

## Glossary of Terms in the Illicit Trade

### Key Terms:

**Illicit trade in tobacco products** is any practice prohibited by law relating to production, shipment, receipt, possession, distribution, sale or purchase of tobacco products. It also includes any practice intended to facilitate such activity according to Article 1 of the Framework Convention on Tobacco Control.

**Smuggling** is the illegal cross-border trade in goods.

**Contraband** is goods that are dealt with illegally.

**Large-scale organized smuggling** of tobacco products involves the illegal transportation, distribution and sale of large consignments of cigarettes and other tobacco products.

**Small-scale smuggling or 'bootlegging'** involves individuals or small groups purchasing tobacco products, which exceed customs regulations, in low tax jurisdictions for resale in high tax jurisdictions.

**Illicit manufacturing** is the manufacturing of goods in breach of laws, such as taxation laws or other laws, including licensing laws, which restrict manufacturing of tobacco products.

**Counterfeit** products are products that bear a trademark without the consent of the trademark's owner.

**Tracing** means re-creating the route taken by products through their supply chains.

**Tracking** means monitoring the route taken by products through their supply chains.

**Covert and overt markings** are markings on packaging that are difficult to see (covert) or visible (overt).

**Due diligence** means the steps taken to ensure that business partners, or prospective partners, are complying with their legal obligations.

**Licence** is a formal permission from an authority to do something.

### Treaty Terms:

#### **WHO Framework Convention on Tobacco Control (FCTC)**

The first treaty negotiated under the auspices of the World Health Organization. The FCTC was developed out of a recognition that the spread of the tobacco epidemic is a global problem that requires a global response. States and regional economic integration organizations that become Parties to the FCTC commit themselves under international law to undertake a range of measures – both domestic and



international – designed to reduce the prevalence of tobacco use and exposure to tobacco smoke.

**Party to the FCTC**

A State or regional economic integration organization that has agreed to be legally bound by the FCTC and has completed the necessary formal processes (ratification, acceptance, approval, formal confirmation or accession).

**Conference of the Parties (COP)**

The formal entity through which the Parties to the FCTC come together to take decisions to promote its effective implementation (including the adoption of protocols and guidelines) and to review its implementation. Under the FCTC's Rules of Procedure, unless otherwise decided by the COP, the COP holds its regular meetings (called 'sessions') annually for the first three years and then every two years, though extraordinary meetings ('sessions') can also be convened.

**Signatory to the FCTC**

A State or regional economic integration organization that has signed the FCTC. In becoming signatories to the FCTC, States or regional economic integration organizations agree not to defeat its object and purpose but do not undertake any legal obligations to implement the treaty.

**Ratification, acceptance, approval, formal confirmation or accession**

The formal process by which a State or regional economic integration organization becomes a Party to a treaty.

**Protocol**

A legally binding international agreement negotiated and adopted under an existing international agreement that supplements the primary agreement. A protocol may supplement the primary agreement by, for example: elaborating existing obligations; introducing new obligations; creating mechanisms to enforce obligations; and facilitating international cooperation between Parties to the primary agreement.

**Framework Convention Alliance (FCA)** is an international non-governmental organization (NGO) representing over 350 NGOs from over 100 countries, established to support the development, ratification, and implementation of the FCTC.