

How Turkey ratified the Protocol to Eliminate Illicit Trade in Tobacco Products

Turkey signed and ratified the WHO Framework Convention on Tobacco Control (WHO FCTC) respectively on 28 April 2004 and 31 December 2004.

On 3 January 2008, Turkey approved a tobacco control legislation in line with the WHO FCTC provisions to protect individuals and future generations from harms of tobacco and tobacco products through a strong public support and political commitment.

On the other hand, the fight against tobacco and tobacco products in Turkey has already been started since 1996 with the Law numbered 4207. After the signification of the WHO FCTC by the Minister of Health in 2004, tobacco control activities have been accelerated.

The above-mentioned law no 4207 was an important milestone on tobacco control activities of Turkey as the ban on smoking in public transportation, any kind of advertisement including on media and billboards as well as sell to young population under the age of 18 has been executed countrywide.

Considering the problem of smuggled cigarettes in the country and the trends in the world, increasing the accessibility and affordability of tobacco products, causing losses of revenue to national economy while making profits to illicit organizations as well as terrorist groups, Turkey decided to go ahead with the process towards ratification of Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol).

In this context, Turkey attended all the five sessions of the Intergovernmental Negotiating Body (INB) to draft the Protocol from 2008-2012 and signed the Protocol on 10 January 2013.

Besides many important activities related to illicit trade including the implementation of the Action Plan to Fight the Illicit Trade of Tobacco and Tobacco Products (2011-2013) and the implementation of a tracking and tracing system of tobacco products, Turkey has carried out the following;

Turkey took advantages of different fora to share its experience in fighting illicit trade in tobacco products like the European regional meeting on implementation of the WHO FCTC held in Budapest, Hungary from 18 to 21 March 2014 or through the visits of other countries to Turkey to understand the tracking and tracing system in place.

The whole-of-government approach was effective in ratifying the Protocol. It involved several key authorities or agencies including the Ministry of Health, Ministry of Finance, Revenue Administration, Tobacco and Alcohol Organization Board, Ministry of Justice, Ministry of Custom and Trade; Directorate General of Customs Enforcement, Smuggling and Organized Crimes Department, Coast Guard Command, Turkish Gendarmerie General Command, Ministry of Economy and Ministry of Foreign Affairs.

The Protocol was ratified by Grand National Assembly of Turkey on 10.11.2017 whose no is 7049. Its link on the official gazette is available as below. Translation to English from Turkish of the statement on the mentioned Law is as below.

On 08 January 2018, the Council of Ministers approved the ratification whose no is 2018/11417. The mentioned Decision was then published on the Official Gazette on 26 March 2018 with (duplicate) no 30372 leading to the completion of the domestic law approval process.

On 26 April 2018, Turkey completed the international process with the deposit of the instrument of ratification at UN treaty section in New York.

The following conditions led to the ratification of the Protocol by Turkey:

- Strong political will of the Ministries of Health and Foreign Affairs;
- The existence of a tracking and tracing system, which is one of the core measures of the Protocol, was a strong argument for completing the ratification initiated on 10 January 2013, as the country was already engaged in the implementation of this treaty;
- Concerns related to the illegal tobacco market, which has enormous negative impacts on both our economy and the public health;
- The need to:
 - take efficient measures against illicit trade of tobacco products, which includes security risks by financing organized crime networks and terrorist activities.
 - improve the capacity of customs administration by facilitating the disposal and destruction of confiscated products and increasing penalties.
 - enhance cooperation and information sharing capacity regarding anti-smuggling activities at national and international levels in terms of detection and investigation of illicit tobacco products; details of seizures; modi operandi etc.