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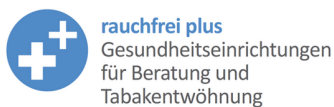
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List of abbreviations

AfD	Alternative für Deutschland, Alternative for Germany (political party)
BAT	British American Tobacco
BdZ	Bundesverband der Zigarrenindustrie, Federal Association of the Cigar Industry
BfR	Bundesinstitut für Risikobewertung, Federal Institute for Risk Assessment
BfTG	Bündnis für tabakfreien Genuss, Alliance for Tobacco-Free Enjoyment
BVTE	Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse, German Federal Association of Tobacco Industry and New Products
CDU	Christlich Demokratische Union, Christian Democratic Union (political party)
COP	Conference of the Parties – here: of the FCTC
CSR	Corporate Social Responsibility
CSU	Christlich-Soziale Union, Christian Social Union (political party)
DZV	Deutscher Zigarettenverband, German Association of the Cigarette Industry
EU	European Union
FCTC	World Health Organization Framework Convention on Tobacco Control
FDP	Freie Demokratische Partei, Free Democratic Party
GdP	Gewerkschaft der Polizei
JTI	Japan Tobacco International
MUT	Mittelständische Unternehmen der Tabakwirtschaft, Association of Medium-Sized Tobacco Companies
PMI	Philip Morris International
Rec.	Recommendation – here: Recommendation from the Guidelines to FCTC Article 5.3
SPD	Sozialdemokratische Partei Deutschlands, Social Democratic Party of Germany
VdR	Verband der deutschen Rauchtobakindustrie, German Association of Smoking Tobacco
WHO	World Health Organization

Introduction

The tobacco industry is the only industry that is allowed to sell a product that kills half of its consumers when used as intended.^[1,2] In Germany alone, 127,000 people die each year because of smoking – one every four minutes.^[3]

Germany ratified the WHO Framework Convention on Tobacco Control (FCTC) in 2004, but it is still lagging far behind in its implementation.^[3] Therefore, Germany is on the last place in the European Tobacco Control Scale, a ranking of 36 European countries.^[4]

In May 2021, more than 50 public health and civil society organizations published the “Strategy for a Tobacco-Free Germany 2040” – a call on the German government to develop a plan with a concrete timeline to implement tobacco control measures such as tobacco tax increases, plain packaging, a comprehensive tobacco advertising, promotion and sponsorship ban and good quit support for smokers.^[5] The aim is to reduce the use of cigarettes and related products to under 5% among adults and under 2% among young people by 2040.^[5]

One of the biggest obstacles to achieving progress in the area of tobacco control in Germany is the tobacco industry’s influence on policymaking and the lack of protective measures taken by the German government. Article 5.3 of the FCTC obliges the government to safeguard “public health policies... from commercial and other vested interests of the tobacco industry”.^[6,7]

This report analyses if and how important protective measures are taken by the German government and what the tobacco industry does to foster relationships with decision-makers and to influence political decisions.

Case Study: Suspicious Tobacco Taxation Initiative and Non-transparency of the Ministry of Finance

In February 2021, the Ministry of Finance presented plans for the “modernization of tobacco taxation”.^[8,9] At best, this initiative can be described as non-transparent and rushed. At worst, there is reason to suspect that the tobacco industry has exerted influence.

Main points of the draft bill:^[10,11] To increase cigarette taxes and taxes on roll-your-own tobacco in small steps over the next five years (2022-2026); to tax heated tobacco sticks at a similar rate as cigarettes; and to introduce a tax on nicotine in e-cigarette liquids.

The Ministry’s plans were first reported in Der Spiegel on 5 February 2021.^[8] The government had denied any plans to raise tobacco taxes only four respectively two weeks earlier, in response to two parliamentary requests for information by the opposition.^[12,13] However, at that point, a bill had already been drafted by the Ministry of Finance, as the tobacco industry newspaper Die Tabak Zeitung reports.^[11] The draft dated back to October 2020.^[11]

The bill was classified as “particularly urgent” to make sure that it can be passed before the summer break and federal elections in September 2021.^[10,14] The bill would fix tobacco taxes over the next five years – not only for the legislative period after the coming elections in 2021 but even until after the next elections in 2025.^[10]

The draft bill contains tobacco industry-friendly positions and arguments. For example, it states as one of the main goals that it aims to prevent consumers from shifting to “tobacco products that are not taxed domestically and/or are illegal”.^[9,10] The tobacco industry often argues that increasing tobacco taxes would increase illicit trade and exaggerates the extent

of illicit trade.^[15] However, tobacco taxes are not a key driver of illicit trade.^[15] Non-price factors are more important determinants (e.g. strength of the regulatory framework).^[15]

In the draft bill, the Ministry argues that to avoid illicit trade, tax increases should take into account “the buffer function of roll-your-own tobacco by deliberately creating a tax differential to cigarettes”.^[9,10] Cheap tobacco products are to be taxed “appropriately”.^[9,10]

For the Ministry of Finance, it was also important to create “planning security and predictability of future tobacco tax revenues”, and “to achieve a balance between the goal of constant tax revenues and public health objectives”, stated as the last goal listed in the draft.^[9,10]

The model of taxation drafted in the bill is not in line with the Guidelines for implementation of Article 6 of the WHO FCTC that regulates price and tax measures, and recommendations in the 2010 and 2021 WHO technical manuals on tobacco taxation.^[16–18]

It is recommended to increase tobacco taxes in big steps in a way that reduces affordability significantly – for example by 10% per year.^[16–18] An increase of 10% would lead to a reduction of demand by around 4 to 5%.^[16–18] However, the planned tax increases would increase cigarette prices by just 3%, as the government estimates in the draft bill.^[10] This might also give the industry more flexibility to overshift prices of expensive brands to increase profits and undershift prices of discount brands to keep consumers from quitting.^[17,18]

Additionally, similar products should be taxed at similar rates to avoid that consumers shift to cheaper products instead of quitting.^[3,16–19] Therefore, roll-your-own tobacco should be taxed at the same rate as cigarettes – in contrast to the government’s plan to deliberately maintain low taxes on roll-your-own tobacco.

Tobacco tax increases are one of the most effective ways of motivating consumers to quit and preventing young people from taking up smoking.^[20] The tobacco industry therefore fears sudden or regular significant tax increases.

In the past years, the tobacco industry heavily lobbied the government on tobacco taxes. There were at least eight meetings on the issue with high-level government officials between 2018 and 2020 – most of them with the Ministry of Finance.^[12] The industry called for moderate tobacco tax increases in newspaper articles.^[21–23] A response by the Federal Chancellery to a freedom of information request also cites industry fears of sudden large increases and proposals for moderate increases.^[24]

The plans on cigarette taxes and roll-your-own tobacco in the draft bill therefore were accepted or even welcomed by the tobacco industry lobby groups DZV and BVTE.^[25,26]

The taxation plans for heated tobacco products as well as e-cigarettes however received criticism from the industry.^[25] For different reasons, the taxation model for e-cigarettes was also criticised by health groups.^[27,28]

On 10 June 2021, the federal parliament adopted the tobacco taxation law with slight changes: increases of taxes on cigarettes will be slightly higher and conducted in 4 steps with a gap in between (2022, 2023, 2025 and 2026); the same applies to taxes on roll-your-own tobacco; taxes on heated tobacco will only be 80% of those on cigarettes instead of the originally planned 100%; there will be an extra tax on water pipe tobacco; liquids for e-cigarettes will be taxed by volume, not by nicotine content.^[29,30] These changes still do not meet the public health standards explained above.

Reactions from the tobacco and e-cigarette industry were mixed: BVTE chief executive Jan Mücke is cited as saying that the taxes on cigarettes and roll-your-own tobacco are “at the upper limit of what is still acceptable”. Michael von Foerster of the VdR however says that

the tax bill is a “tough blow” for medium-sized tobacco companies. E-cigarette associations are still criticising that the new taxes on novel products are too high.^[31]

Apart from tobacco industry-friendly arguments in the draft bill, suspicion of tobacco industry influence on the Ministry of Finance is further fueled by the Ministry’s stance towards transparency and its choice of stakeholders. A freedom of information request that we submitted, revealed that the Ministry did not invite any public health organizations but only business associations, employee organizations/unions as well as associations of cities and counties to submit a statement in the official hearing on the draft bill.^[32,33] Three submissions by health groups and a tobacco tax expert were apparently made proactively.^[27,28,33,34]

In our freedom of information request, we also asked for copies of preparatory and follow-up documents relating to five meetings between the Ministry of Finance and the tobacco industry between 2018 and 2020. Additionally, we requested a list of all written communications (letters and emails) between representatives of the tobacco industry and the Ministry. However, the Ministry denied access to the requested documents and information and responded with a five page justification of the denial. It charged the maximum fee for freedom of information requests, €500 (US\$565).^[32] An appeal procedure against the fee is pending.

The Ministry argued that the “protection of the core area of executive autonomy stands in the way of the right to access information”.^[32] “Freedom and openness of decision-making within the government” could be “impaired by ‘restrictive pre-effects’ of retrospective publicity.”^[32]

Among others, the ministry stresses that

“contact and regular exchange with external decision-makers is an essential component of the successful work and fulfilment of tasks of the Ministry of Finance. [...]

However, proper preparation of such contacts and consultations with external parties would no longer be possible in the knowledge that these preparations would subsequently, or even in the run-up to the respective contacts, have to be published in full in response to corresponding freedom of information requests. [...]

It is therefore obvious that external dialogue partners would no longer be available for an exchange of opinions, information and ideas with the Federal Ministry of Finance, or would only be available to a limited extent, in the knowledge that the relevant documents on the respective conversation could be published.”^[32]

Apparently, the Ministry does not accept main principles of the Guidelines to Article 5.3 of the FCTC: That meetings with the tobacco industry should be restricted to those strictly necessary in the regulatory process and all interactions are to be fully transparent.^[7]

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance and used by tobacco control researchers and advocates in more than 50 countries as part of the Global Tobacco Industry Interference Index project.^[35,36]

There are 20 questions based on official guidelines to Article 5.3 of the FCTC. Information used in this report is from the public domain only – including publicly available information from newspaper reports, company publications, social media postings and freedom of information requests. A scoring system is applied to make the assessment. The scores range from 0 to 5, where 5 indicates highest level of industry interference, and 0 or 1 is low or no interference. Hence, the lower the score, the better for the country. 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.

Monetary amounts are expressed in Euros, but for international readers, they are converted into US dollars at a simplified average rate of €1=US\$1.13 (based on the average exchange rates of 2019 and 2020).^[37]

The report covers information on incidents from 1 January 2020 to 31 March 2021 that was available until August 2021. In some cases, when information is published with a long delay (e.g. donations to political parties or sponsorship reports of German states), the report covers information from before 2020.

Summary of Findings

1 INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

In February 2021, the Ministry of Finance came up with a tobacco taxation initiative. The initiative is non-transparent and there is reason to suspect tobacco industry interference.

On a positive note, there were no tobacco industry representatives on government public health committees or delegations to the last session of the Conference of the Parties to the FCTC.

2 INDUSTRY CSR ACTIVITIES

The Federal President (as all Federal Presidents since 1973) partnered with the Körber Foundation, a tobacco industry related organization.

The Prime Minister of Saxony, Michael Kretschmer, endorsed corporate social responsibility activities of PMI.

Furthermore, several German states received sponsorship from tobacco industry or related organizations. These amounted to at least €126,600 (US\$143,058). For example, the Health Authority of the State of Berlin accepted an offer from PMI to use space and equipment at its former cigarette factory in Berlin for a Covid19 logistics center.

3 BENEFITS TO THE INDUSTRY

In 2020, the government passed a ban on outdoor advertising for tobacco products and e-cigarettes. However, this long-awaited law is weak and has exemptions which allow the industry to advertise.

The industry also benefits from a tobacco tax exemption for tobacco products that manufacturers offer their employees as an in-kind allowance, amounting to €5 million (US\$5.65 million) in 2020.

4 UNNECESSARY INTERACTION

Even though the Covid19 pandemic largely restricted social festivities and other events in 2020, the tobacco industry still managed to foster relationships with and receive endorsements from high-level political decision-makers.

Michael Kretschmer, Prime Minister of Saxony, as well as Stephan Weil, Prime Minister of Lower Saxony, visited tobacco companies. Kretschmer made endorsing remarks about PMI and pictures of his visit were posted on the official website and social media accounts of the Prime Minister as well as on PMI's Twitter account.

Various members of the federal parliament as well as state parliaments participated in events that were organized or sponsored by the tobacco industry.

Additionally, PMI managed to foster relationships with the Trade Union of the Police (GdP) whose members are public officials.

5 TRANSPARENCY

The government provides only partial transparency on interactions with the tobacco industry. Official meetings with the Ministry of Health and the Ministry of Food and Agriculture are disclosed on their websites, but minutes are not disclosed.

In 2020, there were at least five meetings or interactions between the tobacco industry and high-level government officials that were not strictly necessary for regulation. Most of these only came to light because of parliamentary requests for information.

For the timeframe of this report, Germany did not have a lobby register, but the government passed a law to implement a lobby register from 2022 that will provide partial information.

6 CONFLICT OF INTEREST

Tobacco industry contributions to political parties are not prohibited in Germany. As a result, the governing parties (CDU, CSU and SPD) as well as one of the opposition parties (FDP) received large donations and sponsorships in 2019/20. These amounted to at least a total of €135,766 (US\$153,419) in donations and €56,667 (US\$64,034) in sponsorship payments. However, this represents just the tip of the iceberg because political parties only have to disclose donations exceeding €10,000 (US\$11,300) and do not have to disclose sponsorship contributions. Only some parties disclose sponsorship contributions on a voluntary basis.

There is no information on current government officials holding positions in the tobacco industry. However, the lobby groups DZV and BVTE are led by Jan Mücke, a former parliamentary state secretary. In addition, a former staff member of the German Federal Institute for Risk Assessment (BfR), Frank Henkler-Stephani, joined the BVTE in 2021. At BfR, he was responsible for the risk assessment regarding novel tobacco products for several years and he was part of the German delegations to COP7 and COP8 of the FCTC.

7 PREVENTIVE MEASURES

The government is of the view that the guidelines for the implementation of Article 5.3 are not legally binding and only an “assistance” or “recommendations”. It takes almost no action in the area of prevention.

There is no requirement of recording and disclosing all interactions with tobacco industry representatives. A code of conduct to prescribe standards for public officials in their interaction with the tobacco industry does not exist. There is no awareness raising programme on Article 5.3 and its guidelines and there is no policy to disallow contributions of the tobacco industry to the government.

On a positive note, the government requires the tobacco industry to provide information on marketing expenditures and market shares.

Recommendations

Adopt a comprehensive national tobacco control strategy, outlining a timeline for the full implementation of the WHO FCTC, such as the Strategy for a Tobacco-Free Germany 2040.^[5]

Implement measures to effectively safeguard political decisions from the influence of tobacco industry and related organizations, as recommended in the Strategy for a Tobacco-Free Germany 2040 (Measure No. 9):^[5]

- “Reduce interactions between policymakers and manufacturers of tobacco and of related products and their associations to what is strictly necessary for the legislative process
- Make transparent all interactions between policymakers and manufacturers of tobacco and of related products and their associations: Publish planned meetings in advance and disclose minutes of discussions
- At every meeting dealing with tobacco or related products, remind participants of Article 5.3
- Government funding of non-governmental organisations to monitor interference attempts by manufacturers of tobacco and of related products and their associations and to raise public awareness of this (watchdog role of civil society)
- Develop a code of conduct for members of government, civil servants and members of the Federal Parliament and state parliaments (including rules on switching sides)
- Improve the lobby register (executive footprint, mandatory disclosure of funding, disclosure of specific lobbying issues/objectives)
- Ban sponsorship and donations by manufacturers of tobacco and of related products and their associations to public institutions and political parties
- Awareness-raising campaign by the Federal Ministry of Education and Research to denormalise donations/sponsorship of scientific institutions by manufacturers of tobacco and of related products and their associations and to promote rules on transparency and conflict of interest
- Make the allocation of public funds to non-governmental organisations for health projects conditional on them not accepting donations/sponsorship from manufacturers of tobacco and of related products and their associations”



Strategy for a tobacco-free Germany 2040
 Download in German and English:
www.dkfz.de/de/krebspraevention/strategie-tabakfrei-2040.html

2021 Tobacco Industry Interference Index: Results and Findings

	0	1	2	3	4	5
INDICATOR 1: 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 ² in setting or implementing public health policies in relation to tobacco control ³ (Rec 3.1)						5
<p>In February 2021, the Ministry of Finance came up with plans for the “modernization of tobacco taxation”.^[8,9] This initiative can be described as non-transparent and rushed, and there is reason to suspect that the tobacco industry has exerted influence.</p> <p>The draft bill contains tobacco industry-friendly positions and arguments. The plans on cigarette taxes and roll-your-own tobacco in the draft bill therefore were accepted or even welcomed by the tobacco industry lobby groups DZV and BVTE.^[25,26]</p> <p>The taxation plans for heated tobacco products as well as e-cigarettes however received criticism from the industry.^[25] For different reasons, the taxation model for e-cigarettes was also criticised by health groups.^[27,28]</p> <p>Suspicion of tobacco industry influence on the Ministry of Finance is further fueled by the Ministry’s stance towards transparency and its choice of stakeholders. A freedom of information request that we submitted revealed that the Ministry did not invite any public health organizations but only business associations, employee organizations/unions as well as associations of cities and counties to submit a statement in the official hearing on the draft bill.^[32] Three submissions by health groups and a tobacco tax expert were apparently made proactively.^[27,28,34]</p> <p>In our freedom of information request, we also asked for copies of preparatory and follow-up documents relating to five meetings between the Ministry of Finance and the tobacco industry between 2018 and 2020. We also requested a list of all written communications (letters and emails) between representatives of the tobacco industry and the Ministry. The Ministry denied access to the requested documents and information and responded with a five page justification of the denial, stating that the “protection of the core area of executive autonomy stands in the way of the right to access information”. For its response, the Ministry charged €500 (US\$565), the maximum fee for freedom of information requests.^[32] An appeal procedure is pending.</p> <p>For more information, see case study in the introduction of this report.</p>						
2 The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)		1				
<p>There is no publicly available information whether any policy or legislation drafted by or in collaboration with the tobacco industry was submitted to and accepted by the government. It is therefore not possible to know the extent of the government’s collaboration with the tobacco industry.</p>						

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

	0	1	2	3	4	5
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)	0					
No such involvement of the tobacco industry in government public health committees is known.						
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				
There were no tobacco industry representatives on the German delegation to the last session of the Conference of the Parties to the FCTC (COP8). ^[38] However, a member of the German government delegations to COP7 and COP8 recently joined the tobacco industry (see question 14).						
INDICATOR 2: Industry CSR activities						
5 A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2) B. The government (its agencies and officials) receives contributions ⁵ (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						5
<p><u>A. THE GOVERNMENT ENDORSES, SUPPORTS OR PARTICIPATES IN TOBACCO INDUSTRY CSR ACTIVITIES</u></p> <p><u>Cooperation between the Federal President and Körber Foundation</u></p> <p>Federal President Frank-Walter Steinmeier – as all Federal Presidents since 1973 – collaborates with the Körber Foundation for the History Competition of the Federal President.^[39-41] The Körber Foundation is the sole owner of the Körber AG, a group of companies that is the world’s leading producer of cigarette manufacturing machines.^[42,43] The company boasts that “two thirds of the world’s filter cigarettes and tobacco products are manufactured using machines and equipment” from them.^[43] Through its subsidiary Hauni, the Körber AG is also a member of the tobacco industry lobby group BVTE.^[44]</p> <p>The History Competition of the Federal President aims at children and young people under 21 years of age. In 2020/21, prizes amount to a total of around €290,000 (US\$327,700).^[45] The first prize winners on the federal level personally receive their awards from the Federal President and a representative of the Körber Foundation at Palace Bellevue, the Federal President’s official residence.^[45] Prizes at the state level are presented in award ceremonies involving state Prime Ministers, Ministers or other high-level officials.^[46]</p> <p>The competition’s 2020/21 board of trustees includes high-level government officials such as Stephan Steinlein, State Secretary, Head of the Office of the Federal President or Herbert Wolff, State Secretary at the Saxon State Ministry of Education and Cultural Affairs.^[40]</p> <p>Although the title of the competition implies that it is organized by the Federal President,</p>						

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

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

it is completely in the hands of the Körber Foundation. This partnership also does not show up in the sponsoring list of the federal government, showing that the list as well as the related anti-corruption directive have significant gaps.^[47]

Michael Kretschmer, Prime Minister of the State of Saxony endorses PMI corporate social responsibility activities

Michael Kretschmer, Prime Minister of the State of Saxony, endorsed donations to institutions in Saxony by cigarette manufacturer PMI in December 2020. The donations were related to Covid-19 pandemic relief. Recipients were a nursing home and a film festival. PMI quotes Kretschmer in a press release about the donations, saying: “Philip Morris' commitment is a strong signal for which I am very grateful. It shows the company's solidarity with Saxony. It is precisely things like this that help us to get through these difficult times together. It is signs like this of standing together and acting responsibly that give us courage and move us all forward.”^[48]

Michael Kretschmer endorsed PMI activities on other occasions, too (see question 8).

B. THE GOVERNMENT RECEIVES CONTRIBUTIONS FROM THE TOBACCO INDUSTRY

Federal level

There is no transparency report for the federal government available for 2020 yet. The most recent report covers 2017/2018 and did not show tobacco industry sponsorship.^[47]

State of Berlin: Covid-19 pandemic relief supported by PMI

In April 2020, the Health Authority of the State of Berlin accepted an offer from PMI to use space and equipment at its former cigarette factory in Berlin for a logistics centre related to the Covid-19 pandemic response.^[49-51] The whole exercise was conducted in a non-transparent manner, and it is unclear how PMI's contribution came about.^[52,53] PMI says publicly that it provides the space for free, but the State of Berlin was inconsistent in its statements at different occasions – saying that the provision is free of charge at one occasion and that it pays for the space at another.^[54,55] In October 2020, Martin Matz, State Secretary for Health in the Senate Department for Health, Care and Equality, admitted that the provision of space and related logistics equipment by PMI is actually free of charge until 31 December 2020 and that the monetary value of the in-kind contribution is unknown.^[52] This only came to light because of a parliamentary inquiry by a member of the Berlin House of Representatives.^[52] Matz justifies the acceptance of PMI support with the administration's urgent need and insufficient alternative space during the pandemic. He emphasized that “there will be no interest-driven influence on the Berlin health administration and measures to reduce tobacco consumption will not be affected.”^[52]

A response to a freedom of information request showed that the use of PMI space and equipment by the Senate Department for Health, Care and Equity ended on 21 December 2020.^[51,56]

Other German states

At the time of writing this report, there are only few transparency reports available for German states for the year 2020. That is why we also include data on 2019 here. Even for 2019, not all reports are available, though.

Several states received sponsorship from the tobacco industry, for example Hamburg, Lower Saxony, North Rhine-Westphalia and Rhineland-Palatinate – all of which are home to tobacco industry factories or headquarters.^[3,57-61] The tobacco industry contributions

	0	1	2	3	4	5
amounted to at least €126,600 (US\$143,058). The tobacco industry sponsored cultural and educational projects or institutions as well as parties of the respective states at their representations to the federal government in Berlin (see Annex B for a full list).						
INDICATOR 3: Benefits to the Tobacco Industry						
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)					5
<p>In June 2020, the federal parliament passed a ban on outdoor advertising for tobacco products and e-cigarettes.^[62] The tobacco industry had managed to delay the introduction of the ban for several years, although the ban has broad public support and Germany was required to implement it by 2010, due to the country's ratification of the FCTC.^[3,41] However, this long-awaited law is weak and has exemptions which allow the tobacco industry to advertise.</p> <p>The ban is implemented with long transition periods, incrementally for different types of products:^[3,62]</p> <ul style="list-style-type: none"> • 1st January 2022: traditional tobacco products (cigarettes, rolling tobacco, cigars, pipe tobacco etc.) • 1st January 2023: heated tobacco products • 1st January 2024: e-cigarettes <p>There is an exemption for advertising on the outside of specialized tobacco shops.^[3,62] Other forms of advertising, such as advertising at the point of sale, display of tobacco products at the point of sale, packaging and product design features, promotion and sponsorship, including corporate social responsibility, remain allowed.^[3]</p>						
7	The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)					4
<p>The government gives the industry a tobacco tax exemption for tobacco products that manufacturers offer their employees as an in-kind allowance, amounting to €5 million (US\$5.65 million) in 2020.^[63]</p> <p>Up to now, e-cigarettes and heated tobacco products are taxed more favourably as compared to cigarettes. For e-cigarettes and liquids, no taxes apply except for VAT.^[3] Sticks for heated tobacco products are taxed like pipe tobacco that is much cheaper than the tax on cigarettes.^[3] According to a draft tobacco taxation bill (Tabaksteuermodernisierungsgesetz) that is currently debated in parliament this will change from 2022: a new tax will apply for e-cigarette liquids, and heated tobacco sticks will be taxed at a rate of 80% of taxes on cigarettes.^[29,30]</p> <p>There are customs exceptions for tobacco products. Germany applies EU minimum travellers' allowances for travels within the EU and from outside the EU.^[64-66] For travels from outside the EU, allowances apply to any importer who is at least 17 years old although the minimum age for the purchase of tobacco products in Germany is 18.^[66]</p>						
INDICATOR 4: Forms of Unnecessary Interaction						
8	Top level government officials (such as President/ Prime Minister or Minister ⁶) meet with/ foster relations with the tobacco					4

⁶ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)						
<p>Due to the Covid19 pandemic, social functions and other events in Germany were largely restricted. Therefore, the tobacco industry had less opportunities to sponsor or organize such events than in previous years. However, we could still find occasions where top level government officials and members of parliament met with and/or fostered relations with the tobacco industry:</p> <p><u>Michael Kretschmer, Prime Minister of Saxony, fosters relations with PMI</u></p> <p>In June 2020, the Prime Minister of Saxony, Michael Kretschmer (CDU), participated in the inauguration of a logistics centre for PMI's heated tobacco product Iqos at Halle/Leipzig Airport, that is to become a key location for logistics and packaging related to Iqos.^[67] He gave a speech and talked with several PMI representatives, including Markus Essing (Managing Director Germany & Austria), Stephan Röckemann (Government Affairs Manager at the Berlin representation of PMI) and Claudia Oeking (External Affairs Director).^[67] This was documented with pictures and a news post on the website of the government of Saxony.^[67] Pictures of the meeting were also posted on the Prime Minister's social media accounts on Facebook, Twitter and Instagram.^[68-70] PMI used the incident to share multiple tweets on Twitter, on the day of the event and later.^[71-76] In a tweet on 4th August 2020, PMI looked back at the visit and shared a video interview with Kretschmer endorsing the company: "I am quite sure that Philip Morris is going the right way. Seeing what do consumers want and how do you have to respond to that? This innovation has cost a lot, a lot of money, but is securing the future, and many others will take it as an example."^[76] At the end of the clip, PMI thanks Kretschmer for his visit "in his function as the Prime Minister of the State of Saxony".^[76]</p> <p>Already a year before, when PMI announced the building of its logistics centre, Kretschmer welcomed this in a newspaper quote and a post on his official Facebook account.^[77,78] Furthermore, Kretschmer endorsed PMI CSR donations in the State of Saxony later in 2020 (see question 5).</p> <p><u>Michael Kretschmer, Prime Minister of Saxony, meets tobacco lobbyist at social event</u></p> <p>In another incident in September 2020, Kretschmer posed for a picture with a lobbyist from the tobacco industry group VdR.^[79,80] The picture was taken at a social networking event of the Bremer Tabak-Collegium, where Kretschmer gave a speech.^[81] The VdR posted the picture on their Facebook and Instagram accounts, but Kretschmer apparently did not share information about the event or the meeting with VdR on his accounts.^[79,80]</p> <p>Besides tobacco lobbyist von Foerster of VdR and Prime Minister Kretschmer, the picture shows three policymakers of the CDU: Albert Weiler, member of the federal parliament and opponent of a tobacco advertising ban (see other incident below); Tankred Schipanski, member of the federal parliament; and André Neumann, mayor of the small city of Altenburg in the State of Thuringia.^[79,80] Since the other people on the picture are politicians, it is possible that Kretschmer did not know that he was being pictured with a tobacco lobbyist.</p> <p>The Bremer Tabak-Collegium ("Bremen Tobacco Collegium") is a networking group that originated in the city of Bremen in the 1950s.^[82] It carries the word "tobacco" in its name for historical reasons.^[82] One of the members of the so-called "Small Board" that is in charge of organisatory issues at the Bremer Tabak-Collegium is Hans-Dieter Lampe, Managing Partner of Frantz Kragh GmbH, a company that deals with exclusively selected tobacco leaf.^[82,83] There is no evidence that the tobacco industry is a sponsor. However,</p>						

since the group proudly keeps its sponsors secret, it is unclear whether tobacco companies contribute.^[82] The guest list of the September 2020 event did not show participation of additional representatives of tobacco companies or tobacco lobbyists besides Michael von Foerster of VdR and Hans-Dieter Lampe.^[84]

Stephan Weil, Prime Minister of Lower Saxony, visits Reemtsma tobacco factory

At the end of January 2020, the Prime Minister of Lower Saxony, Stephan Weil (SPD), visited the Reemtsma (Imperial Brands) cigarette factory in Langenhagen.^[85] During the visit, he met with Reemtsma CEO Michael Kaib and other top level company representatives. Weil was accompanied by members of the state parliament of Lower Saxony (Rüdiger Kauroff, SPD, and Rainer Fredermann, CDU).^[85] During the meeting, the at that time publicly debated advertising ban was also talked about. In a report on their website, Reemtsma cited Weil saying “Your arguments make sense to me, but attitudes on this issue in Berlin are very entrenched.”^[85] The visit was not documented on the website or social media accounts of the Prime Minister.

High level politicians speak at and participate in social event co-sponsored by BAT

In January 2020, top level politicians participated in the Blankeneser Neujahrsempfang (a big new year’s reception in the State of Hamburg) that is co-sponsored by BAT as one of six main sponsors.^[86] Speakers were: Peter Tschentscher (SPD), First Mayor of the city-state of Hamburg (roughly corresponds to function of Prime Minister); Christian Lindner (FDP), national chairman of the FDP; Claudia Roth (Green party), Vice President of the Federal Parliament; and Friedrich Merz (CDU), Vice President of the Economic Council of the CDU.^[86] There were additional top level politicians – such as former Federal President Christian Wulff or Wolfgang Kubicki (FDP), Vice President of the Federal Parliament – in the guest list and pictured at the event.^[86,87]

Top level officials of BAT, such as Ralf Wittenberg, then Area Director Central Europe North, and Karin Schlömer, Corporate Affairs Director, attended the event. Michael Kaib, General Manager of Reemtsma (Imperial Brands) also participated.^[86] Traditionally, there is a VIP reception before the official reception starts, where sponsors can meet the guests of honor.^[88]

Events involving members of the federal parliament, state parliaments or other officials

In a parliamentary democracy like Germany, members of parliament, especially those belonging to government coalition parties, can have significant influence on policymaking. That is why they are included under this question, too. Sorted by date:

In February 2020, the tobacco lobby group VdR announced that it would give its traditional “Pipe Smoker of the Year” award to Albert Weiler (CDU), member of the federal parliament.^[89] Weiler is deputy member of the Parliamentary Committee on Food and Agriculture that deals with tobacco control policymaking.^[90] He repeatedly made a stand against a tobacco advertising ban and apparently founded a “parliamentary cigar and pipe circle” as a place of cross-party communication.^[91–93] The award ceremony was postponed because of the Covid19 pandemic.^[94,95]

In March 2020, the cigar lobby group BdZ organized a parliamentary cigar evening under the patronage of the Ambassador of the Dominican Republic, Maribé Sánchez Comiero.^[96–98] The BdZ had invited members of parliament. A guest list is not known, but the participation of three politicians is known through social media posts or websites of politicians: Uwe Dorendorf (CDU), member of parliament in Lower Saxony; Dennis Buchner (SPD), member of parliament in the state of Berlin; and Tilman Kuban, federal chairman of the CDU’s youth organization (Junge Union) and member of the CDU

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<p>Federal Executive Committee [Kuban could be identified through a name badge on a picture showing him with Uwe Dorendorf].^[98-100] BdZ had planned further events with the embassies of other countries (such as Honduras) but had to postpone them because of the Covid19 pandemic.^[96,97] The goal of the events was to “remind people how important cigar production and tobacco cultivation are for so-called third countries. In these countries, the cigar industry is a decisive economic factor; increasing regulations have a direct influence on the economic power of these states.”^[97]</p> <p>In July 2020, PMI posted a picture of Stephan Pilsinger (CSU), member of the federal parliament and the Parliamentary Health Committee, with PMI’s then External Affairs Manager Elfriede Buben on Twitter.^[101,102] The picture shows both at the handover of a €50,000 (US\$56,500) PMI donation to a local charity (Dein Nachbar e.V.) that was related to the Covid19 pandemic.^[101,103,104] On his website, Pilsinger says that he “is happy that [he] could arrange the generous donation”.^[103] The CSU party district of Pilsinger’s constituency in Obermenzing (Bavaria) also received a direct donation of US\$2,268 (€2,007) from PMI in 2020 (see question 13 and Annex C).^[105]</p> <p>In March 2021, PMI organized a panel discussion on “EU mixed international law agreements - what is the balance of power between the Council and the Commission?”.^[106-109] According to PMI’s background document to the event, this category of agreements would include the FCTC.^[110] Panelists were Philipp Amthor (CDU), member of the federal parliament and the Parliamentary Committee on EU Affairs; Claudia Kutzschbach, official in the EU Law Unit (EA4) at the Federal Ministry of Trade; Maximilian Jell, Head of Regulatory Affairs and Reduced Risk Products at PMI Germany as well as Frank Hoffmeister, Head of Unit at the EU Commission’s Directorate General for Trade.^[106]</p>						
<p>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)</p>			2			
<p>An acceptance of tobacco industry assistance on enforcement by government is not known. However, PMI managed to foster relationships with the Trade Union of the Police (GdP) and to co-organize or at least considerably influence trainings for their members: In January 2020, PMI placed a full page advertorial in the magazine of the Trade Union of the Police (GdP).^[111] The magazine has a reach of approximately 180,000 people, mostly in law enforcement. The prize of a full page ad is about €12,000 (US\$13,560), according to the magazine’s prize list.^[112]</p> <p>The advertorial looked back at two trainings on illicit trade for police officers in Germany that PMI sponsored in 2019.^[111,113,114] The trainings were organized by the Trade Union of the Police (GdP), with “kind support of Philip Morris International”.^[41,113,114] Speakers were PMI representatives, representatives of a PMI IMPACT project, representatives of the union, police officials as well as members of parliament.^[41]</p> <p>No further incidents are known since then, but the Customs District Group of the Trade Union of the Police (Bezirksgruppe Zoll der Gewerkschaft der Polizei) seems to be still close to PMI. This can be seen in mutual retweets, quote tweets or likes from the Twitter accounts of PMI Germany and the Customs District Group as well as their leader Frank Buckenhofer.^[115-124] Frank Buckenhofer was also a speaker in a PMI sponsored virtual event in April 2021.^[121,125-127]</p>						

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In a written statement submitted to the official hearing on the new taxation bill (see question 1), the union, represented by Frank Buckenhofer, argued against the increase of taxes on heated tobacco products and e-cigarettes saying that they would increase illicit trade and organized crime. ^[128] The union also published a blog post on its website, criticising the taxation plans for heated tobacco products and e-cigarettes, saying it would be a “start-up’ for criminals”. ^[129] Buckenhofer tweeted that “tobacco mafia” would be happy about the bill. ^[130]						
I0 The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.	0					
No such agreements known.						
INDICATOR 5: Transparency						
I1 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)					4	
<p>Partially – the Ministry of Health and the Ministry of Food and Agriculture disclose meetings on their websites, but only after they have taken place.^[131,132] Minutes are not disclosed.</p> <p>Other Ministries, such as the Ministry of Finance that has the lead management of tobacco taxation, or the Federal Chancellery, do not disclose their meetings with the tobacco industry. If at all, these meetings only come to light because of parliamentary requests for information or freedom of information requests (see below).^[12,133]</p> <p>Compared with lists from parliamentary requests, even the meeting list on the website of the Ministry of Health is not complete. A parliamentary request shows an additional meeting in 2020 (see below, meeting on 28 January 2020).^[12]</p> <p><u>Interactions between high-level government officials and tobacco industry that were not strictly necessary for regulation</u></p> <p>In 2020, there were a number of meetings and other interactions between high-level government officials and the tobacco industry or related industries (e.g. e-cigarette) that were not strictly necessary for regulation purposes. Most of these only came to light because of parliamentary requests for information.^[12,133] The exact number of such meetings and other interactions is unclear because the government stresses that it is not obliged to record all interactions.^[12,133]</p> <ul style="list-style-type: none"> • Ministry of Health / Federal Drug Commissioner: meeting with Juul Labs Germany and Alliance for Tobacco-Free Enjoyment on 28 January 2020. Subject of the meeting is unclear. This meeting is not listed on the website of the Ministry of Health and only came to light because of a parliamentary request for information.^[12,131] • Ministry of Health / Federal Drug Commissioner: meeting with BVTE on 6 November 2020. Subjects were the tobacco advertising ban and tobacco taxation. This meeting was disclosed on the website of the Ministry of Health.^[12,131] • Ministry of Finance, State Secretary Böisinger: Meeting with Juul Labs Germany and Alliance for Tobacco-Free Enjoyment on 23 February 2020. Subject was tobacco taxation. This meeting only came to light because of a parliamentary request for information.^[12] 						

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<ul style="list-style-type: none"> Ministry of Finance, State Secretary Bösinger: Meeting with BVTE on 30 June 2020. Subject was tobacco taxation. This meeting only came to light because of a parliamentary request for information.^[12] Federal Chancellery, State Minister Hoppenstedt: Meeting, call or conversation (exact type of interaction unknown) with Jan Mücke of DZV/BVTE on 11 May 2020. Subject was the tobacco advertising ban (shortly before it was passed, see also question 6) and the tobacco law (Tabakerzeugnisgesetz). This only came to light because of a parliamentary request for information.^[133] A list of interactions between current and former ministers and secretaries of states lists another interaction related to tobacco taxation but it is unclear whether the client was the tobacco industry (interaction between Uwe Beckmeyer and State Secretary Bösinger of the Ministry of Finance on 4 August 2020).^[133] <p>In contrast to the tobacco industry meetings, there were only three high-level meetings with tobacco control advocates, all of which were meetings with the Federal Drug Commissioner.^[12]</p>						
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)						5
<p>For the timeframe of this report, Germany did not have a lobby register for any industry.^[134] The national parliament maintains a list of associations and several tobacco industry groups are listed with information regarding their address as well as board and staff members.^[135,136] However, registration is voluntary and not a necessary precondition to gain access to hearings in parliament or meet members of the government. The list also does not contain information on budgets, lobby focus (specific laws or issues) or clients. Furthermore, companies, consultancy agencies and other actors that make up a large amount of lobby contacts, cannot register at all.^[135] PMI for example usually does its lobbying directly or through consultancy companies like Concilius AG, MSL Germany or Kekst CNC, that recently recruited Günther Oettinger, a former German member of the EU Commission.^[12,131,137,138] This complexity cannot be captured by the voluntary associations' list.</p> <p>In March 2021, the federal parliament passed a law for the implementation of a lobby register that will take effect at the turn of the year 2021/22.^[134] This will provide partial transparency: Lobbyists will have to register (with exemptions for employers' and employee organizations as well as churches), clients will have to be named and lawyers who act as lobbyists will also have to register. However, there won't be a legislative footprint, meetings will not have to be disclosed, lobbyists will not have to give information on their lobby focus, especially not as regards specific laws. While lobbyists have to name their clients, they will not have to give information on budgets and aims for each mandate.^[139]</p>						
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)						5
<u>Donations</u>						
Tobacco industry contributions to political parties, candidates or campaigns are not						

prohibited in Germany. Political parties are required to disclose contributions exceeding €10,000 (US\$11,300) per year. Contributions exceeding €50,000 (US\$56,500) have to be disclosed immediately, contributions exceeding €10,000 (US\$11,300) have to be disclosed in the party’s annual report and accounts.^[140]

Annual accounts of parties have long publication deadlines. Therefore, there is limited information of tobacco industry donations to political parties in 2020 – only PMI publishes a voluntary list on its website.^[105] This will probably be published in 2022, and for the current election year 2021, donations will probably not be published before 2023.^[141]

In 2019 and 2020, parties received at least a total of €135,766 (US\$153,419) from PMI (for a detailed list, see Annex C).^[105,141–144]

It is noteworthy that PMI donated directly to local and state branches of the CDU and CSU in 2020, in addition to its donations to federal parties:

- The CDU in Saxony received €7,389 (US\$8,350) from PMI.^[105] The chairman of the CDU in Saxony is Saxony’s Prime Minister Michael Kretschmer who also endorsed PMI’s corporate social responsibility and participated in the opening of PMI’s logistics centre at Halle/Leipzig airport in 2020 (see questions 5 and 8).^[48,67,145]
- The CSU local branch of Obermenzing received €2,007 (US\$2,268) from PMI.^[105] This is the constituency of Stephan Pilsinger, member of the parliamentary committee on health who also arranged a PMI donation to a local charity in 2020 (see question 8).^[101–103]
- The CSU local branch of München Land received €1,954 (US\$2,209) from PMI.^[105] One of the districts in this constituency is Gräfelfing, where PMI’s German headquarter is based.^[146,147]

Sponsorship

Sponsorship contributions, for example to party conventions or events, do not have to be disclosed. In annual reports of the parties, they are lumped together in compound items on “revenue from events, distribution of publications and other income-related activities” or “income from entrepreneurial activity” insofar this covers sponsorship payments to party-owned companies.^[148] For the parties CDU, CSU and SPD that currently form the government coalition, these compound items are much bigger than the total donations from legal persons.^[148]

The Left Party does not take company sponsorship for party conventions.^[149] The Green Party and the SPD publish voluntary sponsorship reports. The Green Party did not receive sponsorship from the tobacco industry in 2019 or 2020.^[150,151] The SPD received €56,667 (US\$64,034) from JTI, PMI, DZV and BVTE in 2019 and 2020.^[152,152–154] The tobacco industry group BVTE for example was the sole gold sponsor of a digital conference organized by the party’s Vorwärts magazine.^[152]

CDU, CSU, FDP and AfD do not publish voluntary sponsorship reports or they could not be found. However, it is known that tobacco companies and associated groups have sponsored CDU, CSU and FDP party conventions in recent years.^[41,149,155–159]

For a detailed list of known contributions in 2019 and 2020, see Annex C.

14 Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)					4	
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<p>The tobacco industry lobby organizations DZV and BVTE are led by Jan Mücke as Managing Director.^[44,160] Jan Mücke was Parliamentary State Secretary at the Federal Ministry of Transport and Digital Infrastructure (2009-2013) before he joined the DZV in 2014.^[160] He still proudly uses his title of “Parliamentary Secretary, retd.”, for example in his Twitter bio.^[161] He seemingly still enjoys privileged access to government members: His name appears in two lists of interactions between current and former ministers or state secretaries that became public because of a parliamentary requests for information.^[133,162] The lists for example show that he was in contact with State Secretary Hoppenstedt of the Federal Chancellery to discuss the tobacco advertising ban and other issues on 11 May 2020 – shortly before the billboard advertising ban was passed (see question 6).^[133]</p> <p>In Spring 2021, Frank Henkler-Stephani, former staff of the German Federal Institute for Risk Assessment (Bundesinstitut für Risikobewertung; BfR) joined the tobacco industry lobby organization BVTE.^[163,164] Henkler-Stephani had worked for the BfR since 2011.^[163] He was responsible for the risk assessment regarding novel tobacco products at BfR and was part of the German delegations to the 7th and 8th sessions of the FCTC Conference of the Parties (COP7 and COP8).^[165,166] Therefore, he is also able to share information about German and EU decision making procedures at COPs. At BVTE, he is Senior Director Harm Reduction.^[163] According to Jan Mücke of BVTE, Henkler-Stephani did not work on tobacco-related issues at BfR for the past one and a half years before joining BVTE.^[167]</p>						
<p>15 <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)</p>		1				
<p>There is no information on current government officials holding positions in the tobacco industry.</p> <p>In addition, due to a lack of transparency as regards supplementary income of members of parliament, it is not possible to know for sure if any or none of them hold (consultancy) positions in the tobacco industry.^[168]</p>						
INDICATOR 7: Preventive Measures						
<p>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)</p>						5
<p>No. The government has not put in place a procedure for disclosing the records of interactions with the tobacco industry. It is in contrast of the opinion that “there is no obligation to record all conversations – including telephone calls”, as it states in a response to a parliamentary request for information.^[12]</p> <p>The government’s responses to freedom of information requests regarding preparatory and follow-up documents of meetings are inconsistent. In some cases, preparatory documents are provided – sometimes against a fee of up to €500 (US\$565) – and in others the request is denied altogether (see also question 1 and case study on tobacco taxation and the Ministry of Finance in the introduction).^[138,169,170]</p>						
<p>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)</p>						5

	0	1	2	3	4	5
No such code of conduct is known to exist. Responses to freedom of information requests to the Ministry of Health and the Ministry of Food and Agriculture confirm this. ^[171,172] Both ministries are of the opinion that a code of conduct is not necessary and that Article 5.3 guidelines are not legally binding but rather “recommendations”, “assistance” or a “gold standard”. ^[171,172] To provide a minimum of transparency, they refer to a list of meetings with the tobacco industry that is published on their websites (see question 11). ^[171,172] The Ministry of Health additionally comments: “Furthermore, there are a multitude of regulations that oblige civil servants to remain neutral. Separate rules for dealing with the tobacco industry have therefore not been considered necessary so far.” ^[171]						
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 activities. (5.2)			2			
Partially: <ul style="list-style-type: none"> • Tobacco production: no – but there is so little tobacco agriculture in Germany that this information is not important. • Manufacture: No. • Market share: Yes – sales volumes of products, disaggregated by brand name and type of product have to be provided by tobacco companies to the government, according to law.^[173] • Marketing expenditures: Yes – through an agreement/contract between the tobacco industry and the Federal Drug Commissioner.^[174,175] • Revenues: Yes – through general tax accounts of businesses. • Lobbying: No, but a partial policy will come into effect from 2022 (see question 12). • Philanthropy: No. • Political contributions: No – but partially transparent through reports of political parties (see question 13). 						
19 The government has a program / system/ plan to consistently ⁷ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
No such program is known to exist.						
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 such policy is known and state governments even take sponsorship contributions from tobacco companies and associated organizations (see question 5).						
TOTAL						68

⁷ 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: Tobacco Companies and Tobacco and E-Cigarette Companies' Associations

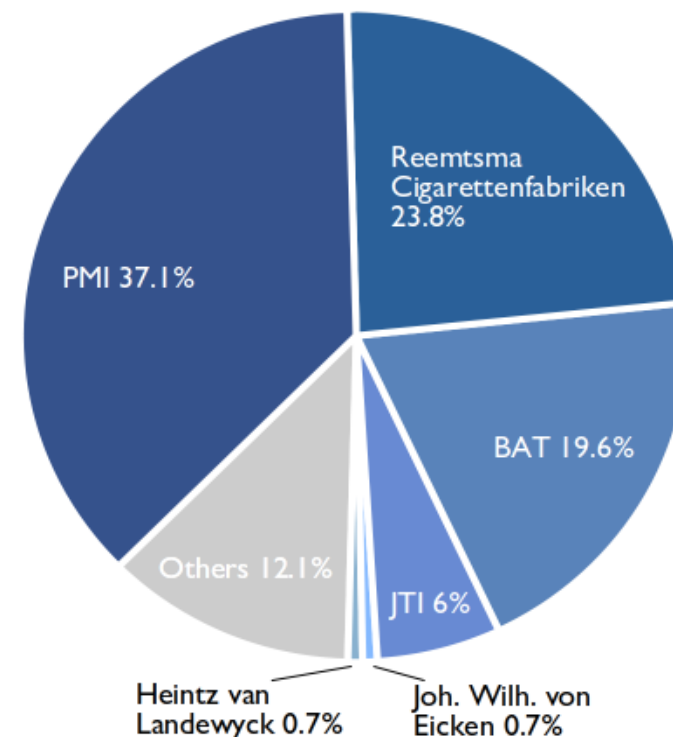
Local tobacco companies and their market shares^[176]

Local company	Multinational parent company	Abbreviation
Philip Morris GmbH	Philip Morris International	PMI
Reemtsma Cigarettenfabriken GmbH	Imperial Brands	N/A
British American Tobacco Deutschland	British American Tobacco	BAT
JT International Deutschland	Japan Tobacco International	JTI
Heintz van Landewyck	Landewyck Group / Landewyck Tobacco S.A. (Luxembourg)	N/A
Joh. Wilh. von Eicken	N/A	N/A
Others	N/A	N/A

Associations of tobacco and e-cigarette companies

Association	English translation	Abbreviation
Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse ^[44]	German Federal Association of Tobacco Industry and New Products	BVTE
Bundesverband der Zigarrenindustrie ^[177]	Federal Association of the Cigar Industry	BdZ
Bündnis für tabakfreien Genuss ^{*[178]}	Alliance for Tobacco-Free Enjoyment	BfTG
Deutscher Zigarettenverband ^[179]	German Association of the Cigarette Industry	DZV
Mittelständische Unternehmen der Tabakwirtschaft ^[180]	Association of Medium-Sized Tobacco Companies	MUT
Verband der deutschen Rauchtobakindustrie ^[181]	German Association of Smoking Tobacco	VdR

*Note: The Alliance for Tobacco-Free Enjoyment is an association of small and medium-sized e-cigarette companies. It declares that it does not accept tobacco companies as members.^[178]



Market shares of tobacco companies in Germany

Annex B: Sponsorship of Public Institutions by Tobacco Industry or Related Organizations

2020 (Results from available reports only)

State	Amount	Sponsor/donor	Ministry/State Authority	Receiving institution	Purpose / Notes
Bremen ^[182]	--	--	--	--	No sponsoring or donations from tobacco industry or related groups, but only partial transparency
Hamburg ^[57]	N/A	British American Tobacco	Authority for Culture and Media	Elbphilharmonie und Laeishalle Betriebsgesellschaft mbH	Support of concerts
	€5,000 / US\$5,650	Körber Foundation	Authority for Culture and Media	Thalia Theatre	Boy Gobert Award Ceremony
	€15,000 / US\$16,950	Körber Foundation	Authority for Culture and Media	Kampnagel Internationale Kulturfabrik GmbH	Summer Festival 2020
	€8,000 / US\$9,040	Körber Foundation	Authority for Schools and Vocational Training		Modernisation of the Digital Hamburg History Book website
Lower Saxony ^[183]	--	--	--	--	Reports for 2020 partially available; No sponsoring from tobacco industry or related groups in available reports
North Rhine-Westphalia ^[184]	--	--	--	--	No sponsoring from tobacco industry or related groups
Rhineland-Palatinate ^[185-190]	--	--	--	--	Reports for 2020 partially available; No sponsoring from tobacco industry or related groups in available reports

2019 (Results from available reports only)

State	Amount	Sponsor/donor	Ministry/State Authority	Receiving institution	Purpose / Notes
Brandenburg ^[191]	--	--	--	--	No sponsoring from tobacco industry

					or related groups
Bremen ^[192]	--	--	--	--	No sponsoring or donations from tobacco industry or related groups, but only partial transparency
Hamburg ^[58]	€5,000 / US\$5,650	British American Tobacco	State Chancellery		Annual Festival 2019
	€10,000 / US\$11,300	Körber Foundation	Authority for Culture and Media	Thalia Theatre	Theatre productions
	€5,000 / US\$5,650	Körber Foundation	Authority for Culture and Media	Thalia Theatre	Boy Gobert Award Ceremony
	N/A	Körber Foundation	Authority for Culture and Media	Deichtorhallen Hamburg GmbH	Support of exhibitions
	N/A	British American Tobacco	Authority for Culture and Media	Elbphilharmonie und Laeiszhalle Betriebsgesellschaft mbH	Concerts
	€30,000 / US\$33,900	Körber Foundation	Authority for Science, Research and Equality	Hochschule für Angewandte Wissenschaften Hamburg (HAW)	30 year anniversary of Campus Bergedorf
	€15,000 / US\$16,950	Körber Foundation	Authority for Science, Research and Equality	University of Hamburg (UHH)	Strategic university development & expansion of communication activities
	€10,000 / US\$11,300	Körber Foundation	Authority for Science, Research and Equality	Hochschule für Musik und Theater (HfMT)	„Körber Late Night“ project
Lower Saxony ^[59,193-196]	€11,900 / US\$13,447	Reemtsma Cigarettenfabriken GmbH	Authority for federal and european affairs		Summer party of the state government at their representation to the federal government in Berlin Note: reports only partially available
North Rhine-Westphalia ^[60,184]	€7,500 / US\$8,475	JT International Germany GmbH	State Chancellery of the State of North Rhine-Westphalia /		North Rhine-Westphalia-Festival

			Representation of the State of North Rhine-Westphalia to		
Rhineland-Palatinate ^[61]	€4,200 / US\$4,746	JT International Germany GmbH	State Chancellery of the State of Rhineland-Palatinate		Summer party at the Representation of the State of Rhineland-Palatinate to the Federal Government in Berlin
Saxony ^[197]	--	--	--	--	No sponsoring from tobacco industry or related groups

Availability of reports

State	2019*	2020*	Most recent reports / other notes
Federal government	✗	✗	2017/18
Baden-Württemberg	✗	✗	2017/18
Bavaria	✗	✗	2017/18
Berlin	✗	✗	2017/18
Brandenburg	✓	✗	Most recent report covers 2018/19
Bremen	(✓)	(✓)	Partial transparency (donors and sponsors are partially anonymous or summarised under the category „various“, even for big amounts)
Hamburg	(✓)	(✓)	Sponsors and donors can refuse to be mentioned with their name and/or amount in transparency reports
Hessia	✗	✗	Reports are not publicly available (apparently only submitted to the Hessian Parliament for internal review)
Mecklenburg-Western Pomerania	✗	✗	The state apparently does not publish transparency reports. Last information available in a government response to a parliamentary request for information from 2018. ^[198]
Lower Saxony	✓	(✓)	Reports for 2020 partially available
North Rhine-Westphalia	✓	✗	2019
Rhineland-Palatinate	✓	(✓)	Reports for 2020 partially available
Saarland	✗	✗	2017/18
Saxony	✓	✗	2018/19

Saxony-Anhalt	✘	✘	2017/18
Schleswig-Holstein	✘	✘	No reports available
Thuringia	✘	✘	2016/17

*Legend: ✘ not available; (✓) partially available; ✓ available

Annex C: Tobacco Industry Donations to and Sponsorship of Political Parties

Donations

2020

Only disclosure of PMI donations available*^[105]

Party	Company / Association	Amount (€)	Amount (US\$) (original data)
CDU	PMI	15,604	17,633
CSU	PMI	15,604	17,633
SPD	PMI	15,604	17,633
FDP	PMI	15,604	17,633
CDU Saxony	PMI	7,389	8,350
CSU Obermenzing	PMI	2,007	2,268
CSU München Land	PMI	1,954	2,209

No PMI donations to the Green Party, the Left Party or the AfD

*Note: Donations are published with a long delay if they don't exceed €50,000 per donor in a year. That is why only information about PMI donations in 2020 is available at the time of writing this report. PMI voluntarily publishes political contributions on their website.^[105]

2019

Party	Company / Association	Amount (€) (original data)	Amount (USD)
CDU ^[141,142]	Philip Morris GmbH	15,000	16,950
CSU ^[141,143]	Philip Morris GmbH	17,000	19,210
SPD ^[141,143]	Philip Morris GmbH	15,000	16,950
FDP ^[141,143]	Philip Morris GmbH	15,000	16,950

No PMI donations to the Green Party, the Left Party or the AfD, according to annual reports.^[143,144] The Left Party does not accept company donations.^[199]

Sponsorship

Parties are not obliged to publish sponsoring contributions. However, some do on a voluntary basis.

2020

Party	Company / Association	Purpose	Amount (€) (original data)	Amount (USD)
SPD (federal level)	BVTE	SPD Vorwärts magazine digital conferences (BVTE was sole „gold sponsor“) [152]	4,667	5,273
CDU	Does not publish sponsorship reports [149]			
CSU	No sponsorship report found; But 2020 virtual party convention was sponsored by PMI [200]			
Green Party	No tobacco industry sponsorship [151]			
Left Party	No sponsorship report found; Party does not accept sponsorship of party conventions [149]			
AfD	No sponsorship report found			
FDP	No sponsorship report found			

2019

Party	Company / Association	Purpose	Amount (€) (original data)	Amount (USD)
SPD (federal level)	JTI	Media Area of the Europakonvent in Berlin (Party convention in preparation to European Elections) [154]	3,000	3,390
	DZV	Smokers' tent at an evening event of the National Party Convention [154]	10,000	11,300
	JTI	Media Area at the National Party Convention [154]	3,000	3,390
	PMI	SPD group in the Federal Parliament: Sponsoring with booth and logo appearance at Hoffest (yard party) [153]	8,000	9,040
	PMI	Booth, logo appearance and in-kind sponsorship of the summer party of the SPD vorwärts magazine [201]	10,000	11,300
	DZV	Smokers' lounge and logo appearance at the summer party of the SPD vorwärts magazine [201]	11,000	12,430
	DZV	Smokers' lounge and logo appearance at the international media evening event of	7,000	7,910

	the vorwärts magazine ^[201]		
CDU	Does not publish sponsorship reports ^[149]		
CSU	No sponsorship report found		
Green Party	No tobacco industry sponsorship ^[150]		
Left Party	No sponsorship report found; Party does not accept sponsorship of party conventions ^[149]		
AfD	No sponsorship report found		
FDP	No sponsorship report found		

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