Belgium

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SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The federal government does not allow tobacco industry (TI) actors to participate in policy development or to serve on advisory bodies on tobacco control. Consultations with TI actors and their front groups are limited to what is strictly necessary for the implementation of existing regulations, in line with Article 5.3 of the WHO FCTC. However, these limits have not been formally defined in specific policies or legislation.

Evidence shows that press shop federations, which act as front groups because they depend on tobacco sales as a major source of income, have engaged with government officials. They voiced concerns related to tobacco sales to the Federal Minister for the Self-Employed, Small and Medium-sized Enterprises and a political party. According to the press shop federations, government officials expressed willingness to explore appropriate solutions for the sector.

2. Industry CSR Activities

Evidence indicates partnerships between the Flemish government, the Flemish Waste Agency, and the TI on litter management. Agreements and a Charter on litter include monetary contributions from the TI to government agencies and collaboration in developing anti-litter campaigns. Press shop federations are also involved in launching these campaigns.

The interregional cooperation agreement to implement the EU Single-Use Plastics Directive, which obligates tobacco producers to pay an Extended Producer Responsibility (EPR) fee for tobacco-related litter, is still under development. The directive aims to reduce single-use plastic waste across EU member states by holding producers accountable for the collection, transport, and management of their share of litter, while also raising consumer awareness.

3. Benefits to the Industry

In Belgium, the TI has repeatedly sought to delay policies, including through legal action, with outcomes beyond the government's control. However, there are cases where the government appears to favor industry interests. To avoid opposition, there is indication that the government is providing a longer time frame for the implementation of bans on the sale and display of tobacco products. It also granted exemptions to the TI, including duty-free allowances, reduced tax rates on rolling tobacco and cigars, and lenient pricing regulations that allow cheaper product options.

4. Unnecessary Interaction

No direct interactions have been observed between specific tobacco companies and government actors. However, TI front groups, particularly press shop federations, have engaged with federal ministers. While these meetings may cover broader sector-related issues, it is likely that tobacco sales were also discussed. For example, federal ministers attended a social event organized by a press shop federation, which included TI representatives.

These interactions appear to exceed what is strictly necessary for implementing existing regulations, contrary to Article 5.3 of the WHO FCTC. Unnecessary interactions also occur in enforcement, where government agencies collaborate with the TI on illicit trade.

5. Transparency

Belgium lacks a specific transparency mechanism to monitor interactions between the TI and government officials, apart from the Federal Parliament's general lobby register. Consequently, such contacts and related reports are not publicly disclosed. The Interfederal Strategy 2022–2028 for a smoke-free generation includes a commitment to create a transparency register, but its feasibility assessment has already been delayed, and no new timeline has been announced.

6. Conflict of Interest

Belgium prohibits TI-related sponsorship. However, there is no policy addressing revolving door practices, such as restricting government officials from joining the TI, and vice versa. While no direct cases have been found within the TI itself, connections to government actors have been observed within BePact, a public affairs association whose board includes TI members.

7. Preventive Measures

The Belgian government prohibits tobacco sponsorship and requires product information to be submitted to the government. However, there is little transparency regarding other TI activities, including lobbying and corporate social responsibility (CSR) initiatives.

Key preventive measures outlined in Article 5.3 of the WHO FCTC to prevent TI interference remain unimplemented. The Interfederal Strategy 2022–2028 for a smoke-free generation includes commitments to establish a code of conduct governing contacts between the TI and government officials and to assess the feasibility of a transparency register. Progress on both commitments has been delayed.

RECOMMENDATIONS

1. Establish a mandatory, detailed, and publicly accessible transparency register to disclose all contacts between government officials (ministers, civil servants, advisors) and the TI, its representatives, and front groups, including the purpose, participants, and outcomes of each meeting.
2. Adopt a binding code of conduct for public officials, in line with Article 5.3 of the WHO FCTC, limiting interactions with the TI to those strictly necessary for implementation of regulation and clearly defining how to engage with front groups and other TI representatives.
3. Prohibit the TI and its front groups from developing or implementing awareness-raising campaigns on tobacco control or related policy areas, including environmental policy.
4. Require the TI to operate transparently and submit accurate, publicly available reports on all activities, including lobbying, corporate social responsibility (CSR), political contributions, affiliated organizations, funding, research, and marketing.
5. Establish rules to prevent current or former TI executives from holding positions in public agencies, and vice versa.