World Health Organisation (WHO) Framework Convention on Tobacco Control: Protocol to Eliminate Illicit Trade in Tobacco Products. Provisions which do not fall under Title V of Part III of the TFEU

2015/0101(NLE) - 09/02/2016 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the conclusion of the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC) was approved on behalf of the Community by Council Decision 2004/513/EC. The Protocol to Eliminate Illicit Trade in Tobacco Products to the WHO FCTC ("the Protocol") was signed on 20 December 2013, subject to its conclusion at a later date.

The Union has exclusive competence for a number of provisions of the Protocol which fall within the scope of the Union's common commercial policy or in areas where the Union has established common rules. Therefore, the Protocol should be approved on behalf of the Union as regards matters falling within Union's competence only insofar as the Protocol may affect these common rules or alter their scope.

CONTENT: the proposed Decision seeks the **approval, on behalf of the Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the WHO Framework Convention on Tobacco Control**, with the exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union (area of freedom, security and justice).

The Protocol contains a set of measures and strategies in the field of fighting illicit trade in tobacco products.

The Protocol represents a significant contribution to the international efforts to eliminate all forms of illicit trade in tobacco products, and thereby fight the circumvention of tax and customs duties obligations and reduce the supply of tobacco products.

The Protocol also contributes to the smooth functioning of the internal market for tobacco products whilst ensuring a high level of public health.

For details about the content of the Protocol, please refer to the summary of the Commission's initial legislative proposal of 4.5.2015.