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SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

The tobacco industry (TI) is restricted from participating in the development of tobacco control policies. It is excluded from the national tobacco control program and systematically from COP delegations. However, the TI is regularly invited to hearings on tobacco control, including on issues beyond product regulation. Moreover, tobacco economic actors, particularly tobacconists, remain highly influential in parliamentary work.

2. Industry CSR Activities

Corporate social responsibility (CSR) activities are prohibited for the TI; however, two key gaps remain. First, the eco-organization responsible for cigarette butt management (Alcome) is directly tied to the TI, allowing it to present itself as socially responsible, particularly to local decision-makers. Second, tobacco retailers are not covered by this ban and have increased their own CSR activities, such as positioning tobacco shops as safe spaces for women experiencing harassment, distributing pocket ashtrays, and promoting a "responsible" label.

3. Benefits to the Industry

At the request of tobacconists, no tax increases have been introduced since 2020, apart from indexation to inflation. Tobacconists have also obtained financial benefits from tobacco sales, as their level of remuneration has gradually increased over recent years.

4. Unnecessary Interaction

Non-binding agreements on illicit trade between public authorities and manufacturers have not been renewed, and public officials no longer attend industry events. However, close ties persist between tobacconists and policymakers, as senior decision-makers continue to participate in annual tobacconist events. Tobacconists are also heavily involved in combating the black market, with the government regularly supporting raids on illicit trade.

5. Transparency

In recent years, France has adopted several provisions to improve transparency in public life and official activities. These rules apply to public stakeholders and representatives of private interests, and these apply not only to the TI.

There are also specific provisions concerning the TI, particularly on lobbying expenditures. The main concern with this requirement is the accuracy of the budgets declared by the TI, as there appear to be inconsistencies between manufacturer declarations in the two registers. This highlights the need for monitoring that goes beyond simple declaration obligations.

6. Conflict of Interest

The disclosure of potential conflicts of interest, particularly concerning the TI, has been adopted as part of efforts to strengthen transparency in public life. These declarations are made public, contributing to accountability. However, while some officials are subject to post-employment controls, such oversight does not extend to key actors such as former ministerial collaborators, who are frequently targeted by the TI. This gap allows "revolving door" practices, where individuals move between government and industry, to persist.

7. Preventive Measures

Transparency in relations between decision-makers and the TI remains limited. Only summary information on ministerial meetings is published each week, without details on content or outcomes. Tobacconists are exempt from the disclosure obligation applied to ministerial meetings.

The guidelines of WHO FCTC Article 5.3 are referenced in parliamentary codes of conduct, but they are not binding under French law and remain little known to public officials.

On taxation, the industry must declare product references to enable price monitoring, which is published as open data. Tobacco sales are a state-controlled monopoly, and monthly sales data are published, but precise market share data is not.

Advertising is prohibited, although illegal incentives to tobacconists persist. Lobbying is declared in a public register, but the activities of Alcome remain unclear. Neither sponsorship nor political contributions are permitted. ANSES centralizes technical product data. A guide to preventing interference is included in the 2023–2027 National Tobacco Control Program but has not yet been published. Despite the obligation to declare gifts or benefits, tobacconists are not affected, leaving a loophole in the transparency framework.

RECOMMENDATIONS

1. Extend the scope of WHO FCTC Article 5.3 guidelines to cover all tobacco-related economic actors.
2. Incorporate the full provisions of Article 5.3 into domestic law, ensuring restrictions on and transparency of interactions, and improve communication of these obligations to decision-makers and civil servants.
3. Clarify the legal status of tobacconists, determining whether they fall under the TI (and thus Article 5.3) or as public partners, in which case interactions must be strictly limited and transparent.
4. Revise tobacconist remuneration schemes to eliminate incentives that encourage higher tobacco sales.
5. Reinforce transparency rules, including disclosure of amendment sources and regulatory proposals, and extend requirements on interactions to all public decision-makers over longer timeframes.