



26 November 2025

FCTC/MOP4(7)

Decision

FCTC/MOP4(7) Assistance and cooperation: strengthening implementation of Article 24 of the Protocol

The Meeting of the Parties (MOP),

Recalling Articles 20 to 31 under Part V of the Protocol to Eliminate Illicit Trade in Tobacco Products, containing Party obligations in relation to international cooperation, and recognizing that international cooperation – including measures on information sharing, technical and law enforcement cooperation, protection of sovereignty, jurisdiction, mutual legal and administrative assistance, and extradition – is key to the successful implementation of the Protocol;

Recalling also Article 24 of the Protocol, which provides that “Parties shall, in accordance with their domestic law, take all necessary measures, where appropriate, to strengthen cooperation for the prevention, detection, investigation, prosecution and punishment of natural or legal persons engaged in illicit trade in tobacco, tobacco products or manufacturing equipment”;

Reiterating the critical role that assistance and cooperation, in accordance with Articles 12, 23, 24 and 29 of the Protocol, can play in strengthening implementation of the Protocol among all Parties, as highlighted in decision FCTC/MOP1(10);

Recalling decision FCTC/MOP2(7), which noted the report prepared by the Working Group on Assistance and Cooperation, established in decision FCTC/MOP1(10); reminded Parties of their obligations in the context of Article 21; and invited Parties to undertake specific measures in the context of Articles 21, 23, 24, 28 and 29, including through the use of the information and resources contained in the Working Group report (document FCTC/MOP/2/7);

Considering that while Parties have made progress in implementing provisions related to international cooperation under the Protocol, as noted in document FCTC/MOP/4/4, significant challenges remain;

Concerned by the persistence of legal, technical, financial and political barriers – often compounded by interference from the tobacco industry and limited international cooperation – which continues to hinder full implementation of the Protocol, as also noted in document FCTC/MOP/4/4;

Noting the report of the Convention Secretariat contained in document FCTC/MOP/4/9,

1. REMINDS Parties of their obligations contained in Articles 20 to 31 in relation to international cooperation under the Protocol, and the importance of strengthening their implementation in order to achieve the objectives of the Protocol;
2. URGES Parties:
 - (a) to implement measures such as those outlined in decision FCTC/MOP2(7), and to continue providing the Convention Secretariat with updated information on designated competent national authorities, as provided for in Article 22, and with updated information on the contact points to implement mutual administrative assistance and on central authorities designated for mutual legal assistance, for the purposes of implementation of Articles 28 and 29; and
 - (b) to strengthen cooperation with each other and/or through competent international and regional organizations in the provision of training, technical assistance, and collaboration on scientific, technical and technological matters, in order to achieve the objectives of the Protocol, as mutually agreed, and as provided for in Article 23;
3. DECIDES:
 - (a) to establish a Working Group on Article 24 of the Protocol, taking into account the work completed by the Working Group on Assistance and Cooperation, established in decision FCTC/MOP1(10), whose mandate was completed per decision FCTC/MOP2(7);
 - (b) to mandate the Working Group to identify good practice for the implementation of Article 24 of the Protocol, as well as barriers thereto, and to prepare a report on effective mechanisms for strengthening assistance and cooperation on investigation and prosecution of offences; and
 - (c) to adopt the draft terms of reference for the Working Group on Article 24 of the Protocol, as set out in the Annex to this decision;
4. REQUESTS the Convention Secretariat to make the necessary arrangements, including budgetary arrangements for the Working Group to complete its work, in accordance with the terms of reference annexed to this decision and using electronic means of communication to as great an extent as possible.

Annex

Terms of reference for the Working Group on Article 24 of the Protocol

Background

1. Article 24 of the Protocol to Eliminate Illicit Trade in Tobacco Products requires Parties, in accordance with their domestic law, to take all necessary measures, where appropriate, to strengthen cooperation by multilateral, regional or bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of natural or legal persons engaged in illicit trade in tobacco, tobacco products or manufacturing equipment.
2. Article 24 of the Protocol further requires Parties to ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating illicit trade in tobacco, tobacco products or manufacturing equipment (including, where permitted under domestic law, judicial authorities) cooperate and exchange relevant information at national and international levels within the conditions prescribed by its domestic law.
3. The Meeting of the Parties (MOP) to the Protocol decided to establish a Working Group on Article 24 of the Protocol.

Objectives

4. In accordance with the mandate articulated in the decision establishing the Working Group, the Working Group will:
 - (a) conduct a comparison of the existing legal – including law enforcement and cooperation – frameworks among the Parties to the Protocol, in respect of Article 24 of the Protocol;
 - (b) identify good practice for and barriers to the implementation of Article 24 of the Protocol;
 - (c) prepare a report on effective mechanisms for strengthening assistance and cooperation on investigation and prosecution of offences; and
 - (d) present the report with its conclusions at the Fifth session of the MOP.

Composition and selection of members of the Working Group

5. The provisions of Article 4.2 of the Protocol and Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC) shall fully apply to the Working Group.
6. All Parties to the Protocol wishing to participate may join the Working Group and take part in its deliberations at their own expense.
7. Each region shall nominate up to two members representing the Parties in their respective regions through their regional coordinators. These regional nominees may benefit from assistance in accordance with the travel policy established in the Workplan and Budget adopted by the MOP, subject to the availability of funding.

8. The Working Group shall welcome Parties to the WHO FCTC that are not Parties to the Protocol to participate as observers. No travel support will be provided to these Parties, in line with previous practice.
9. Additionally, the Convention Secretariat, in consultation with the members of the Working Group, may invite as observers up to three representatives of nongovernmental organizations that are observers to the MOP, and up to three representatives of intergovernmental organizations, based on relevant expertise and sound knowledge of matters considered by authorities working to combat illicit trade in tobacco, tobacco products or manufacturing equipment. No travel support will be made available to these observers, in line with previous practice.
10. Parties willing to act as key facilitators should identify themselves at any time during the process.

Assistance from the Convention Secretariat

11. The Working Group shall endeavour to use web-based technologies or hybrid modalities for communicating when conducting its work. Notwithstanding, subject to the availability of funds, at least one in-person meeting of the Working Group is envisaged between the Fourth and Fifth sessions of the MOP.
12. The Working Group's key facilitator(s) should assist the Convention Secretariat in organizing these meetings.

(Fourth plenary meeting, 26 November 2025)
