



PROTOCOL
TO ELIMINATE
ILLCIT TRADE IN
TOBACCO PRODUCTS

**MEETING OF THE PARTIES TO THE PROTOCOL
TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

**FCTC/MOP/3/7
10 July 2023**

Third session

Panama City, Panama, 27–30 November 2023

Provisional agenda item 6.1

Reporting and information sharing under the Protocol (including improving the reporting system of the Protocol)

Report by the Convention Secretariat

Purpose of the document

In accordance with decision FCTC/MOP2(2), the present report is submitted to the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products as one of the items that were deferred from the Second session of the MOP. The report describes the initial experience with the reporting and information sharing arrangements under the Protocol, in accordance with decision FCTC/MOP1(10). It also outlines work carried out under the guidance of the Bureau to improve the reporting system of the Protocol. The present report contains a proposal to improve the reporting system of the Protocol, including in relation to the reporting instrument of the Protocol (which would apply as of the next reporting cycle).

Action by the Meeting of the Parties

The MOP is invited to note the present report, consider the proposed revised reporting instrument of the Protocol contained in Annex 2 and adopt the draft decision contained in Annex 3 of the present report.

Contribution to the Sustainable Development Goals (SDGs): All SDGs; in particular SDG 3 and Target 3.a, as well as SDG 16.

Link to Workplan and Budget item: 1.1.1, 1.1.2, 1.1.3, 1.1.4.

Additional financial implications if not included in the Workplan and Budget: None.

Related document(s): None.

BACKGROUND

1. Article 32 of the Protocol to Eliminate Illicit Trade in Tobacco Products requires that Parties submit to the Meeting of the Parties (MOP) to the Protocol, through the Convention Secretariat, periodic reports on their implementation of the Protocol. The article provides additional information in relation to the reporting arrangements under the Protocol.
2. In decision FCTC/MOP1(10), the MOP requested the Convention Secretariat to submit a report to the Second session of the MOP (MOP2) based on the initial experience with the reporting and information sharing arrangements under the Protocol. In decision FCTC/MOP2(2), in light of restrictions made necessary as a result of the COVID-19 pandemic, MOP2 deferred the item for consideration at the Third session of the MOP (MOP3).
3. In document FCTC/MOP/2/5, the Convention Secretariat reported that, pursuant to decision FCTC/MOP1(10), it conducted the first reporting cycle for the Protocol in 2020, in conjunction with the reporting cycle of the WHO Framework Convention on Tobacco Control (WHO FCTC). Further to MOP2, in alignment with efforts to improve the reporting system of the WHO FCTC, and drawing lessons from the first reporting cycle of the Protocol, the Bureau of the MOP requested the Convention Secretariat to review the reporting system of the Protocol, with the aim of:
 - (a) decreasing the reporting burden on the Parties;
 - (b) implementing a quality assurance framework for the Protocol to improve the quality of data collected;
 - (c) better tailoring the collection of data to the current needs of the MOP and its subsidiary bodies where appropriate;
 - (d) exploiting synergies with other tobacco-related official public data sources and making appropriate use of the data obtained; and
 - (e) addressing duplicate questions in the reporting instruments of the WHO FCTC and the Protocol.
4. This present report contains a description of the initial experience with the reporting and information sharing arrangements under the Protocol, in accordance with decision FCTC/MOP1(10), as well as a summary of the work carried out under the guidance of the Bureau to review the reporting system of the Protocol, with a view to improving it. The present report also includes a proposed revised reporting instrument of the Protocol and a corresponding reporting process.

INITIAL EXPERIENCE WITH THE REPORTING AND INFORMATION-SHARING ARRANGEMENTS UNDER THE PROTOCOL

Experience gained from the first reporting cycle of the Protocol

5. In accordance with decision FCTC/MOP1(10), the Convention Secretariat developed a reporting instrument (“reporting module”), in the form of a questionnaire, for the Protocol, drawing from the experience of the reporting instrument for the WHO FCTC, as well as step-by-step instructions to support the Parties in completing the questionnaire.

6. Decision FCTC/MOP1(10) also requested the Convention Secretariat to announce the first reporting cycle for the Protocol for 2020, according to the same timeline as for the WHO FCTC. Accordingly, the period for the first reporting cycle was announced from 1 January 2020 to 31 March 2020. Only reports submitted during this period were included in the analysis for the *2021 global progress report on the implementation of the Protocol*, the first such report for the Protocol. In advance of the reporting cycle, the Convention Secretariat informed the Parties through notes verbales about the reporting cycle, delivered information sessions on reporting under the Protocol, and provided individual assistance to Parties, upon request.

7. As reported in document FCTC/MOP/2/5, in the first reporting cycle, 30 responses were received whereas 57 Parties were required to report on their implementation of the Protocol provisions in 2020. The respondents comprised 29 State Parties and the European Union (EU), which responded on its own behalf as a Party to the Protocol and on behalf of 15 Member States that were State Parties to the Protocol. A few Parties submitted their reports after the deadline. Twelve State Parties did not submit complete reports in the first reporting cycle for the Protocol.

8. Several challenges were encountered in the first reporting cycle. For example, it was difficult to assess the individual progress of some State Parties to the Protocol when such progress was reported under the consolidated report submitted by a regional economic integration organization (EU) for its Member States. Further, while most of the reports submitted by Parties contained substantive information on implementation, some did not provide adequate information in the open-ended sections. Some Parties did not answer all the questions, some answers were misplaced, and some other responses were out of context, particularly those in relation to offences and international cooperation. In addition, information on Parties' priorities, gaps and challenges related to implementation of the Protocol were not available in many of the reports submitted – information that would be critical for the planning of provision of assistance to the Parties. It would be important that in future reporting cycles, each Party submits its own report, submits the report on time and responds to all questions – to as great an extent as possible. This will strengthen the ability of the Convention Secretariat to present a more comprehensive overview of the implementation of the Protocol at future sessions of the MOP.

9. Further, the Protocol provisions deal with a wide range of issues, from licensing and establishing tracking and tracing systems to legal issues such as extradition; therefore, implementation data originate from different national data sources. Reporting on the implementation of such a wide range of issues requires input from various agencies and departments across the government, making the reporting process more complex. Coordination among different parts of government in completing the reports would contribute to better quality of the data and ease the reporting burden of the Party.

10. Some Parties to the Protocol provided suggestions to improve the reporting instrument through means which include: better coordinating the requirements to complete the WHO FCTC and the Protocol questionnaires; addressing duplicate questions; adding an option to answer “yes, partially” or “do not know/other” (to the current “yes” or “no” answer options); making available a downloadable copy of the questionnaire; and ensuring safe access to the reporting platform and questionnaire.

11. The reports of the Parties to the Protocol and information on reporting arrangements under the Protocol are available on the Convention Secretariat website.¹

¹ The reports of the Parties are available at <https://untobaccocontrol.org/impldb/parties/> and the global progress reports at <https://fctc.who.int/protocol/reporting/global-progress-reports>. The generic reporting webpage on the Secretariat's website is available at <https://fctc.who.int/protocol/reporting/global-progress-reports>.

Other information-sharing arrangements under the Protocol

12. The working groups established by the First session of the MOP used specific questionnaires to collect information from the Parties in order to inform the MOP on current practices on the implementation of Article 12 of the Protocol¹ and in relation to tracking and tracing systems.² A report on *Collection of information on tracking and tracing systems for tobacco products* (supplementary information) will also be submitted to MOP3.

REVIEW OF THE REPORTING SYSTEM OF THE PROTOCOL

13. The Convention Secretariat identified several areas of work to be undertaken to review the reporting system of the Protocol, including: (a) an internal review of the reporting system; (b) a review of the potential official external sources of data that could be utilized to assess global progress in implementation of the Protocol; (c) the organization of a stakeholder consultation; and (d) the development of a revised reporting instrument of the Protocol and a corresponding reporting process.

14. Following consideration of the proposed revised reporting instrument (questionnaire) and reporting process at MOP3, the Convention Secretariat proposes to: (a) develop a new online reporting platform, incorporating the revised reporting questionnaire and features to make the platform as user-friendly as possible; (b) conduct pilot testing of the updated platform with a few interested Parties; and (c) further adjust and finalize the questionnaire and platform for use in the next reporting cycle.

Internal review of the reporting system of the Protocol

15. The Convention Secretariat conducted an internal review of the reporting system of the Protocol. The review consolidated observations on the reporting instrument and process from the Convention Secretariat, comments submitted by Parties to the Protocol during the first reporting cycle of the Protocol, and feedback shared by representatives of United Nations organizations with expertise in data relevant to various sections of the reporting instrument of the Protocol. The scope of the internal review included considerations in relation to questions that should be maintained, edited, deleted or added. The internal review also addressed the reporting process and explored potential improvements to the process of collecting the data, including in relation to operationalizing the reporting platform, inviting the Parties to complete their reports and providing access to the platform to the Party focal points. It also addressed the scope, level of detail and format of quantitative data that should be submitted by the Parties or could be extracted from other official external sources of data.

Review of the potential external sources of data

16. The Convention Secretariat identified several official external sources of data, including databases and communication platforms containing information on illicit trade in tobacco products. For example the Customs Enforcement Network (CEN) of the World Customs Organization (WCO), the new WCO communication platform called ExciseNet, the seizures database of the United Nations Office on Drugs and Crime (UNODC) and the WCO Container Control Programme contain information that could be relevant for assessing global progress in implementation of the Protocol. In addition, databases

¹ Document FCTC/MOP/2/7, complemented by Examples of current practices on the implementation of Article 12 (Free zones and international transit) of the Protocol to Eliminate Illicit Trade in Tobacco Products.

² Document FCTC/MOP/2/6, complemented by Collection of information on tracking and tracing systems.

such as UNCTADStat of the United Nations Conference on Trade and Development, the United Nations Commodity Trade Statistics Database (UN Comtrade), the Trade Map of the International Trade Centre (ITC), the Data Portal of the United Nations Industrial Development Organization (UNIDO) and the FAOSTAT database of the Food and Agriculture Organization (FAO) could also be relevant. In addition, UNODC's SHERLOC portal, which disseminates information resources and laws on transnational organized crime could also be relevant to the implementation of the Protocol. Further, international law enforcement agencies maintain databases of individuals and organized crime groups that may be involved in a range of criminal activities, including the smuggling and illicit trade of tobacco and tobacco products.

17. The Convention Secretariat assessed the usefulness of the above sources of data to inform the biennial reporting cycles of the Protocol. A table listing the entities that hold data that may be relevant to sections of the reporting instrument of the Protocol is contained in Annex 1 of the present document. The Convention Secretariat will continue to engage with relevant entities to explore the suitability of their data to complement the reporting instrument of the Protocol and in the assessment of progress in implementation of the Protocol by the Parties.

Organization of a stakeholder consultation

18. The Convention Secretariat organized a meeting on 22 June 2023 in Geneva, Switzerland, to consult a group of stakeholders with expertise and relevant experience in collecting data, as well as a good understanding of reporting under the Protocol, on the proposal to improve the reporting system of the Protocol. The outcome of the meeting contributed to further refining the proposed revised reporting instrument and process.

Proposed revised reporting instrument of the Protocol and reporting process

19. In light of the above considerations, the Convention Secretariat developed a revised reporting instrument (questionnaire) of Protocol, contained in Annex 2 of the present report.

20. The proposed revised reporting instrument of the Protocol is based on:

- (a) revising the current set of questions to simplify them, deleting the questions that are duplicative and impractical, and adding new, refined questions;
- (b) revising the current structure of the instrument and the order of the questions;
- (c) identifying the questions that are not useful or are inadequate for assessing progress and dropping them;
- (d) rewording questions on challenges related to implementation and enforcement, and on priorities, gaps and implementation barriers;
- (e) rethinking the need for and/or the questions through which to collect quantitative data related to licit and illicit trade in tobacco products, including seizures; and
- (f) data from official external sources, such as those outlined in Annex 1 of the present report, to be used for assessing global progress in implementation of the Protocol.

21. In relation to the reporting process, following consideration by MOP3 of the revised reporting instrument, it is proposed that the revised questionnaire be built into a new online reporting platform, which is more user-friendly and responds better to the needs of Parties with unstable internet connectivity. The Convention Secretariat would incorporate the proposed reporting questionnaire in the online platform, facilitating access to and use of the platform by Parties. Interested Parties would be invited to test the reporting platform in 2024, with a view to adjusting it as necessary and making it available for Parties to use in the next reporting cycle.

22. The reporting instrument contained in Annex 2 of the present report presents the proposed revised questions that would be included in the new online reporting platform and would be completed by the Parties.

23. Considering that the Protocol is a relatively new treaty, and that the MOP and subsidiary bodies require regular, frequent, relevant, accurate and timely data, it is proposed that the current biennial cycle of reporting be retained. The reporting cycles of the Protocol would continue to be arranged in conjunction with the WHO FCTC reporting cycles. Parties to the WHO FCTC and to the Protocol may wish to consider coordinating reporting under the two treaties at the country level to ensure synergy and complementarity of data reported under the two treaties.

ACTION BY THE MEETING OF THE PARTIES

24. The MOP is invited to note the present report, consider the proposed revised reporting instrument of the Protocol contained in Annex 2 and adopt the draft decision contained in Annex 3 of the present report.

ANNEX 1

**DATA NEEDS OF THE REPORTING INSTRUMENT OF THE PROTOCOL AND
POTENTIAL USE OF OFFICIAL EXTERNAL SOURCES OF DATA**

Data relevant to the reporting instrument of the Protocol	Article and section of the current reporting instrument of the Protocol	Data source	Recommendation on the use of the data source
Domestic production of tobacco/tobacco growing	Article 20.1(b)/F1.2.	Food and Agriculture Organization of the United Nations (FAO)	<ul style="list-style-type: none"> • This data source could be used to assess global progress on trends concerning domestic production of tobacco and tobacco growing.
Domestic production of tobacco products	Article 20.1(b)/F1.2.	United Nations Industrial Development Organization (UNIDO) ¹	<ul style="list-style-type: none"> • This data source will be assessed to report on domestic production of tobacco products in the future.
Trade in tobacco and tobacco products (exports and imports)	Article 20.1(b)/F1.2.	United Nations Commodity Trade Statistics Database (UN Comtrade)	<ul style="list-style-type: none"> • This data source could be used to assess global progress on trends concerning trade in tobacco and tobacco products.

¹ The Convention Secretariat will continue assessing the potential of any new data that might be collected in the future by UNIDO for the purpose of assessing global progress in implementation of the Protocol.

ANNEX 2

PROPOSED REVISED REPORTING INSTRUMENT OF THE PROTOCOL

The present Annex contains the questions for the proposed revised reporting instrument of the Protocol to be completed by the Parties in the successive reporting cycles. The proposal focuses on the content of the questions; their format may vary depending on the new online reporting platform.

NOTE: Not all the questions will be displayed to all respondents during the completion of the questionnaire.

Question number	Question	Reference
Reporting Party Details		
	Party:	
A	Information on the national contact responsible for completing the report: Name: Title: Institution: Website of institution: Mailing address: Telephone number: Email:	
B	Information on the national contact responsible for submitting the report on behalf of the government: Name: Title: Institution: Website of institution: Mailing address: Telephone number: Email:	
C	Reporting period covered in the report: From: year [drop down menu] To: year [drop down menu]	
Seizures of tobacco and nicotine products [Note: to be collected in a data entry table]		
D	Aggregate data on seizures of tobacco and nicotine products: <ul style="list-style-type: none"> • Quantity of seizures (e.g., kilograms, units) • Value of seizures • Value of taxes evaded The above will be collected for the product categories below: <ul style="list-style-type: none"> • Unmanufactured tobacco (tobacco leaves) • Smoked tobacco products • Smokeless tobacco products • Tobacco manufacturing equipment • ENDS and ENNDS • Other (e.g., devices, novel tobacco and nicotine products, e-liquids) 	Art. 20.1.a

Question number	Question	Reference
Article 6: Licence, equivalent approval or control system		
1	<p>Do you require a licence or equivalent approval system to manufacture tobacco products?</p> <p>1 Yes 2 No <i>[skip to Q2]</i> 3 Not applicable <i>[skip to Q2]</i></p>	Art. 6.1.a
If yes to requiring a licence for manufacturing tobacco products:		
1a	<p>Please enter the name of the competent authority that issues licences to manufacture tobacco products in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.1.a
1b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to manufacture tobacco products in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.a and Art. 6.3.a
1c	<p>Do you require a licence fee to manufacture tobacco products?</p> <p>1 Yes 2 No</p>	Art. 6.1.a and Art. 6.3.c
1d	<p>Do you require licences to manufacture tobacco products to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.a and Art. 6.3.e
2	<p>Do you require a licence or equivalent approval system to manufacture tobacco manufacturing equipment?</p> <p>1 Yes 2 No <i>[skip to Q3]</i> 3 Not applicable <i>[skip to Q3]</i></p>	Art. 6.1.a
If yes to requiring a licence to manufacture tobacco manufacturing equipment:		
2a	<p>Please enter the name of the competent authority that issues licences to manufacture tobacco manufacturing equipment in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.1.a

Question number	Question	Reference
2b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to manufacture tobacco manufacturing equipment in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.a and Art. 6.3.a
2c	<p>Do you require a licence fee to manufacture tobacco manufacturing equipment?</p> <p>1 Yes 2 No</p>	Art. 6.1.a and Art. 6.3.c
2d	<p>Do you require licences to manufacture tobacco manufacturing equipment to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.a and Art. 6.3.e
3	<p>Do you require a licence or equivalent approval system to import tobacco products?</p> <p>1 Yes 2 No [<i>skip to Q4</i>] 3 Not applicable [<i>skip to Q4</i>]</p>	Art. 6.1.b
	If yes to requiring a licence to import tobacco products:	
3a	<p>Please enter the name of the competent authority that issues licences to import tobacco products in your jurisdiction:</p> <p>[Free-text answer]</p>	Art. 6.1.b
3b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to import tobacco products in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.a
3c	<p>Do you require a licence fee to import tobacco products?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.c

Question number	Question	Reference
3d	<p>Do you require licences to import tobacco products to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.b and Art. 6.3.e
4	<p>Do you require a licence or equivalent approval system to import tobacco manufacturing equipment?</p> <p>1 Yes 2 No <i>[skip to Q5]</i> 3 Not applicable <i>[skip to Q5]</i></p>	Art. 6.1.b
If yes to requiring a licence to import tobacco manufacturing equipment:		
4a	<p>Please enter the name of the competent authority that issues licences to import tobacco manufacturing equipment in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.1.b
4b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to import tobacco manufacturing equipment in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.a
4c	<p>Do you require a licence fee to import tobacco manufacturing equipment?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.c
4d	<p>Do you require licences to import tobacco manufacturing equipment to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.b and Art. 6.3.e

Question number	Question	Reference
5	<p>Do you require a licence or equivalent approval system to export tobacco products?</p> <p>1 Yes 2 No <i>[Skip to Q6]</i> 3 Not applicable <i>[Skip to Q6]</i></p>	Art. 6.1.b
If yes to requiring a licence to export tobacco products:		
5a	<p>Please enter the name of the competent authority that issues licences to export tobacco products in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.1.b
5b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to export tobacco products in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.a
5c	<p>Do you require a licence fee to export tobacco products?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.c
5d	<p>Do you require licences to export tobacco products to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.b and Art. 6.3.e
6	<p>Do you require a licence or equivalent approval system to export tobacco manufacturing equipment?</p> <p>1 Yes 2 No <i>[Skip to Q7]</i> 3 Not applicable <i>[Skip to Q7]</i></p>	Art. 6.1.b
If yes to requiring a licence to export tobacco manufacturing equipment:		
6a	<p>Please enter the name of the competent authority that issues licences to export tobacco manufacturing equipment in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.1.b

Question number	Question	Reference
6b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to export tobacco manufacturing equipment in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.a
6c	<p>Do you require a licence fee to export tobacco manufacturing equipment?</p> <p>1 Yes 2 No</p>	Art. 6.1.b and Art. 6.3.c
6d	<p>Do you require licences to export tobacco manufacturing equipment to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.1.b and Art. 6.3.e
7	<p>Do you require a licence or equivalent approval system for retailing tobacco products?</p> <p>1 Yes 2 No <i>[Skip to Q8]</i></p>	Art. 6.2.a
	If yes to requiring a licence for retailing tobacco products:	
7a	<p>Please enter the name of the competent authority that issues licences for retailing tobacco products in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.a
7b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences for retailing tobacco products in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.2.a and Art. 6.3.a
7c	<p>Do you require a licence fee for retailing tobacco products?</p> <p>1 Yes 2 No</p>	Art. 6.2.a and Art. 6.3.c

Question number	Question	Reference
7d	<p>Do you require licences for retailing tobacco products to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.2.a and Art. 6.3.e
8	<p>Do you require a licence or equivalent approval system for growing tobacco (excluding traditional small-scale growers, farmers, and producers)?</p> <p>1 Yes 2 No [<i>Skip to Q9</i>] 3 Not applicable [<i>Skip to Q9</i>]</p>	Art. 6.2.b
	If yes to requiring a licence for growing tobacco:	
8a	<p>Please enter the name of the competent authority that issues licences for growing tobacco in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.b
8b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences for growing tobacco in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.2.b and Art. 6.3.a
8c	<p>Do you require a licence fee for growing tobacco?</p> <p>1 Yes 2 No</p>	Art. 6.2.b and Art. 6.3.c
8d	<p>Do you require licences for growing tobacco to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.2.b and Art. 6.3.e
9	<p>Do you require a licence or equivalent approval system for transporting commercial quantities of tobacco products?</p> <p>1 Yes 2 No [<i>Skip to Q10</i>]</p>	Art. 6.2.c

Question number	Question	Reference
	If yes to requiring a licence for transporting commercial quantities of tobacco products:	
9a	<p>Please enter the name of the competent authority that issues licences for transporting commercial quantities of tobacco products in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.c
9b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences for transporting commercial quantities of tobacco products in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.2.c and Art. 6.3.a
9c	<p>Do you require a licence fee for transporting commercial quantities of tobacco products?</p> <p>1 Yes 2 No</p>	Art. 6.2.c and Art. 6.3.c
9d	<p>Do you require licences for transporting commercial quantities of tobacco products to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.2.c and Art. 6.3.e
10	<p>Do you require a license or equivalent approval system for transporting commercial quantities of tobacco manufacturing equipment?</p> <p>1 Yes 2 No <i>[Skip to Q11]</i> 3 Not applicable <i>[Skip to Q11]</i></p>	Art. 6.2.c
	If yes to requiring a licence for transporting commercial quantities of tobacco manufacturing equipment:	
10a	<p>Please enter the name of the competent authority that issues licences for transporting commercial quantities of tobacco manufacturing equipment in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.c

Question number	Question	Reference
10b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences for transporting commercial quantities of tobacco manufacturing equipment in cases of non-compliance?</p> <p>1 Yes 2 No</p>	Art. 6.2.c and Art. 6.3.a
10c	<p>Do you require a licence fee for transporting commercial quantities of tobacco manufacturing equipment?</p> <p>1 Yes 2 No</p>	Art. 6.2.c and Art. 6.3.c
10d	<p>Do you require licences for transporting commercial quantities of tobacco manufacturing equipment to be periodically renewed?</p> <p>1 No, no licence renewal is required 2 Yes, once a year 3 Yes, every two years 4 Yes, every five years 5 Yes, at another interval (please specify)</p>	Art. 6.2.c and Art. 6.3.e
11	<p>Do you require a licence or equivalent approval system to wholesale, broker, warehouse or distribute tobacco?</p> <p>1 Yes 2 Yes, in part 3 No [<i>Skip to Q12</i>] 4 Not applicable [<i>Skip to Q12</i>]</p>	Art. 6.2.d
	<p>If yes, or yes in part, to requiring a licence to wholesale, broker, warehouse or distribute tobacco:</p>	
11a	<p>Please enter the name of the competent authority that issues licences to wholesale, broker, warehouse or distribute tobacco in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.d
11b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to wholesale, broker, warehouse or distribute tobacco in cases of non-compliance?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.a

Question number	Question	Reference
11c	<p>Do you require a licence fee to wholesale, broker, warehouse or distribute tobacco?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.c
11d	<p>Do you require licences to wholesale, broker, warehouse or distribute tobacco to be periodically renewed?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.e
12	<p>Do you require a licence or equivalent approval system to wholesale, broker, warehouse or distribute tobacco products?</p> <p>1 Yes 2 Yes, in part 3 No <i>[Skip to Q13]</i></p>	Art. 6.2.d
	<p>If yes, or yes in part, to requiring a licence to wholesale, broker, warehouse or distribute tobacco products:</p>	
12a	<p>Please enter the name of the competent authority that issues licences to wholesale, broker, warehouse or distribute tobacco products in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.d
12b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to wholesale, broker, warehouse or distribute tobacco products in cases of non-compliance?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.a
12c	<p>Do you require a licence fee to wholesale, broker, warehouse or distribute tobacco products?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.c

Question number	Question	Reference
12d	<p>Do you require licences to wholesale, broker, warehouse or distribute tobacco products to be periodically renewed?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.e
13	<p>Do you require a licence or equivalent approval system to wholesale, broker, warehouse or distribute tobacco manufacturing equipment?</p> <p>1 Yes 2 Yes, in part 3 No [<i>Skip to Q14</i>] 4 Not applicable [<i>Skip to Q14</i>]</p>	Art. 6.2.d
	<p>If yes, or yes in part, to requiring a licence to wholesale, broker, warehouse or distribute tobacco manufacturing equipment:</p>	
13a	<p>Please enter the name of the competent authority that issues licences to wholesale, broker, warehouse or distribute tobacco manufacturing equipment in your jurisdiction:</p> <p><i>[Free-text answer]</i></p>	Art. 6.2.d
13b	<p>Does the competent authority have the ability to suspend, revoke or cancel licences to wholesale, broker, warehouse or distribute tobacco manufacturing equipment in cases of non-compliance?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.a
13c	<p>Do you require a licence fee to wholesale, broker, warehouse or distribute tobacco manufacturing equipment?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.c
13d	<p>Do you require licences to wholesale, broker, warehouse or distribute tobacco manufacturing equipment to be periodically renewed?</p> <p>1 Yes 2 Yes, in part 3 No</p>	Art. 6.2.d and Art. 6.3.e

Question number	Question	Reference
Article 7: Due diligence		
14	Are all individuals and corporate entities engaged in the supply chain of tobacco, tobacco products and tobacco manufacturing equipment required to:	
	14a Conduct due diligence before, and during the course of a business relationship? 1 Yes 2 No	Art. 7.1.a
	14b Monitor sales to customers to ensure that the quantities are commensurate with the demand for such products within the intended market? 1 Yes 2 No	Art. 7.1.b
	14c Report any evidence that the customer is engaged in activities in contravention of its obligations arising from this Protocol? 1 Yes 2 No	Art. 7.1.c
Article 8: Tracking and tracing		
<p>This section asks about the different components that make up a tracking and tracing system. Tracking and tracing systems allow tobacco products to be monitored and traced in the supply chain.</p> <p>Per the Protocol, in a tracking and tracing system, each unit of tobacco packaging shall be given a unique code that allows its movements to be systematically monitored through the supply chain. <u>These unique codes are referred to as unique identification markings (UIM).</u></p> <p>The information that is monitored is then made accessible to competent authorities, allowing them to recreate the route taken by the unit tobacco packaging.</p>		
15	Do you apply markings such as tax stamps, fiscal marks, banderols or any other type of marking on units of tobacco packaging for cigarettes? 1 Yes 2 No [Skip to Next section Q20]	Art. 8.3
If yes to applying any markings:		
	15a Do the markings on units of tobacco packaging for cigarettes contain any type of security feature that can be verified by the naked eye, such as colour changing inks, holograms, latent images, watermarks and security threads? 1 Yes [Go to Q15a1] 2 No [Go to Q15b]	Art. 8.3

Question number	Question	Reference
	15a1 Are these markings (<u>that can be verified by the naked eye</u>) on units of tobacco packaging for cigarettes visible/readable to enforcement authorities outside your jurisdiction? 1 Yes 2 No	Art. 8.3
15b	Do the markings on units of tobacco packaging for cigarettes contain any type of security feature <u>that cannot be verified by the naked eye, but only by using dedicated and specialized electronic readers or doing laboratory analysis?</u> (Examples: invisible ink and taggants or forensic security features) 1 Yes 2 No	Art. 8.3
This next section will ask more details about the markings, including <u>those that can or cannot be verified by the naked eye.</u>		
16	Do any of the markings that you apply contain a unique identifier (e.g., one unique identifier for each stamp or code) <u>for each unit of tobacco packaging for cigarettes (pack, carton, master case, pallet) that makes the individual item distinct and distinguishable from any other item in the world for items below?</u> Please select the most appropriate answer for each of the below: Yes, the markings contain a unique identifier for each unit No, the markings do not contain a unique identifier for each unit 1 Pack Yes/No 2 Carton Yes/No 3 Master case Yes/No 4 Pallet Yes/No	Art. 8.3
If yes to having a unique identifier on the pack, carton, master case, or pallet:		
16a	Is there a parent-child relationship (aggregation links) between the unique identification markings on unit packs, cartons, master cases and pallets? 1 Yes 2 No	Art. 8.4.1

Question number	Question	Reference
16b	<p>Can competent authorities <u>in your country</u> get the following information contained in the unique identification markings on each unit of tobacco packaging for cigarettes?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Date of manufacture 2 Location of manufacture 3 Manufacturing facility 4 Machine used to manufacture tobacco products 5 Production shift or time of manufacture 6 The name, invoice, order number and payment records of the first customer who is not affiliated with the manufacturer 7 The intended market of retail sale 8 Product description 9 Any warehousing and shipping 10 The identity of any known subsequent purchaser 11 The intended shipment route, the shipment date, shipment destination, point of departure and consignee 12 The identity of the individual or corporate entity to whom the products are being shipped 13 The mode of transportation 14 The identity of the transporter 	Art. 8.4.1 and Art. 9.3
16b1	<p>If yes to competent authorities getting any information from the markings:</p> <p>Please specify which authorities <u>in your country</u> have access to the information contained in the unique identification markings on units of tobacco packaging for cigarettes?</p> <ol style="list-style-type: none"> 1 Customs 2 Finance 3 Revenue or tax authority 4 Border control 5 Police inspectors 6 Health 7 Others 	Art. 8.4.1, Art. 8.6 and Art. 8.7

Question number	Question	Reference
16c	<p>At what point is the information contained in the unique identification markings on units of tobacco packaging for cigarettes recorded in your country?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 At the time of manufacture of products for sale in the jurisdiction 2 At the time of manufacture of products intended for export 3 At the time of first shipment 4 At the time of import into territory 	Art. 8.5
16d	<p>Can authorities <u>outside your country</u> get the following information contained in the unique identification markings on units of tobacco packaging for cigarettes?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Date of manufacture 2 Location of manufacture 3 Manufacturing facility 4 Machine used to manufacture tobacco products 5 Production shift or time of manufacture 6 The name, invoice, order number and payment records of the first customer who is not affiliated with the manufacturer 7 The intended market of retail sale 8 Product description 9 Any warehousing and shipping 10 The identity of any known subsequent purchaser 11 The intended shipment route, the shipment date, shipment destination, point of departure and consignee 12 The identity of the individual or corporate entity to whom the products are being shipped 13 The mode of transportation 14 The identity of the transporter 	Art. 8.4.1 and Art. 9.3

Question number	Question	Reference
16e	<p>Is the information that is contained in the unique identification markings on units of tobacco packaging for cigarettes <u>made available for sharing</u> with other Parties to the Protocol?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Date of manufacture 2 Location of manufacture 3 Manufacturing facility 4 Machine used to manufacture tobacco products 5 Production shift or time of manufacture 6 The name, invoice, order number and payment records of the first customer who is not affiliated with the manufacturer 7 The intended market of retail sale 8 Product description 9 Any warehousing and shipping 10 The identity of any known subsequent purchaser 11 The intended shipment route, the shipment date, shipment destination, point of departure and consignee 12 The identity of the individual or corporate entity to whom the products are being shipped 13 The mode of transportation 14 The identity of the transporter 	Art. 8.8, Art. 8.9 and Art. 9.3
16e1	<p>If yes to any information is available for sharing:</p> <p>Have you shared information that is contained in the unique identification markings on units of tobacco packaging with other Parties to the WHO FCTC?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 8.8 and Art. 8.9
16f	<p>Are your unique identification markings on units of tobacco packaging for cigarettes tamper-proof or non-removable?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 8.3

Question number	Question	Reference
	<p>16f1 If yes to unique markings being tamper-proof or non-removable and having a unique identifier on the pack, carton, master case or pallet:</p> <p>How are the unique identification markings applied to units of tobacco packaging for cigarettes in your country?</p> <p>Please choose the most appropriate response to each of the below: yes, no</p> <p>1 Markings form part of the packaging (e.g., direct printing) 2 Markings are applied to the packaging (e.g., sticker) 3 Other (please specify)</p>	Art. 8.3
	If yes to applying any markings [at Q 15]:	
17	<p>Are the markings applied to units of tobacco packaging for cigarettes that are <u>manufactured</u> in your country?</p> <p>1 Yes 2 No</p>	Art. 8.3
18	<p>Are the markings applied to units of tobacco packaging for cigarettes that are <u>imported into</u> your country?</p> <p>1 Yes 2 No</p>	Art. 8.3
18a	<p>If they apply markings to products imported into their country:</p> <p>When are markings applied to <u>imported</u> units of tobacco packaging for cigarettes?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 At the time of importation 2 At the time of manufacture 3 Other (please specify)</p>	Art. 8.3
19	<p>Are markings applied to units of tobacco packaging for cigarettes <u>exported out</u> of your country?</p> <p>1 Yes 2 No</p>	Art. 8.3

Question number	Question	Reference
20	<p>How are supply chain control measures (e.g., licensing, applying unique identification markings, monitoring routes or movement of products) financed in your country?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Tobacco manufacturer funded through the sale of compulsory tax stamps 2 Licensing fees from actors in the tobacco supply chain 3 Other methods of tobacco industry funding 4 Other (please specify) 	Art. 8.14
21	<p>Is the tobacco industry involved in any of the following aspects of implementing supply chain control measures in your country?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Generation of unique identification markings 2 Supply of software to generate unique identification markings 3 Other tobacco industry involvement (please specify) 	Art. 8.12
22	<p>If yes to having a unique identifier on the pack, carton, master case, or pallet:</p> <p>Do you have measures to prevent the tobacco industry or any other commercial entity with vested interests from accessing and using information from the unique identification markings that is recorded, accessible or shared by competent authorities?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 8.13
23	<p>Are other tobacco products covered by exactly the same requirements as cigarettes (as reported above under Article 8 on Tracking and Tracing)?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Rolling tobacco for cigarettes 2 Waterpipe tobacco 3 Heated tobacco products 4 Cigarillos or small cigars 5 Cigars 6 Other smoked tobacco products 7 Smokeless tobacco 8 Other tobacco products (please specify) 	Art. 8

Question number	Question	Reference
24	<p>If available, please upload or provide a link to the applicable laws and/or measures establishing Article 8 Tracking and Tracing system:</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i> <i>Not available.</i></p>	Art. 8
Article 9: Record-keeping		
25	<p>Are all individuals and corporate entities engaged in the supply chain of tobacco, tobacco products and tobacco manufacturing equipment required to:</p> <p>Maintain complete and accurate records of all relevant transactions.</p> <p>1 Yes 2 No</p>	Art. 9.1
26	<p>Are all individuals and corporate entities subject to a licensing system required to provide on request information to authorities on:</p> <p>Market volumes, trends, forecasts and other relevant information.</p> <p>1 Yes 2 No</p>	Art. 9.2.a
Article 10: Security and preventive measures		
27	<p>Are all persons subject to a licensing system required to take necessary measures to prevent the diversion of tobacco products into illicit trade channels, including reporting to the competent authorities:</p> <p>The cross-border transfer of cash in amounts stipulated in national law or of cross-border payments in kind?</p> <p>1 Yes 2 No</p>	Art. 10.1.a(i)
28	<p>Are all persons subject to a licensing system required to take necessary measures to prevent the diversion of tobacco products into illicit trade channels including reporting to the competent authorities:</p> <p>“Suspicious transactions”?</p> <p>1 Yes 2 No</p>	Art. 10.1.a(ii)

Question number	Question	Reference
29	<p>Are all persons subject to a licensing system required to take necessary measures to prevent the diversion of tobacco products into illicit trade channels, including:</p> <p>Supplying tobacco products or manufacturing equipment only in amounts commensurate with the demand for such products within the intended market of retail sale or use?</p> <p>1 Yes 2 No</p>	Art. 10.1.b
Article 11: Sale by Internet, telecommunication, or any other evolving technology		
30	<p>Do you ban all tobacco product <u>retail sales</u> by Internet-, telecommunication-, or any other evolving technology-based modes of sale?</p> <p>1 Yes 2 No</p>	Art. 11.2
31	<p>Do all tobacco sales by Internet-, telecommunication-, or any other evolving technology-based modes of sales have to comply with all relevant obligations covered by this Protocol?</p> <p>1 Yes 2 No</p>	Art. 11.1
Article 12: Free zones and international transit		
32	<p>Is there a free zone in your territory?</p> <p>1 Yes 2 No</p>	Art. 12
If yes to having a free zone in their territory:		
	<p>32a Do you allow manufacturing of, and transactions in, tobacco and tobacco products in free zones?</p> <p>1 Yes 2 No</p>	Art. 12.1

Question number	Question	Reference
	If yes, to allowing manufacturing of, and transactions in, tobacco and tobacco products in free zones:	
	<p>32a1 Do you apply the following supply chain controls on all manufacturing of, and transactions in, tobacco and tobacco products in free zones?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Licensing system 2 Due diligence 3 Application of markings on units of tobacco packaging (e.g., stamps or codes with unique identifiers) 4 Record-keeping 5 Other (please specify) 	Art. 12.1
	<p>32a2 Do you ban intermingling of tobacco products with non-tobacco products in a single container or similar transportation unit when removing them from free zones?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 12.2
	If yes OR no to having a free zone in their territory:	
33	<p>Do you allow the international transit or transshipment of tobacco products and manufacturing equipment within your territory?</p> <ol style="list-style-type: none"> 1. Yes 2. No 	Art. 12.3
33a	<p>If yes to allowing the international transit or transshipment of tobacco products and manufacturing equipment within your territory:</p> <p>Do you apply supply chain control and verification measures (such as licensing, application of markings on units of tobacco packaging, etc.,) to the transit or transshipment of tobacco products and manufacturing equipment within your territory?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 12.3

Question number	Question	Reference
	<p>33a1 If yes to applying supply chain control and verification measures to the transit or transshipment of tobacco products and manufacturing equipment within your territory:</p> <p>Do you apply the following supply chain control and verification measures to the transit or transshipment of tobacco products and manufacturing equipment within your territory?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Licensing system 2 Due diligence 3 Application of markings on units of tobacco packaging (e.g., stamps or codes with unique identifiers) 4 Record-keeping 5 Other (please specify) 	Art. 12.3
Article 13: Duty free sales		
34	<p>Are the sales of duty-free tobacco products allowed in stores in your country?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 13.1
If yes to duty-free sales of tobacco products are allowed:		
	<p>34a Are the sales of duty-free tobacco products subject to <u>all</u> relevant measures of this Protocol?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 13.1
	<p>34b Are markings applied (e.g., stamps or codes with unique identifiers) to the units of tobacco packaging for cigarettes that are sold duty-free?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 13.1

Question number	Question	Reference
Article 14: Unlawful conduct including criminal offences; Article 15: Liability of legal persons; Article 16: Prosecutions and sanctions; Article 26: Jurisdiction		
35	<p>Under your country's legal framework, is the non-payment of applicable duties, taxes and other levies at any stage in the supply chain considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 	Art. 14.1.b(i)
	<p>35a If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the non-payment of applicable duties, taxes and other levies at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.b(i) and Art. 16
	<p>35b If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the non-payment of applicable duties, taxes and other levies at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1. Punishable by imprisonment of less than 4 years 2. Punishable by imprisonment of 4 years or more 3. Freezing or seizure of property 4. Confiscation of property 5. Fines 6. Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.b(i) and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
35c	<p>Do you have measures to establish the liability of the following for non-payment of applicable duties, taxes and other levies at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.b(i) and Art. 15
35d	<p>Please cite the applicable laws and/or other measures for the non-payment of applicable duties, taxes and other levies at any stage in the supply chain:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.b(i) and Art. 14.3
35e	<p>Please upload a copy of the applicable laws and/or measures for the non-payment of applicable duties, taxes and other levies at any stage in the supply chain.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.b(i) and Art. 14.3
36	<p>Under your country's legal framework, is failure to apply applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.b(i)
36a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the failure to apply applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.b(i) and Art. 16

Question number	Question	Reference
36b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the failure to apply applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.b(i) and Art. 16
	<p><u>If it is considered to be unlawful conduct</u> whether or not it constitutes a crime:</p>	
36c	<p>Do you have measures to establish the liability of the following for the failure to apply applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.b(i) and Art. 15
36d	<p>Please cite the applicable laws and/or other measures for the [failure to apply] applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.b(i) and Art. 14.3
36e	<p>Please upload a copy of the applicable laws and/or measures for the [failure to apply] applicable fiscal stamps, unique identification markings, or any other required markings or labels on tobacco, tobacco products or manufacturing equipment at any stage in the supply chain.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.b(i) and Art. 14.3

Question number	Question	Reference
37	<p>Under your country's legal framework, are any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 	Art. 14.1.b(ii)
37a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.b(ii) and Art. 16
37b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.b(ii) and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
37c	<p>Do you have measures to establish the liability of the following for any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.b(ii) and Art. 15
37d	<p>Please cite the applicable laws and/or other measures for any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.b(ii) and Art. 14.3
37e	<p>Please upload a copy of the applicable laws and/or measures for any other acts of smuggling or attempted smuggling of tobacco, tobacco products or manufacturing equipment.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.b(ii) and Art. 14.3
38	<p>Under your country's legal framework, is the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.c(i)
38a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g., suspension or revocation of license)</p>	Art. 14.1.c(i) and Art. 16

Question number	Question	Reference
38b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.c(i) and Art. 16
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
38c	<p>Do you have measures to establish the liability of the following for the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Individuals 2 Corporate entities 	Art. 14.1.c(i) and Art. 15
38d	<p>Please cite the applicable laws and/or other measures for the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.c(i) and Art. 14.3
38e	<p>Please upload a copy of the applicable laws and/or measures for the illicit manufacture of tobacco, tobacco products or manufacturing equipment, or tobacco packaging bearing false fiscal stamps, unique identification markings, or any other required markings or labels.</p> <p><i>File upload (allow multiple).</i></p> <p><i>Weblink URL:</i></p>	Art. 14.1.c(i) and Art. 14.3

Question number	Question	Reference
39	<p>Under your country's legal framework, is the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.c(ii)
39a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.c(ii) and Art. 16
39b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.c(ii) and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
39c	<p>Do you have measures to establish the liability of the following for the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.c(ii) and Art. 15
39d	<p>Please cite the applicable laws and/or other measures for the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.c(ii) and Art. 14.3
39e	<p>Please upload a copy of the applicable laws and/or measures for the use of false fiscal stamps and/or other required markings or labels, or illicit manufacturing equipment at any stage in the supply chain.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.c(ii) and Art. 14.3
40	<p>Under your country's legal framework, is mixing of tobacco products with non-tobacco products through the supply chain in order to conceal or disguise tobacco products considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.d
40a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the mixing of tobacco products with non-tobacco products through the supply chain in order to conceal or disguise tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.d and Art. 16

Question number	Question	Reference
40b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the mixing of tobacco products with non-tobacco products through the supply chain in order to conceal or disguise tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.d and Art. 16
	If it is considered to be <u>unlawful conduct</u> whether or not it constitutes a crime:	
40c	<p>Do you have measures to establish the liability of the following for mixing of tobacco products with non-tobacco products through the supply chain in order to conceal or disguise tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.d and Art. 15
40d	<p>Please cite the applicable laws and/or other measures for the mixing of tobacco products with non-tobacco products through the supply chain in order to conceal or disguise tobacco products:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.d and Art. 14.3
40e	<p>Please upload a copy of the applicable laws and/or measures for the mixing of tobacco products with non-tobacco products through the supply chain, in order to conceal or disguise tobacco products.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.d and Art. 14.3

Question number	Question	Reference
41	<p>Under your country's legal framework, is intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 4 No free zone in your territory 	Art. 14.1.e
41a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.e and Art. 16
41b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.e and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
41c	<p>Do you have measures to establish the liability of the following for intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.e and Art. 15
41d	<p>Please cite the applicable laws and/or other measures for intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.e and Art. 14.3
41e	<p>Please upload a copy of the applicable laws and/or measures for intermingling of tobacco products with non-tobacco products in a single container at the time of removal from free zones.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.e and Art. 14.3
42	<p>Under your country's legal framework, is the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.f
42a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.f and Art. 16

Question number	Question	Reference
42b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.f and Art. 16
	<p>If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:</p>	
42c	<p>Do you have measures to establish the liability of the following for the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Individuals 2 Corporate entities 	Art. 14.1.f and Art. 15
42d	<p>Please cite the applicable laws and/or other measures for the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.f and Art. 14.3
42e	<p>Please upload a copy of the applicable laws and/or measures for the retail sale of tobacco products through the use of Internet-, telecommunication- or any other evolving technology-based modes of sale.</p> <p><i>File upload (allow multiple).</i></p> <p><i>Weblink URL:</i></p>	Art. 14.1.f and Art. 14.3

Question number	Question	Reference
43	<p>Under your country's legal framework, is obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 	Art. 14.1.g
43a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.g and Art. 16
43b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.g and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
43c	<p>Do you have measures to establish the liability of the following for obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.g and Art. 15
43d	<p>Please cite the applicable laws and/or other measures for obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.g and Art. 14.3
43e	<p>Please upload a copy of the applicable laws and/or measures for obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.g and Art. 14.3
44	<p>Under your country's legal framework, is obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.h

Question number	Question	Reference
44a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.h and Art. 16
44b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.h and Art. 16
If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:		
44c	<p>Do you have measures to establish the liability of the following for obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Individuals 2 Corporate entities 	Art. 14.1.h and Art. 15

Question number	Question	Reference
44d	<p>Please cite the applicable laws and/or other measures for obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.h and Art. 14.3
44e	<p>If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:</p> <p>Please upload a copy of the applicable laws and/or measures for obstructing any public officer or an authorized officer in the performance of duties relating to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.h and Art. 14.3
45	<p>Under your country's legal framework, is making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment] considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 	Art. 14.1.i(i)
45a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment]?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.i(i) and Art. 16

Question number	Question	Reference
45b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment]?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence)</p>	Art. 14.1.i(i) and Art. 16
<u>If it is considered to be unlawful conduct</u> whether or not it constitutes a crime:		
45c	<p>Do you have measures to establish the liability of the following for making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment]?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.i(i) and Art. 15
45d	<p>Please cite the applicable laws and/or other measures for making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment]:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.i(i) and Art. 14.3
45e	<p>Please upload a copy of the applicable laws and/or measures for making any material statement that is false, misleading or incomplete, or failing to provide any required information to authorities [in relation to the elimination of illicit trade in tobacco, tobacco products or manufacturing equipment].</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.i(i) and Art. 14.3

Question number	Question	Reference
46	<p>Under your country's legal framework, is misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products considered to be:</p> <p>Please choose the most appropriate response:</p> <ol style="list-style-type: none"> 1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime 	Art. 14.1.i(ii)(a) and 14.1.i(ii)(b)
46a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.i(ii)(a), 14.1.i(ii)(b) and Art. 16
46b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.i(ii)(a), 14.1.i(ii)(b) and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
46c	<p>Do you have measures to establish the liability of the following for misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.i(ii)(a), 14.1.i(ii)(b) and Art. 15
46d	<p>Please cite the applicable laws and/or other measures for misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.i(ii)(a), 14.1.i(ii)(b) and Art. 14.3
46e	<p>Please upload a copy of the applicable laws and/or measures for misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information to evade the payment of duties, taxes and other levies, or prejudice any control measures for the elimination of illicit trade in tobacco products.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.i(ii)(a), 14.1.i(ii)(b) and Art. 14.3
47	<p>Under your country's legal framework, is failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade considered to be:</p> <p>Please choose the most appropriate response:</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.i(iii)

Question number	Question	Reference
47a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g., suspension or revocation of licence) 	Art. 14.1.i(iii) and Art. 16
47b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g. suspension or revocation of licence) 	Art. 14.1.i(iii) and Art. 16
If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:		
47c	<p>Do you have measures to establish the liability of the following for failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Individuals 2 Corporate entities 	Art. 14.1.i(iii) and Art. 15
47d	<p>Please cite the applicable laws and/or other measures for failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.i(iii) and Art. 14.3

Question number	Question	Reference
47e	<p>Please upload a copy of the applicable laws and/or measures for failing to create or maintain records, or maintaining false records as required for the elimination of illicit trade.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.i(iii) and Art. 14.3
48	<p>Under your country's legal framework, is laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment considered to be?</p> <p>1 Not unlawful conduct 2 Unlawful conduct but NOT a crime 3 Unlawful conduct that constitutes a crime</p>	Art. 14.1.j
48a	<p>If it is considered to be unlawful conduct <u>but NOT a crime</u>:</p> <p>Have you established any of the following sanctions for laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Freezing or seizure of property 2 Confiscation of property 3 Fines 4 Other administrative penalties (e.g., suspension or revocation of licence)</p>	Art. 14.1.j and Art. 16
48b	<p>If it is considered to be <u>unlawful conduct that constitutes a crime</u>:</p> <p>Have you established any of the following sanctions for laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 Punishable by imprisonment of less than 4 years 2 Punishable by imprisonment of 4 years or more 3 Freezing or seizure of property 4 Confiscation of property 5 Fines 6 Other administrative penalties (e.g., suspension or revocation of licence)</p>	Art. 14.1.j and Art. 16

Question number	Question	Reference
	If it is <u>considered to be unlawful conduct</u> whether or not it constitutes a crime:	
48c	<p>Do you have measures to establish the liability of the following for laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment?</p> <p>Please choose the most appropriate answer for each of the below: yes, no</p> <p>1 Individuals 2 Corporate entities</p>	Art. 14.1.j and Art. 15
48d	<p>Please cite the applicable laws and/or other measures for laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment:</p> <p><i>[Free-text answer]</i></p>	Art. 14.1.j and Art. 14.3
48e	<p>Please upload a copy of the applicable laws and/or measures for laundering of proceeds of unlawful conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment.</p> <p><i>File upload (allow multiple).</i> <i>Weblink URL:</i></p>	Art. 14.1.j and Art. 14.3
49	<p>Do you have jurisdiction over criminal offences when the offence is committed:</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 In the territory of your country? 2 On board a vessel that is flying the flag of your country? 3 On board an aircraft that is registered under the laws of your country at the time the offence is committed? 4 Against your country? 5 By a national of your country? 6 By a stateless person who has his or her habitual residence in your country? 7 Outside the territory of your country but with a view to the commission of an offence in the territory of your country? 8 When the alleged offender is present in the territory of your country but is not subjected to extradition solely on the ground that he or she is a national of your country? 9 When the alleged offender is present in the territory of your country but is not subjected to extradition for any other reason?</p>	Art. 26

Question number	Question	Reference
50	<p>Parties are invited to provide examples, relevant cases or judgments relating to successful implementation and enforcement of the offences listed on Article 14:</p> <p><i>[Free-text answer]</i></p>	Art. 14.3
51	<p>Parties are invited to upload any supporting documentation for the examples, relevant cases or judgments relating to successful implementation and enforcement of the offences listed on Article 14.</p> <p><i>File upload (allow multiple).</i></p> <p><i>Weblink URL:</i></p>	Art. 14.3
Article 17: Seizure payments		
52	<p>Have you adopted measures to allow authorities to levy an amount proportionate to lost taxes and duties <u>from the producer, manufacturer, distributor, importer, or exporter</u> of seized tobacco, tobacco products, or tobacco manufacturing equipment?</p> <p>1 Yes 2 No</p>	Art. 17
Article 18: Disposal or destruction		
53	<p>Do you destroy or dispose all confiscated tobacco, tobacco products and manufacturing equipment in your country?</p> <p>1 Yes 2 No</p>	Art. 18
53a	<p>If yes to destroying/disposing:</p> <p>Do you destroy or dispose of all confiscated tobacco, tobacco products and manufacturing equipment in your country using environmentally friendly methods?</p> <p>1 Yes 2 No</p>	Art. 18
Article 19: Special investigative techniques		
54	<p>Does your national legislation allow for special investigative techniques, such as, controlled delivery or undercover operations, for the purposes of combating illicit trade in tobacco products?</p> <p>1 Yes 2 No</p>	Art. 19.1

Question number	Question	Reference
55	<p>Parties are invited to provide examples, relevant cases or judgments relating to the use of special investigative techniques:</p> <p><i>[Free-text answer]</i></p>	Art. 19.4
56	<p>Parties are invited to upload examples, relevant cases or judgments relating to the use of special investigative techniques.</p> <p><i>File upload (allow multiple).</i></p> <p><i>Weblink URL:</i></p>	Art. 19.4
Article 20: General information sharing		
57	<p>Please describe the common methods or operations used (e.g., concealment methods) in the illicit trade of tobacco, tobacco products, and tobacco manufacturing equipment that your country may have detected in relation to the manufacturing in, importation into, and export from your country:</p> <p><i>[Free-text answer]</i></p>	Art. 20.1(c)
58	<p>Have there been any significant changes in the methods or operations used (e.g., concealment methods) in the illicit trade of tobacco, tobacco products, and tobacco manufacturing equipment that your country may have detected in relation to the manufacturing in, importation into, and export from your country in the past two years?</p> <p>1 Yes 2 No</p>	Art. 20.1(c)
	<p>58a If there have been any significant changes in the methods or operations used:</p> <p>Please describe the significant changes in the methods or operations used (e.g., concealment methods) in the illicit trade of tobacco, tobacco products, and manufacturing equipment that your country may have detected in relation to the manufacturing in, importation into, and export from your country:</p> <p><i>[Free-text answer]</i></p>	Art. 20.1(c)

Question number	Question	Reference
59	<p>Please give some examples of significant seizures of tobacco, tobacco products, or manufacturing equipment made by authorities in your country. Include details such as items seized, amount seized, transport mode, transport route, location of seizure, and methods of detection and concealment:</p> <p><i>[Free-text answer]</i></p>	Art. 20.1(c)
Article 21: Enforcement information sharing		
60	<p>Have you shared enforcement information necessary for the purpose of detection or investigation of illicit trade in tobacco, tobacco products or manufacturing equipment with other Parties to the WHO FCTC?</p> <p>1 Yes 2 No</p>	Art. 21.1
Article 22: Information sharing: confidentiality and protection of information		
61	<p>Do you have a designated national authority to which data referred to in Articles 20, 21, and 24 is supplied?</p> <p>1 Yes 2 No</p>	Art. 22.1
62	<p>If yes to having a designated national authority:</p> <p>Please give the information below on the designated national authority to which data referred to in Articles 20, 21, and 24 is supplied:</p> <p>1 Name of the national authority: <i>free-text answer</i> 2 Contact person at the competent authority: <i>entry for first and last name, and title</i> 3 Contact email: <i>email entry</i></p>	
63	<p>Do you have laws that protect any confidential information that is exchanged with other Parties to the WHO FCTC?</p> <p>1 Yes 2 No</p>	Art. 22.2

Question number	Question	Reference
Article 23: Assistance and cooperation: training, technical assistance and cooperation in scientific, technical and technological matters		
64	<p>Have you received technical assistance to achieve the objectives of this protocol?</p> <p>1 Yes 2 No</p>	Art. 23.1
	<p>64a If yes to receiving technical assistance:</p> <p>From whom did you receive technical assistance?</p> <p>1 Civil society organization 2 International intergovernmental organization 3 Regional intergovernmental organization 4 Financial institution 5 Development institution 6 Party to the WHO FCTC 7 WHO FCTC Knowledge Hub 8 Convention Secretariat 9 Philanthropic organization 10 Other (please specify)</p>	Art. 23.1
65	<p>Have you provided technical assistance to achieve the objectives of this protocol?</p> <p>1 Yes 2 No</p>	Art. 23.1
	<p>65a If yes to providing technical assistance:</p> <p>To whom did you provide technical assistance?</p> <p>1 Civil society organization 2 International intergovernmental organization 3 Regional intergovernmental organization 4 Financial institution 5 Development institution 6 Party to the WHO FCTC 7 WHO FCTC Knowledge Hub 8 Convention Secretariat 9 Philanthropic organization 10 Other (please specify)</p>	Art. 23.1

Question number	Question	Reference
Article 24: Assistance and cooperation: investigation and prosecution of offences		
66	<p>Has your jurisdiction engaged with other Parties to the WHO FCTC to investigate criminal offences in the illicit trade of tobacco?</p> <p>1 Yes 2 No</p>	Art. 24.1 and Art. 19.2
67	<p>Do the relevant national authorities within your country have a coordinating mechanism to cooperate and exchange information with each other to combat illicit trade in tobacco products?</p> <p>1 Yes 2 No</p>	Art. 24.2
68	<p>If yes to having a coordinating mechanism to cooperate and exchange information with each other:</p> <p>Parties are invited to share examples of their experiences of their relevant national authorities cooperating with each other through their coordinating mechanism to combat illicit trade in tobacco products (e.g., good practices):</p> <p><i>[Free-text answer]</i></p>	Art. 24.2
Article 27: Law enforcement cooperation		
69	<p>Has your country established mechanisms to ensure effective law enforcement cooperation with customs, police or other law enforcement agencies from other WHO FCTC Parties?</p> <p>1 Yes 2 No</p>	Art. 27
70	<p>Has your country cooperated with other WHO FCTC Parties in law enforcement for the purpose of eliminating illicit trade in tobacco products?</p> <p>1 Yes 2 No</p>	Art. 27
71	<p>If yes to law enforcement cooperation with another WHO FCTC Party:</p> <p>Parties are invited to share examples of their experiences of cooperating with other WHO FCTC Parties in law enforcement to eliminate illicit trade in tobacco products (e.g., good practices):</p> <p><i>[Free-text answer]</i></p>	Art. 27

Question number	Question	Reference
Article 28: Mutual administrative assistance		
72	<p>Has your county provided or made available mutual administrative assistance to other WHO FCTC Parties to ensure proper application of customs and other relevant law in the prevention, detection, investigation, prosecution and combating of illicit trade in tobacco products?</p> <p>1 Yes 2 No</p>	Art. 28
If yes to providing or making available mutual administrative assistance to other WHO FCTC Parties:		
72a	<p>Has your country provided or made available to other WHO FCTC Parties any of the below types of information?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <p>1 New customs and other enforcement techniques of demonstrated effectiveness</p> <p>2 New trends, means or methods of engaging in illicit trade in tobacco, tobacco products and manufacturing equipment</p> <p>3 Goods known to be the subject of illicit trade in tobacco, tobacco products and manufacturing equipment as well as details of description, packaging, transport and storage and methods used in respect of those goods</p> <p>4 Natural or legal persons known to have committed or to be a party to an offence established in accordance with Article 14</p> <p>5 Any other data that would assist designated agencies in risk assessment for control and other enforcement purposes</p>	Art. 28
72b	<p>Parties are invited to share examples of their experiences of providing or making available mutual administrative assistance available to other WHO FCTC Parties to eliminate illicit trade in tobacco products (e.g., good practices):</p> <p><i>[Free-text answer]</i></p>	Art. 28
Article 29: Mutual legal assistance		
73	<p>Has your county provided or made available mutual legal assistance to other WHO FCTC Parties for the purpose of investigations, prosecutions, or judicial proceedings in relation to criminal offences established in accordance with Article 14 of this Protocol?</p> <p>1 Yes 2 No</p>	Art. 29.1

Question number	Question	Reference
	If yes to making available or providing legal assistance to other WHO FCTC Parties:	
73a	<p>Parties are invited to share examples of their experiences with making available or providing mutual legal assistance (e.g., good practices):</p> <p><i>[Free-text answer]</i></p>	Art. 29.1
73b	<p>Which types of mutual legal assistance has your country made available or offered to other WHO FCTC Parties?</p> <p>Please choose the most appropriate response for each of the below: yes, no</p> <ol style="list-style-type: none"> 1 Taking evidence or statements from persons 2 Effecting service of judicial documents 3 Executing searches and seizures, and freezing 4 Examining objects and sites 5 Providing information, evidentiary items and expert evaluations 6 Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records 7 Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes 8 Facilitating the voluntary appearance of persons in the requesting Party 9 Any other type of assistance 	Art. 29.3
Article 30 and 31: Extradition		
74	<p>Has your country established measures to ensure extradition for criminal offences under Article 14 of this Protocol or as part of efforts to eliminate illicit trade in tobacco products?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 31
75	<p>Has your country extradited any person for criminal offences under Article 14 of this Protocol or as part of efforts to eliminate illicit trade in tobacco products?</p> <ol style="list-style-type: none"> 1 Yes 2 No 	Art. 30
76	<p>Parties are invited to share examples of cases of any person extradited for criminal offences under Article 14 (e.g., good practices) or as part of efforts to eliminate illicit trade in tobacco products:</p> <p><i>[Free-text answer]</i></p>	Art. 31

Question number	Question	Reference
Technical assistance needed and barriers and challenges to implementation		
77	<p>Could you benefit from any technical assistance to help implement the Protocol?</p> <p>1 Yes 2 No</p>	Art. 32.3.c
77a	<p>If yes to benefit from any technical assistance:</p> <p>Please describe the technical assistance you could benefit from to help implement the Protocol:</p> <p><i>[Free-text answer]</i></p>	Art. 32.3.c
78	<p>Have you faced any constraints or barriers in implementing the Protocol?</p> <p>1 Yes 2 No</p>	Art. 32.3.b
78a	<p>If yes to facing constraints or barriers:</p> <p>What constraints or barriers have you faced in implementing the Protocol:</p> <p><i>[Free-text answer]</i></p>	Art. 32.3.b
79	<p>Have you been able to overcome these constraints or barriers to implementing the Protocol?</p> <p>1 Yes 2 No</p>	Art. 32.3.b
79a	<p>If yes to overcoming constraints or barriers:</p> <p>Please describe how you have overcome these constraints or barriers to implementing the Protocol:</p> <p><i>[Free-text answer]</i></p>	Art. 32.3.b
80	<p>Please provide any suggestions for further development and revision of the reporting instrument:</p> <p><i>[Free-text answer]</i></p>	

ANNEX 3

**DRAFT DECISION:
IMPROVING THE REPORTING SYSTEM OF THE PROTOCOL**

The Meeting of the Parties (MOP),

Recalling Article 32.1 of the Protocol to Eliminate Illicit Trade in Tobacco Products, which stipulates that “each Party shall submit to the Meeting of the Parties, through the Convention Secretariat, periodic reports on its implementation of this Protocol”;

Further recalling decision FCTC/MOP1(10), in the which the MOP established reporting arrangements under the Protocol;

Noting document FCTC/MOP/3/7, which describes the initial experience with the reporting and information sharing under the Protocol and contains a proposal, developed under the guidance of the Bureau, to improve the reporting system of the Protocol;

Noting also document FCTC/MOP/3/4, which describes global progress in implementation of the Protocol,

1. WELCOMES the proposed revised reporting instrument of the Protocol, contained in Annex 2 of document FCTC/MOP/3/7;

2. REQUESTS the Convention Secretariat:

(a) to develop a new online reporting platform, including by incorporating the revised reporting instrument and features to make the platform as user-friendly as possible and testing it with the Parties, so that it may be used as of the next reporting cycle;

(b) to invite Parties to complete and submit their implementation reports, accordingly, in the period announced by the Convention Secretariat;

(c) to continue reviewing official external sources of data that are relevant to illicit trade in tobacco products, with a view to exploring how such data may best inform the assessment of global progress in implementation of the Protocol by the Parties.

(XXX plenary meeting, XX November 2023)

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