World Health Organisation (WHO) Framework Convention on Tobacco Control: Protocol to Eliminate Illicit Trade in Tobacco Products

2015/0100(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, as regards its provisions on obligations related to judicial cooperation in criminal matters and the definition of criminal offences.

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 was signed on 20 December 2013, subject to its conclusion at a later date.

By means of legal acts, the Union has established common rules in the areas of the judicial cooperation on criminal matters and the definition of criminal offences. Articles 14, 16, 26, 29 and 30 of the Protocol may affect the common rules or alter their scope. The Protocol should be approved on behalf of the Union as regards matters falling within the Union's competence only insofar as the Protocol may affect such 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**. It shall apply to provisions of the Protocol 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. It 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.

The United Kingdom and Ireland shall not take part in the adoption of the Decision.

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