



International cooperation under the Protocol

Report by the Convention Secretariat

Purpose of the document

This report provides context for work that could be undertaken to strengthen the implementation of Part V (International Cooperation) of the Protocol to Eliminate Illicit Trade in Tobacco Products. The report is intended to facilitate the deliberations of Parties under the item “International cooperation under the Protocol”, proposed by Parties.

Action by the Meeting of the Parties

The Meeting of the Parties (MOP) is invited to note the present report and provide further guidance.

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: None.

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

Related document(s): FCTC/MOP2(7); FCTC/MOP/2/7.

Background

1. Several Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products proposed that the matter of international cooperation, as referred to in Part V of the Protocol, be considered at the Fourth session of the Meeting of the Parties (MOP). These Parties were of the view that while the MOP had considered the matter of assistance and international cooperation at its second session, an in-depth discussion had not been possible during that session owing to the pandemic conditions, and that such discussion would be beneficial to the Parties. This was compounded by the fact that reported implementation of international cooperation provisions under the Protocol by the Parties remains low. In addition, continuing work that had begun at the MOP in respect of international cooperation was important, as the number of Parties to the Protocol was increasing and more experience could be shared in that respect.
2. The present report provides context for work that could be undertaken to strengthen the implementation of provisions on international cooperation of the Protocol, in particular under Part V of the treaty, in order to facilitate the deliberations of Parties.

Part V of the Protocol: International cooperation

3. Recognizing the cross-border nature of the illicit trade in tobacco products, the Protocol contains a key group of substantive articles to address the issue of international cooperation, such as measures on information sharing, technical and law enforcement cooperation, protection of sovereignty, jurisdiction, mutual legal and administrative assistance, and extradition. Articles 20–31 under Part V of the Protocol contain Party obligations in relation to international cooperation.
4. Subject to specific provisions in the Protocol, and in accordance with national law, Parties can refer to the Protocol as a legal basis to engage in international cooperation, as provided for under Part V of the treaty.

Global status of implementation of international cooperation measures under the Protocol

5. Parties are required to report on implementation of measures on international cooperation as part of their reporting obligations under the Protocol. At its third session, the MOP considered the second cycle of reports by the Parties since the entry into force of the Protocol. The Convention Secretariat report on global progress in implementation of the Protocol (document FCTC/MOP/3/4) outlined that the Protocol was a relatively young treaty, and that Parties have focused their attention on supply chain control measures and on prosecutions and sanctions for illicit trade in tobacco, tobacco products and manufacturing equipment. In respect of international cooperation, the following information was highlighted.

- (a) In relation to Article 20 (General information sharing), few Parties provided quantitative and qualitative information on seizures, which resulted in the inability to identify any pattern of seizures in terms of products seized, concealment methods and *modi operandi* used in illicit trade in tobacco, tobacco products or manufacturing equipment.
- (b) In relation to Article 21 (Enforcement information sharing), 17 Parties (27%) reported having exchanged enforcement information with another Party on their own or at the request of the other Party in the previous two years for the purpose of detection or investigation of illicit trade in tobacco, tobacco products or manufacturing equipment for tobacco products.

(c) In relation to Article 22 (Information sharing: confidentiality and protection of information), 22 Parties (36%) indicated that they had notified the Convention Secretariat of their designated competent national authority for the purposes of Articles 20, 21 and 24.

(d) In relation to Article 23 (Assistance and cooperation: training, technical assistance and cooperation in scientific, technical and technological matters), very few Parties reported having engaged in providing and/or receiving financial or technical assistance to or by other Parties. In respect of cooperation for capacity-building (training) between Parties, law enforcement and information gathering were the most commonly cited areas of cooperation. Ten Parties (16%) reported having developed or conducted research on identifying the exact geographical origin of seized tobacco and tobacco products.

(e) In relation to Article 24 (Assistance and cooperation: investigation and prosecution of offences), 14 Parties (23%) reported collaborative arrangements in this matter.

(f) In relation to Article 26 (Jurisdiction), 27 Parties (44%) reported having adopted measures to establish jurisdiction over the criminal offences established in accordance with Article 14.

(g) In relation to Article 27 (Law enforcement cooperation), 39 Parties (63%) reported having established a domestic coordination mechanism among enforcement agencies, and 39% of Parties reported having established coordination with law enforcement agencies in other Parties (mostly through bilateral or multilateral agreements).

(h) In relation to Article 28 (Mutual administrative assistance), 17 Parties (27%) reported having signed bilateral, regional or multilateral agreements with other Parties to facilitate mutual administrative assistance.

(i) In relation to Article 29 (Mutual legal assistance), 18 Parties (29%) reported having designated a central authority for the purpose of mutual legal assistance. However, only seven Parties (11%) reported that they had participated in mutual legal assistance initiatives with another Party or Parties.

(j) In relation to Article 30 (Extradition), only three Parties reported that they had utilized the Protocol for extradition purposes (making this the least implemented provision).

6. The full version of the *2023 Global Progress Report on Implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products*¹ contains additional information on the implementation by Parties of these provisions.

7. At the time of preparing this report, the data from the 2025 reporting cycle for the Protocol are being collated. Parties may expect more information on the status of implementation of articles under Part V of the Protocol in document FCTC/MOP/4/4, containing details of the global progress in implementation of the Protocol, and in the 2025 Global Progress Report.

¹ [2023 Global Progress Report on Implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products](#).

Geneva: Secretariat of the WHO FCTC; 2023 (accessed 8 July 2025).

Work on assistance and cooperation undertaken at the MOP

8. At its second session, the MOP considered a report prepared by the Working Group on Assistance and Cooperation, which was established in decision FCTC/MOP1(10): (a) to deal with matters related to enforcement information sharing (in accordance with Article 21), assistance and cooperation (in accordance with Article 23), mutual administrative assistance (in accordance with Article 28), investigation and prosecution of offences (in accordance with Article 24) and mutual legal assistance (in accordance with Article 29); and (b) to report on the outcome of its work to the Second session of the MOP, among others.²

9. In its report (document FCTC/MOP/2/7), the Working Group provided options (practical, legal and information technology aspects) to exchange enforcement information (Article 21) and mutual administrative assistance (Article 28), indicating that, depending on the existing legal framework of individual Parties, Articles 21 and 28 of the Protocol may be considered a sufficient legal obligation to engage in mutual administrative assistance. The Working Group highlighted the availability of alternative legal instruments and platforms that Parties may find suitable to perform exchanges with other Parties, and provided examples in Annex 1 of the document. In addition, the Working Group referred to the most common practical aspects needed to implement these articles in Annex 2 of the document (in respect of definitions, appointment of contact/focal points, requests for information, provision of information, exceptions and conditions, expenses, and other issues).

10. The Working Group further considered the priorities for assistance and cooperation (Article 24) and for mutual legal assistance (Article 29), outlining law enforcement cooperation modalities, providing examples in Annex 3 of the document, and describing the main features of the mutual legal assistance mechanism enshrined in the Protocol in Annex 4 of the document.

11. The Working Group also described options for developing assistance and cooperation, in relation to training, technical assistance and cooperation in scientific, technical and technological matters (Article 23); in doing so, it recalled, among others, decision FCTC/MOP1(8), in which the MOP requested the Convention Secretariat to develop a draft strategy with the aim to provide a framework for the Convention Secretariat to support Parties in implementing the Protocol. The Strategy for mechanisms of assistance and mobilization of financial resources to support the implementation of the Protocol to Eliminate Illicit Trade in Tobacco Products was adopted in decision FCTC/MOP2(11), and a report on its review will be submitted by the Convention Secretariat at the Fourth session of the MOP in document FCTC/MOP/4/10.

12. In decision FCTC/MOP2(7), the MOP considered the options developed by the Working Group and noted with satisfaction the outcome of the Working Group on Assistance and Cooperation, which had completed its mandate. In respect of international cooperation provisions, the MOP 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 information and resources provided in Annexes 1 to 4 contained in the Working Group report.

² The Working Group was also mandated to promote the exchange of good practices in the implementation of Article 12; the documentation produced included the report [Examples of current practices in the implementation of Article 12 \(Free zones and international transit\) of the Protocol to Eliminate Illicit Trade in Tobacco Products](#). Geneva: World Health Organization; 2021 (accessed 9 July 2025).

13. To support the Parties in their efforts, in December 2023, the Convention Secretariat issued a note verbale (CS/NV/23/19) inviting Parties to the Protocol to submit their designations for the database of experts for the Protocol, pursuant to decision FCTC/MOP1(9). The note also requested submissions for the databases of central authorities in relation to Article 29 for mutual legal assistance, and of competent authorities and contact points in relation to Article 28 for mutual administrative assistance, as outlined in decision FCTC/MOP2(7). These databases are now available on the Coordination Platforms section for the Protocol on the WHO FCTC website.³

14. Considering the need to strengthen implementation of international cooperation measures under the Protocol further, several Parties have proposed this item for discussion by the MOP.

Action by the Meeting of the Parties

15. The MOP is invited to note the present report and provide further guidance.

³ [Protocol databases](#) (accessed 8 July 2025).