

Germany



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

A representative of the tobacco industry (TI) is a member of the Single-Use Plastics Commission. One of the commission's tasks is to recommend tax rates for various single-use plastics, such as cigarette filters, to the legislature. High tax rates could be reflected in cigarette prices and thus have a health policy impact in addition to tobacco taxes. The membership of a TI representative in this body is highly critical and contradicts WHO FCTC Article 5.3 guidelines.

2. Industry CSR Activities

The Federal President's History Competition, aimed at children and young people up to age 21, is organized in cooperation with the Körber Foundation, which fully owns Körber AG, a global manufacturer of cigarette production machinery that has recently expanded into equipment for new tobacco and nicotine products. While the foundation now presents Körber AG as a "technology group," its subsidiary, Körber Technologies (formerly Hauni), remains a partner of the TI lobby organization BVTE. The competition involves high-ranking federal and state officials on its board of trustees and juries, with winners honored by the Federal President and representatives of the Körber Foundation at official ceremonies.

3. Benefits to the Industry

The TI frequently advocates for less stringent regulation of new products such as e-cigarettes, heated tobacco products, and nicotine pouches. The federal government has partially accommodated these demands by introducing differentiated

regulations for products that differ from traditional cigarettes. In addition, the minimum annual tobacco tax increases for 2022–2026, decided in 2021, have allowed the TI to avoid significant price shocks and maximize profits through practices such as undershifting and overshifting. The TI continues to call for the continuation of this predictable minimum taxation, which the new government has committed to maintaining in its coalition agreement.

4. Unnecessary Interaction

High-ranking members of the government and political decision-makers have spoken at events sponsored by the TI. These appearances provide opportunities for the industry to promote its agenda and gain legitimacy.

5. Transparency

Partial transparency exists. The Ministry of Health and the Ministry of Food and Agriculture publish lists of meetings on their websites after they take place, updated annually. According to the Ministry of Health, there were no meetings with the TI during the reporting period. Minutes of meetings are not published. Other ministries, such as the Ministry of Finance, which oversees tobacco taxation, and the Federal Chancellery, do not disclose meetings with the TI.

6. Conflict of Interest

Contributions to political parties are either donations or sponsorship. For donations, parties must disclose all amounts exceeding €10,000 in their annual reports, usually published two years later. Donations exceeding €35,000 must be reported immediately to the President



of the Bundestag and published promptly. Sponsorship contributions for party conferences or events are not currently required to be disclosed, even though they are often higher than direct donations. Starting in 2025, sponsorship income must be reported in a dedicated section of the statement of accounts if the gross amount exceeds €750 for individual cases or €6,000 within a financial year for multiple contributions from the same donor to the same regional association.

7. Preventive Measures

A code of conduct does not exist, as confirmed by the Federal Ministry of Health and the Federal Ministry of Food and Agriculture. The Ministry of Food and Agriculture has stated that Article 5.3 guidelines are not legally binding but should be viewed as “guidance” or a “gold standard.” Gifts or contributions from the TI are not prohibited, and some federal states accept sponsorship contributions from tobacco companies. The government does not have a program to consistently raise awareness within its departments on policies relating to WHO FCTC Article 5.3 guidelines.

RECOMMENDATIONS

1. Develop and adopt a comprehensive national tobacco control strategy with a vision for a tobacco-free Germany by 2040, building on the Strategy for a Tobacco-Free Germany 2040 published and endorsed by more than 50 public health and civil society organizations in 2021.
2. Implement measures to safeguard political decisions from TI influence and related organizations, as recommended in the Strategy for a Tobacco-Free Germany 2040.