



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : General Secretariat
to: Council

Subject : EMPLOYMENT, SOCIAL POLICY, HEALTH AND CONSUMER AFFAIRS
COUNCIL MEETING ON 9 AND 10 JUNE 2008

Framework Convention on Tobacco Control

- Information from the Commission
(Other business item)
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With a view to the Council meeting (Employment, Social Policy, Health and Consumer affairs) on 9 and 10 June 2008, Delegations will find in the annex a note from the Commission on the above-mentioned subject.

**STATE OF PLAY OF THE
FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)
INFORMATION FROM THE COMMISSION**

Altogether 154 countries have notified having ratified the FCTC up to now (27 May 2008). The Commission also received information about Italy's ratification in April this year. If Italy deposits its instrument of ratification in time, 26 Member States and the European Community will take part as full Parties in the third Conference of the Parties of the Convention which is scheduled for 17 to 22 November 2008 in Durban, South Africa.

Preparation of the third Conference of the Parties (CoP 3)

At its second session in Bangkok from 30 June to 6 July 2007, the Conference of the Parties set up and/or decided to continue several working groups to develop guidelines for implementation of different Articles of the FCTC:

- Article 5.3 on the protection of public health policies from commercial and vested interests of the tobacco industry: draft guidelines are expected for CoP 3.
- Articles 9 and 10 on the regulation of the contents and disclosures of tobacco products: a progress report is expected for CoP 3.
- Article 11 on packaging and labelling of tobacco products: draft guidelines are expected for CoP 3.
- Article 12 on education, communication, training and public awareness: a progress report is expected for CoP 3.
- Article 13 on tobacco advertising, promotion and sponsorship: draft guidelines on tobacco advertising, promotion and sponsorship and recommendations on key elements of a possible protocol on cross-border advertising, promotion and sponsorship are expected for CoP 3.

For all of these items, draft documents were distributed to Parties mid May, for comments by 1 July, before their official distribution for CoP 3. The EU comments on the drafts are currently being coordinated within the Council Working Party on Public Health.

The Second Conference of the Parties also mandated the FCTC Secretariat to elaborate a first report on tobacco dependence and cessation. The study group on alternative crops will meet in July 2008 to continue its work.

The official distribution of all the documents for CoP 3 is envisaged for September 2008.

Protocol on illicit trade in tobacco products

The first session of the Intergovernmental Negotiating Body (INB) for the protocol on tobacco illicit trade took place in Geneva from 11 to 16 February 2008. Representatives of 132 Parties as well as observers participated in the session. INB nominated Ian Walton-George from the European Community as its Chair. The INB identified the key elements that could go into the protocol on illicit trade. The overall climate of the INB was very positive and conducive to progress. There was a general consensus in the first session of the INB on the need for a protocol on illicit trade with strong obligations.

The delegations reaffirmed the need for drafting a comprehensive set of provisions to secure the supply chain of tobacco products, ranging from licensing, anti-money laundering provisions, tracking and tracing, record-keeping to additional security and preventive measures. It was agreed that the protocol would need to incorporate provisions of enhanced law enforcement capacity; minimum standard for offences and strong sanctions and penalties, for effective deterrent measures. The delegations also stressed the necessity for clear provisions on search, confiscation and seizures, destruction and disposal, proceeds of crime and seizure of assets.

There was recognition that international cooperation in matters of information sharing, technical assistance and cooperation in scientific, technical and technological matters, investigation and prosecution of offences and training as well as mutual legal and administrative assistance are essential elements of a protocol on illicit trade.

It is expected that the FCTC Secretariat will distribute a draft protocol text in July 2008 to give Parties sufficient time to look at the specific elements before the second session of the Intergovernmental Negotiating Body from 20 to 25 October 2008.

RATIFICATION OF THE FCTC (Situation on 27 May 2008)

The European Community signed on 16 June 2003, on the first possible occasion, and deposited its instrument of ratification on 30 June 2005.

Member State	Signature	Ratification notified	Ratification expected
European Community	16/06/2003	30 June 2005	
Austria	23/08/2003	15 September 2005	
Belgium	22/01/2004	1 November 2005	
Bulgaria	22/12/2003	07 November 2005	
Cyprus	24/05/2004	26 October 2005	
Czech Republic	16/06/2003		Not yet ratified
Denmark	16/06/2003	16 December 2004	
Estonia	08/06/2004	27 July 2005	
Finland	16/06/2003	24 January 2005	
France	16/06/2003	19 October 2004	
Germany	24/10/2003	16 December 2004	
Greece	16/06/2003	27 January 2006	
Hungary	16/06/2003	07 April 2004	
Ireland	16/09/2003	07 November 2005	
Italy	16/06/2003		Ratified, but not yet deposited
Latvia	10/05/2004	10 February 2005	
Lithuania	22/09/2003	16 December 2004	
Luxembourg	16/06/2003	30 June 2005	
Malta	16/06/2003	24 September 2003	
Poland	14/06/2004	15 September 2006	
Portugal	09/01/2004	08 November 2005	
Romania	25/06/2004	27 January 2006	
Slovakia	19/12/2003	04 May 2004	
Slovenia	25/09/2003	15 March 2005	
Spain	16/06/2003	11 January 2005	
Sweden	16/06/2003	7 July 2005	
The Netherlands	16/06/2003	27 January 2005	
United Kingdom	16/06/2003	16 December 2004	

Complete list: <http://www.who.int/tobacco/framework/countrylist/en/>