



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 December 2013
(OR. en)**

Interinstitutional Files:

2013/0260 (NLE)

2013/0259 (NLE)

14711/13

COR 2

UD 257

SAN 391

COPEN 153

DROIPEN 120

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, 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, as regards its provisions on obligations related to judicial cooperation in criminal matters, the definition of criminal offences, and police cooperation

1. On page 3, recital 5

For:

"(5) As the Protocol covers matters that fall within the Union's competence, the Protocol should be signed on behalf of the Union, subject to its conclusion at a later date.",

read:

"(5) To the extent that the Protocol covers matters that fall within the Union's competence, the Protocol should be signed on behalf of the Union, subject to its conclusion at a later date.".

2. On page 3, recital 6

For:

"(6) By signing the Protocol, the Union will not be exercising shared competence, hence Member States retain their competence in the areas covered by the Protocol which do not affect common rules or alter the scope of such rules.",

read:

"(6) The Union's signing of the Protocol in respect of the obligations which relate to the area of freedom, security and justice is without prejudice to the full and detailed declaration of competences to be agreed upon conclusion of the Protocol. The Union will not be exercising shared competence. The Member States retain the ability to exercise their competence in the areas covered by the Protocol which do not affect common rules or alter the scope of such rules.".