

The Protocol to Eliminate Illicit Trade in Tobacco Products

Convention Secretariat November 2018

The solution to a serious global problem...





"With the entering into force of the Protocol, we have made yet another step in our global efforts in tobacco control."

Dr Vera da Costa e Silva, Head of the Convention Secretariat

Overview



- New international treaty, legally linked to the WHO FCTC, based on Article 15 WHO FCTC
- Entered into force: 25 September 2018 and currently has 48 Parties
- Definition of "Illicit trade" (Article 1.6)

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

• Objective of the Protocol (Article 3)

To eliminate all forms of illicit trade in tobacco products, in accordance with the terms of Article 15 of the WHO FCTC

Structure: Three substantive parts



- Preventing illicit trade controlling the supply chain (Part III, Articles 6-13)
- 2) Law enforcement establishing unlawful conduct with dissuasive sanctions (Part IV, Articles 14-19)
- International cooperation cooperation on technical, administrative, law enforcement and legal matters (Part V, Articles 20-31)



Part III: Supply chain control



- Establishment of licensing or equivalent systems (Art. 6)
- Requirement for persons engaged in supply chain to conduct due diligence (Art. 7)
- Establishment of a tracking and tracing system (Art. 8)
- Requirement of record keeping by all persons engaged in the supply chain (Art. 9)
- Requirement of security and preventive measures by all persons engaged in supply chain (Art. 10)
- All obligations to be applied to sale by Internet (Art. 11)
- Controls, prohibition of intermingling of tobacco and other products in free zones / international transit (Art. 12)
- Provisions to be applied to duty free sales (Art. 13)



Part IV: Law enforcement measures

- Parties to establish what is unlawful conduct (Art. 14)
- Liability of legal persons for unlawful conduct (Art. 15)
- Effective and dissuasive sanctions for liable persons (Art. 16)
- Parties to consider seizure payments (Art. 17)
- Confiscated products to be destroyed (Art. 18)
- Parties to use special investigative techniques to combat illicit trade (Art. 19)



Part V: International cooperation

- **General** information sharing (Art. 20)
- **Enforcement** information sharing (Art. 21)
- **Confidentiality** of information sharing (Art. 22)
- Assistance and cooperation obligations (Art. 23-24)
- Protection of sovereignty of each Party (Art. 25)
- Establishment of sovereignty over criminal offences (Art. 26)
- Law enforcement cooperation (Art. 27)
- Mutual administrative and legal assistance (Art. 28-29)
- Extradition (Art. 30-31)

Ratification status of the Protocol





48 Parties: Austria, Benin, Brazil, Burkina Faso, Chad, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, Eswatini (formerly Swaziland), European Union, France, Gabon, Gambia, Germany, Guinea, India, Iran, Iraq, Latvia, Lithuania, Madagascar, Mali, Malta, Mauritius, Mongolia, Montenegro, Nicaragua, Niger, Norway, Panama, Pakistan, Portugal, Qatar, Samoa, Saudi Arabia, Senegal, Serbia, Slovakia, Spain, Sri Lanka, Togo, Turkey, Turkmenistan, the United Kingdom of Great Britain and Northern Ireland and Uruguay.

MOP 1 main decisions





- RoP for MOP1
- Bureau of MOP
- WP&B (18-19 & 20-21)
- Cooperation with IGOs
- Database of experts
- Financial resources and mechanisms of assistance
- Research (Art 6.5 & 13.2)
- WG on tracking and tracing
- WG on assistance and cooperation

Timelines









More information:



www.who.int/fctc/protocol

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