The Protocol to Eliminate Illicit Trade in Tobacco Products

PROTOCOL TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS

FCTC WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL SECRETARIAT

1. Introduction

The Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) is an international treaty which aims to eliminate all forms of illicit trade in tobacco products through a package of measures implemented by countries in cooperation with each other.

It is the **first protocol adopted under the WHO Framework Convention on Tobacco Control (WHO FCTC)**. It builds on and complements Article 15 of the WHO FCTC, which requires Parties to implement measures to counter illicit trade in tobacco products and to further control the supply chain.

2. General obligations under the Protocol

Article 4 (General obligations)

- Adopt and implement effective measures to control the supply chain of tobacco, tobacco products and manufacturing equipment;
- Increase the effectiveness of relevant authorities and services;
- Adopt measures to facilitate technical assistance, financial support, capacity building, and international cooperation;
- Cooperate with one another to enhance law enforcement;
- Cooperate and communicate with IGOs to exchange information.

3. Measures under the Protocol
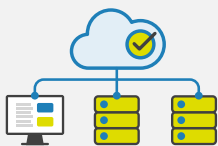
Supply chain control provisions

Article 6
Licence, equivalent approval or control system

Article 7
Due diligence

Article 8
Tracking and tracing

Article 9
Record-keeping

Article 10
Security and preventive measures

Article 11
Sale by Internet, telecommunication or any other evolving technology

Article 12
Free zones and international transit

Article 13
Duty free sales

Provisions on establishment, investigation and prosecution of offences

Article 14
Unlawful conduct including criminal offences

Article 17
Seizure payments

Article 15
Liability

Article 18
Destruction

Article 16
Prosecutions and sanctions

Article 19
Special investigative techniques

Provisions on International cooperation

Articles 20-22
Information sharing

Articles 23-29
Mutual legal assistance and law enforcement cooperation

Articles 30-31
Extradition