

Netherlands



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

No evidence was found of tobacco industry (TI) involvement in the development of health policies between April 2023 and March 2025. During this period, the government held three virtual consultations. Although numerous responses were received from the TI and e-cigarette companies, none resulted in modifications to the proposed bills. However, there was evidence of contact between a member of parliament and a tobacco lobbyist. This indicates that the TI may still exert influence on health policies through parliamentarians.

2. Industry CSR Activities

There is no evidence of the government endorsing, supporting, forming partnerships with, or participating in corporate social responsibility (CSR) activities conducted by the TI. There is also no evidence of the government receiving CSR contributions from the TI during the pandemic.

3. Benefits to the Industry

The prohibition of non-tobacco flavors in electronic cigarettes, which was already postponed as described in the 2023 report, was further delayed from October 1, 2023 to January 1, 2024. This decision followed new information indicating that almost none of the existing liquids on the market met the new standard. The State Secretary extended the deadline to allow manufacturers time to adjust their products.

4. Unnecessary Interaction

Dutch Customs and the TI maintain a Memorandum of Understanding (MoU) to combat fraud and the smuggling of tobacco products. This MoU was concluded for an indefinite period. Under this agreement, Dutch Customs and groups affiliated with the TI collaborate through twice-yearly meetings and by sharing information on illegal trade and counterfeit products. No additional evidence was found of top-level government officials meeting with or fostering relations with the TI between April 2023 and March 2025.

5. Transparency

Interactions between the national government and the TI are disclosed in a national transparency registry hosted on the government's website. However, missing documents, such as three letters sent by the TI to the Health, Welfare and Sport Committee of the House of Representatives between April 2023 and March 2025, were not uploaded to the registry. These omissions show that the registry is incomplete. Furthermore, most municipalities and provinces do not maintain transparency registries, raising concerns about the lack of oversight of interactions between the TI and subnational authorities.



6. Conflict of Interest

The government does not prohibit contributions from the TI to political parties, candidates, or campaigns. However, political parties are obliged to report financial contributions exceeding €10,000.

No government officials currently hold positions in the TI. However, a former spokesperson of the Ministry of Health, Welfare and Sports (2012–2019) became Director of External Affairs Netherlands at Philip Morris International in May 2023.

7. Preventive Measures

The Netherlands has procedures, protocols, and codes of conduct in place to limit contact with and influence from the TI. However, there is no program to systematically raise awareness within the government on Article 5.3 of the WHO FCTC. The article is referenced in official communication with or about the TI, but implementation remains inconsistent.

RECOMMENDATIONS

1. Limit collaboration between Dutch Customs and the TI. The MoU signed in 2011 for an indefinite period should be terminated to address two key concerns. First, the indefinite nature of the collaboration implies that it will continue unless actively retracted, and the longer the parties work together, the less likely this becomes. Second, the absence of an endpoint may hinder proper evaluation. An endpoint would require both parties to assess whether the MoU should be extended.
2. Set up clear instructions and deadlines for the transparency registry to ensure compliance with Article 5.3 of the WHO FCTC. Several measures can improve the registry's efficiency, including:
 - a. Requiring the timely upload of communication, ideally within two months, to ensure prompt disclosure of interactions.
 - b. Mandating the recording and uploading of minutes for all forms of communication, including telephone and face-to-face meetings, to provide a complete record of discussions and decisions.
3. Extend transparency rules to parliament. The Dutch parliament is separate from the government and, according to its own internal rules, not bound by Article 5.3 of the WHO FCTC. Evidence of contact between a member of parliament and the TI demonstrates the need for parliamentarians to be subject to the same transparency requirements as government officials to prevent industry influence.