

# France

Overall score:

27

## Summary of Findings

### 1. Industry participation in policy development

In 2019 and 2020, there was no general election and the majority at the Parliament has remained the same. At the level of the government, the health minister, who was particularly involved in tobacco control, left her mandate in February 2020. The new health minister was above all involved in the COVID-19 crisis but he does not seem to challenge any previous provisions or the strategy adopted during the last years.

In 2019 and 2020, the influence from the tobacco industry and its main allies, the National Federation for Tobacco Retailers (Confédération des buralistes de France) was still blocked thanks to a political will at the level of the health minister, the Prime Minister and the French president. The Minister, in charge of the budget and of the tobacco retailers who have a contract with this ministry, continues to have strong relationships with this organization. The budget minister 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 ratified by France belongs to the WHO Framework Convention on Tobacco Control (FCTC) treaty, the involvement of the health department is limited and may be insufficient to prevent interference from the tobacco industry.

### 2. Industry CSR activities

Since 2016 and the adoption of new tobacco control provisions, the previous advertising, promotion and sponsoring ban has been extended to philanthropic activities and therefore include all CSR activities. The legislation is very comprehensive and prohibits these activities from being carried out by the tobacco industry and also

by third parties if they directly or indirectly may promote tobacco or tobacco products. However, the background of the COVID-19 crisis may lead to a relapse without vigilance. Beside this, as mentioned in the previous report, this provision does not concern tobacco retailers and their professional organizations which continue to develop CSR activities.

### 3. Benefits to the industry

There are still some provisions which could be strengthened because they promote the consumption of tobacco products. The behavioral placements in cultural works remain a problem.

There are also still some incentives, like the higher quantity of tobacco products allowed to be brought into France from a country outside the European Union.

At the level of the EU, the quantity allowed from one EU member into another is also particularly high and considering the fact that all the EU member states are parties to the FCTC treaty, this level should be reduced because it promotes cross border purchases and an oversupply by the tobacco industry which undermines health policies to reduce tobacco consumption via higher taxation. France tried in the past to limit this quantity, but failed. The country should mobilize its partners and EU institutions for that issue.

The tobacco industry now plays a key part in e-cigarettes and some companies also sell new tobacco products that recently appeared on the French market, like heated tobacco products. These new products have a lower taxation in comparison with traditional cigarettes and the notion of harm reduction is used by the tobacco industry towards public authorities, but also towards some health stakeholders in order to weaken some current tobacco control provisions.

The French government also continues to greatly financially support tobacco retailers despite the fact that its revenues have constantly increased for years. The government concluded a new contract which was enforced in 2019 and 2020. This contract is supposed to help tobacco retailers to diversify their activities. This is similar to the past when financial support was granted to the profession for such a purpose. Other activities without health damages and other social costs are not supported in the same way. Despite receiving strong support, tobacco retailers continue to not respect some tobacco control provisions such as the ban on selling tobacco products to minors.

#### 4. Unnecessary interaction

The main problematic relationship between the government and the tobacco lobby refers to their interaction with tobacco retailers and their representatives. Such situations are problematic because there are still links and financial relationships between the tobacco industry and the tobacco retailers/their representatives. The tobacco industry uses this organization as a third party to protect and develop its interests. They particularly use them in their strategy to use harm reduction to change the legal framework.

Lastly, despite some progress at the Parliament and at the level of local authorities, many stakeholders do not know the FCTC and particularly the FCTC guidelines on Article 5.3, and in their activities they consider to a certain extent that they have to work with representatives from the tobacco industry like they would with other industries.

#### 5. Transparency

Different provisions were adopted in past years in France in order to improve transparency, generally in public activities and public life. These provisions apply to public stakeholders and representatives of private interest. They concern therefore not only the tobacco industry but also really contribute to improving transparency among tobacco stakeholders. There are also specific provisions regarding the tobacco industry and particularly the expenditures spent for lobbying activities.

Standards and transparency concerning the framework of interaction, when it is necessary, between public stakeholders and the tobacco industry (including the tobacco retailers and their representatives) are still insufficient regarding topics of the agenda, minutes, etc.

#### 6. Conflict of interest

The disclosure of possible conflicts of interest and, as a consequence, the protection of public policies towards these interests is one of the measures adopted for better transparency in public life. It particularly concerns possible conflicts of interest with the tobacco lobby and many declarations are public. Some public stakeholders are also subject to these measures, but these measures do not apply to other key stakeholders such as former collaborators of ministers, particularly targeted by the tobacco lobby.

#### 7. Preventive measures

The government requires the tobacco industry to periodically submit information on lobbying expenses, tobacco products and ingredients, data about donations, philanthropy (such gifts are prohibited), etc.

Some data about tobacco industry activities, such as marketing expenses and studies, could be useful if collected and disseminated.


The government has put in place a policy to disallow the acceptance of all forms of contributions/gifts from the tobacco industry (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 particularly formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. Their rules concern any possible interest but nothing is specific to the tobacco lobby.

Despite some progress and information disseminated by the health ministry and civil society acting in collaboration with this ministry, there is no systematic information disseminated to all public stakeholders who may be in contact with the tobacco industry and its allies.

The FCTC treaty still remains little-known by many stakeholders and particularly its provisions regarding the protection of public policies from tobacco industry interests.



**Despite receiving strong support, tobacco retailers continue to not respect some tobacco control provisions such as the ban on selling tobacco products to minors.** 

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## Recommendations

France has adopted some measures to comply with Article 5.3 Guidelines. There are, however, some actions that need to be strengthened:

1. Disseminate systematic information on the FCTC treaty, Article 5.3 and associated guidelines to avoid conflicts of interest. This information should target all public stakeholders (politicians, MPs, local authorities, etc.) who may be in relationship with the tobacco industry and its allies.
2. Communicate to the general public on the website of the Minister and to journalists to help disseminate this topic and specific rules.
3. Define specific rules for the tobacco industry and its financial vested interests. Distinguish between non-profit organizations that are linked to or independent from the tobacco industry, and whether they are acting in the public interest or promoting the tobacco industry's interests. The current approach does not respect the spirit of Article 5.3 and does not align with the FCTC treaty to work with civil society.
4. Extend provisions on transparency to third parties, such as representatives of tobacco retailers which have close relationships with the tobacco industry and with public authorities.