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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 12283/2/15 REV 2 UD 187 SAN 293 COPEN 245 DROIPEN 103
No. Cion doc.: 8563/15 + ADD1 + ADD 2 UD 104 SAN 136 COPEN 109 DROIPEN 39

Subject: Adoption of a Council Decision on the Conclusion, on Behalf of the European Union, of the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control, in so far as the Provisions of the Protocol Which Fall under Title V of Part III of the Treaty on the Functioning of the European Union are Concerned

1. On 4 May 2015, the Commission submitted to the Council the above proposal, which aims at adopting a Decision on the conclusion of a Protocol to the Framework Convention on Tobacco Control (FCTC) meant to eliminate the illicit trade in tobacco products. The proposal is based on Art. 82(1) and Art. 83 in conjunction with Art. 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).
2. At its meeting on 6 November 2015, the Working Party on Customs Union reached an agreement on an amended version of the text of proposal, as laid down in doc. 12283/2/15 REV 2.

3. On 9 December 2013, the Council adopted its Decision¹ on the signing of the above Protocol.
 4. The Protocol was signed on 20 December 2013.
 5. Under these circumstances and in accordance with Article 218(6) of the TFEU, the Council should decide on the transmission of the draft decision to the European Parliament in order to obtain its consent.
 6. The Permanent Representatives Committee is therefore invited to suggest to the Council to decide, in part "A" of the agenda of a forthcoming meeting, to forward the draft decision and the Protocol as contained in documents 14387/15 UD 223 SAN 388 COPEN 321 DROIPEN 152 and 15044/13 UD 268 SAN 400 COPEN 164 DROIPEN 126, texts finalised by the legal/linguistic experts, to the European Parliament for its consent.
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¹ OJ L 333 of 2.12.2013, p. 73