



## Global Progress in implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

This document relates to item 3 of the provisional MOP4 agenda and corresponds to document [FCTC/MOP/4/4](#)

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### ***Key recommendations***

- GATC recognizes the importance of global information-sharing to combat the illicit trade of tobacco products and supports cooperative action amongst relevant authorities within countries, across national authorities, and between intergovernmental organizations.
- GATC supports addressing the problem of illicit trade with a broad collection of data to assess the nature, patterns, and trends of illicit trade.
- GATC recognizes that the sharing of individual seizure information between Parties as outlined in Protocol Article 21.1(3) is a useful step, but it is essential to conceptualize data sharing more broadly and consider other data sources that can be widely shared among Parties including production, imports, exports, utilization of data from existing tracking and tracing systems, etc.
- GATC calls on all Parties to monitor and collect data on illicit trade in accordance with WHO FCTC Article 15.4 (a) and exchange this information with designated competent national authorities as outlined in Protocol Article 22.1.

### ***Key messages***

- There is already a requirement (FCTC Article 15.4(a)) for all Parties to monitor and collect data on illicit trade. Parties are required to exchange such information with other authorities if national, bilateral, and multilateral agreements allow.
- Parties are required to share aggregate illicit trade information with the WHO FCTC Secretariat in their periodic reports to the COP.
- The obligation to share aggregate illicit trade information includes the sharing of aggregated seizure information including details on the quantity, product descriptions and value, dates and place of manufacture, and the taxes evaded as described in Protocol Article 20.1(a).
- All Parties should designate a competent national authority to deliver this information to Parties within the Protocol, and, where feasible, to make it publicly available.
- International data sharing mechanisms are crucial for the sharing of this information, but Parties should examine any current regional or global mechanisms already in place, both to take advantage of existing structures and to avoid duplication.
- Information on individual seizures can provide some details about illicit trade, but it is only a limited view of the challenge. Illicit products that are not seized contain far more important information than those seized, so it is critical to consider that seizure

information is only one piece of a far more complex picture and over-reliance on these data can give government agencies and other stakeholders insufficient or biased information about the larger licit and illicit tobacco product marketplace.

### **What is being proposed and what to expect**

The FCTC already requires that all Parties monitor and collect data on illicit trade. It also requires Parties to exchange this information with other authorities within existing legal agreements. The Protocol reiterates these requirements and also specifies the sharing of seizure information. The Protocol also calls on Parties to designate the appropriate national authorities to facilitate this information sharing. This information sharing should be a coordinated effort. The Panama Declaration from MOP3 urged Parties to prioritize collaboration and exchange of information between and among Parties, and to involve the relevant law enforcement and other relevant agencies.

Discussions at MOP4 are likely to continue to focus on this information sharing and international coordination. It is important to recognize that a full picture of the illicit market requires multiple data points. Some data points are stronger than others and Parties should prioritize the sharing of the strongest types of information. Any mechanism developed or borrowed from other sectors can be expanded to share other types of useful information. Resources in both time and funding should be focused on the types of data most suited to equipping governments with the information they need to shrink the illicit market.

### **Why this is important**

The tobacco industry uses the existence of the illicit tobacco trade as an argument to oppose virtually all tobacco control policies including, most commonly, tax increases. To support its narrative that such policies are a primary driver of illicit tobacco trade – a narrative that is not supported by independent evidence- the industry typically produces over-estimates of illicit trade in countries as a means of supporting its efforts to lobby policymakers against introducing more comprehensive tobacco control policies. Illicit trade happens not only nationally, but also in regional and global landscapes. This is why both information gathering that is independent of the tobacco industry and information sharing outside of national settings are crucial for understanding the issue and helping governments to address it.

Tobacco companies cannot be viewed as a trusted data source on illicit tobacco trade, given both their financial incentives to misrepresent the scale and nature of the problem in order to lobby against tobacco control policy, and due to the industry's extensive history of complicity in illicit tobacco trade as a means to further profits. Thus, estimates from non-industry sources are essential, but because of the inherent complexities of these marketplaces even these must rely on various methods and settings to get a fuller picture of the illicit trade market in a country (or region). Multiple data sources allow for the triangulation of illicit market estimates thereby providing a more accurate picture of the problem. For example, illicit seizure data might provide some information about specific points of entry into a country and could even identify sources

of illicit goods, but it does not necessarily provide complete information about either one, or ultimately cover a large part of the illicit market. Track and trace data are one type of data, already being collected by multiple countries and regions, that could be utilized to provide additional context and ultimately complement seizure data.

Parties should work to make any relevant data on illicit trade, domestic legal limitations permitting, more available to other Parties, the WHO FCTC Secretariat and other relevant organizations that will use the data responsibly to fight the illicit tobacco trade. Making this data publicly available, where feasible, can increase transparency and help to broaden those that engage with this topic for the goal of securing the tobacco supply chain.