

Protocol to Eliminate Illicit Trade in Tobacco Products

Self-assessment checklist

*for voluntary use by WHO FCTC Parties in assessing their legal, regulatory
and policy frameworks
in view of the Protocol requirements*

The attached self-assessment checklist was prepared by the Convention Secretariat based on a request made by the Conference of the Parties at its fifth session¹. Parties are invited to utilize the attached checklist at their convenience.

The checklist covers Articles 4-19 of the Protocol, establishing the immediate legal, regulatory and policy requirements under the Protocol. A self-assessment checklist for Articles 20–31, establishing requirements for international cooperation, including information sharing and mutual legal assistance, will be developed after implementation of the Protocol commences.

SECTION 1: SUPPLY CHAIN CONTROL (Articles 6-13 of the Protocol)

SECTION 2: OFFENCES (Articles 14-19 of the Protocol)

SECTION 3: GENERAL OBLIGATIONS (Articles 4 and 5 of the Protocol)

For questions and comments, please contact the Secretariat by email at protocolfctc@who.int.

¹ Decision FCTC/COP5(16).

SECTION 1: SUPPLY CHAIN CONTROL (Articles 6-13 of the Protocol)

SUMMARY:

Articles 6 through 13 aim at controlling the supply chain of tobacco, tobacco products and manufacturing equipment.

Article 6 (*Licence, equivalent approval or control system*) establishes an obligation to license any person who manufactures, imports or exports tobacco products or manufacturing equipment. Parties have discretion in licensing other activities, such as retailing of tobacco products or tobacco-growing.

According to **Article 7** (*Due diligence*), all persons engaged in the supply chain (as defined in Article 1.12) have to conduct due diligence before and during a business relationship, monitor sales to ensure that the quantities are commensurate with the actual demand and report to the competent authorities evidence that a customer is engaged in activities in contraventions of the Protocol.

A global tracking and tracing regime will be established within 5 years of entry into force of the Protocol in accordance with **Article 8** (*Tracking and tracing*). The global regime will comprise national or regional tracking and tracing systems, which will be linked with the “global information sharing point” located in the Convention Secretariat through national or regional central points. Within 5 years of entry into force for each Party, “unique identification markings” have to be affixed to packets, packages and outside packaging of cigarettes, and within 10 years, of other tobacco products.

Parties require all persons engaged in the supply chain to maintain complete and accurate records (**Article 9**, *Record-keeping*). **Article 10** (*Security and preventive measures*) requires Parties to take measures to prevent the diversion of tobacco products into illicit trade channels, such as requiring the reporting of cross-border transfers of cash in certain amounts.

Transactions regarding tobacco products through the Internet, telecommunication and other evolving technology-modes of sale (**Article 11**, *Sale by Internet, telecommunication or any other evolving technology*) as well as duty free sales (**Article 13**, *Duty free sales*) will be subject to all relevant provisions of the Protocol.

In free zones, Parties have to implement effective controls on manufacturing of, and transactions in, tobacco and tobacco products, using all relevant Protocol measures within 3 years of entry into force of the Protocol for each Party (**Article 12**, *Free zones and international transit*). Parties also have to apply control and verification measures to international transit and transshipment.

ARTICLE 6: LICENCE, EQUIVALENT APPROVAL OR CONTROL SYSTEM

Note: For the purposes of this self-assessment tool, “licence” also refers to an equivalent approval granted or control system implemented.

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
6.1	Are any of the following activities prohibited, except pursuant to a licence granted by a competent authority:		
6.1(a)	Manufacture of tobacco products?		
	Manufacture of manufacturing equipment?		
6.1(b)	Import of tobacco products?		
	Export of tobacco products?		
	Import of manufacturing equipment?		
	Export of manufacturing equipment?		
6.2	Is it a requirement to have a license, when the following activities are not prohibited by national law, for any person engaged in: <i>[Please note that Art. 6.2 refers to “Each Party shall endeavour to license, to the extent considered appropriate”]</i>		
6.2(a)	retailing of tobacco products?		

6.2(b)	growing of tobacco, except for traditional small-scale growers, farmers and producers?		
6.2(c)	transporting commercial quantities of tobacco products or manufacturing equipment?		
6.2(d)	wholesaling, brokering, warehousing or distribution of tobacco and tobacco products or manufacturing equipment?		
6.3(a)	With a view to ensuring an effective licensing system, has a competent authority/ies been established or designated with regard to licensing?		
	Does the competent authority have the authority to issue, renew, suspend, revoke and/or cancel licences for:		
	the manufacture of tobacco products?		
	the import of tobacco products?		
	the export of tobacco products?		
	the manufacture of manufacturing equipment?		
	the import of manufacturing equipment?		
	the export of manufacturing equipment?		
	If yes, which competent authority or authorities was established or designated?		
6.3(b)	With a view to ensuring an effective licensing system, is there a requirement that each application for a licence contains all the requisite information about the applicant, including the following:		

	<i>[Please note that Art. 6.3(b) refers to “ which should include”]</i>		
6.3(b)(i)	for a natural person, information regarding his or her identity, including the information set out in Art. 6.3(b)(i)?		
6.3(b)(ii)	for a legal person, information regarding its identity, including the information set out in Art. 6.3(b)(ii)?		
6.3(b)(iii)	- precise business location of the manufacturing unit(s), - warehouse location and - production capacity of the business run by the applicant?		
6.3(b)(iv)	details of the tobacco products and manufacturing equipment covered by the application, such as the information set out in Art. 6.3(b)(iv)?		
6.3(b)(v)	a description of where manufacturing equipment will be installed and used?		
6.3(b)(vi)	documentation or a declaration regarding any criminal records?		
6.3(b)(vii)	complete identification of the bank accounts intended to be used in the relevant transactions and other relevant payment details?		
6.3(b)(viii)	a description of the intended use and intended market of sale of the tobacco products, with particular attention to ensuring that tobacco product production or supply is commensurate with reasonably anticipated demand?		
6.3(c)	Are licence fees monitored and collected? <i>[Please note that Art. 6.3(c) refers to “collect, where applicable, ...license fees”]</i>		
	Are licence fees being used in effective administration and enforcement of		

	the licensing system or for public health or any other related activity? <i>[Please note that Art. 6.3(c) refers to “consider using them in effective administration...”]</i>		
	If yes, what are the collected licence fees used for?		
6.3(d)	Are appropriate measures being taken to prevent, detect and investigate any irregular or fraudulent practices in the operation of the licensing system?		
6.3(e)	Are periodic reviews, renewal, inspection or audit of licences undertaken, where appropriate?		
6.3(f)	Has a time frame for expiration of licences and subsequent requisite reapplication or updating of application information been established, where appropriate?		
6.3(g)	Is any licensed natural or legal person obliged to inform the competent authority in advance of any change of location of their business or any significant change in information relevant to the activities as licensed?		
6.3(h)	Is any licensed natural or legal person obliged to inform the competent authority, for appropriate action, of any acquisition or disposal of manufacturing equipment?		
6.3(i)	Is it ensured that the destruction of any such manufacturing equipment or any part thereof, takes place under the supervision of the competent authority?		
6.4	Is it ensured that a licence is only assigned and/or transferred upon receipt of the appropriate information contained in paragraph 3, from the proposed licensee, and only with prior approval from the competent authority?		

ARTICLE 7 : DUE DILIGENCE

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
7.1(a)	Is it a requirement to conduct due diligence before the commencement of and during the course of, a business relationship, for all natural and legal persons:		
	engaged in the supply chain of tobacco?		
	engaged in the supply chain of tobacco products?		
	engaged in the supply chain of manufacturing equipment?		
7.1(b)	Is it a requirement to monitor the sales to their customers to ensure that the quantities are commensurate with the demand for such products within the intended market of sale or use, for all natural and legal persons:		
	engaged in the supply chain of tobacco?		
	engaged in the supply chain of tobacco products?		
	engaged in the supply chain of manufacturing equipment?		
7.1(c)	Is it a requirement to report to the competent authorities any evidence that the customer is engaged in activities in contravention of obligations arising from the Protocol, for all natural and legal persons:		
	engaged in the supply chain of tobacco?		
	engaged in the supply chain of tobacco products?		
	engaged in the supply chain of manufacturing equipment?		

7.2	Does due diligence, pursuant to paragraph 1, include requirements for customer identification, such as obtaining and updating information relating to the following: <i>[Please note that Art. 7.2 refers to “Due diligence... shall, as appropriate ... include...”]</i>		
7.2(a)	establishing that the natural or legal person holds a licence in accordance with Article 6?		
7.2(b)	when the customer is a natural person, information regarding his or her identity, including the information set out in Art. 7.2(b)?		
7.2(c)	when the customer is a legal person, information regarding its identity, including the information set out in Art. 7.2(c)?		
7.2(d)	a description of the intended use and intended market of sale of tobacco, tobacco products or manufacturing equipment?		
7.2(e)	a description of the location where manufacturing equipment will be installed and used?		
7.3	Do the <i>due diligence requirements</i> , pursuant to paragraph 1, include requirements for customer identification, such as: <i>[Please note that Art. 7.3 refers to “due diligence may include”]</i>		
7.3(a)	obtaining and updating information relating to the documentation or a declaration regarding any criminal records ?		
7.3(b)	obtaining and updating information relating to the identification of the bank accounts intended to be used in transactions?		

7.4	Is compliance with the obligations arising from the Protocol ensured, on the basis of the information reported in paragraph 1(c)?		
	<p>Can a customer be designated as a blocked customer within my country in case of non-compliance?</p> <p><i>[Please note that paragraph 4 refers to “which may include the designation of a customer...”]</i></p>		

ARTICLE 8: TRACKING AND TRACING

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
8.2	Has a tracking and tracing system been established in accordance with Article 8?		
	Is this tracking and tracing system controlled by the government?		
	Does this tracking and tracing system cover all tobacco products that are:		
	manufactured in my country?		
	imported into my country?		
8.3	Is it required that unique, secure and non-removable identification markings (“unique identification markings”), such as codes or stamps, are affixed to or form part of:		
	all unit packets of cigarettes?		
	all unit packages of cigarettes?		
	any outside packaging of cigarettes?		
	NOTE: <i>unique identification markings on unit packets, packages and on outside packaging of cigarettes are required within 5 years of entry into force of the Protocol for that Party.</i>		
	all unit packets of other tobacco products?		
	all unit packages of other tobacco products?		

	any outside packaging of other tobacco products?		
	<i>NOTE: unique identification markings on unit packets, packages and on outside packaging of other tobacco products are required within 10 years of entry into force of the Protocol for that Party.</i>		
8.4.1	Is it required that, as part of the global tracking and tracing regime, the following information is available, either directly or accessible by means of a link, to assist Parties in determining the origin of tobacco products, the point of diversion where applicable, and to monitor and control the movement of tobacco products and their legal status:		
8.4.1(a)	date and location of manufacture?		
8.4.1(b)	manufacturing facility?		
8.4.1(c)	machine used to manufacture tobacco products?		
8.4.1(d)	production shift or time of manufacture?		
8.4.1(e)	the name, invoice, order number and payment records of the first customer who is not affiliated with the manufacturer?		
8.4.1(f)	the intended market of retail sale?		
8.4.1(g)	product description?		
8.4.1(h)	any warehousing and shipping?		
8.4.1(i)	the identity of any known subsequent purchaser? and		
8.4.1(j)	the intended shipment route, the shipment date, shipment destination, point of departure and consignee?		

8.4.2	Is it required that the information in Article 8.4.1, subparagraphs (a), (b), (g) and where available (f), forms part of the “unique identification markings”?		
8.4.3	Where the information in Article 8.4.1, subparagraph (f) is not available at the time of marking, is it a requirement that unit packets and packages of tobacco products for retail and wholesale use that are sold on my country’s market:		
	carry the statement: “Sales only allowed in (insert name of the country, subnational, regional or federal unit)”?		
	carry any other effective marking indicating the final destination? or		
	carry any other effective marking which would assist authorities in determining whether the product is legally for sale on the domestic market?		
8.5	Is it required that the information set out in paragraph 4 is recorded as follows:		
	at the time of production, at the time of first shipment by any manufacturer or at the time of import into my country?		
	For cigarettes , is the recording of the information set out in paragraph 4 required within 5 years of entry into force of the Protocol for my country?		
	For other tobacco products , is the recording of the information set out in paragraph 4 required within 10 years of entry into force of the Protocol for my country?		
8.6	Is it required that the information recorded under paragraph 5 is accessible by the government by means of a link with the unique identification markings (required under Article 8, paragraphs 3 and 4)?		
8.7	Is it required that the information recorded in accordance with paragraph 5 as well as the unique identification markings rendering such information		

	accessible (see paragraph 6) is included in a format that is established or authorized by the government and the competent authorities?		
8.8	Is it ensured that the information recorded under paragraph 5 is accessible to the global information-sharing focal point on request through a standard electronic secure interface with the government's national or regional central point?		
	<i>NOTE: the global information-sharing focal point (located at the Convention Secretariat) shall compile a list of the competent authorities of Parties and make the list available to all Parties.</i>		
8.9	Is it ensured that the government or the competent authority:		
8.9(a)	Has access to the information outlined in paragraph 4 in a timely manner by making a query to the global information-sharing focal point?		
8.9(b)	Requests such information only where it is necessary for the purpose of detection or investigation of illicit trade in tobacco products?		
8.9(c)	Does not unreasonably withhold information?		
8.9(d)	Answers the information requests in relation to paragraph 4?		
8.9(e)	Protects and treats as confidential, as mutually agreed, any information that is exchanged?		
8.10	Is it required that the scope of the applicable tracking and tracing system is further developed and expanded up to the point that all duties, relevant taxes, and where appropriate, other obligations have been discharged at:		
	the point of manufacture?		

	the point of import?		
	the point of release from customs?		
	the point of release from excise control?		
8.11	Are you in a position to cooperate with other Parties and with competent international organizations, as mutually agreed, to share and develop best practices for tracking and tracing systems?		
	Could such cooperation include the following:		
8.11(a)	facilitation of the development, transfer and acquisition of improved tracking and tracing technology, including knowledge, skills, capacity and expertise?		
8.11(b)	support for training and capacity-building programmes for Parties that express such a need?		
8.11(c)	further development of the technology to mark and scan unit packets and packages of tobacco products to make accessible the information listed in paragraph 4?		
8.12	Is it ensured that the obligations assigned to the government are not performed by or delegated to the tobacco industry?		
8.13	Is it ensured that the government's competent authorities, in participating in the tracking and tracing regime, interact with the tobacco industry and those representing the interests of the tobacco industry only to the extent strictly necessary in the implementation of this Article?		
8.14	Is it required that the tobacco industry bears any costs associated with the government's obligations under Article 8? <i>[Please note that Art. 8.14 refers to "Party may require..."]</i>		

ARTICLE 9: RECORD-KEEPING

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
9.1	Is it a requirement to maintain complete and accurate records of all relevant transactions, for all natural and legal persons engaged in the supply chain of: <i>[Please note that Article 9.1 refers to “Each Party shall require, as appropriate ... ”.]</i>		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Is it required that such records allow for the full accountability of materials used in the production of their tobacco products?		
9.2	Are persons licensed in accordance with Article 6 required to provide, on request, the following information to the competent authorities: <i>[Please note that Article 9.2 refers to “Each Party shall, as appropriate, require ... ”.]</i>		
9.2(a)	general information on market volumes, trends, forecasts and other relevant information?		
9.2(b)	the quantities of tobacco products and manufacturing equipment in the licensee’s possession, custody or control kept in stock, in tax and customs warehouses under the regime of transit or transshipment or duty suspension as of the date of the request?		
9.3	With respect to tobacco products and manufacturing equipment sold or manufactured in my country for export, or subject to duty-suspended movement in transit or transshipment in my country, are persons licensed (in accordance with Article 6) required to provide, on request, as appropriate, to		

	the competent authorities in the country of departure (electronically, where the infrastructure exists) at the time of departure from their control, the following information:		
9.3(a)	the date of shipment from the last point of physical control of the products?		
9.3(b)	the details concerning the products shipped (including brand, amount, warehouse)?		
9.3(c)	the intended shipping routes and destination?		
9.3(d)	the identity of the natural or legal person(s) to whom the products are being shipped?		
9.3(e)	the mode of transportation, including the identity of the transporter?		
9.3(f)	the expected date of arrival of the shipment at the intended shipping destination?		
9.3(g)	intended market of retail sale or use?		
9.4	Are the following required to maintain complete and accurate records of all relevant transactions in which they engage: <i>[Please note that Article 9.4 refers to “If feasible, each Party shall require...”.]</i>		
	retailers?		
	tobacco growers, (except for traditional growers working on a non-commercial basis)?		
9.5	Is it required that all records are:		
9.5(a)	maintained for a period of at least four years?		
9.5(b)	made available to the competent authorities?		
9.5(c)	maintained in a format, as required by the competent authorities?		

9.6	<p>Has a system been established for sharing with other Parties details contained in all records that are required to be kept in accordance with Article 9?</p> <p><i>[Please note that Article 9.6 refers to “Each Party shall, as appropriate ...establish a system for...”.]</i></p>		
9.7	<p>Are you in a position to cooperate, with other Parties and with competent international organizations, in progressively sharing and developing improved systems for record-keeping?</p> <p><i>[Please note that paragraph 7 refers to “Parties shall endeavour to cooperate...”]</i></p>		

ARTICLE 10: SECURITY AND PREVENTIVE MEASURES

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
10.1	Are all persons that are subject to licensing in accordance with Article 6 required to take the necessary measures to prevent the diversion of tobacco products into illicit trade channels? <i>[Please note that Article 10.1 refers to “Each Party shall, where appropriate ... ”.]</i>		
	If yes, do requirements include the following:		
10.1(a)(i)	to report to the competent authorities the cross-border transfer of cash in amounts stipulated in national law ?		
	to report to the competent authorities cross-border payments in kind ?		
10.1(a)(ii)	to report to the competent authorities all “suspicious transactions”?		
10.1(b)	to supply tobacco products only in amounts commensurate with the demand for such products within the intended market of retail sale or use?		
	to supply manufacturing equipment only in amounts commensurate with the demand for such products within the intended market of retail sale or use?		
10.2	Is it required that payments for transactions, which are carried out by a person that is subject to licensing (in accordance with Article 6) are allowed only in the following manner: <i>[Please note that Article 10.2 refers to “Each Party shall, where appropriate ... ”.]</i>		

	In the currency and in the same amount as the invoice?		
	Only through legal modes of payment from financial institutions located on the territory of the intended market?		
	Is it required that such transactions shall not be operated through any other alternative remittance system?		
10.3	<p>Is it required that payments carried out by persons subject to Article 6 for materials used for the manufacture of tobacco products in my country be allowed only in the currency and in the same amount as the invoice, and only through legal modes of payment from financial institutions located on the territory of the intended market and shall not be operated through any other alternative remittance system?</p> <p><i>[Please note that paragraph 3 refers to “Party may require”.]</i></p>		
10.4	Is the contravention of the requirements listed above subject to:		
	appropriate criminal, civil or administrative procedures?		
	effective, proportionate and dissuasive sanctions?		
	including, as appropriate, the suspension or cancellation of a licence?		

ARTICLE 11: SALE BY INTERNET, TELECOMMUNICATION OR ANY OTHER EVOLVING TECHNOLOGY

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
11.1	Are all persons engaged in any transaction with regard to tobacco products through any of the following modes of sale required to comply with all relevant obligations covered by the Protocol:		
	internet?		
	telecommunication?		
	any other evolving technology?		
11.2	Has a ban on retail sales of tobacco products through Internet-, telecommunication- or any other evolving technology- based modes of sale been considered? <i>[Please note that paragraph 2 refers to “Party shall consider banning”.]</i>		

ARTICLE 12: FREE ZONES AND INTERNATIONAL TRANSIT

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
12.1	Are effective controls in free zones in place, by use of all relevant measures as provided in the Protocol, on the following:		
	manufacturing of tobacco?		
	manufacturing of tobacco products?		
	transactions in tobacco?		
	transactions in tobacco products?		
	NOTE: Measures in accordance with Article 12.1 should be implemented within three years of the entry into force of the Protocol for that Party.		
12.2	Is the intermingling of tobacco products with non-tobacco products in a single container or any other such similar transportation unit at the time of removal from free zones prohibited?		
12.3	Have control and verification measures been adopted and applied to the international transit or transshipment, within my country, of the following in conformity with the provisions of the Protocol:		
	transit or transshipment of tobacco products?		
	transit or transshipment of manufacturing equipment?		

ARTICLE 13: DUTY FREE SALES

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
13.1	Are duty free sales subject to all relevant provisions of the Protocol?		

SECTION 2: OFFENCES (Articles 14-19 of the Protocol)

SUMMARY:

Article 14 (*Unlawful conduct including criminal offences*) contains in its paragraph 1 an obligation for Parties to establish a list of activities as “unlawful conduct” under its domestic law, such as the manufacture or sale of tobacco products contrary to the provisions of the Protocol, the import or export of tobacco, tobacco products or manufacturing equipment without paying applicable duties, taxes or other levies, or distributing illicit tobacco products or products bearing false fiscal stamps. Each Party shall determine which of the unlawful conduct that is enumerated in paragraph 1 shall be criminal offences (paragraph 2) and shall notify the Secretariat accordingly.

Article 15 (*Liability of legal persons*) provides for the establishment of liability of legal persons (i.e., an entity recognized of having legal personality, such as a corporation) for the unlawful conduct, in addition to the liability of natural persons.

Article 16 (*Prosecutions and sanctions*) includes obligations for Parties to subject persons liable for unlawful conduct established in accordance with Article 14 to effective, proportionate and dissuasive sanctions.

In a discretionary provision, Parties should consider adopting measures to authorize their authorities to levy an amount proportionate to lost taxes and duties from the producer, distributor, importer or exporter of seized products, so-called “seizure payments” (**Article 17**, *Seizure payments*).

Parties also have an obligation to destroy or dispose of confiscated products, using environmentally friendly methods in the destruction (**Article 18**, *Disposal or destruction*).

In addition, Parties shall take measures to allow for the appropriate use of controlled delivery and of other special investigative techniques, such as electronic surveillance or undercover operations, for the purpose of combating illicit trade in tobacco products (**Article 19**, *Special investigative techniques*).

ARTICLE 14: UNLAWFUL CONDUCT INCLUDING CRIMINAL OFFENCES

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
14.1	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(a)	Manufacturing , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Wholesaling , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Brokering , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Selling , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Transporting , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Distributing , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Storing , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Shipping , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Importing , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Exporting , contrary to the provisions of the Protocol, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
14.1(b)	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(b)(i)	Manufacturing , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Manufacturing , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Wholesaling , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Wholesaling , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Brokering , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Brokering , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Selling , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Selling , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Transporting , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Transporting , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Distributing , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Distributing , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Storing , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Storing , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Shipping , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Shipping , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Importing , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		

	Importing , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Exporting , without the payment of applicable duties, taxes and other levies, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	Exporting , without bearing applicable fiscal stamps, unique identification markings, or any other required markings or labels, of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
14.1(b)(ii)	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
	any other acts of smuggling or attempted smuggling of tobacco not covered by paragraph (b)(i)?		
	any other acts of smuggling or attempted smuggling of tobacco products not covered by paragraph (b)(i)?		

	any other acts of smuggling or attempted smuggling of manufacturing equipment not covered by paragraph (b)(i)?		
14.1(c)	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(c)(i)	any other form of illicit manufacture of:		
	tobacco?		
	tobacco products?		
	manufacturing equipment?		
	tobacco packaging bearing false fiscal stamps?		
	tobacco packaging bearing false unique identification markings?		
	tobacco packaging bearing false other required markings or labels?		
14.1(c)(ii)	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
	Wholesaling of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		

	Brokering of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Selling of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Transporting of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Distributing of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		

	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Storing of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Shipping of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Importing of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		

	Exporting of:		
	illicitly manufactured tobacco?		
	illicit tobacco products?		
	products bearing false fiscal stamps and/or other required markings or labels?		
	illicit manufacturing equipment?		
	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(d)	mixing of tobacco products with non-tobacco products during progression through the supply chain, for the purpose of concealing or disguising tobacco products?		
14.1(e)	intermingling of tobacco products with non-tobacco products in contravention of Article 12.2 (<i>Free Zones and international transit</i>) of the Protocol?		
14.1(f)	using the following modes of sale of tobacco products in contravention of the Protocol:		
	Internet-based modes of sale?		
	telecommunication-based modes of sale?		
	any other evolving technology-based modes of sale?		
14.1(g)	obtaining, by a person licensed in accordance with Article 6, tobacco, tobacco products or manufacturing equipment from a person who should be, but is not, licensed in accordance with Article 6?		

14.1(h)	obstructing any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?		
14.1(i)	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(i)(i)	making any material statement that is false, misleading or incomplete to any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment and when not contrary to the right against self-incrimination?		
	failing to provide any required information to any public officer or an authorized officer in the performance of duties relating to the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment and when not contrary to the right against self-incrimination?		
	Does the following conduct constitute an unlawful conduct in my country's domestic law:		
14.1(i) (ii)	misdeclaring on official forms the description, quantity or value of tobacco, tobacco products or manufacturing equipment or any other information specified in the protocol to:		
	(a) evade the payment of applicable duties, taxes and other levies?		
	(b) prejudice any control measures for the prevention, deterrence, detection, investigation or elimination of illicit trade in tobacco, tobacco products or manufacturing equipment?		

14.1(i)(iii)	failing to create or maintain records covered by the Protocol or maintaining false records?		
14.1(j)	laundering of proceeds of unlawful conduct established as a criminal offence under paragraph 2 of Article 14?		
14.2	Has it been determined which of the unlawful conduct set out in paragraph 1 or any other conduct related to illicit trade in tobacco, tobacco products and manufacturing equipment contrary to the provisions of the Protocol shall be criminal offences?		
	If yes, have measures been taken to give effect to such determination?		

ARTICLE 15: LIABILITY OF LEGAL PERSONS

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
15.1	Has the liability of legal persons been established for the unlawful conduct (including criminal offences) that is established in accordance with Article 14?		

ARTICLE 16: PROSECUTIONS AND SANCTIONS

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
16.1	Is it ensured that persons held liable for the unlawful conduct (including criminal offences) established in accordance with Article 14 are subjected to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions?		
16.2	<p>Is it ensured that any discretionary legal powers under my country's domestic law relating to the prosecution of persons for the unlawful conduct (including criminal offences) established in accordance with Article 14, are exercised to maximize the effectiveness of law enforcement measures in respect of such unlawful conduct (including criminal offences), and with due regard to the need to deter the commission of such unlawful conduct including offences?</p> <p><i>[Please note that Art. 16.2 refers to "Each Party shall endeavour to ensure..."]</i></p>		

ARTICLE 17: SEIZURE PAYMENTS

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
17	Has it been considered to authorize competent authorities to levy an amount proportionate to lost taxes and duties from the producer, manufacturer, distributor, importer or exporter of:		
	seized tobacco?		
	seized tobacco products?		
	and/or seized manufacturing equipment?		

ARTICLE 18: DISPOSAL OR DESTRUCTION

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
18	Are the following destroyed, using environmentally friendly methods to the greatest extent possible, or disposed of:		
	confiscated tobacco?		
	confiscated tobacco products?		
	confiscated manufacturing equipment?		

ARTICLE 19: SPECIAL INVESTIGATIVE TECHNIQUES

<i>Article</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
19.1	If permitted by the basic principles of my country's legal system, is the following allowed to be carried out by the competent authorities, in my country, for the purpose of effectively combating illicit trade in tobacco, tobacco products or manufacturing equipment:		
	the appropriate use of controlled delivery?		
	where deemed appropriate, the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations?		

SECTION 3: GENERAL OBLIGATIONS (Articles 4 and 5 of the Protocol)

ARTICLE 4: GENERAL OBLIGATIONS

<i>Articles</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
4.1	Have measures been taken, in addition to those provided in Article 5 of the WHO FCTC, to:		
4.1(a)	adopt and implement effective measures to control or regulate the supply chain of goods covered by this Protocol in order to prevent, deter, detect, investigate and prosecute illicit trade in such goods?		
	establish cooperation with other Parties to this end?		
4.1(b)	take any necessary measures to increase the effectiveness of the competent authorities and services, including customs and police responsible for preventing, deterring, detecting, investigating, prosecuting and eliminating all forms of illicit trade in goods covered by the Protocol?		
4.1(c)	adopt effective measures for facilitating or obtaining technical assistance and financial support, capacity building and international cooperation in order to achieve the objectives of the Protocol?		
	ensure the availability to, and secure exchange with, the competent authorities of information to be exchanged under the Protocol?		
4.1(d)	cooperate closely with other Parties in order to enhance the effectiveness of law enforcement action to combat the unlawful conduct including criminal offences established in accordance with Article 14 of the Protocol?		

4.1(e)	Has cooperation and communication been established with relevant regional and international intergovernmental organizations in the secure exchange of information covered by the Protocol in order to promote its effective implementation?		
	If yes, with which organizations has there been cooperation and communication?		
4.1(f)	Has cooperation been established with other Parties to raise financial resources for the effective implementation of the Protocol through bilateral and multilateral funding mechanisms?		
	If yes, which funding mechanisms were used?		
4.2	Is the maximum possible transparency ensured with respect to any interactions of the government with the tobacco industry in implementing the obligations under the Protocol?		

ARTICLE 5: PROTECTION OF PERSONAL DATA

<i>Articles</i>	<i>Self-assessment questions</i>	<i>Status</i>	<i>Notes (Optional)</i>
5	Is it ensured that the personal data of individuals are protected when implementing the Protocol, regardless of nationality or residence, taking into consideration international standards regarding the protection of personal data?		