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) - 17/06/2016 - Final act

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, in so far as the provisions of the Protocol which do not fall under Title V of Part III of the Treaty on the Functioning of the European Union (TFEU) are concerned.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/1749 on the conclusion, on behalf of the European Union, of 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.

CONTENT: the Council Decision **approves, on behalf of the Union, the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control**, in so far as the provisions of the Protocol which do not fall under Title V of Part III of the Treaty on the Functioning of the European Union (TFEU) are concerned (Freedom, Security and Justice).

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 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.

The Protocol:

- aims to make the supply chain of tobacco, tobacco products and manufacturing equipment secure by establishing a global tracking and tracing system;
- contains provisions to ensure control include licencing, record keeping requirements, regulation of Internet- sales, duty-free sales and international transit;
- establishes offences, addresses liability and seizure payments as well as the disposal of confiscated products;
- aims to boost international cooperation including through mutual administrative assistance in customs matters.

ENTRY INTO FORCE: 1.10.2016.