# A Framework Convention on Alcohol Control: getting concrete about its contents

Robin Room and Jenny Cisneros Örnberg

**Supplementary Material**

**Draft Framework Convention on Alcohol Control**

Notes on sources and adaptations in the draft Convention

When it is stated below that the draft uses another treaty’s language “unchanged”, substitutions such as “alcohol” for “tobacco” will have been made. Also, reflecting developments in diagnostic language, “alcohol dependence or other use disorders” has been substituted for “tobacco dependence”. The following Articles are essentially unchanged from the FCTC, or have only minor adaptations, and are not commented on here: 2, 5-7, 11-13, 15, 17-38.

*Preamble:* Modeled on the preamble in the Tobacco Convention, but trimmed down.

*Art. 1 – Use of terms*: adapted from the FCTC largely unchanged, with an additional definition (h) for “alcohol for personal use”. Note that the definition of “alcohol products”, as for “tobacco products”, is in terms of their intended use for human consumption, with specification also of a widely-used standard of minimum ethanol content.

*Art. 3 – Objective*: restated in terms appropriate for alcohol: (a) supporting provision for legal non-medical use in States which allow this; (b) supporting prohibition in States which do not. Paragraph 2 is modelled on Paragraph 3 of Article 28 of the 1961 Single Convention, but stated in terms of “alcohol products” rather than with reference to raw plant materials, since alcoholic beverages are made from a wide variety of organic materials which have diverse other uses.

*Art. 4 – Guiding principles*: Slimmed down a little from the FCTC, dropping tobacco-specific provisions on liability and on economic assistance for displaced growers and workers.

*Art. 8 – Regulation of production and sale*: Replaces “Protection from exposure to tobacco smoke” in the FCTC.

Paragraph 1 here is adapted from Article 23, Para. 1 of the 1961 Single Convention.

Para. 2 is a new provision exempting “alcohol for personal use” from the following paragraphs.

Para. 3 is adapted from Article 23, Para. 2 of the 1961 Single Convention.

Para. 4 is adapted from Article 19 of the 1961 Single Convention.

Para. 5 is adapted from Article 30 of the 1961 Single Convention, adding provisions for on-premise licenses and for controls of hours and days of sale, and for effective enforcement backed up by the threat of license suspension or loss.

*Article 9 – Sales to minors*: this is from Article 16 of the FCTC, dropping the provision on sale of cigarettes “individually or in small packets”, and providing for a total ban on alcohol products vending machines.

*Article 10 – Regulation of contents and disclosures*: this is taken with minor adaptations from Articles 9 and 10 of the FCTC.

*Article 14 – Demand reduction measures*: “limitation of use” is added to the FCTC text on “cessation”.

*Article 16 – Provisions relating to international trade*: Paragraphs 1-15 of Article 16 here, in all their considerable detail, are taken from Article 31 of the 1961 Single Convention, except that “type and percentage ethanol content” is substituted for the provisions on listing the name of the drug. Paragraphs 9 and 11-15 might be dropped if they are considered to be over-specific concerning the handling of export and import licences. Paragraph 16 is added, stating the precedence of the draft convention over any treaty which “provides for free movement or equitable treatment of goods or services in trade or commerce”. The intention here is to subordinate the operation of trade treaties and disputes to the provisions of the FCAC.

DRAFT FRAMEWORK CONVENTION ON ALCOHOL CONTROL

**Preamble**

The Parties to this Convention,

*Determined* to give priority to their right to protect public health,

*Recognizing* that the control of the market for alcoholic beverages is a global issue with serious consequences for public health, calling for a comprehensive international response,

*Reflecting* the concern of the international community about the health and social consequences of alcohol consumption,

*Concerned* about the extent of worldwide consumption and production of alcoholic beverages, as well as about the burden this places on families and on national health systems,

*Recognizing* that scientific evidence has established health and safety risks associated with the use of alcohol,

*Recognizing also* that alcohol dependence is separately classified as a disorder in the International Classifications of Diseases, and that regular users of alcohol may become dependent,

*Deeply concerned* about alcohol consumption by children and adolescents worldwide,

*Seriously concerned* to forestall all forms of advertising, promotion and sponsorship aimed at encouraging the use of alcoholic beverages,

*Recognizing* that cooperative action is necessary to eliminate all forms of illicit trade in alcoholic beverages, including smuggling, illicit manufacturing and counterfeiting,

*Acknowledging* that alcohol control at all levels and particularly in developing countries and in countries with economies in transition requires substantial financial and technical resources,

*Mindful* of the social and economic difficulties that alcohol control programmes may engender in the medium and long term in some developing countries and countries with economies in transition, and recognizing their need for technical and financial assistance in the context of nationally developed strategies for sustainable development,

*Conscious* of the valuable work being conducted by many States on alcohol control and commending the leadership of the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations on alcohol control,

*Emphasizing* the special contribution of nongovernmental organizations and other members of civil society, including health professional bodies, women’s, youth, environmental and consumer groups, and academic and health care institutions, to alcohol control efforts nationally and internationally and the vital importance of their participation in national and international alcohol control efforts,

*Recognizing* the need to be alert to any efforts by producers or distributors of alcoholic beverages to undermine or subvert control efforts, and the need to be informed of activities of those involved in the alcohol market that have a negative impact on alcohol control efforts,

*Recalling* Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recalling also* the preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition,

*Determined* to promote measures of alcohol control based on current and relevant scientific, technical and economic considerations,

*Have agreed*, as follows:

**PART I: INTRODUCTION**

***Article 1***

*Use of terms*

For the purposes of this Convention:

(a) “illicit trade” means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;

(b) “regional economic integration organization” means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;

(c) “alcohol advertising and promotion” means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting an alcoholic beverage product or alcohol consumption either directly or indirectly;

(d) “alcohol control” means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of alcoholic beverages and exposure to harm from others’ alcohol consumption;

(e) “alcohol industry” means manufacturers, wholesale distributors and importers of alcoholic beverages;

(f) “alcohol products” means products containing 0.05% or more of ethanol, commonly made by fermentation or distillation of organic materials, which are prepared, manufactured or sold to be used for human consumption;

(g) “alcohol sponsorship” means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting an alcohol product or alcohol consumption either directly or indirectly;

(h) “alcohol products for personal use” means a limited amount of alcohol products, with maximum amounts set by legislation, which is prepared or kept for personal or shared use without any remuneration or other consideration;

***Article 2***

*Relationship between this Convention and other agreements and legal instruments*

1. In order to better protect human health, Parties may implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.

2. The provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.

**PART II: OBJECTIVE, GUIDING PRINCIPLES AND**

**GENERAL OBLIGATIONS**

***Article 3***

*Objective*

1. The objective of this Convention and its protocols is to provide a framework for alcohol control measures to be implemented by the Parties at the national, regional and international levels, thereby:

 (a) Supporting States which legally provide for nonmedical sale or use to structure and control the market for alcohol products so as to minimize social and health harm from use;

 (b) Supporting the alcohol control policies of States where nonmedical alcoholic beverage sale or use is prohibited.

2. The Parties shall adopt such measures as may be necessary to prevent illicit traffic in alcohol products.

***Article 4***

*Guiding principles*

To achieve the objective of this Convention and its protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the risk of health consequences and potential addictive nature of alcohol consumption, especially of long-term frequent use.

2. Strong political commitment is necessary to develop and support, at the national, regional and international levels, comprehensive multisectoral measures and coordinated responses.

3. International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and implement effective alcohol control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention.

4. Comprehensive multisectoral measures and responses at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to alcohol consumption.

5. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

***Article 5***

*General obligations*

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national alcohol control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

 (a) establish or reinforce and finance a national coordinating mechanism or focal points for alcohol control; and

 (b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for alcohol control.

3. In setting and implementing their public health policies with respect to alcohol control, Parties shall act to protect these policies from commercial and other vested economic interests, including those of the alcohol industry.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms.

**PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR ALCOHOL PRODUCTS**

***Article 6***

*Price and tax measures to reduce the demand for alcohol products*

1. The Parties recognize that price and tax measures are an effective and important means of controlling alcohol consumption by various segments of the population, in particular young persons.

2. Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning alcohol control and adopt or maintain, as appropriate, measures which may include:

 (a) implementing tax policies and, where appropriate, price policies, on alcohol products so as to contribute to the health objectives aimed at minimizing harmful patterns of alcohol consumption; and

 (b) prohibiting or restricting, as appropriate, sales to and/or importations by international travellers of tax- and duty-free alcohol products.

3. The Parties shall provide rates of taxation for alcohol products and trends in alcohol consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21.

***Article 7***

*Non-price measures to reduce the demand for alcohol products*

The Parties recognize that comprehensive non-price measures are an effective and important means of reducing alcohol consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.

***Article 8***

*Regulation of the production and sale of alcohol products*

1. If a Party permits the production of alcohol products other than for personal use, it shall maintain one or more government agencies (hereinafter referred to in this article as the Agency) to carry out the functions required by this article.
2. A Party may choose to allow preparation and possession of alcohol products for personal use, within upper limits on amounts which are set by legislation. Such alcohol products for personal use may be exempted from sections 3 and 4 below.
3. The Agency shall license all producers and importers of alcohol products, other than for personal use. Only entities and persons licensed by the Agency shall be authorized to engage in such production or import. The Agency shall require that licensed producers and importers obtain periodical permits specifying the kinds and amounts of products they shall be entitled to handle, and that they meet specified standards of quality control. Each licence shall specify premises on which the products are produced or to which they are imported.
4. The Parties shall require that each wholesaler of alcohol products be under licence, except where the wholesaler is a State enterprise. The Parties shall: (a) Control all persons and enterprises carrying on or engaged in the wholesaling of alcohol products; (b) Control under licence the establishments and premises in which such wholesaling may take place; (c) Require that licensed wholesalers obtain periodical permits specifying the kinds and amounts of products they shall be entitled to handle, the premises on which the products are held during their handling, and that they meet specified standards of quality control.
5. The Parties shall require that trade in, distribution of, and places for use of alcohol products be under licence except where such trade or distribution is carried out by a State enterprise. The Parties shall: (a) Control all persons and enterprises carrying on or engaged in the trade or distribution of alcohol products; (b) Control under licence the establishments and premises in which such trade, distribution or provision may take place; (c) Require that licensed traders, distributors, and keepers of premises for use obtain periodical permits specifying the conditions of trade and distribution; (d) Specify hours and days when places for sale or use may sell or provide alcohol products; (e) Provide means for effective enforcement of alcohol controls, with provision for licenses to be suspended or revoked for non-compliance.

***Article 9***

*Sales to and by minors*

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of alcohol products to persons under the age set by domestic law, recommended to be not less than 18. These measures may include:

 (a) requiring that all sellers of alcohol products place a clear and prominent indicator inside their point of sale about the prohibition of alcohol sales to minors and, in case of doubt, request that each alcohol purchaser provide appropriate evidence of having reached full legal age;

 (b) banning the sale of alcohol products in any manner by which they are directly accessible, such as store shelves; and

 (c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of alcohol products which appeal to minors.

2. Each Party shall prohibit or promote the prohibition of the distribution of free alcohol products to the public and especially minors.

3. The Parties recognize that in order to increase their effectiveness, measures to prevent alcohol product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.

4. Each Party shall prohibit the introduction or use of alcohol products vending machines within its jurisdiction.

5. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-4 of this Article.

6. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of alcohol products by persons under the age set by domestic law, as set in accordance with paragraph 1 of this Article.

***Article 10***

*Regulation of the contents of and disclosures concerning alcohol products*

1. The Conference of the Parties, in consultation with competent international bodies, shall propose guidelines for testing and measuring the contents of alcohol products, and for the regulation of these contents. Each Party shall, where approved by competent national authorities, adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation.

2. Each Party shall, in accordance with its national law, adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of alcohol products to disclose to governmental authorities information about the contents of alcohol products. Each Party shall further adopt and implement effective measures for public disclosure of information about risks and adverse health and welfare effects of consumption of alcohol products.

***Article 11***

*Packaging and labelling of alcohol products*

1. Each Party shall adopt and implement, in accordance with its national law, effective measures to ensure that:

 (a) alcohol product packaging and labelling do not promote an alcohol product by any means. Further, any alcohol product packaging and labelling shall not provide information that is false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emission; and

 (b) each unit packet and package of alcohol products and any outside packaging and labelling of such products also carry health warnings describing potential harmful effects of alcohol use, and may include other appropriate messages, including information on laws which apply and treatment referral information . These warnings and messages:

 (i) shall be approved by the competent national authority,

 (ii) shall be rotating,

 (iii) shall be large, clear, visible and legible,

 (iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,

 (v) may be in the form of or include pictures or pictograms.

2. Each unit packet and package of alcohol products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents of the alcohol product as defined by national authorities, including the percentage ethanol content.

3. Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of alcohol products and any outside packaging and labelling of such products in its principal language or languages.

4. For the purposes of this Article, the term “outside packaging and labelling” in relation to alcohol products applies to any packaging and labelling used in the retail sale of the product.

***Article 12***

*Education, communication, training and public awareness*

Each Party shall promote and strengthen public awareness of alcohol control issues, using all available communication tools, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

 (a) broad access to effective and comprehensive educational and public awareness programmes on the health risks, including the addictive characteristics, of alcohol consumption;

 (b) public awareness about the risks to others from alcohol consumption, and about the benefits of the cessation of alcohol use and alcohol-free lifestyles as specified in Article 14.2;

 (c) effective and appropriate training or sensitization and awareness programmes on alcohol control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;

 (d) awareness and participation of public and private agencies and nongovernmental organizations in developing and implementing intersectoral programmes and strategies for alcohol control; and

 (e) public awareness of and access to information regarding adverse health and other consequences of production and consumption of alcohol products.

***Article 13***

*Alcohol advertising, promotion and sponsorship*

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship will tend to reduce the consumption of alcohol products*.*

2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all alcohol advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all alcohol advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, restrictions or a comprehensive ban on advertising, promotion and sponsorship originating from its territory with cross-border effects. In this respect, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:

 (a) prohibit all forms of alcohol advertising, promotion and sponsorship that promote an alcohol product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;

 (b) require that health or other appropriate warnings or messages accompany all alcohol advertising and, as appropriate, promotion and sponsorship;

 (c) restrict the use of direct or indirect incentives that encourage the purchase of alcohol products by the public;

 (d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the alcohol industry and retail sellers on advertising, promotion and sponsorship not yet prohibited. The Party should make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;

 (e) undertake a comprehensive ban or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict alcohol advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of five years; and

 (f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, alcohol industry sponsorship of international events, activities and/or participants therein.

5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.

6. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.

7. Parties which have a ban on certain forms of alcohol advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border alcohol advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.

8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

***Article 14***

*Demand reduction measures concerning alcohol use disorders and cessation or limitation of use*

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation or limitation of alcohol use and adequate treatment for alcohol use disorders.

2. Towards this end, each Party shall endeavour to:

 (a) design and implement effective programmes aimed at promoting the cessation or limitation of alcohol use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;

 (b) include diagnosis and treatment of alcohol dependence and other use disorders and counselling services on cessation or limitation of alcohol use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;

 (c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating alcohol dependence and other use disorders; and

 (d) collaborate with other Parties to facilitate accessibility and affordability for treatment of alcohol dependence and other use disorders including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.

**PART IV: MEASURES RELATING TO CONTROLLING LEGAL TRADE AND SUPPRESSING ILLEGAL TRADE IN ALCOHOL**

***Article 15***

*Illicit trade in alcohol products*

1. The Parties recognize that the elimination of all forms of illicit trade in alcohol products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of alcohol control.

2. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of alcohol products and any outside packaging of such products are marked to assist Parties in determining the origin of alcohol products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of alcohol products and their legal status. In addition, each Party shall:

 (a) require that unit packets and packages of alcohol products for retail and wholesale use that are sold on its domestic market carry the statement: *“Sales only allowed in (insert name of the country, subnational, regional or federal unit)”* or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and

 (b) develop a practical tracking and tracing regime in compliance with Article 16 that would further secure the distribution system and assist in the investigation of illicit trade.

3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.

4. With a view to eliminating illicit trade in alcohol products, each Party shall:

 (a) monitor and collect data on cross-border trade in alcohol products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;

 (b) enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in alcohol products, including counterfeit and contraband alcohol products;

 (c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband alcohol products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law;

 (d) adopt and implement measures to monitor, document and control the storage and distribution of alcohol products held or moving under suspension of taxes or duties within its jurisdiction; and

 (e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in alcohol products.

5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.

6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in alcohol products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of alcohol products.

7. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of alcohol products in order to prevent illicit trade.

***Article 16***

*Provisions relating to international trade*

1. The Parties shall not knowingly permit the export of alcohol products to any country or territory except in accordance with the laws and regulations of that country or territory.

2. The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. The Parties shall:

 (a) Control under licence the import and export of alcohol products except where such import or export is carried out by a State enterprise.

 (b) Control all persons and enterprises carrying on or engaged in such import or export.

4. (a) Every Party permitting the import or export of alcohol products shall require a separate import or export authorization to be obtained for each import or export. The authorization may allow an importation or exportation in more than one consignment.

 (b) Such authorization shall state the type and percentage ethanol content of the alcohol product, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period in which the importation or exportation must be effected.

 (c) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

5. Before issuing an export authorization the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation referred to therein is approved, and such certificate shall be produced by the person or establishment applying for the export authorization.

6. A copy of the export authorization shall accompany each consignment and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

7. (a) The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization with an endorsement to that effect, to the Government of the exporting country or territory.

 (b) The endorsement shall specify the amount actually imported.

 (c) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a party other than the party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the Government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such a purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of the Convention.

10. Consignments of alcohol products entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

11. A party shall not permit any alcohol products consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such a consignment is produced to the competent authorities of such Party.

12. The competent authorities of any country or territory through which a consignment of alcohol products is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7(a) and (b) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

13. No consignment of alcohol products while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change its nature. The packing may not be altered without the permission of the competent authorities.

14. The provisions of paragraphs 11 to 13 relating to the passage of alcohol products through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

15. Except as provided in paragraph 16, the provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over alcohol products in transit.

16. In view of the health and social harms which can result from the use of alcohol products, this convention takes precedence over any international agreement or treaty which provides for free movement or equitable treatment of goods or services in trade or commerce.

***Article 17***

*Provision of support for economically viable alternative activities*

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for alcohol product workers, growers and, as the case may be, individual sellers.

**PART V: PROTECTION OF THE ENVIRONMENT**

***Article 18***

*Protection of the environment and the health of persons*

In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of the cultivation and manufacture of ingredients for alcohol products within their respective territories.

**PART VI: QUESTIONS RELATED TO LIABILITY**

***Article 19***

*Liability*

1. For the purpose of alcohol control, the Parties shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate.

2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:

 (a) information on the health effects of the consumption of alcohol products in accordance with Article 20.3(a); and

 (b) information on legislation and regulations in force as well as pertinent jurisprudence.

3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability consistent with this Convention.

4. The Convention shall in no way affect or limit any rights of access of the Parties to each other’s courts where such rights exist.

5. The Conference of the Parties may consider, if possible, at an early stage, taking account of the work being done in relevant international fora, issues related to liability including appropriate international approaches to these issues and appropriate means to support, upon request, the Parties in their legislative and other activities in accordance with this Article.

**PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION**

***Article 20***

*Research, surveillance and exchange of information*

1. The Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of alcohol control. Towards this end, each Party shall:

 (a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of alcohol consumption as well as research for identification of alternative crops and beverages; and

 (b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in alcohol control activities, including research, implementation and evaluation.

2. The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of alcohol consumption. Towards this end, the Parties should integrate alcohol production and market surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and international levels, as appropriate.

3. Parties recognize the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies. Each Party shall endeavour to:

 (a) establish progressively a national system for the epidemiological surveillance of alcohol consumption and related social, economic and health indicators;

 (b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies, in regional and global alcohol surveillance and exchange of information on the indicators specified in paragraph 3(a) of this Article; and

 (c) cooperate with the World Health Organization in the development of general guidelines or procedures for defining the collection, analysis and dissemination of alcohol-related surveillance data.

4. The Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding products and practices of industries producing materials for use in producing alcoholic beverages which are relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition. Each Party shall endeavour to:

 (a) progressively establish and maintain an updated database of laws and regulations on alcohol control and, as appropriate, information about their enforcement, as well as pertinent jurisprudence, and cooperate in the development of programmes for regional and global alcohol control;

 (b) progressively establish and maintain updated data from national surveillance programmes in accordance with paragraph 3(a) of this Article; and

 (c) cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on alcohol production, manufacture and the activities of the alcohol industry which have an impact on the Convention or national alcohol control activities.

5. Parties should cooperate in regional and international intergovernmental organizations and financial and development institutions of which they are members, to promote and encourage provision of technical and financial resources to the Secretariat to assist developing country Parties and Parties with economies in transition to meet their commitments on research, surveillance and exchange of information.

***Article 21***

*Reporting and exchange of information*

1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, which should include the following:

 (a) information on legislative, executive, administrative or other measures taken to implement the Convention;

 (b) information, as appropriate, on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;

 (c) information, as appropriate, on financial and technical assistance provided or received for alcohol control activities;

 (d) information on surveillance and research as specified in Article 20; and

 (e) information specified in Articles 6.3, 13.2, 13.3, 13.4(d), 15.5 and 19.2.

2. The frequency and format of such reports by all Parties shall be determined by the Conference of the Parties. Each Party shall make its initial report within two years of the entry into force of the Convention for that Party.

3. The Conference of the Parties, pursuant to Articles 22 and 26, shall consider arrangements to assist developing country Parties and Parties with economies in transition, at their request, in meeting their obligations under this Article.

4. The reporting and exchange of information under the Convention shall be subject to national law regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged.

***Article 22***

*Cooperation in the scientific, technical, and legal fields and provision of related expertise*

1. The Parties shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national alcohol control strategies, plans and programmes aiming at, *inter alia*:

 (a) facilitation of the development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to alcohol control;

 (b) provision of technical, scientific, legal and other expertise to establish and strengthen national alcohol control strategies, plans and programmes, aiming at implementation of the Convention through, *inter alia*:

 (i) assisting, upon request, in the development of a strong legislative foundation as well as technical programmes, including those on prevention of initiation, and promotion of cessation or limitation of use;

 (ii) assisting, as appropriate, workers in jobs dependent on alcohol products in the development of appropriate economically and legally viable alternative livelihoods in an economically viable manner; and

 (iii) assisting, as appropriate, growers supplying the alcohol market in shifting agricultural production to alternative crops in an economically viable manner;

 (c) support for appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12;

 (d) provision, as appropriate, of the necessary material, equipment and supplies, as well as logistical support, for alcohol control strategies, plans and programmes;

 (e) identification of methods for alcohol control, including comprehensive treatment of alcohol dependence and other use disorders; and

 (f) promotion, as appropriate, of research to increase the affordability of comprehensive treatment of alcohol dependence and other use disorders.

2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support secured in accordance with Article 26.

**PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES**

***Article 23***

*Conference of the Parties*

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.

2. 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.

3. The Conference of the Parties shall adopt by consensus its Rules of Procedure at its first session.

4. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.

5. The Conference of the Parties shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation and may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. Towards this end, it shall:

 (a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;

 (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;

 (c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;

 (d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;

 (e) promote and facilitate the mobilization of financial resources for the implementation of the Convention in accordance with Article 26;

 (f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;

 (g) request, where appropriate, the services and cooperation of, and information provided by, competent and relevant organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and

 (h) consider other action, as appropriate, for the achievement of the objective of the Convention in the light of experience gained in its implementation.

6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

***Article 24***

*Secretariat*

1. The Conference of the Parties shall designate a permanent secretariat and make arrangements for its functioning. The Conference of the Parties shall endeavour to do so at its first session.

2. Until such time as a permanent secretariat is designated and established, secretariat functions under this Convention shall be provided by the World Health Organization.

3. Secretariat functions shall be:

 (a) to make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;

 (b) to transmit reports received by it pursuant to the Convention;

 (c) to provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

 (d) to prepare reports on its activities under the Convention under the guidance of the Conference of the Parties and submit them to the Conference of the Parties;

 (e) to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;

 (f) to enter, under the guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and

 (g) to perform other secretariat functions specified by the Convention and by any of its protocols and such other functions as may be determined by the Conference of the Parties.

***Article 25***

*Relations between the Conference of the Parties and intergovernmental organizations*

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations including financial and development institutions.

***Article 26***

*Financial resources*

1. The Parties recognize the important role that financial resources play in achieving the objective of this Convention.

2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes.

3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive alcohol control programmes of developing country Parties and Parties with economies in transition. Accordingly, economically viable alternatives to producing crops for alcohol production, including crop diversification, should be addressed and supported in the context of nationally developed strategies of sustainable development.

4. Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations.

5. The Parties agree that:

 (a) to assist Parties in meeting their obligations under the Convention, all relevant potential and existing resources, financial, technical, or otherwise, both public and private that are available for alcohol control activities, should be mobilized and utilized for the benefit of all Parties, especially developing countries and countries with economies in transition;

 (b) the Secretariat shall advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;

 (c) the Conference of the Parties in its first session shall review existing and potential sources and mechanisms of assistance based on a study conducted by the Secretariat and other relevant information, and consider their adequacy; and

 (d) the results of this review shall be taken into account by the Conference of the Parties in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition to assist them in meeting the objectives of the Convention.

**PART IX: SETTLEMENT OF DISPUTES**

***Article 27***

*Settlement of disputes*

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.

2. When ratifying, accepting, approving, formally confirming or acceding to the Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.

3. The provisions of this Article shall apply with respect to any protocol as between the parties to the protocol, unless otherwise provided therein.

**PART X: DEVELOPMENT OF THE CONVENTION**

***Article 28***

*Amendments to this Convention*

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.

2. Amendments to the Convention shall be adopted by the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories of the Convention and, for information, to the Depositary*.*

3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 of this Article shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least two-thirds of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

***Article 29***

*Adoption and amendment of annexes to this Convention*

1. Annexes to this Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.

2. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.

3. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.

**PART XI: FINAL PROVISIONS**

***Article 30***

*Reservations*

No reservations may be made to this Convention.

***Article 31***

*Withdrawal*

1. At any time after two years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

***Article 32***

*Right to vote*

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 of this Article.

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.

***Article 33***

*Protocols*

1. Any Party may propose protocols. Such proposals will be considered by the Conference of the Parties.

2. The Conference of the Parties may adopt protocols to this Convention. In adopting these protocols every effort shall be made to reach consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.

3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption.

4. Only Parties to the Convention may be parties to a protocol.

5. Any protocol to the Convention shall be binding only on the parties to the protocol in question. Only Parties to a protocol may take decisions on matters exclusively relating to the protocol in question.

6. The requirements for entry into force of any protocol shall be established by that instrument.

***Article 34***

*Signature*

This Convention shall be open for signature by all Members of the World Health Organization and by any States that are not Members of the World Health Organization but are members of the United Nations and by regional economic integration organizations at the World Health Organization headquarters in Geneva from [date] to [date], and thereafter at United Nations Headquarters in New York, from [date] to [date].

***Article 35***

*Ratification, acceptance, approval, formal confirmation or accession*

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its Member States being a Party shall be bound by all the obligations under the Convention. In the case of those organizations, one or more of whose Member States is a Party to the Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under the Convention concurrently.

3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

***Article 36***

*Entry into force*

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.

***Article 37***

*Depositary*

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

***Article 38***

*Authentic texts*

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at [PLACE] this [DATE].