

# Spain



## Summary of Findings

### 1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

There is no evidence of the government accepting or endorsing assistance or policies from the tobacco industry (TI) in relation to public health. The TI is not typically involved in interagency meetings or advisory groups for public health policies. However, the TI is required by law to be part of the Consultation Committee of the Tobacco Market Commission of the Ministry of Finance, which primarily deals with the tobacco economy and related issues.

### 2. INDUSTRY CSR ACTIVITIES

Most of the CSR activities were carried out without the involvement of government officials. There has been evidence of collaboration at the regional and municipal levels of government, but not at the national level. One of the main concerns is the potential greenwashing by the “Tobacco Table,” which worked together with several municipal governments in Spain for their environmental CSR campaign. Another concern is the smoke-free future strategy promoted by PMI through their initiative in the Canary Islands.

### 3. BENEFITS TO THE INDUSTRY

The government does not grant privileges or benefits to the TI on a nationwide scale, with the exception of the Canary Islands. In this region, a special tax regime is in place, leading to lower tobacco prices than in the rest of Spain. There is no evidence of the government yielding to requests from the TI. However, it was suspected that the Health Minister’s decision in 2022 to halt the approval of a comprehensive tobacco control plan was influenced by the powerful TI in the Canary Islands, where later, the Minister became the mayor of the capital city in the region.

### 4. UNNECESSARY INTERACTION

There is no evidence of ongoing partnerships between law enforcement agencies and customs to combat tobacco smuggling and counterfeiting. However, unnecessary interactions between government officials and the TI have been observed in two regions of Spain, Extremadura, and the Canary Islands. In Extremadura, the regional government, including the President, has been involved in various activities and events organized or attended by tobacco companies. These include inaugurating Philip Morris’ IQOS centers, attending tobacco-related summits, sponsoring business awards, and signing collaboration agreements. Similarly, the regional government of the Canary Islands has collaborated with tobacco companies by sponsoring awards and organizing visits to tobacco factories.

### 5. TRANSPARENCY

The government fails to disclose meetings with the TI. Only the president, ministers, and vice ministers of the government make their daily agenda of meetings available online, but the minutes of the meetings are not disclosed. In contrast, the government requires the registration of economic operators, excluding lobbyists. This incomplete transparency raises concerns about undue influence.

### 6. CONFLICT OF INTEREST

The financing of political parties in Spain is regulated by law, permitting legal contributions from individuals but prohibiting contributions from private companies or foundations - including those in the TI. However, there is no regulation regarding contributions to political party foundations. It’s worth noting that the State still has a stake in the TI through the Spanish Tobacco Company in Rama S.A., S.M.E (CETARSA), a state company under private law.

CETARSA's primary focus is the acquisition and marketing of raw tobacco cultivated in Spain, with Altadis SA (Imperial Tobacco) holding a 20% stake in the company.

## 7. PREVENTIVE MEASURES

The national government has not established a transparent procedure for disclosing records of its interactions with the TI, except for the agendas of top officials. In Spain, there are laws that regulate the code of conduct for public employees and political appointees. These laws include obligations such as prioritizing public interests, avoiding conflicts of interest,

and maintaining confidentiality. However, these laws are considered insufficient to address the TI's interference.

While the government requires the TI to provide information on production and revenues, it does not mandate the disclosure of marketing expenditures, lobbying activities, or political contributions.

Furthermore, there is no clear indication of consistent awareness-raising or policies that prohibit government officials from accepting gifts or assistance from the TI.

## Recommendations

1. To protect the government's independence from TI influence, it is necessary to establish a robust firewall around CETARSA and the TMC. The state-owned tobacco-growing company, CETARSA, and the regulatory body, TMC, are vulnerable to such influence. Safeguarding political and policy independence is of utmost importance in tobacco-related matters. Moreover, the TMC may need to be dissolved, with its public health responsibilities transferred to a suitable government entity.
2. Establish strict criteria by law to limit interactions with the TI to the indispensable level and ensure total transparency. At a minimum, staff and politicians of public administrations should:
  - Not have contact with tobacco or nicotine companies without the prior approval of a designated administration officer.
  - Not provide any information to tobacco or nicotine companies, except on approved policies.
  - Not receive or accept financial or other benefits from tobacco or nicotine companies.
  - Sign a code of conduct for tobacco control approved by law.

In addition, each public administration should:

- Maintain a publicly available register of all contacts and discussions that staff or politicians have with the tobacco and nicotine industry disclosing the agenda and decisions taken during the meetings.
  - Create a whistleblowing hotline that anyone can use to report any concerns about the tobacco or nicotine industry's influence.
3. Expose the TI's interference in national and regional governments, emphasizing departments engaged in CSR activities. To this end,
    - Promptly implement the agreement reached within the Public Health Commission of the National Health System and the health authorities of the Autonomous Communities to remind the National Health System of the obligations derived from the Framework Convention and its article 5.3.
    - Engage civil society in these efforts through the National Committee for the Prevention of Tobacco Use, a network of organizations working to protect public health from the TI.