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from : General Secretariat  
to : Permanent Representatives Committee

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Subject : Coordination of a European Union position and of a common position on the draft Protocol on illicit trade in tobacco products established in view of the Fifth session of the Intergovernmental Negotiating Body set-up by the World Health Organization Framework Convention on Tobacco Control (WHO FCTC INB5), Geneva, 29 March - 4 April 2012

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1. On 22 October 1999, the Council, acting on a recommendation from the Commission<sup>1</sup>, authorised the Commission to negotiate, in the context of the World Health Organization (WHO), an International Framework Convention on Tobacco Control (hereinafter "the Convention") and related protocols, and adopted negotiating directives for these negotiations<sup>2</sup>. On 21 April 2001 the Council supplemented this authorisation by deciding that the Commission is authorised to negotiate on behalf of the Community also for matters within the Community field of competence which require unanimity in the Council<sup>3</sup>. The Convention

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<sup>1</sup> doc. 11109/99 SAN 118 RESTREINT (SEC(1999) 1408 final)

<sup>2</sup> Decision of the Council of 22 October 1999 authorising the Commission to open negotiations, in the context of the WHO, on an International Framework Convention on Tobacco Control and related protocols (doc. 11959/99 SAN 137 RESTREINT).

<sup>3</sup> Decision of the Council of 21 April 2001 giving the Commission additional authorisation to negotiate WHO Framework Convention on Tobacco Control and related protocols (doc. 7999/01 SAN 40 RESTREINT).

was agreed by the fifty-sixth World Health Assembly in May 2003. At its second session in Bangkok from 30 June to 6 July 2007, the Conference of the Parties to the Convention decided to establish an intergovernmental negotiating body (hereinafter “INB”) to draft and negotiate a Protocol on illicit trade in tobacco products. On 20 December 2007, the Council agreed to supplement the existing negotiating directives in relation to the negotiation of the Protocol<sup>4</sup>.

2. Four negotiations sessions (INB 1 - INB 4) took place in Geneva in 2008 - 2010. A forthcoming, and in principle final session (INB 5) is scheduled to take place from 29 March to 4 April 2012. In that perspective, Customs Attachés, at their meeting on 26 March 2012, agreed on the text of the coordinated position<sup>5</sup>.
3. Against this background, the Permanent Representatives Committee is invited to take note of the European Union position and the common position, as laid down in doc. 5990/1/12 REV 1 UD 29 SAN 15 COPEN 27 DROIPEN 11 RESTREINT UE/EU RESTRICTED.

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<sup>4</sup> doc. 15752/07 SAN 234 UD 121 RESTREINT.

<sup>5</sup> doc. 5990/1/12 REV 1 UD 29 SAN 15 COPEN 27 DROIPEN 11 RESTREINT UE/EU RESTRICTED