

# Germany

Overall score:

**63**

## Summary of Findings

### 1. Industry participation in policy development

In 2019, the Minister of Finance was influenced by the tobacco industry regarding tobacco taxes. The Minister's proposal was not adopted by the government, but not because of public health concerns. On a positive note, there are no tobacco industry representatives in German delegations to the WHO Framework Convention on Tobacco Control (FCTC) sessions of the Conference of the Parties (COP). Germany also does not invite the tobacco industry to sit in government interagency committees or advisory bodies.

### 2. Industry CSR activities

The Federal President partners with the Körber Foundation, a tobacco industry organization. Furthermore, several German state governments received sponsorships from the tobacco industry, especially for events of state representations to the federal government. In 2018/19 tobacco industry sponsorship contributions to state governments amounted to a total of at least €570,000 (about US \$655,000).

### 3. Benefits to the industry

The tobacco industry has managed to delay the introduction of an outdoor tobacco advertising ban, even though Germany was obligated to implement it by 2010. Additionally, the government gives privileges to e-cigarettes and heated tobacco products as compared to cigarettes when it comes to taxation and health warnings (no pictorial warnings needed on heated tobacco and e-cigarettes). The industry also benefits from a €5-6 million (US \$5.75-6.9 million) tobacco tax exemption for tobacco products that manufacturers

provide their employees as a deposit without remuneration. It appears that the German government only implements new tobacco control measures if they are required by EU regulation.

### 4. Unnecessary interaction

Top level politicians, including Chancellor Angela Merkel and Prime Ministers of German States, as well as members of parliament and government officials regularly participate in social events and other activities that are organized or at least partially sponsored by the tobacco industry. These events give tobacco industry representatives access to political decision-makers. Additionally, Philip Morris International (PMI) sponsored two trainings for police officials on illicit trade in 2019. The events involved top PMI executives, representatives of a PMI-sponsored research project, high level police officials (local and state level) as well as members of parliament. The trainings were organized by a police union, not by the police itself. However, participants of the trainings were law enforcement and customs officers and speakers were introduced with their official titles.

### 5. Transparency

Germany does not have a lobby register, neither for the tobacco industry in particular nor for economic entities in general. The tobacco industry is not required to disclose information about its lobbying activities or affiliated organizations.

In cases strictly necessary for legislation, the government discloses meetings with the tobacco industry and written statements submitted during official hearings. Minutes of related meetings are not published. However, in 2018/19 there were a number of tobacco industry meetings with high-level government officials that were not strictly necessary. This only came to light because of a brief parliamentary inquiry.

## 6. Conflict of interest

The government does not prohibit contributions from the tobacco industry to political parties. As a result, the governing parties (CDU, CSU and SPD) as well as one of the opposition parties (FDP) receive large donations and sponsorships. Political parties in Germany received at least €200,000 (US \$230,000) in 2018 and 2019 from the industry, but this represents just the tip of the iceberg: While donations have to be disclosed by parties, the much bigger sponsorship amounts for conventions and other party events remain largely obscure.

No retired senior government officials (such as Prime Ministers or Ministers) have joined the tobacco industry in recent years.

## 7. Preventive measures

In the area of preventive measures, Germany fares poorly. The government is of the view that the guidelines for the implementation of Article 5.3 of the WHO FCTC are not legally binding so that it can pick only those measures that seem convenient. Therefore, it takes almost no action in the area of prevention. The government does not require the recording and disclosure of all interactions with tobacco industry representatives. There is no code of conduct for public officials prescribing standards with which they should comply in their dealings with the tobacco industry. There is also no program to consistently raise awareness about Article 5.3 Guidelines within government departments.

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## Recommendations

1. Adopt a comprehensive national tobacco control strategy, outlining a timeline for the full implementation of the WHO FCTC.
2. De-normalize and regulate tobacco industry CSR activities.
3. Ban tobacco industry sponsorship and other contributions to government and public institutions.
4. Increase transparency of contributions to political parties in general and ban tobacco industry donations to and sponsorship of political parties.
5. Introduce a comprehensive and obligatory lobby register.
6. Require the tobacco industry to periodically submit information on lobbying, philanthropy and political contributions.
7. Record and disclose all meetings and other interactions between tobacco industry representatives and government officials, including dates, participants, subjects, outcomes and minutes.
8. Adopt a code of conduct for public officials, prescribing standards with which they should comply in their dealings with the tobacco industry.
9. Adopt a system to regularly raise awareness of Article 5.3 Guidelines within government departments and public institutions, including police and other law enforcement institutions.