

SPAIN

**TOBACCO
INDUSTRY INTERFERENCE
INDEX 2025**

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Acknowledgements:

Background and Introduction

In Spain, a pivotal moment in tobacco regulation transpired with the enactment of extensive smoke-free legislation. The initial significant legislation, implemented in 2005, banned smoking in most workplaces and indoor public areas. In 2010, this legislation was reinforced, broadening the smoking prohibition to encompass other public spaces, such as pubs, restaurants, and playgrounds. Despite initial opposition, this stringent regulation finally achieved broad acceptability and significantly reduced smoking prevalence and secondhand smoke exposure. This significant accomplishment established Spain as a frontrunner in smoke-free legislation.

Since then, there has been minimal significant legislation in tobacco control, and the affordability of cigarettes in Spain has risen by 15% over the past decade. The most important milestone has been the incorporation of EU Tobacco Products Directive (TPD) 2014/40/EU into Spanish law. This directive regulates the manufacturing, presentation, and sale of tobacco and related products, including novel tobacco products and herbal smoking products. It additionally implemented new labeling mandates, tracking systems, and safety protocols.

In addition to regulations, Spain has created distinct National Plans for Tobacco Prevention and Control. These Plans delineate strategic objectives and actions across multiple domains, including youth smoking prevention, smoking cessation assistance, and public awareness initiatives. The most recent version of these initiatives is the Comprehensive Plan for Prevention and Control of Tobacco (PIT) 2024-2027. This plan serves as an update to the prior 14-year-old plan. The drafting process commenced in 2021 under the previous Minister of Health but advanced slowly. Tobacco control only became a priority when the new minister and her team assumed office at the end of 2023.

The National Plan for Tobacco Prevention and Control 2024-2027 was initially presented for public input and later ratified in April 2024 by the Interterritorial Council of the National Health System and the Council of Ministers. This initiative seeks to enhance tobacco regulation in Spain, to attain a "Tobacco-Free Generation" by 2040, in accordance with European and WHO objectives.

The PIT encompasses a legislative package, a portion of which has previously been subject to public consultation. The primary contributions include expanding smoke-free environments, implementing plain cigarette packaging, and prohibiting the characterizing of flavors in tobacco and related products. As expected, these substantial tobacco control measures have provoked heightened intervention from the tobacco industry. For example, the proposal to introduce plain packaging, initially included in the first drafts of the PIT prepared by the Ministry of Health, was not retained in the final version approved by the Council of Ministers due to opposition from the Ministry of Finance, after a strong opposition campaign from the tobacco industry and its allies. This report illustrates the increased interference of the industry only as shown in public sources.

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 to 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for

the country. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average.

To increase readability, the references to pieces of evidence are placed at the end of the report. The report covers information on incidents from March 2023 to March 2025, but also includes incidents prior to 2023 that remain relevant today.

Summary Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

While Spain's government rejects policy assistance from the tobacco industry, the industry's legally required participation in the Tobacco Market Commission presents a public health risk.

2 INDUSTRY CSR ACTIVITIES

While not accepting direct CSR funds, a new "polluter pays" decree lets the industry manage its own cigarette butt cleanups and promote it as greenwashing CSR. The industry has engaged many municipalities to actively participate in their "greenwashing" campaigns.

3 BENEFITS TO THE INDUSTRY

The tobacco industry benefits from the withdrawal of a national plain packaging law, forced by regional lobbying. Additionally, the Canary Islands provide significant tax exemptions, resulting in lower prices and a duty-free entry point to Spain.

4 UNNECESSARY INTERACTION

Numerous Spanish officials, from ministers to regional presidents, attend industry-sponsored events, legitimizing the sector. Formal partnerships also exist, including a Civil Guard anti-smuggling agreement and a regional deal to promote heated tobacco products.

5 TRANSPARENCY

Government transparency is low; only the Health Ministry discloses industry meetings, and minutes are never public. While tobacco businesses must register with the government, lobbyists working on their behalf are not required to do so.

6 CONFLICT OF INTEREST

While Spanish law prohibits corporate donations to political parties, individuals can contribute. Former senior government officials hold executive roles in the tobacco distribution industry, though no evidence suggests current officials hold similar positions.

7 PREVENTIVE MEASURES

While Spain has a general code of conduct for public officials, it lacks a specific policy for dealings with the tobacco industry, including rules for disclosing interactions or disallowing contributions and gifts.

Recommendations

Based on the 2025 findings, a series of recommendations have been issued to curb the influence of the tobacco industry in Spain. The core proposals advocate for radical transparency and the prohibition of unnecessary interactions. This includes creating a mandatory public register for all lobbying activities, documenting attendees, agendas, and minutes of any meetings with officials. All public officials would be legally barred from attending industry-sponsored events.

Another key recommendation is the complete removal of tobacco industry representatives from the Tobacco Market Commission (TMC) to establish a truly independent regulatory body guided solely by public health experts. The government is also urged to prohibit its own participation in the industry's "greenwashing" and corporate social responsibility (CSR) initiatives, particularly environmental cleanups. Instead, waste management should be handled by an independent body funded by the industry but not directed by it.

To close political influence loopholes, the recommendations call for strengthening conflict-of-interest laws. This involves banning political donations from tobacco executives and extending the post-employment "cooling-off" period for senior officials to a minimum of five years. Finally, the proposals demand that national public health authority be reasserted over regional and commercial interests, specifically by passing a national plain packaging law and eliminating special tax exemptions for tobacco in the Canary Islands.

More specifically, the list of recommendations as follows:

Recommendation 1: Mandate Full Transparency and Prohibit Unnecessary Interaction

The 2025 findings reveal a critical lack of transparency, with only the Ministry of Health partially disclosing meetings and no minutes ever being made public. Furthermore, officials at all levels legitimize the industry by attending sponsored events, while lobbyists operate without registration requirements. To remedy this, Spain must establish a mandatory, government-wide transparency register for all interactions with the tobacco industry and its representatives, applicable to all public officials, departments, and levels of government. This register must publicly document the agenda, attendees, and detailed minutes of every meeting. Building on the 2021 and 2023 recommendations, a strict, legally binding code of conduct must be implemented to limit interactions to only those strictly necessary for regulation. This code must explicitly prohibit officials from attending industry-sponsored social events, awards, or conferences. It should also create a mandatory register for all lobbyists acting on behalf of the industry, ensuring their activities and objectives are a matter of public record. This firewall of transparency is fundamental to de-normalizing industry influence and safeguarding policy from vested commercial interests.

Recommendation 2: Establish an Independent Regulatory Framework Free from Industry Participation.

The current legal framework, which grants the tobacco industry a required seat on the Tobacco Market Commission (TMC), poses an inherent and unacceptable conflict of interest. This structure contradicts the core principles of the WHO FCTC Article 5.3, which

requires that public health policy be protected from the commercial interests of the tobacco industry. In line with the 2021 and 2023 calls to build a "firewall" around regulatory bodies, the government must urgently reform the laws governing the TMC. This reform should permanently remove industry representatives from any role in the commission's deliberations or decision-making processes. The TMC's mandate should be revised to be guided solely by public health objectives and managed by independent public health experts, economists, and civil servants free from conflicts of interest. Policy-making and regulatory oversight of a product as harmful as tobacco cannot be legitimately influenced by the very entities that profit from its sale. An independent TMC is a critical step to ensure that regulatory decisions prioritize the health of Spanish citizens over the profits of the tobacco industry.

Recommendation 3: Prohibit Government Participation in Industry-led "Greenwashing" and CSR

The 2025 findings show the tobacco industry is exploiting the "polluter pays" principle to manage its own cigarette butt cleanups, engaging municipalities and promoting these activities as corporate social responsibility (CSR). This "greenwashing" allows the industry to gain a positive public image and build partnerships with local governments, in direct violation of the spirit of FCTC Article 5.3. As recommended in 2021 and 2023, the government must legally preclude itself and all public bodies, including municipalities, from participating in or endorsing any CSR effort led by the tobacco industry. Specifically, the implementation of Royal Decree 1055/2022 on packaging must be amended. The management of Extended Producer Responsibility (EPR) schemes for tobacco waste should be removed from the industry and placed under the control of an independent, third-party body, funded by mandatory industry fees but not directed by it. This ensures the industry pays for the environmental damage it causes without being given a platform to market itself as a responsible environmental partner, thereby closing a significant loophole for public relations and policy interference.

Recommendation 4: Strengthen Conflict of Interest Laws to Close Political Financing and Revolving Door Loopholes

The 2025 findings highlight two critical conflict of interest pathways: the legal channel for individual donations to political parties and the "revolving door" of former senior officials taking executive roles in the tobacco industry. While corporate donations are banned, the current system allows for potential influence through personal contributions. To address this, the Organic Law on Financing of Political Parties should be amended to explicitly prohibit donations from individuals holding executive or board-level positions within tobacco companies or their primary distribution networks. Furthermore, to sever the link between public service and industry benefit, Law 3/2015 must be strengthened. The post-employment "cooling-off" period for senior government officials and political appointees should be extended to a minimum of five years for any role within the tobacco industry, and the possibility of obtaining exemptions should be eliminated. These measures will create a more robust barrier against industry influence, ensuring that policy is not swayed by political financing and that the tobacco industry does not immediately co-opt the expertise gained in public service.

Recommendation 5: Reassert National Public Health Authority over Commercial and Regional Interests

The tobacco industry has successfully stalled key public health legislation, such as the national plain packaging law, through regional lobbying efforts and benefits from significant tax exemptions in the Canary Islands that undermine national price controls. The government must reassert its authority to protect public health uniformly across all territories. Firstly, it should immediately reintroduce the comprehensive tobacco control bill, including plain packaging, and pass it as a national law based on the central government's undeniable competence in public health matters, thereby overriding regional opposition fueled by industry pressure. Secondly, the government must undertake a formal review of the Canary Islands' special tax regime for tobacco products. This review should conclude with a plan to progressively harmonize tobacco taxes upwards, eliminating the price differentiation that makes the islands a duty-free entry point for cheap tobacco in Spain and the EU. Taking decisive action on these two fronts will demonstrate a firm commitment to prioritizing citizens' health over the industry's commercial interests and lobbying power.

SPAIN

Tobacco Industry Interference Index 2025

Results and Findings

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INDICATOR I: Level of Industry Participation in Policy-Development						
1. The government ¹ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests . ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.4)	0					
There is no evidence that the government has accepted, supported or endorsed any offers of assistance from, or in collaboration with, the tobacco industry in the implementation of public health policies.						
2. The government accepts, supports or endorses <u>policies or legislation</u> drafted by or in collaboration with the tobacco industry. (Rec 3.4)	0					
There is no evidence that the government has accepted, supported or endorsed any policies or legislation drafted by or in collaboration with the tobacco industry.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)						5
Spain generally does not allow the tobacco industry to participate in interagency meetings and advisory groups that set public health policies. However, the tobacco industry is legally required to be part of the Consultation Committee of the Tobacco Market Commission (TMC) under the Spanish Ministry of Finance. During the reporting period, the Consultation Committee met 27 times on the following dates: 30-Mar-23, 11-Apr-23, 27-Apr-23, 27-Apr-23, 25-May-23 (twice), 29-Jun-23, 29-Jun-23 (twice), 20-Jul-23, 29-Sep-23 (twice), 26-Oct-23, 30-Nov-23, 21-Dec-23 (twice), 25-Jan-24 (twice), 21-Mar-24, 25-Apr-24, 30-May-24, 27-Jun-24, 23-Jul-24, 26-Sep-24 (twice), 31-Oct-24, 28-Nov-24, 19-Dec-24.						
While the TMC is not strictly a public health body, some of its functions include discussing and reporting on key issues related to the agricultural and industrial tobacco economy, as well as informing the government—through the Commissioner—of the sector's perspectives on these matters. Additionally, the TMC oversees the advertisement and promotion of tobacco products. Given these roles, the presence of the tobacco industry in the TMC poses a risk to public health policy.						
CETARSA is a state-owned company, whose corporate purpose is the acquisition, fermentation, processing, stemming, and commercialization of raw tobacco. Its Board of Directors is composed of representatives from the government and representatives of the manufacturer ALTADIS (Imperial Brands). CETARSA was the state monopoly for the processing of raw tobacco until 1990. After liberalization, it maintained a very high market share of around 90%.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁴ (Rec 4.9 & 8.3)		1				
For non-COP year, follow the previous score of COP year.						

¹ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

² The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

³ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

⁴ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

	0	1	2	3	4	5
The government did not nominate or allow tobacco industry representatives to be part of the delegation to COP 10 in 2024 (Panama), while TMC representatives did attend the meeting. The list of participants since 2009 is annexed.						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible . For example, environmental programs. (Rec 6.2)						4
B. The government (its agencies and officials) receives CSR contributions ⁵ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (eg political, social, financial, educational, community or other contributions (Rec 6.4) including environmental or EPR activities (COP10 Dec)). NOTE: exclude enforcement activities as this is covered in another question						
5A. At a national level, we note that in 2024 the Spanish government approved Royal Decree 1093/2024, which establishes that the tobacco industry will assume the cost of cleaning up cigarette butts, in line with the "polluter pays" principle. However, the decree crucially assigns the management of this cleaning process to the industry itself. This provision presents a significant opportunity for tobacco companies to improve their image through Corporate Social Responsibility (CSR) and 'greenwashing' initiatives. In fact, the Royal Decree cites as an example the campaigns that the Mesa del Tabaco (Tobacco Board) has been carrying out to distribute portable ashtrays. By controlling the cleaning operations and 'awareness campaigns', the industry can engage directly with municipalities, promote itself, and potentially shift the blame for pollution onto consumers. To date, there have been numerous instances of municipal support for greenwashing activities, especially the distribution of portable ashtrays by the Mesa del Tabaco and subsequently by its front company, Ávora. Examples of this collaboration are listed below. <ul style="list-style-type: none"> March 22, 2023. Limasam will distribute 10,000 portable ashtrays from the Mesa del Tabaco during Holy Week. https://shorturl.at/vWgwe June 28, 2023. The Haro City Council and the Mesa del Tabaco are distributing 5,000 portable ashtrays. https://shorturl.at/VXqjW July 19, 2023. The Málaga City Council (and the Mesa del Tabaco) will distribute 19,500 portable ashtrays among its beachgoers to raise awareness about cigarette butts. https://shorturl.at/QkldK September 7, 2023. The Valladolid City Council and the Mesa del Tabaco are distributing 7,500 portable ashtrays during the city's festivities. https://shorturl.at/VfO17 December 5, 2023. The organization of the University New Year's Eve in Salamanca (with implicit support from local entities) will reinforce cleanliness and sustainability, in collaboration with the Mesa del Tabaco, and will distribute 15,000 portable ashtrays. https://shorturl.at/wiqW6 August 15-18, 2024. Joint initiative (Ávora and implicit local entities) to distribute 5,000 portable ashtrays in the Lagunas de Ruidera. https://shorturl.at/eikld October 20, 2024. The "Depende de TODOS" (It Depends on EVERYONE) campaign (Ávora) returns to Málaga, distributing 20,000 portable ashtrays. https://shorturl.at/oBG2j December 28, 2024. Ávora and the Región de Murcia Limpia Association bring the "Depende de TODOS" campaign to Alguazas and Beniel, with the notable participation of the Mayor and a Councilor in the ashtray distribution. https://shorturl.at/ez4dW December 6, 2024. Lorca and Cartagena ashtray campaigns with Implicit Municipal Collaboration to distribute 2,000 ashtrays. https://tinyurl.com/5ym87dmh Madrid, December 6, 2024. The Mesa del Tabaco will distribute 20,000 portable ashtrays in Madrid during the December bank holiday weekend. https://shorturl.at/VdqNu December 30, 2024. Ávora and its "Depende de TODOS" campaign travels to Santiago de Compostela. https://shorturl.at/GBX8h March 3, 2025. Cádiz Portable ashtrays for a cleaner Cádiz Carnival. https://tinyurl.com/3xdh2m7x 5.B. There is no evidence that the government has received CSR contributions (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests						
INDICATOR 3: Benefits to the Tobacco Industry						

⁵ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

	0	1	2	3	4	5
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)				3		
There is no evidence that the national government has willingly accommodated requests from the tobacco industry for a longer time frame to implement or postpone a tobacco control law. However, the announcement in 2024 by the Ministry of Health to approve plain packaging for cigarettes in 2025 or 2026 has triggered a series of interventions that have resulted in the withdrawal of the plain packaging proposal. It has been documented that the regional parliaments of the Canary Islands and of the region of Extremadura have passed unanimous resolutions with similar language to that of the TI asking for the withdrawal of plain packaging plans.						
<ul style="list-style-type: none"> 11/12/2024. Official Gazette Parliament of the Canary Islands approving resolution 11L/PNLP-0199 https://shorturl.at/UqR9B 27/3/2025. Official Gazette of the Parliament of Extremadura: Approving a Resolution in Support of the Tobacco Industry against Plain Packaging. https://shorturl.at/ktnAm <p>As a result, the national government has withdrawn the proposal.</p>						
7. The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)					4	
The government has not given the tobacco industry any privileges, incentives, exemptions or benefits nationwide, except in the Canary Islands. This region with 2.1 million inhabitants is subject to a special tax regime aimed at stimulating their distant offshore economy in line with EU regulations. The special tax regime also affects tobacco products. The main differences between the Canary Islands and the rest of Spain are two. In the Canary Islands, retailers are free to set their own tobacco product prices, whereas in the rest of Spain, prices are approved by the government after consultation with manufacturers. Also, the government of the Canary Islands approves their own tobacco excise tax rates, which are lower than in the rest of Spain and the EU. As a result, tobacco product prices are lower in the Canary Islands than in the rest of Spain.						
Another exemption is related to the entry of duty-free tobacco products for personal use. Travellers from the EU can bring into Spain duty-free 800 cigarettes or 400 cigarillos or 200 cigars or 1kg of loose tobacco. Non-EU travellers can bring duty-free into Spain 200 cigarettes or 100 cigarillos or 50 cigars or 250gms of loose tobacco. Any traveller, EU and non-EU, can bring these same amounts into mainland Spain from the Canary Islands. ⁶						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ⁷) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)					5	
<ul style="list-style-type: none"> 04-12-23 - The President of the Canary Islands met at the Presidency headquarters with senior officials from Philip Morris (PMI) for Spain and Portugal, PMI Canary Islands, and Dos Santos for the presentation of the details of the project to move part of PMI's conventional tobacco production from its factory in Poland to Gran Canaria. https://shorturl.at/QIWgh 01-15-24 - Minister Ángel Víctor Torres was the main speaker at the "Conversations with the Minister" forum, organized by Canarias 7 and sponsored by PMI. The former minister and current mayor of Las Palmas de Gran Canaria, Carolina Darias, also attended. https://shorturl.at/fFwLd and https://shorturl.at/0Ekek 02-29-24 - The Vice President of the Government of the Canary Islands and Counselor for Economy, Industry, Commerce, and Self-Employed Workers announces his participation in the forum "The Canary Islands facing a new economic challenge," sponsored by Japan Tobacco International. https://shorturl.at/Xxlq9 03-04-24 - The Vice President and Counselor for Economy of the Canary Islands participates in an event sponsored by JTI. https://shorturl.at/vZVC 05-08-24 - PP (People's Party) members of parliament guarantee their support for the Canary Islands' tobacco industry. https://shorturl.at/iBqad 						

⁶ Ley 38/1992, De 28 De Diciembre, de Impuestos Especiales. <https://www.boe.es/eli/es/l/1992/12/28/38/con>. Madrid: Boletín Oficial del Estado; 2020.

⁷ Includes immediate members of the families of the high-level officials

- 10-23-24 - 9th Congress Against Smuggling by ALTADIS-Imperial Brands with the participation of the mayor of Cádiz, the sub-delegate of the Government in Cádiz, and representatives of the State Security Forces and the Tax Agency. <https://shorturl.at/qts05>
- 12-04-24 - 2nd Annual Plenary of the Mesa del Tabaco (Tobacco Board), closed by the president of the Provincial Council of Cáceres and the president of the Regional Government of Extremadura, who wanted to highlight that "the tobacco sector is a key economic pillar in the region, generating thousands of jobs from the rural world to the rest of the country. We reaffirm our absolute support for an industry that sustains so many families and is essential for Extremadura". <https://shorturl.at/5qT4C>

During the period 2023-2025, numerous officials of the national and regional governments attended news briefings organized by the news agency Europa Press. These events were sponsored and organized by Altadis with the collaboration of other non-tobacco businesses. This is the list of events:

- 04/03/2025 - Óscar López, Minister for Digital Transformation and Public Administration
- 03/24/2025 - Isabel Díaz Ayuso, President of the Community of Madrid
- 03/05/2025 - Ana Redondo, Minister of Equality
- 02/21/2025 - Sara Aagesen, Third Vice President of the Government and Minister for the Ecological Transition and the Demographic Challenge
- 02/20/2025 - Isabel Rodríguez, Minister of Housing and Urban Agenda
- 02/03/2025 - José Manuel Albares, Minister of Foreign Affairs, European Union and Cooperation
- 02/03/2025 - Jordi Hereu - Minister of Industry and Tourism
- 01/30/2025 - Yolanda Díaz - Second Vice President of the Government and Minister of Labor and Social Economy
- 01/27/2025 - Jorge Azcón - President of the Government of Aragon
- 09/03/2024 - Carlos Cuerpo - Minister of Economy, Trade and Business
- 07/08/2024 - Pablo Bustinduy - Minister of Social Rights, Consumer Affairs and the 2030 Agenda
- 06/13/2024 - Óscar Puente - Minister of Transport and Sustainable Mobility
- 04/15/2024 - José Luis Escrivá - Minister for Digital Transformation and Public Administration
- 04/12/2024 - Teresa Ribera - Third Vice President and Minister for the Ecological Transition and the Demographic Challenge
- 04/03/2024 - Pere Aragonès - President of the Generalitat de Catalunya
- 03/20/2024 - Ángel Víctor Torres - Minister of Territorial Policy and Democratic Memory
- 02/29/2024 - Elma Saiz Delgado - Minister of Inclusion, Social Security and Migration
- 02/08/2024 - Gonzalo Capellán - President of the Government of La Rioja
- 01/25/2024 - Alfonso Rueda - President of the Xunta de Galicia
- 01/08/2024 - María Guardiola - President of the Junta de Extremadura
- 11/02/2023 - Margalida Prohens - President of the Government of the Balearic Islands
- 10/16/2023 - Fernando Clavijo - President of the Canary Islands
- 10/05/2023 - Santiago Abascal - President of VOX and Candidate for the general elections
- 07/18/2023 - Nadia Calviño - First Vice President and Minister of Economic Affairs and Digital Transformation
- 07/12/2023 - Isabel Díaz Ayuso - President of the Community of Madrid
- 05/18/2023 - María Chivite - President of Navarre
- 05/11/2023 - Fernando López Miras - President of the Region of Murcia

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)

January 22, 2025: The Civil Guard and the Mesa del Tabaco (Tobacco Board) sign an agreement to combat the illicit trade of tobacco, which establishes a system of regular collaboration to address fraud in the tobacco sector, fostering a safer environment and combating activities that finance other illicit practices. <https://shorturl.at/99kID>

10. The government accepts, supports, endorses, or enters into partnerships or **non-binding** agreements with the tobacco industry **or any entity working to further its interests.** (Rec 3.1)

3

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NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.						
In 2016, the regional government of Extremadura signed an agreement with Philip Morris. The agreement has the purpose of: a) jointly monitoring the health effects of tobacco products, b) making tobacco-growing sustainable with PM committing to provide tobacco growers advice and tools, c) implementing industrial initiatives related to technological innovation and development in the tobacco sector and innovative products with the potential to reduce the risk associated with smoking, and d) giving heated tobacco products visibility among the adult smoker population who does not want to quit. It's unclear whether the agreement is still in force.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)					3	
The government does not publicly disclose meetings or interactions with the tobacco industry. Only the Ministry of Health documents and publicizes such meetings. During 2024, the ministry reported four meetings whose report can be found here: https://shorturl.at/gPDRn						
The president, other ministers, and vice ministers of the government make their daily agenda of meetings available online, ⁸ but the minutes of the meetings are not disclosed. The daily agenda of other government officials is not available. Parliamentarians are obligated to publish their daily agendas, but most of them do not. ⁹						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)				2		
The government requires the registration of all economic operators, including importers, distributors, manufacturers, and retailers of tobacco products. However, it does not require the registration of lobbyists.						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5
The economic resources of political parties are regulated through Article 2 of the Organic Law 8/2007, of July 4, on Financing of Political Parties, as updated in 2015. The law permits legal contributions to political parties, including those made by candidates and campaigns, from private individuals but not from private companies, businesses, or foundations. Legal donations to political parties can be made, including in cash or in-kind, and are subject to the following limitations:						
<ul style="list-style-type: none"> • They cannot be anonymous, returnable, or for a specific purpose. • Individuals having links with any local, regional or national government cannot donate. • They cannot exceed 50,000 per year per party. • They must be reflected in the party's accounting system and submitted to the Court of Auditors, the national agency responsible for auditing the public sector and prosecuting violations. 						
The law, however, does not regulate contributions to foundations of political parties. Such foundations may receive contributions only for the purposes established for such foundations and not for electoral activities.						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)					4	
Based on the analysis of the provided research material, two retired senior Spanish government officials have been identified in executive roles within the tobacco distribution sector in Spain:						
Cristina Garmendia Mendizábal: Served as the Minister of Science and Innovation during the IX Legislature of the Spanish government. She currently holds the position of Vice Chair of the Board of Directors at Logista Integral, S.A., having been appointed to this role on February 2, 2024. She has been an Independent Director since June 4, 2014. Her extensive network and understanding of government policy acquired during her ministerial role could be valuable to a major						

⁸ Presidencia del Gobierno. La Moncloa. index [Gobierno/Agenda]. Lamoncloa.gob.es.

<https://www.lamoncloa.gob.es/gobierno/agenda/Paginas/index.aspx>. Accessed: May 28, 2021.

⁹ Europa Press. El 90% de los diputados incumple el código ético al no publicar su agenda en la web del Congreso.

europapress.es. <https://www.europapress.es/nacional/noticia-90-diputados-incumple-codigo-etico-no-publicar-agenda-web-congreso-20210411121946.html>. Published 2021. Accessed April 17, 2021.

distributor operating within a regulated industry. While her background is in science and innovation, her experience at the highest levels of government might provide Logista with strategic insights into policy trends and regulatory developments affecting the tobacco sector.

Pilar Platero Sanz: Held several significant positions within the Spanish government, including management roles at the Spanish Government General Comptroller Office, Undersecretary of the Ministry of Finance and Public Administrations, and President of the Spanish state-owned industrial holding company (SEPI). She currently serves as a Director of Logista Integral, S.A., a position she has held since her appointment on November 26, 2019. She is an Independent Director and also chairs the company's Audit, Control and Sustainability Committee. Her deep understanding of government finance, regulation, and the management of state-owned enterprises would be highly relevant to a large distribution company like Logista, particularly in ensuring compliance, financial stability, and navigating sustainability concerns within a potentially scrutinized industry.

15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	1				
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Based on the publicly available information, no direct evidence was found of current national-level Spanish government officials or their immediate relatives holding positions, including consultancy roles, in major tobacco companies operating in Spain between April 2023 and March 2025.

INDICATOR 7: Preventive Measures

16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)	3			
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No procedure has been found by which the national government should disclose the records of the interaction (such as attendees, minutes, and outcomes) with the tobacco industry and its representatives, except for the Ministry of Health officials and the agendas of top government officials.

17. The government has 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. (Rec 4.2); <i>Yes – for whole of government code; Yes but partial if only MOH</i>	2			
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Public officials refer here to all public employees and political appointees of the national, autonomous, and local governments. In Spain, two laws regulate the code of conduct of public employees and one that of political appointees.

Public employees.

The code of conduct of public employees in Spain is regulated by Articles 52 to 54 of the Royal Legislative Decree 5/2015, of October 30th, which approves the revised text of the Law on the Basic Statute of Public Employees¹⁰. It applies to all public employees of the General State Administration, the Administrations of the autonomous communities and the cities of Ceuta and Melilla, the administrations of local entities, public bodies, agencies, and other public law entities with their own legal personality, linked or dependent on any of the Public Administrations and public universities. According to this law, public employees must, among other obligations:

- pursue the satisfaction of the general interests of citizens
- abstain from intervening in those matters in which they have a personal interest, as well as any private activity or interest that may pose a risk of posing conflicts of interest with their public office
- not contract economic obligations or intervene in financial operations, patrimonial obligations, or legal business with persons or entities when it may pose a conflict of interest with the obligations of their public office
- not accept from individuals or private entities any preferential treatment, favours or situations that imply a privilege or unjustified advantage
- not influence the treatment or resolution of any administrative procedure without just cause and, in no case, when it entails a privilege for the benefit of the holders of public offices or their immediate family and social environment or when it suppresses the interests from third parties

¹⁰ Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público. Documento consolidado BOE-A-2015-11719 updated as of 07/03/2019. Boe.es. <https://www.boe.es/eli/es/rdlg/2015/10/30/5/con>. Published 2019. Accessed June 2, 2020.

- keep secret the classified or other matters whose dissemination is legally prohibited, and will maintain due discretion on those matters of which they are aware of due to their position, without being able to use the information obtained for their own benefit or that of third parties, or to the detriment of the public interest.

In addition, public employees may not hold other jobs or perform other functions except those authorized by Law 53/1984, of December 26th.¹¹ With regards to the private sector, a public employee cannot belong to the board of directors of any entity that is related to the public agency for which s/he works; nor can s/he hold positions in companies that are public works contractors in which he has a stake that exceeds 10%.

Political appointees. - Law 3/2015, of March 30th, regulating the exercise of the high position of the General State Administration.¹² These are the main applicable points of this law.

→ Political appointees must avoid that their personal interests unduly influence the exercise of their functions and responsibilities. By personal interest, the law means gains of an economic or professional nature affecting the appointee, his or her relatives, and friends, or legal persons or private entities to which the appointee has been linked by employment or professional relationship of any kind in the two years prior to the appointment. This law also indicates that political appointees, while in office, cannot have another remuneration or job, with a few exceptions for other public office concurrent appointments. However, the following functions are authorized:

- The management of personal or family assets.
- Those of literary, artistic, scientific, or technical production and creation and the publications derived from them, as well as collaboration and occasional and exceptional attendance as a speaker at meetings or professional courses, provided that they are not the consequence of an employment or service provision relationship or they impair the strict fulfilment of their duties.
- The participation in non-profit cultural or charitable entities or in foundations, provided that they do not receive any type of remuneration.

→ Political appointees may not own, by themselves or by a third party, more than 10% of companies that have agreements or contracts of any nature with any national, regional, or local government or receive subsidies from any Public Administration. If they own less than 10%, they cannot hold any preeminent position of influence in the said company.

→ The law also prohibits political appointees from providing services in private entities two years after leaving office, but only if such companies have been affected by decisions in which they have participated. Exceptions to this rule can be requested, and it is not unusual to obtain exemptions during the two-year period prescribed by law.

In summary, the government has formulated, adopted, and implemented a code of conduct for public officials, not specifically prescribing the standards they should comply with in their dealings with the tobacco industry. Also, such a code of conduct for public employees and political appointees is clearly insufficient to deal with the range of the tobacco industry's typical interference activities.

18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and 10 Decision)

2

According to the TPD, the tobacco retailers and manufacturers should report the information on the tobacco products in the national market to the common entry gate (EU-CEG). However, EU-CEG does not require to introduce the data on market share, revenues, etc. The government, through the National Commission for the Tobacco Market, requires the tobacco industry to periodically submit information on tobacco production, manufacture, revenues, and market share, which is published monthly and annually. However, it does not require the tobacco industry to submit information on marketing expenditures, lobbying, philanthropy, or political contributions.

¹¹ Ley 53/1984, de 26 de diciembre, de Incompatibilidades del Personal al Servicio de las Administraciones Públicas.- Documento consolidado BOE-A-1985-151 updated as of 31/10/2015. Boe.es. <https://www.boe.es/eli/es/1/1984/12/26/53/con>. Published 2015. Accessed June 2, 2020.

¹² Ley 3/2015, de 30 de marzo, reguladora del ejercicio del alto cargo de la Administración General del Estado. Documento BOE-A-2015-3444. Boe.es. <https://www.boe.es/eli/es/1/2015/03/30/3>. Published 2015. Accessed June 2, 2020.

	0	1	2	3	4	5
19. The government has a program / system/ plan to consistently ¹³ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)					4	
The report of the government Spain to the 9 th COP indicates that an agreement was reached within the Public Health Commission of the National Health System together with 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. Nevertheless, there is no indication that the national or regional governments have any program, system, or plan to consistently raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines.						
20. 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. (3.4)						5
No proof has been found indicating that the national or regional governments have put in place a policy disallowing 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.						
TOTAL	60					

ADDITIONAL QUESTIONS

Based on COP9 and COP10 Decisions highlighting Article 5.3 recommendations

A. LIABILITY: Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4) [5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.]
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Evidence

Spain's legal framework encompasses several general laws governing the tobacco industry, including those related to false or misleading advertising. The General Law for the Defense of Consumers and Users (Royal Decree 1/2007) protects consumer rights against misleading commercial practices, potentially penalizing any industry, including tobacco. The General Advertising Act (Law 34/1988) and the Unfair Competition Act (Law 3/1991) also prohibit misleading advertising and unfair competition, allowing for civil actions to cease, rectify, and claim damages. The General Audio-Visual Communication Act (Law 13/2022) governs commercial communications in audiovisual media.

While these laws provide a foundation, research from April 2023 to April 2025 did not reveal any new specific penalties targeting the tobacco industry for giving misleading information. Therefore, although Spain has robust consumer protection and strict pre-existing regulations on tobacco advertising, no explicit, newly adopted or enforced mandatory penalties specifically addressing false or misleading information from the tobacco industry were found within the analyzed timeframe.

B. KH RESOURCE DATABASE: Government adopted and implemented measures to ensure public access to information on TI activities [5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.]

Evidence

Based on the conducted research, there is no explicit evidence of the Spanish national government adopting and implementing new measures specifically to ensure public access to information on the activities of the tobacco industry.

¹³ For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

Annex A: Sources of Information

	TOP MULTINATIONAL TOBACCO GROUPS	MARKET SHARE	BRANDS	SOURCE
1	Philip Morris International (PMI)	33-35%	Marlboro, Chesterfield, L&M, Philip Morris	CTM 2023
2	Altadis (Imperial Brands)	31-33%	Fortuna, Ducados, Nobel, Gauloises Blondes.	CTM 2023
3	Japan Tobacco International (JTI):	22-24%	Camel, Winston, Coronas	CTM 2023
4	British American Tobacco (BAT)	8-10%	Lucky Strike, Pall Mall, Rothmans	CTM 2023
5				

	TOP LOCAL TOBACCO GROUPS	MARKET SHARE	BRANDS	SOURCE
1	Dos Santos	1%	Desert Gold, Canary Kingdom	Government of the Canary Islands
2				
3				
4				
5				

	TOP TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, AFFILIATE, INDIVIDUAL)	SOURCE
1			
2			
3			
4			
5			
6			
7			

Organization Name	Type of Group	Connection to Tobacco Industry	Activities/Influence	Source
Club de Fumadores por la Tolerancia (Smokers for Tolerance Club)	Public Support Group	Created by the tobacco industry	Opposes smoking bans, advocates for smokers' rights, echoes industry talking points	https://shorturl.at/7jBtg
Platform for Tobacco Harm Reduction	Harm Reduction Front Group	Funded by ANESVAP, linked to INNCO and PMI	Promotes e-cigarettes and heated tobacco under the guise of harm reduction	http://www.clubfumadores.org
Spanish Association of Personal Vaporizer Users (ANESVAP)	Consumer Group (Industry-Linked)	Affiliate of INNCO, head holds INNCO leadership position	Advocates for vaping, linked to the tobacco industry's harm reduction strategy	https://shorturl.at/cZAv2
International Network of Nicotine Consumer Organisations (INNCO)	Consumer Group (Industry-Linked)	Funded by PMI's Foundation for a Smoke-Free World	Promotes tobacco harm reduction, aims to influence WHO FCTC	https://innco.org
Avora	Industry-Initiated Non-profit	Created and funded by major tobacco producers in Spain	Manages tobacco product waste, provides opportunities for positive public relations and potential influence over local environmental policies	https://asociacionavora.es/
Club Hostelería de España	Hospitality group	Philip Morris Spain and Mesa del Tabaco are members	Opposes smoke-free policies in the hospitality sector	https://cehe.es/
Union of Tobacconists' Associations of Spain (Union de asociaciones de estanqueros de España)	Union	Ally	Defend the interests of more than 13,000 tobacconists	https://shorturl.at/Z8RES
Mono Vapeador	Lobbist	Lobbist, also acts on name of ANESVAP mentioned above	As defined in the Website: "Vaper user, vlogger, and pro-vaping activist, trying to shed light and offer firsthand information since 2011 in this modest corner of the steamy internet."	https://shorturl.at/nFAcY