

## **Ratification of the Protocol to Eliminate Illicit Trade in Tobacco Products**

In order for the Protocol to be legally binding it needs at least 40 signatories to have approved, accepted, accessed, or ratified it. A country **can ratify** the Protocol without having signed it first. Currently, 15 countries in the world have ratified it, five of these are in the EU: Austria, Spain, Portugal France and Latvia. Two other non-European countries, Iran and Burkina Faso, are also finalising the process of ratification. **EU Member States who have recently expressed their willingness to ratify the Protocol are UK, Ireland, Germany, Netherlands and Lithuania.**

### **Ratification on EU level:**

In addition to the ratification by Member States, the Protocol can also be ratified by the EU. In order for the EU to ratify the Protocol **the Council needs to ratify it with the consent of the European Parliament.** If these conditions are met, then the EU becomes a Party to the Protocol, even if not all the Member States have ratified it. Politically, ratification by the EU would be a strong signal and encouragement for Member States to become Parties to the ITP. The Protocol is divided in two parts respectively-concerning provisions that fall under Title V of Part III TFEU (which include cooperation in criminal matters and the definition of criminal offences)<sup>1</sup> and provision that **do not fall** under Title V of Part III TFEU (which include the manufacture and sale of tobacco (and related) products, customs controls and cooperation including through mutual administrative assistance in customs matters, harmonised taxation and related rules).<sup>2</sup>

The European Commission tabled a proposal to the Council and the European Parliament to ratify the Protocol on 4 May 2015<sup>3</sup>. Furthermore, Commissioner Georgieva expressed her support for ITP ratification during an exchange of views with the ENVI Committee, 22 Sept 2015.

**Current state of play in the Council:** On the 24<sup>th</sup> February 2016, the Council adopted two decisions, on behalf of the EU<sup>4</sup> (UK, Ireland and Denmark did not participate in adoption of the decision concerning judicial cooperation in criminal matters and the definition of criminal offences), on the conclusion of the Protocol.<sup>5 6</sup>

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<sup>1</sup>[http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2015/0193/COM\\_COM\(2015\)0193\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2015/0193/COM_COM(2015)0193_EN.pdf)

<sup>2</sup> [http://eur-lex.europa.eu/resource.html?uri=cellar:426cda51-f246-11e4-a3bf-01aa75ed71a1.0018.03/DOC\\_7&format=HTML&lang=EN&parentUrn=COM:2015:194:FIN](http://eur-lex.europa.eu/resource.html?uri=cellar:426cda51-f246-11e4-a3bf-01aa75ed71a1.0018.03/DOC_7&format=HTML&lang=EN&parentUrn=COM:2015:194:FIN)

<sup>3</sup> [http://europa.eu/rapid/press-release\\_MEX-15-4911\\_en.htm](http://europa.eu/rapid/press-release_MEX-15-4911_en.htm)

<sup>4</sup> file:///C:/Users/User%201/Downloads/24-eycs-a-items-non-legislative.pdf

<sup>5</sup> <http://data.consilium.europa.eu/doc/document/ST-14387-2015-INIT/en/pdf>

<sup>6</sup> <http://data.consilium.europa.eu/doc/document/ST-14384-2015-INIT/en/pdf>

### **What is the process of acceptance or rejection of the Protocol in the European Parliament:**

The European Parliament deals with this issue through the special legislative procedure of Consent<sup>7</sup> <sup>8</sup> which means that the European Parliament can accept or reject the proposal (no rights to amend it) by absolute majority<sup>9</sup>.

### **Current State of play in the European Parliament:**

The lead committee dealing with the parts of the protocol that relate to the area of freedom, security and justice (e.g. cooperation on judicial matters and home affairs which are Member State or shared competencies) is the **Committee on Civil Liberties, Justice and Home Affairs (LIBE)**. The Rapporteur is MEP **Martina Anderson (GUE, UK)**. She is in the process of drafting a report.

- Shadow rapporteurs appointed so far are MEP Monika Flisikova-Benova (S&D, SK), and MEP Filiz Hyusmenova (ALDE, BG).

The only committee writing an opinion is the Committee on Budgetary Control (CONT), Rapporteur MEP Ingeborg Grässle (DE) (in the process of writing an opinion).

- The timing of the opinion and report is not yet available.

The main committee dealing with the parts of the Protocol that fall also under EU competence (e.g. tracking and tracing) is the Committee on International Trade (INTA), Rapporteur: MEP Adam Szejnfeld (EPP, HU) who is in the process of writing a report.

- Shadow rapporteurs appointed so far are: MEP Klaus Buchner (Greens, DE), MEP Emma McClarkin (ECR, UK), MEP Dita Charanzová (ALDE, CZ).

No other Committee will draft opinions on this report.

- Vote scheduled in committee on 20 April 2016

The voting in Plenary on accepting or rejecting the Protocol, in the European Parliament, is currently scheduled to take place on 09 May 2016.

<sup>7</sup> <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers>

<sup>8</sup> <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vh7bi4zutqzf>

<sup>9</sup> <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00011/How-Plenary-works>