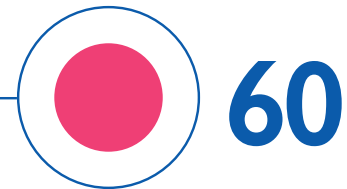


Spain



SUMMARY OF FINDINGS

1. Industry Participation in Policy Development

Spain generally does not allow the tobacco industry (TI) to participate in interagency meetings and advisory groups that set public health policies. However, the TI is legally required to be part of the Consultation Committee of the Tobacco Market Commission (TMC) under the Ministry of Finance. Between 2023 and 2024, the Consultation Committee met 27 times. While the TMC is not strictly a public health body, some of its functions include discussing and reporting on issues related to the agricultural and industrial tobacco economy and informing the government, through the Commissioner, of the sector's perspectives. The TMC also oversees advertising and promotion of tobacco products. Given these roles, TI participation in the TMC poses a risk to public health policy and to the spirit of Article 5.3 of the WHO FCTC.

2. Industry CSR Activities

In 2024, the Spanish government approved Royal Decree 1093/2024, which establishes that the TI will assume the cost of cleaning up cigarette butts, in line with the polluter pays principle. The decree assigns management of this cleanup to the industry itself. This creates opportunities for corporate social responsibility (CSR) and greenwashing initiatives that can improve the industry's image and influence.

3. Benefits to the Industry

The TI benefits from the withdrawal of a national plain packaging law, following regional lobbying. In addition, the Canary Islands provide significant tax exemptions, resulting in lower tobacco prices and creating a duty free entry point into Spain.

4. Unnecessary Interaction

During 2023 to 2025, officials from national and regional governments attended news briefings organized by the news agency Europa Press. These events were sponsored and organized by Altadis in collaboration with other non-tobacco businesses. Formal partnerships also exist, including a Civil Guard counter smuggling agreement and a regional arrangement to promote heated tobacco products.

5. Transparency

The government does not publicly disclose its interactions with the TI across departments. Only the Ministry of Health documents and publicizes such meetings.

6. Conflict of Interest

Organic Law 8/2007 permits legal contributions to political parties, including those made by candidates and campaigns, from private individuals but not from private companies, businesses, or foundations. Former senior government officials hold executive roles in the tobacco distribution sector, though there is no evidence that current officials hold similar positions.

7. Preventive Measures

Spain has a general code of conduct for public officials but lacks a specific policy governing interactions with the TI, including rules for disclosing such interactions or disallowing contributions and gifts in line with Article 5.3 of the WHO FCTC.

RECOMMENDATIONS

1. Mandate full transparency and prohibit unnecessary interaction. Establish a government-wide transparency register for all interactions with the TI and its representatives, covering all public officials, departments, and levels of government. Require publication of agendas, attendees, and minutes for every meeting. Adopt a legally binding code of conduct that limits interactions to what is strictly necessary for regulation and prohibits officials from attending industry-sponsored social events, awards, or conferences.
2. Establish an independent regulatory framework free from industry participation. Reform the laws governing the TMC to remove TI participation in its deliberations or decision-making. Revise the TMC's mandate so it is guided solely by public health objectives and managed by independent public health experts, economists, and civil servants without conflicts of interest.
3. Prohibit government participation in industry-led greenwashing and CSR. Preclude public bodies, including municipalities, from endorsing or participating in TI-led CSR. In implementing Royal Decree 1055/2022 on packaging, transfer management of extended producer responsibility schemes for tobacco waste from the industry to an independent third-party body funded by mandatory industry fees but not directed by the TI.
4. Strengthen conflict-of-interest safeguards. Amend the law on political financing to prohibit donations from individuals holding executive or board-level positions within tobacco companies or their primary distribution networks. Extend the post-employment cooling-off period for senior officials and political appointees to at least five years for any role with the TI, and remove the option for exemptions.
5. Reassert national public health authority over commercial and regional interests. Reintroduce a comprehensive tobacco control bill, including plain packaging, and adopt it as national law to ensure uniform protection of public health. Review the Canary Islands' special tax regime for tobacco products and develop a plan to harmonize tobacco taxes upward, eliminating the price differentiation that makes the islands a duty free entry point for cheap tobacco in Spain and the EU.