	29 Dec 2003	14 May	2004				
Slovakia.....	19 Dec 2003	4 May	2004				
Slovenia.....	25 Sep 2003	15 Mar	2005				
Solomon Islands.....	18 Jun 2004	10 Aug	2004				

***Ratification,
Acceptance(A),
Approval(AA),
Formal
confirmation(c),
Accession(a),
Succession(d)***

<i>Participant</i>	<i>Signature</i>	
Zimbabwe		4 Dec 2014 a

Declarations

(Unless otherwise indicated, the objections were made upon ratification, acceptance, approval, formal confirmation or accession.)

AZERBAIJAN

"The Republic of Azerbaijan declares that none of the rights, obligations and provisions set out in the Convention shall be applied by the Republic of Azerbaijan in respect of the Republic of Armenia.

In accordance with paragraph 2 of Article 27 of the Convention, the Republic of Azerbaijan declares that, where any disputes arising between the Republic of Azerbaijan and any Party concerning the implementation and interpretation of the Convention can not be settled by negotiations and other diplomatic means, according to paragraph 1 of the above-mentioned Article such disputes shall be settled through arbitration."

BELGIUM

This signature also engages the French community, Flemish community and German-speaking community, the Walloon region, the Flemish region and the Brussels-capital region.

The Kingdom of Belgium declares that, for a dispute not resolved in accordance with paragraph 1 of Article 27 of the Convention, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.

BRAZIL

With respect to matters relating to the support for economically viable alternative activities to tobacco, proposed by the Framework Convention for Tobacco Control of the World Health Organization, adopted by the World Health Assembly on 21 May 2003, Brazil makes the following interpretative declaration:

Brazil declares that, in the context of preambular paragraphs 15 and 16, and of Articles 4 (6), 17 and 26 (3) of the Framework Convention for Tobacco Control of the World Health Organization, there is no prohibition to the production of tobacco or restriction to national policies of support for farmers currently dedicated to this activity.

In addition, Brazil declares it to be imperative that the Convention be an effective instrument for the international mobilization of technical and financial resources in order to help developing countries to make economic alternatives to the agricultural production of tobacco viable, as part of their national strategies for sustainable development.

Lastly, Brazil also declares that it will not support any proposal with a view to utilizing the Framework Convention for Tobacco Control of the World Health Organization as an instrument for discriminatory practices to free trade.

CHINA

In accordance with the provision of Article 16, paragraph 5.....the People's Republic of China indicates hereby its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction.

CZECH REPUBLIC¹

"The Czech Republic makes the following interpretative declaration to the Convention:

The Czech Republic welcomes international cooperation in the field of tobacco control aimed at strengthening public health protection.

The Czech Republic declares that it does not consider guidelines adopted by the Conference of the Parties as instruments directly establishing legal obligations under the Convention.

The Czech Republic declares that it will not support any future proposals amending the Convention or relating to its Protocols which would be in contradiction with the constitutional principles of the Czech Republic as well as commitments arising from its membership in the European Union and from international agreements on free trade to which the Czech Republic has acceded.

The Czech Republic also declares that it considers Article 5 (3) a provision not affecting the right to non-discriminatory treatment of the tobacco industry by the Parties and thus permitting the necessary extent of cooperation with the tobacco industry as regards tobacco control."

ESTONIA

"In accordance with article 16, paragraph 5 of the Convention, the Republic of Estonia indicates its commitment to a total ban on tobacco vending machines within its jurisdiction.

EUROPEAN UNION

"The Community and its Member States declare that a Member State of the European Community whose national constitution or constitutional principles do not permit the introduction of a comprehensive ban on tobacco advertising, promotion and sponsorship may make use of the provision enshrined in Article 13(3) of the Framework Convention on Tobacco Control to accommodate regulations so as to respect national constitutional constraints."

"The European Community declares that, in accordance with the provisions of the Treaty establishing the European Community, and in particular Articles 3(1)(p) and 152 thereof, it is competent to adopt measures, which complement the national policies of its Member States, directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health.

The current members of the Community are the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Community competence exists in areas already covered by Community legislation. The Community acts listed below are illustrative of the Community's sphere of competence in accordance with the provisions of the Treaty establishing the European Community. The exercise of competence that Member States have transferred to the Community by virtue of the Treaties is, by its very nature, bound to continuously evolve. Therefore in this regard, the Community reserves its right to issue further declarations in the future.

List of Community acts and programmes contributing to promoting tobacco control.

Council Directive 89/552/EC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p.60).

Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (OJ L 194, 18.7.2001, p.26).

Directive 2003/33/EC of 26 May 2003 of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ L 152, 20.6.2003, p.16).

Commission Decision 2003/641/EC of 5 September 2003 on the use of colour photographs or other illustrations as health warnings on tobacco packages (OJ L 226, 10.9.2003, p. 24).

Decision No. 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) (OJ L 271, 9.10.2002, p. 1).

Commission Regulation (EC) No 2182/2002 of 6 December 2002 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community Tobacco Fund (OJ L 331, 7.12.2002, p. 16). Regulation as amended by Regulation (EC) No 480/2004 (OJ L 78, 16.3.2004, p.8).

Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.0.1992, p.1). Regulation as last amended by the 2003 Act of Accession.

Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p.1). Regulation as amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p.36).

Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods (OJ L 341, 30.12.1994, p. 8) replaced from 1.7.2004 by Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (OJ L 196, 2.8.2003, p.7)."

GUATEMALA

With respect to Article 21 1(e) and (4) of the World Health Organization Framework Convention on Tobacco Control, adopted by the United Nations General Assembly on May 21, 2003, that the Republic of Guatemala makes the following interpretative declaration:

The Republic of Guatemala declares that it interprets, in the context of Article 21 1(e) and (4) of the Convention, that the implementation of Article 13 4(d) of the Convention, concerning disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited, will be subject to national law regarding confidentiality and privacy.

The Republic of Guatemala declares that its interpretation, in the context of Article 21.1 (e) (4) of the Convention, is that the implementation of Article 13.4 (d) of the Convention, concerning disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited, will be subject to national law regarding confidentiality and privacy.

SYRIAN ARAB REPUBLIC

Accession of the Syrian Arab Republic to the said Convention does not, in any way, imply recognition of Israel, nor shall it lead to entry into any dealings with the Israel in the matters governed by the provisions of the Convention.

VIET NAM

"Any dispute arising between the Socialist Republic of Viet Nam and any other Parties to the Convention concerning the implementation or application of the Convention, which is not resolved through negotiation or any other peaceful means in accordance with paragraph 1, article 27 thereof, shall be referred to arbitration for settlement, only on the basis of agreement between the Socialist Republic of Viet Nam and such parties, on the basis of case by case."

Objections

(Unless otherwise indicated, the objections were made upon ratification, acceptance, approval, formal confirmation or accession.)

ISRAEL

"The Government of the State of Israel has noted that the instrument of ratification of the Syrian Arab Republic

of the abovementioned Convention [...] contains a declaration with respect to the State of Israel.

The Government of the State of Israel considers that such declaration, which is explicitly of a political nature,

is incompatible with the purposes and objectives of the Convention.

The Government of Israel therefore objects to the aforesaid declaration made by the Syrian Arab Republic."

Notes:

¹ The Secretary-General received the following communications relating to the interpretative declaration made by the Czech Republic upon ratification:

Uruguay (17 July 2012)

"The Government of Uruguay acknowledges receipt of the Depositary Notification on the interpretative declaration made by the Czech Republic when acceding the Framework Convention on Tobacco Control of the World Health Organization on 1 June 2012.

In this regard, the Government of Uruguay would like to state that such interpretative declaration cannot be deemed to be a reservation, expressly prohibited under article 30 of the FCTC, nor can it be considered to exempt any Party of its obligations under the Convention.

Article 5.3 of the FCTC expressly states that 'Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law'.

Uruguay wishes to remind States Parties of the Guidelines for implementation of Article 5.3 of the FCTC, which state that 'there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests'."

Czech Republic (10 January 2013)

"On the Communication of Uruguay to the Interpretative Declaration of the Czech Republic to the Framework Convention on Tobacco Control (FCTC) Concerning Article 5(3) FCTC

When depositing the FCTC ratification instrument, the Czech Republic made an Interpretative Declaration to the FCTC. This Declaration is solely of an interpretative nature and the Czech Republic thereby raised no reservations against the text of the FCTC; under Article 30 of the FCTC this is not even possible. Under no circumstances the Czech Republic, by means of this act, challenges the obligations imposed on the Parties by the FCTC.

On Article 5(3) of the FCTC the Czech Republic declares that it 'considers Article 5(3) a provision not affecting the right to non-discriminatory treatment of the tobacco industry by the Parties and thus permitting the necessary extent of cooperation with the tobacco industry as regards tobacco control'. This statement was made to alleviate certain concerns and possibly misunderstandings, which some Czech competent authorities expressed regarding the interpretation of Article 5(3). Some public administration tasks require limited contact with the

tobacco industry, such as consultations with all relevant subjects concerned, including tobacco industry, while preparing a regulatory impact assessment of a new legislation related to tobacco products regulation, performance of reporting and control tasks, etc.

After all, a certain level of interaction of the Parties to the FCTC with the tobacco industry is mentioned also by the Guidelines for implementation of Article 5(3) - Principle No. 2 'Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.' The Declaration thus corresponds with Recommendation No. 2.1 under this Principle, according to which 'the parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.'

Naturally, all necessary interactions are done in full awareness of the fundamental and irreconcilable conflict between the interests of the tobacco industry and the interests of the public health protection. It should also be stressed that the word 'cooperation' used in the Czech Interpretative Declaration should be interpreted as not exceeding the sense of the 'interaction' which is mentioned in the Guidelines for implementation of Article 5(3)."

Australia (5 January 2015)

"WHEREAS the Minister for Foreign Affairs of the Government of Australia has approved the lodgement of an Interpretative Declaration ('Declaration') in relation to the text of an Interpretative Declaration lodged by the Czech Republic on its ratification on 1 June 2012 of the WHO Framework

Convention on Tobacco Control done at Geneva on 21 May 2003 [2005] ATS 7('Convention') which entered into force for Australia on 27 February 2005;

NOW THEREFORE THESE PRESENTS CERTIFY that Australia's Declaration with regard to the Declaration lodged by the Czech Republic upon its ratification of the Convention on 1 June 2012 is as follows:

1. Australia declares that the Convention does not recognise any 'right to non-discriminatory treatment of the tobacco industry'.

2. Australia recognises that Article 5.3 (General obligations) of the Convention requires the Parties to act to protect their tobacco control policies from commercial and other vested interests of the tobacco industry in accordance with national law.

3. Australia declares its understanding that Parties to the Convention should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products, and should ensure that any such interactions are conducted transparently."

Czech Republic (8 July 2016)

“On the Communication of Australia to the Interpretative Declaration of the Czech Republic to the Framework Convention on Tobacco Control (‘Convention’) concerning Article 5.3 of the Convention

First, the Czech Republic confirms that it has taken note of the Communication of Australia to the Interpretative Declaration made by the Czech Republic to Framework Convention on Tobacco Control (‘Convention’) concerning Article 5.3 (General obligations) of the Convention.

In response, the Czech Republic refers to its previous Communication on the related Communication of Uruguay 2, where the reasons for the Interpretative Declaration of the Czech Republic in respect of Article 5.3 of the Convention are fully explained.

With regard to point No. 1 of the Communication of Australia, the Czech Republic emphasizes its awareness of the fact that the Convention does not recognize any “right to non-discriminatory treatment of the tobacco industry”. The purpose of the Interpretative Declaration made by the Czech Republic is to confirm that at the same time the Convention does not prohibit the “non-discriminatory treatment of the tobacco industry” and thereby maintains, within the commitments made in the Convention, the possibility of certain level of interaction with the tobacco industry.

Finally, the current national legislative and other initiatives related to the prevention of tobacco use may be considered as evidence of the immense effort of the Czech Republic in promoting tobacco control and the implementation of the Convention including its Article 5.3.”

² On 11 October 2005, the Government of China informed the Secretary-General of the following:

In accordance with the provision of article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and article 138 of the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, the Government of the People’s Republic of China decides that the WHO Framework Convention on Tobacco Control and the declaration made by the People’s Republic of China on the prohibition of the introduction of tobacco vending machines shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People’s Republic of China.

³ With the following territorial exclusion:

.....the Convention does not until further notice apply to the Faroe Islands and Greenland.

⁴ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

⁵ With the following territorial exclusion:

"... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau

through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

