

France

Overall score:

34

I. Industry participation in policy development:

During the period 2017 and 2018, the influence from the tobacco industry and its main allies—the National Federation for Tobacco retailers (Confédération des buralistes de France)—was blocked at the level of the health minister, the Prime Minister and the French President. The Minister, in charge of budget, had links with the tobacco retailers, and negotiated a new contract with the tobacco retailers to financially support them to modernize their shop and develop diversification of their activities.

II. Tobacco industry-related CSR activities:

Since 2016 and the adoption of new tobacco control provisions, the previous advertising, promotion, sponsoring ban has been extended to philanthropic activities and therefore includes all CSR activities. The legislation is comprehensive and prohibits these activities by the tobacco industry and also by third parties if they directly or indirectly may promote tobacco or tobacco products. However, this provision does not cover tobacco retailers and their related organisations, which continue to conduct CSR activities.

III. Benefits given to the tobacco industry:

There are still some provisions which could be strengthened because they promote the consumption of tobacco products. Product placements and smoking in cultural works, especially in films, remain a problem and have not been addressed yet.

There are also some incentives like a higher quantity of tobacco products allowed to be brought in France from a country outside the European Union (EU). At the level of the EU, the quantity allowed from one EU member to another is also particularly high and considering that the EU and its member states are parties to the WHO FCTC, 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 at its own level and failed.

The French government also continues to financially support the tobacco retailers although their revenues have constantly increased over the years. The government has concluded a new contract with them during this period. This last contract is meant to help tobacco retailers diversify their activities but in the past similar financial supports were already granted to them for this purpose.

IV. Unnecessary interaction with the tobacco industry:

The main problem between the government and the tobacco lobby is their interaction with tobacco retailers and their representatives. Such situation is problematic because there are still links and financial relationships between the tobacco industry and the tobacco retailers / their representatives. The tobacco industry uses this organisation as a third party to protect and develop its interests.

There are also some officials from public departments who attend events and meetings organised by the tobacco industry, especially in the field of illicit trade.

The Parliament and local authorities still do not know the FCTC, particularly the guidelines on Article 5.3 and in their activities, they think that they have to work with representatives from the tobacco industry, which they too often treat like any other industry.

V. Procedure for transparency measures:

Different provisions were adopted in the last few years in France to improve transparency generally in public activities and public life. These provisions apply to public officials and representatives of private interest. Their concern therefore is not specific to the tobacco industry, but they greatly

contribute to improve transparency including the tobacco stakeholders. There are also specific provisions to the tobacco industry, particularly expenditure for lobbying activities.

Transparency and standards concerning public officials' interactions with the tobacco industry (retailers and their representatives) do not provide sufficient details of the agenda, minutes etc.

Avoiding conflicts of interest: Several high-level government officials hold positions in BAT Bangladesh. Since the government owns 9.48% shares in BAT Bangladesh, these officials are in conflict to advance tobacco control agenda while simultaneously promoting the tobacco business. Public health suffers as a result.

VI. Avoiding conflict of interest: The disclosure of possible conflict of interest and, as a consequence, the protection of public policies from these interests is one of the measures adopted for better transparency in public life and to improve it. It particularly concerns possible conflict of interest with the tobacco lobby and many declarations are public.

Some public officials are also covered by a regulation on their public activities, but this kind of control does not apply to some key stakeholders, such as retired public officials, who are particularly targeted by the tobacco lobby.

VII. Preventive measures: The government requires the tobacco industry to periodically submit information on lobbying expenses and also on tobacco products' ingredients.

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 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 interests, but nothing is specific for the tobacco lobby.

Despite information disseminated by health ministry and the civil society acting in collaboration with this ministry, there is no systematic information disseminated to all government departments who may be in contact with the tobacco industry and its allies. The WHO FCTC remains little known by many stakeholders, particularly its provisions regarding the protection of public policies from the tobacco industry interests.

Recommendations

France has adopted some measures to comply with article 5.3 guidelines. There are however some actions to improve:

1. The government should conduct systematic distribution of information on the WHO FCTC, Article 5.3 and its guidelines. This information should target at all public officials (politicians, MPs, local authorities etc.) who may be in relationship with the tobacco industry and its allies. Communication to the general public on website of the Minister and to the media to disseminate this topic and specific rules would also be helpful.
2. The government should complete and implement a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives including representatives of the tobacco retailers.
3. The government should include representatives of tobacco retailers in the provisions prescribed / imposed to the tobacco industry and its allies.
4. The government should extend the regulation of activities of former/retired public officials if the new activity is linked with the tobacco industry.
5. The government should mandate and support investigations in order to check if disclosures made by the tobacco industry and its allies are true and monitor possible circumvention of present provisions.
6. The government should be active at the regional level to introduce rules at the level of the European institutions regarding Article 5.3 and its guidelines.