



F C T C

WHO FRAMEWORK CONVENTION
ON TOBACCO CONTROL

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

Fifth session
Seoul, Republic of Korea, 12–17 November 2012

17 November 2012

DECISION

FCTC/COP5(9) Implementation of Article 19 of the WHO FCTC: “Liability”

The Conference of the Parties,

Taking note of the report by the Convention Secretariat on liability contained in document FCTC/COP/5/11,

DECIDES, subject to the prioritization of work by the Conference of the Parties:

- (1) to establish an expert group on liability comprising no more than three experts per WHO region; one observer per region with specific expertise in the area of the expert group may be invited by the Convention Secretariat;
- (2) to invite Parties to nominate members to the expert group, in a manner to be decided by the Bureau of the Conference of the Parties, taking into account appropriate technical representation;
- (3) to mandate the expert group to:
 - (a) identify, examine and collect existing best practices for civil and criminal liability including compensation;
 - (b) identify obstacles that impede effective action in the areas of civil and criminal liability, in particular, in the context of civil liability, including compensation, and provide options to address them;
 - (c) identify available options for developing legislation for Parties to consider, in the areas of civil and criminal liability, in particular in the context of civil liability;
 - (d) to provide options for technical support, international cooperation and the exchange of information for the effective implementation of Article 19 of the WHO FCTC; and

(e) to report on facts, information and options to the sixth session of the Conference of the Parties;

(4) The group of experts should make maximum practical use of electronic communications and other methods to minimize the expenditures necessary for travel, and should conclude its work in sufficient time to allow the Parties to study its report prior to the sixth session of the Conference of the Parties.

(Fourth plenary meeting, 17 November 2012)

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