

ABSTRACT

Illicit trade in tobacco products undermines public health and lead to significant tax losses for Governments. From around 2001, attempts to hold international tobacco manufacturers liable for tobacco products originating from within their supply chains led them to conclude far-reaching Cooperation Agreements with the European Union (EU) and its Member States. These agreements resulted in significant reductions in illicit trade in their products in Europe, but market dynamics caused the products of these manufacturers to be replaced by other illicit products.

The Framework WHO Framework Convention on Tobacco Control (FCTC) and its subsequent Protocol on Illicit Trade (ITP), had a significant impact on the approach of the multilateral system and of national governments towards cooperation with the legal tobacco industry, while it at the same time proposed a range of new measures to address illicit trade. This caused the EU to review its Agreements with the tobacco industry and for the EU to conclude that they had addressed their intended purpose and that the way forward was to solely rely on new measures adopted as part of the 2014 EU Tobacco Products Directive (TPD).

These developments raise significant questions about the way forward: What is the history and what are the learnings from the Industry Agreements? Are their benefits fully addressed by the 2014 TPD? Is there still scope for cooperating with the legal tobacco industry and what are the challenges to be overcome in this area?