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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	12282/2/15 REV 2 UD 186 SAN 292 COPEN 244 DROIPEN 102
No. Cion doc.:	8565/15 + ADD1 + ADD 2 UD 105 SAN 137 COPEN 110 DROIPEN 40
Subject:	Adoption of a Council Decision on the Conclusion, 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, in so far as the Provisions of the Protocol Which Do Not Fall under Title V of Part III of the Treaty on the Functioning of the European Union are Concerned

1. On 4 May 2015, the Commission submitted to the Council the above proposal, which aims at adopting a Decision on the conclusion of a Protocol to the Framework Convention on Tobacco Control (FCTC) meant to eliminate the illicit trade in tobacco products. The proposal is based on Articles 33, 113, 114 and 207 in conjunction with Art. 218(6)(a) and the second paragraph of Art. 218(8) of the Treaty on the Functioning of the European Union (TFEU).
2. At its meeting on 6 November 2015, the Working Party on Customs Union reached an agreement on an amended version of the text of proposal, as laid down in doc. 12282/2/15 REV 2.

3. On 9 December 2013, the Council adopted its Decision¹ on the signing of the above Protocol.
4. The Protocol was signed on 20 December 2013.
5. Under these circumstances and in accordance with Article 218(6) of the TFEU, the Council should decide on the transmission of the draft decision to the European Parliament in order to obtain its consent.
6. The Permanent Representatives Committee is therefore invited to suggest to the Council to decide, in part "A" of the agenda of a forthcoming meeting, to forward the draft decision and the Protocol, as contained in documents 14384/15 UD 222 SAN 387 COPEN 320 DROIPEN 151 and 15044/13 UD 268 SAN 400 COPEN 164 DROIPEN 126, texts finalised by the legal/linguistic experts, to the European Parliament for its consent.

¹ OJ L 333 of 2.12.2013, p. 75