

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

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The Committee on International Trade adopted the report by Adam SZEJNFELD (EPP, PL) on the draft Council decision 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.

The committee recommended that the European Parliament should **give its consent** to the conclusion of the Agreement.

To recall, the World Health Organisation's Framework Convention on Tobacco Control (FCTC) is the first global health treaty. It was developed in response to the global tobacco epidemic and aims to tackle some of its causes, including illicit trade in tobacco products. It entered into force on 27 February 2005 and there are currently 180 Parties to the Convention.

The Protocol to Eliminate Illicit Trade in Tobacco Products (FCTC Protocol) is based on Article 15 of the FCTC and was adopted by the Conference of the Parties on 12 November 2012 in Seoul. This Protocol currently constitutes the only multilateral regulatory initiative in the area. The EU signed the FCTC Protocol on 20 December 2013. The Protocol needs to be ratified by 40 parties for it to enter into force and its ratification without delay by the European Union (and its Member States) would significantly contribute to the swift entry into force and implementation of the FCTC Protocol.

In a short justification which accompanies the report, it is recalled that illicit trade in tobacco products, in particular cigarette smuggling is a criminal activity posing a serious threat to public health and causes huge losses of revenue to the EU in terms of unpaid taxes and customs duties. Estimates indicate more than EUR 10 billion losses of revenue annually to the EU and Member States.

A substantial part of the illicit tobacco products in the EU originate from the third countries. Therefore an effective global regime is the best policy option to combat this cross-border phenomenon.

The FCTC Protocol is the main global initiative in this area. It contains a complex set of measures, rules and policy in the field of fighting illicit trade in tobacco products.

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.

With regard to these elements, Members are of the opinion that the ratification of the FCTC Protocol will benefit public health and help the international fight against illicit tobacco trade, tax evasion and organised crime.