2024/2780

29.10.2024

COUNCIL DECISION (EU) 2024/2780

of 29 January 2024

on the position to be taken on behalf of the European Union at the third session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 33, 113, 114 and Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Protocol to Eliminate Illicit Trade in Tobacco Products ([1]) (the 'Protocol') was concluded by the Union by Council Decision 2016/1749 ([2]) and entered into force on 25 September 2018.

(2) Pursuant to Article 33(5) of the Protocol, the Meeting of the Parties ('MOP') is to take the decisions necessary to promote the effective implementation of the Protocol.

(3) At its third session from 12 to 15 February 2024, the MOP is expected to adopt certain acts having legal effects. Therefore, it is appropriate to establish the position to be taken on the Union's behalf at the third session of the MOP, pursuant to Article 218(9) of the Treaty on the Functioning of the European Union.

(4) In order to enable appropriate preparation and representation of the Union positions, the Union should propose an amendment to the Rules of Procedure of the MOP to require the Secretariat to distribute the official meeting documents at least 120 days before each MOP.

(5) For the purpose of simplifying the work of the MOP and to arrange for virtual sessions of the MOP, as well as to provide for the possibility of designating an acting Head of the Convention Secretariat, the Union should also support the amendments to the Rules of Procedure of the MOP, which are proposed with these aims.

(6) The Union should support the improvement of the process for the selection and appointment of the Head of the Convention Secretariat, in particular to simplify the procedure for a single renewal of the term of office of that appointee, while respecting the objective performance criteria.

(7) In view of the preceding 10th session of the Conference of the Parties (COP) to the World Health Organisation's Framework Convention on Tobacco Control, and in order to ensure coherence between the Rules of Procedure applicable to the COP and MOP, adjustments of the Rules of Procedure of the COP should be reflected in the Rules of Procedure of the MOP,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf at the third session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products (the 'Protocol') is set out in the Annex.

Article 2

Minor technical changes and minor adjustments of the position referred to in Article 1, in light of developments at the third session of the Meeting of the Parties to the Protocol, and at the 10th session of the Conference of Parties to the World Health Organisation's Framework Convention for Tobacco Control, may be agreed upon by the representatives of the Union, in consultation with the Member States, during on-the-spot coordination meetings, without a further decision of the Council.

([1]) OJ L 268, 1.10.2016, p. 10.

([2]) Council Decision (EU) 2016/1749 of 17 June 2016 on the conclusion, on behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products of the World Health Organisation's Framework Convention on Tobacco Control, with the exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union (OJ L 268, 1.10.2016, p. 1).

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 29 January 2024.

For the Council
The President
H. LAHBIB

ANNEX

Union position on the agenda points 7.6 'possible amendments to the rules of procedure' and 7.7 'appointment of the Head of the Convention Secretariat', to be discussed at the third session of the Meeting of the Parties ('MOP') to the Protocol to Eliminate Illicit Trade in Tobacco Products ('the Protocol'), in Panama from 12 to 15 February 2024.

I. **Possible amendments to the rules of procedure of the Meeting of Parties (document FCTC/MOP/3/13)**

The Union shall:

1. Support amendments proposed to simplify and rationalise the work at the MOP, such as accepting the approval of the verbatim records after the close of the session (Rule 60) or introducing the general possibility of live webcasting of agenda items of MOP sessions, subject to an approval by the MOP at the beginning of each session (Rule 15, new b).

2. Agree to clarify, without amending the Rules of Procedure of the MOP, that verbatim records of plenary meetings are understood to include audio files (Rule 60).

3. Support the amendment related to arranging for virtual sessions of the MOP (Rule 15, new c); however, virtual sessions should not be strictly limited to exceptional circumstances, thereby taking into consideration also the need to balance the environmental costs of in-presence sessions whenever possible.

4. Support the amendment to define more clearly the participation of the members of the Bureau of the MOP in the appointment of the Head of the Secretariat, as well as the amendment providing for the possibility of designating an acting Head of the Secretariat, when required (Rule 24 ter).

5. Support the amendment related to the presence of accredited media in public sessions (rule 2, paragraph 13), as this amendment leads to better consistency between Rules 2 and 32.

6. Support the correction of inconsistencies, including the deletion of the word 'resolution' (Rule 60) and the alignment of provisions regarding 'economic regional organisations' (Rules 2 and 29).

7. Propose an amendment of Rule 8 that currently obliges the Secretariat to distribute the provisional agenda, together with other conference documents, to the Parties at least sixty days before the opening day of the session. This period should be extended to up to 120 days before the opening of the session in order to enable regional economic integration organizations and federal countries to properly prepare and establish their positions. A period of 90 days should at the least be ensured for conference documents for MOP decisions that are legally binding on the Parties or have important policy or legal implications.

   [fall-back position: The European Union can agree with any extension of the distribution period beyond current 60 days before the opening of the session, and at least for conference documents for MOP decisions that are legally binding on the Parties or have important policy or legal implications.]

8. In view of the preceding 10th session of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and in order to ensure coherence between the procedural rules applicable to the Conference of the Parties and the Meeting of the Parties, adjustments of the Rules of Procedure of the Conference of the Parties (COP) will be mutatis mutandis reflected in the Rules of Procedure (ROP) of the Meeting of Parties.

II. **Appointment of the Head of the Convention Secretariat: report by the Bureau (document FCTC/MOP/3/14)**

The Union shall:

(1) Thank the Bureau for the report, containing joint recommendations of the Bureau of the COP and Bureau of the MOP to improve the process of selection and appointment of the Head of the Secretariat and criteria for the selection of candidates for the position of the Head of the Secretariat.

(2) Support the proposed improvements of the process for the selection and appointment of the Head of the Secretariat, established by decisions FCTC/COP8(8) and FCTC/MOP1(12), including modifications to simplify a single renewal of the term of office of the Head of the Secretariat for a further four years, provided that his/her performance is beforehand evaluated and assessed positively.

(3) Support the improved criteria for the selection of the candidates for the position of the Head of the Secretariat; the Union should, however, request that aspects related to the Protocol to the FCTC are added to the selection criteria. In particular, documentary criteria 1 should include strong background, knowledge and substantive experience in fight against illicit trade, and documentary criteria 2 should include experience in fight against illicit trade and strong links with the international anti-fraud community.

(4) In view of the preceding 10th session of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and in order to ensure coherence between the procedural rules applicable to the Conference of the Parties and the Meeting of the Parties, amendments of the rules governing appointment of the Head of the Convention Secretariat as agreed at the Conference of the Parties will be mutatis mutandis reflected in the rules governing appointment of the Head of the Convention Secretariat to be agreed at the Meeting of Parties.