

France



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

During the period 2022 and 2023 the influence from the tobacco industry (TI) and its main ally, the National Federation for Tobacco Retailers (NFTR, Confédération des buralistes de France) was still blocked. This is primarily because of the political will at the level of the health minister; the Prime Minister and the French president as well as having a clear fiscal strategy with an objective. The Minister, in charge of the budget and of the tobacco retailers, continues to have a strong relationship with NFTR and is also in charge of the key file of the tracking and tracing system to fight against the illicit trade of tobacco products. Despite the fact this protocol belongs to the Health Ministry, its involvement is limited and may be insufficient to prevent the interference of the TI.

The TI attempted, and failed, to influence policy on a co-decision at the level of the Budget Ministry and Health Ministry on tobacco taxation. Overall the cooperation between public agencies and Health and Customs has improved. However the TI tried to circumvent this common policy at the level of the Parliament or through the use of third parties.

2. INDUSTRY CSR ACTIVITIES

Since 2016, the legislation is very comprehensive and prohibits CSR activities by the TI and by third parties if they directly or indirectly promote tobacco products. However, the TI circumvents this by using harm reduction or new social issues such as gender equality to promote a good image of its activities.

In early 2023 the Socially Responsible Investment Label Committee (Label Investissement Socialement Responsable - ISR), created in 2016 by the French Ministry of the

Economy and Finance to guide investors towards sustainable investments, announced its recommendations to exclude any player that derives more than 5% of its sales from tobacco. A decision will be made by the Finance Minister by the end of 2023.

Through the Alcome eco-organization gathering representatives of the TI, dedicated to the management of cigarette butts, the TI is seeking to pass itself off as a responsible organization that respects the environment.

3. BENEFITS TO THE INDUSTRY

Taxation of new tobacco products has improved since the last report. Heat-not-burn tobacco has stronger taxation attached, though the methods and levels of taxation could be further improved - particularly with a view to harmonization with manufactured cigarettes. Taxes on roll-your-own tobacco have been increased and the gap between manufactured cigarettes has significantly decreased, but RYO remains more affordable in comparison with manufactured cigarettes.

Like in previous years, the French government continues to financially support the tobacco retailers, which have a public monopoly to sell tobacco products. This is in spite of persistent revenue increases, and the potential for diversification of activities by the industry. In January 2023 the French Government continued to support them financially at a high level: 290 million Euros. Beside this the financial part devoted to tobacco retailers in the sale of tobacco products has also been increased and should gradually continue to increase until 2025.

This contract is to help tobacco retailers diversify and to secure their activities, many past financial supports have already been granted to the profession - more than other activities, even those that do not cause health and social damages.

4. UNNECESSARY INTERACTION

There was no special change since the last report and the analysis remains valid.

The main problematic relationship between the government and the tobacco lobby refer to their interaction with tobacco retailers and their representatives. These situations are problematic due to the links and financial relationships between the TI, the tobacco retailers and their representatives. The TI uses this organization as a third party to protect and develop its interests. Particularly in their harm reduction strategies and in attempts to change legal frameworks.

Another key problem is many stakeholders do not know about the WHO FCTC, particularly Article 5.3 guidelines. There is an accepted extent that stakeholders believe they must engage with representatives from the TI as with other industries. Some progress has been made in the French Parliament. In his new guide distributed to elected MPs following the legislative elections, the National Assembly's Deontologist has devoted a special section to interactions with the TI. Referring to the guidelines set out in article 5.3 of the WHO FCTC, the guide recommends complete transparency in interactions between the TI and decision-makers, particularly on financial issues.

5. TRANSPARENCY

Different provisions were adopted in the last years in France to improve transparency. These provisions apply to public stakeholders and representatives of private interest. The concern is not solely focused on the TI, but in general to improve transparency and accountability including tobacco stakeholders. There are also specific provisions regarding the TI, and particularly the expenditures spent for lobbying activities. The main problem regarding this last provision concerns the control about the sincerity of budgets mentioned by the TI in their disclosure. There appear to be inconsistencies between the declarations made by manufacturers in the two registers, underlining the importance of being able to monitor beyond the declaration obligations.

Like mentioned in previous reports, standards and transparency concerning the framework of interaction when it is necessary between public stakeholders and the TI in a large definition (including the tobacco retailers and their representatives) are still insufficient about topics at the agenda, minutes, etc.

6. CONFLICT OF INTEREST

The disclosure of possible conflict of interest, and consequently the protection of public policies towards these interests, is one of the measures adopted for a better transparency in public life and to improve it. It particularly concerns possible conflict of interest with the tobacco lobby. These declarations are made public.

In 2022 and early 2023 the TI has been very active targeting MPs directly and indirectly through third party allies and lobbyists. Particularly as part of the tax policy voted at the end of 2022, but also in the intention to include the tobacco industry in an observatory of parallel markets.

The TI has also been very active in lobbying for preferential tax status for new tobacco and nicotine products (especially heated tobacco). Attempts to pass amendments in favor of their activities have failed. It is necessary to enlarge the scope of obligations regarding disclosure of possible conflict of interest.

7. PREVENTIVE MEASURES

The government requires the TI to submit information on tobacco products, ingredients. Some data about the TI activities should be publicly accessible. For example, sales at the local level. Besides this, some data could be also useful to be collected and disseminated such as marketing expenses and studies.

The government has put in place a policy to disallow the acceptance of all forms of contributions and gifts from the TI monetary or otherwise, including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials, and their relatives.

The government has not formulated, adopted, or implemented a code of conduct for public officials prescribing the standards with which they should comply in their dealings with the TI. Their rules concern any possible interest but nothing is specific for the tobacco lobby. This lack of specific rules is problematic, because public servants or other public authorities do not know the particularities of the TI's activities and they do not adopt special rules to protect their activities towards the TI and its allies.



Recommendations

1. Increase awareness at each level of political decision-making about TI's interference on tobacco control policies as well as their strategy to use CSR, harm reduction to improve its image and participate in political decisions and legislations.
2. Define specific rules for public servants and collaborators in all departments of the government and in local political jurisdictions on dealing with the TI in necessary situations. This protocol could be a code of conduct for public officials, prescribing standards to comply in their interactions with the TI. Disseminate these rules to MPs and include in current disclosures from MPs info regarding possible links with the TI.
3. Prohibit unnecessary interaction with third party allies or lobbyists of the TI.
4. Prohibit any public financial support to an organisation member that works or holds positions directly or indirectly with the TI.
5. Adopt an appropriate and holistic legal framework for tobacco control. This should include policies not limited to public health but also for environmental topics to fully capture the limitation of interaction with the TI. See adapt the current rules about the extended producer responsibility to include Article 5.3 obligations in this legal framework especially in terms of no delegation of activities to the TI.