

POLICY BRIEFING

This document relates to item 4.2 of the provisional MOP agenda and corresponds to document [FCTC/MOP/2/7](#)

Second session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, 15-18 November 2021

Assistance and cooperation

Key Recommendations

- We welcome the work of the Working Group on Assistance and Cooperation, and encourage Parties to build on the instruments and mechanisms described in the Annexes of the Working Group's report. We would also encourage the Secretariat, with the support of Parties, to develop toolkits and training materials that build on the Working Group's work in such a way to build capacity on Articles 21, 23, 24, 28, and 29.
- We welcome the work on free zones by the Working Group regarding the need to maintain up-to-date information about good practices on controls of tobacco products in the free zones and create a training module on tobacco control in free zones. Some Parties may benefit from additional guidance and assistance on controlling free trade zones, as this is a key provision to improve controls on illicit trade.

Why this is important

At the first session of the MOP, Parties established a Working Group on Assistance and Cooperation. This Working Group was tasked with two main activities: to provide options for addressing Articles 21, 23, 24, 28, and 29,¹ and to promote the exchange of good practices in implementation of Article 12.² As per Decision [FCTC/MOP1\(10\)](#), enforcement information sharing (Article 21) and mutual administrative assistance (Article 28) can make contributions towards attaining key Protocol objectives. Further, per that Decision, assistance and cooperation in accordance with Articles 12, 23, 24, and 29 can play a critical role in Protocol implementation.

We welcome the work of the Working Group on Assistance and Cooperation to this end. We would encourage Parties to build on the instruments, mechanisms, and training opportunities that are described in the report and in the draft decision, noting that some Parties may need additional guidance and support to build on this work and turn it into action.

¹ Article 21 addresses enforcement information sharing; Article 23 addresses training, technical assistance and cooperation in scientific, technical and technological matters; Article 24 addresses investigation and prosecution of offences; Article 28 addresses mutual administrative assistance, and; Article 29 addresses mutual legal assistance.

² Article 12 addresses free zones and international transit.



Moving forward with implementing Articles 21, 23, 24, 28, and 29

Under this Working Group, Parties investigated many aspects of issues related to assistance and cooperation, and delivered a report addressing those different issues. We encourage Parties to build on this work in order to make progress on implementation and we appreciate the Convention Secretariat's continued work to support this progress.

The importance of the collection and provision of information was made clear in the Working Group's reporting on their findings in order to pursue progress according to Articles 21, 23, 24, 28, and 29. We encourage Parties to collaborate with relevant government agencies, with the Convention Secretariat, and with each other to collect, provide, and exchange information. We also encourage Parties to assess and employ existing instruments as described in the document, such as international legal instruments, in order to apply them and to do so without duplicating efforts.

In order to make progress, Parties may need to seek assistance and are encouraged to do so. This can include a range of options, such as: requesting technical assistance from the Secretariat; learning from the experiences and good practices of other Parties; using the toolkits and training materials to be developed by the Convention Secretariat, as described in FCTC/MOP/2/7, as well as other capacity building opportunities led by IGOs and NGOs with relevant expertise.

Addressing free zones

Illicit trade related to free zones is a complicated and growing problem that Parties face.

Delivering guidance, training, and information on good practices on illicit trade control of tobacco products in free zones and/or during international transit is critical in helping Parties navigate these issues. We welcome past and ongoing efforts in this area, such as the Convention Secretariat's report and webinar on this topic as well as the Working Group's activities.

Given the complicated nature of addressing illicit trade in free zones, international transits, and transshipments, some Parties may benefit from additional guidance and assistance on controlling them. In addition, some Parties may need to strengthen their internal capacity in this area and improve the level of cooperation between government and/or international agencies. This may especially be the case in low- and middle-income country Parties, where many free zones are located and where there are financial constraints to effective enforcement. This is a time sensitive issue as Article 12(.1) of the Protocol gives Parties three years after ratification "to implement effective controls on all manufacturing of, and transactions in, tobacco and tobacco products in free zones".

With regards to international transit and transshipment (Article 12.3), Parties have agreed to adopt and apply control and verification measures to the international transit or transshipment, within their territories, of tobacco products and manufacturing equipment. Parties are reminded that international transits and transshipments represent potential areas for abuse of free zones, including the keeping of tobacco products in the territory of a Party while seeking a buyer in another country.