

Fourth Session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products,
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Ensuring momentum on implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products

At MOP3 in 2024, all Parties agreed to the Panama Declaration which recognised the need to strengthen action to accelerate implementation of the Protocol and to prioritize activities which further this goal, in particular the development of tracking and tracing systems. The declaration warned Parties to be vigilant of tobacco industry efforts to sabotage or weaken implementation of the Protocol, while calling on all Parties to the WHO FCTC to ratify, accept, approve, formally confirm or accede to the Protocol at the earliest opportunity.

The declaration also acknowledged the need for Parties to enhance cooperation among themselves and with relevant regional and international intergovernmental organizations and to facilitate the exchange of information, best practices and lessons learned from their own experiences in order to support implementation of the Protocol. The declaration also requested the Convention Secretariat to support Parties with capacity-building, technical assistance, and resource mobilization, including through the provision of technical assistance in implementing the Protocol. The Declaration also states that a “comprehensive international approach” is required to effectively combat illicit tobacco trade. Civil society welcomed and supported the Panama Declaration, while recognising that major gaps continue to exist in Protocol implementation.

MOP4’s provisional agenda includes a number of welcome items, including context for work that could be undertaken to strengthen the implementation of both Article 6 (licencing) and Part V (international co-operation) of the Protocol, and updates on the global information-sharing focal point.

However, these items, alongside others on the agenda, do not include detailed actions for Parties, beyond noting the reports presented. This is concerning as the Protocol already faces low levels of implementation. Indeed, multiple agenda items demonstrate the existence of such challenges. Agenda item 6.3. outlines that 17 Parties to the MOP were in arrears as of April 2025 and Agenda item 3 (*Global progress in implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products*) demonstrates that significant barriers remain in implementation of the Protocol, including the persistence of legal, technical, financial and political barriers; tobacco industry interference; limited international cooperation; and a continued need for sustained technical assistance, capacity-building and resource mobilization.

In line with the Panama Declaration, GATC encourages Parties to engage in MOP4 discussions with the principles of the Panama Declaration in mind particularly focusing on several priority areas, including:

Collaboration and exchange of information among parties, including improved utilisation of pre-existing data sources, as well as efforts to collect additional forms of data

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 also notes that the sharing of individual seizure information between Parties as outlined in Protocol Article 21.1(3) is a useful step but has limited benefits if not triangulated with other data, given that seizure figures do not capture the full scope of illicit trade. 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, utilisation of data from existing track and trace systems, etc.

Collaboration with law enforcement agencies and other relevant legally oriented institutions

GATC supports cooperative action amongst relevant authorities within countries, across national authorities, and with relevant intergovernmental organizations. GATC recognises that the Protocol is not solely a health treaty but is also (and primarily) a law-enforcement treaty, and, as such, law enforcement agencies are critical to the Protocol's success. Given that engaging in illicit tobacco trade can be a 'high reward, low risk' activity if penalties for perpetrators are not strong, GATC encourages Parties to engage with their domestic law enforcement teams (this refers not just to national police and customs, but also broader bodies that such groups often sit within eg. Ministries of Justice and Attorney General Offices) to ensure that law enforcement bodies have sufficient authority to adequately penalise perpetrators.

Funding and technical support for low and middle-income countries

GATC has repeatedly stressed the need for predictable financing for Protocol implementation, particularly in relation to the provision of technical support and capacity-building for Parties (especially LMICs) working to develop measures to secure the tobacco supply chain. Though tracking and tracing systems (TTS) can play an important role in addressing illicit trade, there are other steps that Parties can and should take, some of which are easier to implement for Parties who may not yet be in a position to implement effective, independently-controlled TTS. For example, measures such as improved licensing and/or higher-quality digitized tax stamps can provide governments with similar benefits to TTS, while being easier to introduce.

GATC has also previously noted that Parties must secure sustainable, long-term financing rather than rely on temporary or interim solutions. This is a matter that was addressed by COP11 last week, resulting from a proposed and adopted decision from Senegal that recalled the general obligations of Parties under Article 5.6 of the WHO Framework Convention on Tobacco Control (WHO FCTC) to cooperate to raise financial resources for effective implementation of the Convention through bilateral and multilateral funding mechanisms. The decision also highlighted the need for domestic resource mobilization as the most sustainable source of funding. Without sufficient funding the Protocol is both more susceptible to being undermined by the industry, and less likely to take concrete steps toward eliminating illicit tobacco trade. GATC encourages Parties in arrears to pay their contributions as soon as possible to help ensure that Protocol implementation does not stall to a standstill and for Parties and the Convention Secretariat to continue considering additional measures to provide financial support for Protocol implementation.

Supply chain measures, in particular Articles 6 (licencing) and 8 (tracking and tracing)

GATC welcomes the Convention Secretariat's report on Article 6 and support the approach of treating Article 6 as a dedicated Protocol instrument and technical matter, within the Protocol, regardless of its interaction with various other Protocol articles.

Regarding Article 8, GATC notes that many Parties have yet to introduce TTS, partially due Parties having limited technical knowledge of such measures currently. This key challenge for TTS implementation demonstrates the importance of there being sufficient funding for Parties in need of technical assistance. While TTS are a requirement of the Protocol and a potential valuable resource

generator for Parties, they may not be the most appropriate priority at this stage for all Parties and instead could be viewed as a goal for Parties to work toward in practical and achievable steps, with each of these steps helping to reduce illicit trade. Parties with a tracking and tracing system already in place can support the Protocol by sharing information which demonstrates the extent to which their systems have been effective in addressing illicit trade as this will help identify best practices for other Parties and Parties currently utilising other measures should share their insights too so that Parties are aware of the full suite of policy measures available to them. Engagement between Parties and relevant law enforcement authorities is also crucial for successful implementation of Article 8 and the Protocol more broadly.

GATC also reiterates the need for sustained technical support for Parties to achieve this, and the need for Parties to ensure that their systems are not controlled by the tobacco industry, but rather by Parties/appropriate law enforcement authorities. GATC recommends that ensuring the well-functioning of the global information sharing point be a key objective for MOP5.

Key inputs and duty-free sales

GATC calls on the WHO FCTC Secretariat to continue to help Parties discuss and explore these issues with each other and with other relevant actors. If there is sufficient interest, Parties could consider a virtual Working Group—particularly to examine how to better secure the key input supply chain—that brings together both Parties and experts, and this Working Group could seek to develop clear guidelines for Parties to address each issue.

Prioritise implementation of measures to address illicit tobacco trade specifically

GATC notes agenda item 4.4. on Combating illicit trade of electronic nicotine delivery systems (ENDS) and recognises this topic as an important public health concern. However, given the many ongoing, pressing challenges that Parties are facing in Protocol implementation, it is better to prioritise addressing these issues before investing too much time and resources into targeting illicit trade of ENDS. Efforts to address illicit trade of ENDS will require careful consideration of factors that are not yet well-recognised within the Protocol and its provisions and there is a risk that the MOPs limited resources being diverted to such efforts would ultimately hinder progression of the Protocol and its goal of eliminating illicit tobacco trade (particularly combustible cigarettes, which still compromise most of the global tobacco market).

Further adoption of the Protocol

GATC encourages Parties which are part of COP but not yet MOP to ratify the Protocol and reminds Parties that effective control of illicit tobacco trade is crucial also for successful implementation of the FCTC at whole. Further implementation of the Protocol 's measures will provide governments with additional revenue to fund tobacco control policy while simultaneously weakening the effectiveness of misleading tobacco industry narratives about illicit tobacco trade and tobacco control policy.