

Belgium

**TOBACCO
INDUSTRY INTERFERENCE
INDEX 2025**

Date of Publication: November 2025

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Acknowledgements:

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Belgian Foundation against Cancer: Suzanne Gabriels, Nora Mélard

Kom op tegen Kanker: Veerle Maes

Federal Public Service of Health, Food Chain Safety and Environment: Annick Galante, Eline Remue, Eugénie Bertrand

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Abbreviations

BAT = British American Tobacco
COP = Conference of Parties
CSR = Corporate Social Responsibility
EPR = Extended Producer Responsibility
EU = European Union
FCTC = Framework Convention on Tobacco Control
FPS = Federal Public Service
ICC = International Chamber of Commerce
JTI = Japan Tobacco International
NANAC = Neen tegen Namaak
OVAM = Flemish Waste Agency of Flanders
PMI = Philip Morris International
SUP = Single-Use Plastics
VAT = Value Added Tax
WHO = World Health Organization

Background and Introduction

Significance of the index

Over the past decades, the government in Belgium has implemented several effective tobacco control regulations. Many of these measures were formulated in the Interfederal Strategy 2022-2028 for a smoke-free generation, an ambitious plan of the Belgian government to reduce tobacco use by 2040, with a particular focus on adolescents and young adults between 15 and 24 years¹. Due to Belgium's federal structure, tobacco control responsibilities are shared between the federal government and the federated entities (regions and communities). While the federal government is mainly responsible for product regulation, sales, advertising restrictions and taxation, the regions and communities are predominantly in charge of prevention, health promotion and smoking cessation aid.

Among other actions, the Interfederal Strategy has defined stricter policies on e-cigarettes, which are classified as tobacco products in Belgian legislation and therefore follow similar regulations. In 2023, the federal government adopted legislation banning the sales of nicotine pouches, which was implemented later that same year². In 2024, legislation on smoke-free areas have been expanded to open public spaces and within a radius of 10 meters from the entrances and exits of public buildings³. Moreover, in recent years, the sales of tobacco products has become increasingly restricted. In 2023, a ban on sales in vending machines was implemented⁴. Additional measures were adopted in 2024, including a ban on sales in temporary outlets, which took effect in January 2025, and a ban on sales in supermarkets larger than 400 square meters, implemented in April 2025. Moreover, also a display ban of tobacco products in selling points came into force from April 2025 onwards⁵. Notably, also from January 2025, the ban on disposable e-cigarettes came into force, making Belgium the first European country to do so⁶.

Despite the significant progress in tobacco control policies made by the Belgian federal government in recent years, explicit measures or procedures to address tobacco industry

¹ Algemene Cel Drugsbeleid. *Interfederaal strategie 2022–2028 voor een rookvrije generatie*. 14 december 2022.

https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_nl.pdf.

² Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Koninklijk besluit van 14 maart 2023 betreffende het verbod op het in de handel brengen van bepaalde soortgelijke producten*. Belgisch Staatsblad, 24 maart 2023. https://www.ejustice.just.fgov.be/eli/bsluit/2023/03/14/2023041247/justel#list-link-lien_2

³ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Wet van 26 maart 2024 tot wijziging van de wet van 22 december 2009 betreffende een regeling voor rookvrije plaatsen en ter bescherming van de bevolking tegen tabaksrook*. Belgisch Staatsblad, 5 april 2024.

https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=nl&lg_txt=n&cn_search=2024032603

⁴ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Wet van 29 november 2022 houdende diverse bepalingen inzake gezondheid*. Belgisch Staatsblad, 9 december 2022.

<https://www.ejustice.just.fgov.be/eli/wet/2022/11/29/2022034396/justel>

⁵ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Wet van 21 maart 2024 tot wijziging van de wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere producten*. Belgisch Staatsblad, 2 april 2024.

https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=24-04-02&numac=2024002835

⁶ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Koninklijk besluit van 3 mei 2024 tot wijziging van het koninklijk besluit van 28 oktober 2016 betreffende het fabriceren en het in handel brengen van elektronische sigaretten*. Belgisch Staatsblad, 16 juli 2024.

<https://www.ejustice.just.fgov.be/eli/bsluit/2024/05/03/2024006807/staatsblad>

interference in policymaking have not yet been incorporated into national legislation. This is despite the fact that Belgium ratified the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) in 2005, thereby committing to take such actions. The Interfederal Strategy 2022-2028 for a smoke-free generation includes objectives that align with the WHO FCTC Article 5.3, such as developing a code of conduct for interactions between the tobacco industry and government agencies, and establishing a transparency register for these interactions. However, the development and implementation of these actions continues to be postponed. The absence of strict regulations or procedures to limit interactions with the tobacco industry highlights the need of monitoring our Belgian government's responses to tobacco industry interference. This year marks the first time the Tobacco Industry Interference Index has been applied in Belgium, resulting in a total score of 55 points. It is expected that the index will help increase transparency regarding current interference of the tobacco industry and their related front groups in policymaking, while also highlighting gaps in government efforts to protect public health policies from industry influence.

Tobacco burden

Tobacco use in Belgium remains prevalent across various age groups and social classes. Although smoking prevalence has declined over the past decades, data from 2023-2024 shows that 17.6% of adults aged 15 and older still smoke, with 12.8% smoking daily⁷. While a decrease has been observed in daily smokers of conventional tobacco products, the use of e-cigarettes is on the rise. In 2023-2024, 6.3% of the Belgian population consumes e-cigarettes, in comparison with 4.1% in 2018⁸. This increase is mainly attributable to an increase in use of e-cigarettes among adolescents and young adults between 15 and 24 years old.

Moreover, there is a notable difference in smoking behavior between educational groups. People with a lower education are more likely to smoke and smoke daily, than people with a high level of education. This highlights how tobacco products contribute to the persistence of health inequalities in Belgium.

Smoking is a major cause of various health problems and is responsible for many deaths in Belgium. In 2021, 8.3% of all deaths was attributable to cigarette smoking, accounting for a total of 9.362 deaths. Moreover, this led to a loss of 201,965 years of life due to premature deaths attributed to tobacco use⁹. Beside deaths, tobacco use also incurs an annual economic cost to the Belgian society. Based on the prevalence of daily smoking in 2018 (15%), it is estimated that the direct medical costs attributable to daily smokers was €533.861.010 each year¹⁰.

⁷ Gisle, L., en S. Demarest. *Gezondheidsenquête 2023–2024: Gebruik van tabak*. Brussel, België: Sciensano, 2025. Rapportnummer D/2025.14.440/64. Beschikbaar op www.gezondheidsenquête.be.

⁸ Hermans, L., R. Charafeddine, en S. Demarest. *Gebruik van de elektronische sigaret*. Brussel, België: Sciensano, 2025. Rapportnummer D/2025.14.440/66. Beschikbaar op www.gezondheidsenquête.be.

⁹ Sciensano. *Burden of Disease: Risk Factor Attributable Burden – Burden of Tobacco Use. Health Status Report*, 17 december 2024. Brussel, België. <https://www.healthybelgium.be/en/health-status/burden-of-disease/risk-factor-attributable-burden/burden-of-tobacco-use>.

¹⁰ Vynckier, P., M. Schmidt, S. Nayani, L. Guariguata, B. Devleeschauwer, en N. Verhaeghe. "The Economic Burden of Smoking in Belgium: Incremental Healthcare Costs and Lost Productivity." *European Journal of Public Health* 35, nr. 1 (februari 2025): 108–113. <https://doi.org/10.1093/eurpub/ckae211>.

Tobacco industry in Belgium

Tobacco companies

There are four major international tobacco companies active in Belgium, being Philip Morris International (PMI), British American Tobacco (BAT), Japan Tobacco International (JTI) and Imperial Brands. These companies produce all kinds of tobacco products, including cigarettes, cigars, cigarillos and smoking tobacco. Figure 1 shows the overall market share of these four big companies in Belgium¹¹.

For e-cigarettes, Real Liquid dominates the Belgian market (13.4%), followed by UEG Holland (9.1%), Flavourtec (8.2%) and EHale (6.8%).

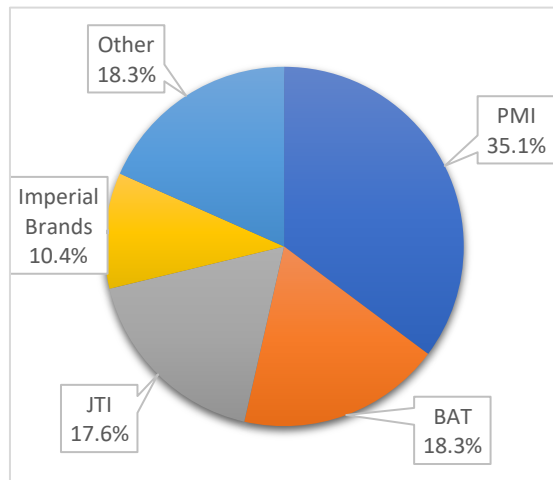


Figure 1: Market Share tobacco Belgium (Euromonitor, 2023)

Front groups

Front groups are defined as those that have ties to the tobacco industry and further the interests of the tobacco industry. In Belgium, Cimabel is a well-known lobbying organization representing cigarette manufacturers of Belgium and Luxembourg (i.e. BAT, JTI, Imperial Brands and Landewyck)¹². For e-cigarettes, VapeBel is the federation of vape retailers and distributors in Belgium¹³.

In addition to these direct front groups that openly promote the interests of the tobacco industry, there are also organizations that support those interests more indirectly, as tobacco and e-cigarettes are not their primary focus. Press shop federations, as well as associations representing retail and hospitality sectors, fall into this latter category because they share a common interest in maintaining tobacco sales. Therefore, this report also examines the role of these groups (see Annex A). However, it is important to recognize that not all interactions between these sectors and government officials relate to tobacco or e-cigarettes, as these groups also represent a broader range of products and concerns.

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on the WHO FCTC Article 5.3 guidelines. Information used in this report is obtained from sources within the public domain only. More specifically evidence was gathered from national websites of the three main tobacco industry companies, two vaping companies and the top five tobacco industry front groups (see Annex A). Furthermore, websites from government agencies were consulted, including the Federal Public Service (FPS) of Health, Food Chain Safety and Environment, and the FPS of Finance, including Customs. Websites of regional government agencies were excluded. Additionally, evidence was collected from news sources, covering evidence from the federal

¹¹ Euromonitor International, "Tobacco: Euromonitor from Trade Sources/National Statistics," *Passport Database*, 2023.

¹² Cimabel, "Cimabel | Over Ons", *Cimabel*, 6 oktober 2023, <https://cimabel.be/over-ons/>.

¹³ Vapebel, "Wie Zijn We?", *VapeBel*, z.d., <https://vapebel.be/nl/wie-zijn-we>.

level, as well as examples from the regional level where relevant. The report covers information on tobacco industry interference incidents from **October 2020** up to **March 2025**, but also includes incidents prior to **2020** that still have relevance today.

A scoring system is applied to make the assessment. The score ranges from 0 to 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the less interference. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average.

Summary of Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

The federal government does not allow tobacco industry actors to participate in policy development or to serve on advisory bodies. Consultations with tobacco industry actors and its front groups are limited to what is strictly necessary to ensure correct implementation of existing regulations, which is in line with WHO FCTC Article 5.3¹⁴. However, the Belgian government has not formally defined any measures to limit interaction in specific policies or legislation.

Evidence has been found that press shop federations, who act as front groups because some interests align with those of the tobacco industry due to their reliance on tobacco sales as a major source of income, have interacted with governmental officials. More specifically, they were able to express their concerns and needs related to tobacco sales with the Federal Minister for the Self-Employed, Small and Medium-sized Enterprises, but also reached out to a political party. According to press releases and website articles by these federations themselves, the government officials expressed openness to explore appropriate solutions for this sector.

2 INDUSTRY CSR ACTIVITIES

Evidence has been found of partnerships between the Flemish government, the Flemish Waste Agency (OVAM) and the tobacco industry related to litter management. There are signed agreements and a Charter on litter that include monetary contributions from the tobacco industry to governmental agencies, as well as the joint development of anti-litter campaigns. The federation of press shops is also involved in launching these campaigns.

The industry's influence further extends to public cleanliness policy through financial support to Fost Plus, a key actor in litter management decision-making, where tobacco companies are indirectly represented.

Meanwhile, the interregional cooperation agreement to implement the Single-Use Plastics (SUP) Directive that obligates tobacco producers to pay an Extended Producer Responsibility fee for tobacco-related litter, is still under development. This directive aims to reduce SUP waste across EU member states by holding producers accountable for the collection, transport and management for their share of litter and raise consumer awareness.

3 BENEFITS TO THE INDUSTRY

In Belgium, there are many examples of the tobacco industry attempting to delay policies, including through legal action. However, the government has no control over the outcomes of these court cases.

¹⁴ WHO Framework Convention on Tobacco Control DGO, "WHO Framework Convention on Tobacco Control: guidelines for implementation Article 5.3". WHO, 2013. <https://fctc.who.int/resources/publications/m/item/guidelines-for-implementation-of-article-5.3>

Other incidences suggest that the government does have control over certain benefits to the tobacco industry. To avoid opposition, there is indication that the government is providing a longer time frame for implementation of bans on the sales and display of tobacco products. Additionally, there are some incidences where the government grants certain exemptions to the tobacco industry, such as duty-free allowances and reduced tax rates on rolling tobacco and cigars. There is also lenient pricing regulation that allows for cheaper product options.

4 UNNECESSARY INTERACTION

While no direct interactions have been observed between specific tobacco companies and government actors, there are interactions between front groups of the tobacco industry, in particular press shop federations, and federal ministers. Although such interactions may address a range of sector-related topics, it cannot be excluded that the issue of tobacco sales is not discussed. For instance, there is evidence of federal ministers attending a social event organized by a press shop federation, where also tobacco industry representatives were present. These interactions appear to go beyond what is strictly necessary for the implementation of existing regulations, as outlined in the WHO FCTC Article 5.3 guidelines.

Additional unnecessary interactions occur in enforcement contexts, where there are ongoing collaborations between governmental agencies and the tobacco industry in the area of illicit trade.

5 TRANSPARENCY

Except for the general lobby register of the Federal Parliament, there is currently no transparency register within the government to monitor interactions between the tobacco industry and ministers and civil servants. As a result, neither interactions nor reports of meetings are publicly disclosed. The Interfederal Strategy 2022-2028 for a smoke-free generation includes an objective to establish such a transparency register. However, the analysis of its feasibility and implementation has already been delayed and no new deadline for the implementation of this action is communicated.

6 CONFLICT OF INTEREST

Belgium has stated legal prohibitions on sponsorship by the tobacco industry. Nevertheless, there is no policy addressing ‘revolving door’ practices, such as prohibiting governmental officials from joining the tobacco industry, or vice versa. While no direct cases of these connections have been found within the tobacco industry itself, connections to government actors have been observed within BePact, a public affairs association whose Board includes members from the tobacco industry.

7 PREVENTIVE MEASURES

The Belgian government has enacted a suite of regulations on the prohibition of tobacco sponsorship and requires the submission of product information to the government. However, there is notable lack of transparency regarding other activities, such as lobbying and corporate social responsibility (CSR) initiatives.

Many key preventive measures that are outlined in WHO FCTC Article 5.3 to avoid tobacco industry interference have yet to be implemented in Belgium. The Interfederal Strategy 2022-2028 for a smoke-free generation includes objectives such as establishing a code of conduct for interactions between the tobacco industry and government officials, which will be promoted and applied within the various levels of government. It also aims to assess the feasibility and practical setup of a transparency register. However, progress on these commitments has been delayed without further notice.

Recommendations

Recommendation 1: Implement a pro-active, mandatory, detailed transparency register that is online and publicly accessible, disclosing;

- i. Contacts between government officials at any level (ministers, civil servants and advisors) and the tobacco industry, its representatives and front groups.
- ii. Detailed reporting of the purpose, participants, and outcomes of the meetings (e.g., through agenda, attendees, minutes and outcomes).

Recommendation 2:

Article 5.3 of the WHO FCTC stipulates that interaction with the tobacco industry and its front groups can only take place when strictly necessary to effectively regulate the tobacco industry and their products. If it is not strictly necessary, all interaction with these industry actors must be avoided.

Therefore, a mandatory code of conduct for public officials on how to interact with the tobacco industry, including front groups that indirectly represent their interests (e.g., umbrella organizations of manufacturers, press shop federations, federations of retailers, hospitality federations, Fost Plus,...), should be developed specifying;

- i. The prohibition of partnerships, non-binding or non-enforceable agreements, co-developed campaigns, as well as any voluntary arrangements (e.g., terminate voluntary agreements on litter).
- ii. Financial agreements are allowed to make the tobacco industry pay for the damage they cause (e.g., on the basis of the 'polluter pays principle', for the negative environmental impact caused by the tobacco industry, and the 'killer pays principle' for the broader societal costs it imposes).
- iii. The exclusion of the tobacco industry and its front groups from participating in the development and decision-making processes of public health policymaking. Interactions with these organizations are limited to official or public hearings and meetings about the implementation and technical execution of adopted tobacco control legislation or policy. These interactions should be conducted transparently to the public.
- iv. The implementation of this code of conduct within all governmental departments and decision-making levels (e.g., by providing training on industry interference tactics and the obligations under WHO FCTC Article 5.3).

Recommendation 3: Prohibit the tobacco industry and its front groups to develop or implement awareness-campaigns related to tobacco control policy and all related policy areas, such as environmental policy.

Recommendation 4: Elaborate regulation that requires the tobacco industry to submit transparent and accurate information on their activities, including lobbying, CSR, political contributions, affiliated organizations, funding, research and marketing activities.

Recommendation 5: Close the 'revolving door' by developing a policy that prohibits current or former industry executives from serving on public authorities, and vice-versa.

Belgium

Tobacco Industry Interference Index 2025

Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
I. The government ¹⁵ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ¹⁶ in setting or implementing public health policies in relation to tobacco control ¹⁷ (Rec 3.4)				3		
In light of Article 5.3 of the WHO FCTC, the current federal Minister of Health¹⁸ did not accept offers for assistance or collaboration in setting or implementing tobacco policy measures. The Minister is clear to not engage with the tobacco industry in policy development. All explanatory documentation to support the implementation of the policy measures, such as the recent display ban, has been made available (e.g., FAQ's)^{19,20,21}. Consultations between the Minister and tobacco industry actors are strictly limited to what is necessary to ensure effective and correct implementation of existing regulations. For example, the Minister of Health recently met with representatives from press shop federations, hospitality sector federations, and associations of supermarkets and specialty retailers to discuss how the sector will ensure better implementation of the ban on sales to minors. These interactions are solely operational in nature and do not involve any form of policy negotiation or development^{22,23}. While there is no evidence that indicates participation of the tobacco industry in setting or implementing public health policies on tobacco control, interactions have been observed between government actors and press shop federations, which, in addition to other interests, may also further specific interests of the tobacco industry; In preparation of the election period in June 2024, the Flemish federation of press shops (Perstablo) has sent out a memorandum to various political parties, emphasizing the specific challenges and needs of the sector. The president of the political party Les Engagés has read the memorandum and reacted to this. According to the news page of Perstablo he reacted as follows: <i>"We are aware of the many challenges facing the sector, especially the declining revenues from tobacco sales, and we are determined to support its positive development. Our commitment is reflected in our desire to support press shops in a proactive approach to diversify their revenue sources. We believe collaboration with the sector is essential to identify specific needs and develop appropriate solutions."</i>²⁴						

¹⁵ The term "government" refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

¹⁶ The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

¹⁷ "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

¹⁸ This individual served as federal Minister of Health in both the previous (2020-2024) and current (2024-2028) government, covering the entire period addressed in this report.

¹⁹ FPS Public Health, "FAQ Display Ban", *FPS Public Health*, 14 mei 2025. <https://www.health.belgium.be/en/faq-display-ban>.

²⁰ FOD Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, en Dirk Ramaekers. "Verbod op het Uitstellen van Tabaksproducten", *FPS Public Health*, mei 2024.

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/24-4355_a5_20240607_nl.pdf.

²¹ Medi-Sfeer, "Krantenwinkels Stellen Zich Vragen Bij Effectiviteit Uitstalverbod Tabaksproducten", *Medi-Sfeer*, z.d.

<https://www.medi-sfeer.be/nl/nieuws/krantenwinkels-stellen-zich-vragen-bij-effectiviteit-uitstalverbod-tabaksproducten.html>.

²² Perstablo, "Perstablo Mag 41", *Calameo*, maart 2025. <https://www.calameo.com/read/006457135075af55512db>.

²³ Prodi Presse, "Prodi Presse Mag N°133". *Calameo*, februari 2025.

<https://www.calameo.com/read/005924628141361344b4d>.

²⁴ Perstablo, "Verkiezingsdossier", *Perstablo*, 29 mei 2024. <https://www.perstablo.be/blog/nieuws-8/verkiezingsdossier-220>.

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In the same context, also the Walloon federation of press shops (Prodipress) has held a series of political encounters to raise awareness of the sector's issues ²⁵ . They have published in their magazine that they have had the opportunity to meet the Federal Minister for the Self-Employed, Small and Medium-sized Enterprises to present their memorandum and discuss the major challenges ²⁶ . They discussed crucial issues impacting the sector, particularly the tobacco issue (referring to tobacco margins and taxes), and seek constructive solutions to overcome these challenges. They described that the Minister's attention during this discussion testifies to a shared desire to support entrepreneurship and meet the specific needs of the self-employed.						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)			2			
Although there is no evidence of direct involvement by specific tobacco companies in policymaking or legislation on tobacco control, there is indication of involvement of the indirect front group Perstablo. The February–March 2022 issue of the magazine of Perstablo reports that the press shop federation was invited to provide advice on the draft Royal Decree concerning electronic cigarettes. More specifically, they announced that it was in negotiations with the Federal Minister for the Self-Employed, Small and Medium-sized Enterprises on the packaging of electronic cigarettes ²⁷ . The draft Royal Decree calls for a ban on the mention of flavor or aroma addition on the packaging, which is not supported by the federation. Perstablo argued that, as press shop operators, it is important to be able to inform their customers as accurately and clearly as possible. Through these negotiations they hoped to solve this shortcoming and ensure that tobacco producers are allowed to put this information on their packaging. The Royal Decree on the manufacture and marketing of electronic cigarettes, issued in November 2022, eventually allowed the mention or suggestion of a flavor, smell or aroma made only in one word and in a certain font and size to make the product less attractive ²⁸ . However, there is no specific evidence indicating that the sector has directly influenced this legislation.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		I				
The tobacco industry and its front groups are not involved in working groups that set tobacco control policies. There is no specific policy that indicates this, but overall, the government does not allow the tobacco industry to be involved in public health policymaking. The federal Minister of Health (2020-2024 + 2025-....) has taken a clear stance on this matter. The guidelines to implement Article 5.3 have not been developed yet, however, the Interfederal Strategy 2022-2028 for a smoke-free generation has set an objective to publish guidelines on contacts with the tobacco industry ²⁹ .						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e., COP		I				

²⁵ Prodipresse, "Prodipresse Mag N°133", Calameo, z.d. <https://www.calameo.com/read/005924628141361344b4d>.

²⁶ Prodipresse, "Prodipresse Mag N°124", Calameo, z.d.

<https://www.calameo.com/read/00592462889655778119d?authid=BXI5YrLqym6>.

²⁷ Perstablo, "Perstablo Mag23", Calameo, z.d. <https://www.calameo.com/read/006457135b0662c4a484f>.

²⁸ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. Koninklijk Besluit van 7 november 2022 betreffende de vergoedingen voor bepaalde prestaties in het kader van het elektronische beheer van het geneesmiddelenvoorschrift, Belgisch Staatsblad, 21 november 2022, https://etaamb.openjustice.be/nl/koninklijk-besluit-van-07-november-2022_n2022034085.html.

²⁹ Algemene Cel Drugsbeleid. Interfederaal strategie 2022–2028 voor een rookvrije generatie. 14 december 2022. https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_nl.pdf.

	0	1	2	3	4	5
4 & 5, INB 4 5, WG) ³⁰ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.						
There are no such incidences identified in COP 5 until COP 10 ^{31,32,33,34,35,36} . Belgium follows the EU position at COP.						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as socially responsible. For example, environmental programs. (Rec 6.2)						
B. The government (its agencies and officials) receives CSR contributions ³⁷ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (e.g., political, social, financial, educational, community or other contributions (Rec 6.4) including environmental or EPR activities (COP10 Dec). <i>NOTE: exclude enforcement activities as this is covered in another question</i>						5
The Interfederal Strategy 2022-2028 for a smoke-free generation has the objective to implement the Single Used Plastics (SUP) Directive 2019/904/EU on reducing the environmental impact of certain single used plastic products. Under this legislation, the Extended Producer Responsibility (EPR) was introduced for tobacco products with filters and filters marketed for use in combination with tobacco products³⁸. From 2023 onwards, producers should pay a fee to the government for their products' share of litter costs and awareness campaigns³⁹. However, the interregional cooperation agreement between the three regions in Belgium has not been adopted yet. Therefore, producers are currently not paying an EPR-fee to the regional governments in the framework of the SUP-directive⁴⁰. In the meantime, the tobacco industry itself is investing in pilot projects to combat litter, in collaboration with the Flemish government. Since 2008, Cimabel, the federation of cigarette manufacturers (including BAT, JTI, Imperial Brands and Landewyck), has been working regularly						

³⁰ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

³¹ "FCTC/COP10/DIV1 List of Participants. WHO Framework Convention on Tobacco Control, 2023. Geraadpleegd op 11 april 2025. <https://fctc.who.int/resources/publications/i/item/fctc-cop-10-div-1-list-of-participants>.

³² FCTC/COP9/DIV1 List of Participants. WHO Framework Convention on Tobacco Control, 2021. Geraadpleegd op 11 april 2025. <https://fctc.who.int/resources/publications/m/item/cop-9-div-1-list-of-participants>.

³³ FCTC-COP8 List of Participants. WHO Framework Convention on Tobacco Control, 2018. Geraadpleegd op 11 april 2025. <https://iris.who.int/bitstream/handle/10665/370906/fctc-cop8-en.pdf?sequence=1>.

³⁴ FCTC-COP7 List of Participants, Rev. 2. WHO Framework Convention on Tobacco Control, 2016. Geraadpleegd op 11 april 2025. <https://iris.who.int/bitstream/handle/10665/371935/fctc-cop7-div-rev-2-en.pdf?sequence=1>.

³⁵ FCTC-COP6_DIV1 Rev1. WHO Framework Convention on Tobacco Control, 2014. Geraadpleegd op 11 april 2025. https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_DIV1Rev1.pdf.

³⁶ FCTC-COP5_DIV1 Rev1. WHO Framework Convention on Tobacco Control, 2012. Geraadpleegd op 11 april 2025. https://apps.who.int/gb/fctc/PDF/cop5/FCTC_COP5_DIV1_Rev1.pdf.

³⁷ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

³⁸ Algemene Cel Drugsbeleid. Interfederale strategie 2022–2028 voor een rookvrije generatie. 14 december 2022.

https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederale_strategie_tabak_en_bijlage_final_nl.pdf.

³⁹ OVAM, "SUP-richtlijn", OVAM, z.d. <https://ovam.vlaanderen.be/sup-richtlijn>.

⁴⁰ Commissie Voor Leefmilieu, Natuur, Ruimtelijke Ordening en Energie, "Verslag vergadering Commissie Voor Leefmilieu, Natuur, Ruimtelijke Ordening en Energie", Vlaams Parlement, 7 mei 2024. <https://www.vlaamsparlement.be/nl/parlementair-werk/commissies/commissievergaderingen/1825227/verslag/1826326/>

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with the Public Waste Agency of Flanders (OVAM) on awareness campaigns to combat litter⁴¹. More specifically, Cimabel has joined forces with PMI, and have signed an agreement with OVAM, investing €2.25 million in anti-litter efforts. The majority of funds allocated to the Flemish Region's Operational Plan for Public Cleanliness, including Mooimakers Campaigns⁴². Cimabel gives also financial incentives to Fost Plus, a collaborative initiative of the private sector⁴³. Fost Plus is representing the packaging industry, aiming to create sustainable material chains in a cooperative structure between citizens, companies and governmental agencies⁴⁴. They are involved in the decision-making body of public cleanliness that approves operational plans⁴⁵. Since several tobacco industry players are member of Fost Plus, this indicates that the position of the tobacco industry is indirectly represented here ⁴⁶. Furthermore, on top of the financial contributions to Fost Plus and the awareness campaigns of OVAM, the tobacco sector launched its own campaign against cigarette butts, encouraging smokers to purchase a small, convenient pocket ashtray where they can temporarily store their cigarette butts in anticipation of being able to dispose them in a trash can as they should. The awareness campaign is part of the Flemish Litter Charter, an agreement signed by the tobacco sector in 2022 with the Flemish Minister of Environment and OVAM. In cooperation with Perstablo, the federation of press shops, the campaign is being rolled out at some 130 daily newspaper stores in four center cities in Flanders and several coastal towns^{47,48,49,50}. However, these measures may be counterproductive, given that it aims at normalizing tobacco consumption and shifting the responsibility of cigarette pollution away from the tobacco industry, who claims to protect the environment, to the person who uses tobacco⁵¹.						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g., 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)					4	
In a news article of 2023, a tobacco prevention expert from a public health organization focused on cancer expressed that the tobacco lobby is still extremely powerful. They have enormous financial resources and can hire lawyers and lobbyists to put pressure on policymakers. She highlights that						

⁴¹ Cimabel, "Cimabel | Zwerfvuil", *Cimabel*, 21 juni 2022. <https://cimabel.be/standpunten/zwerfvuil/>.

⁴² Buyck, Carl. "Tabaksbedrijven Investeren 2,25 Miljoen Euro in de Bestrijding van Zwerfvuil", *Cimabel*, 25 mei 2022. <https://cimabel.be/tabaksbedrijven-investeren-225-miljoen-euro-in-de-bestrijding-van-zwerfvuil/>.

⁴³ Cimabel, "Cimabel | Zwerfvuil", *Cimabel*, 21 juni 2022, <https://cimabel.be/standpunten/zwerfvuil/>.

⁴⁴ Fost Plus, "Over Fost Plus", *Fost Plus*, z.d. <https://www.fostplus.be/nl/over-fost-plus>.

⁴⁵ Fost Plus vzw, Corneas Vlaanderen vzw, Fevia Vlaanderen vzw, en Het Vlaamse Gewest. "Overeenkomst Openbare Netheid". Report, 18 januari 2016.

https://corporateeurope.org/sites/default/files/ovam_comeos_fost_plus_2016_agreement.pdf.

⁴⁶ Fost Plus, "List Of Members", *Fost Plus*, z.d. <https://www.fostplus.be/en/list-of-members>.

⁴⁷ Buyck, Carl. "Tabaksector Bindt in Heel Vlaanderen Strijd Aan Tegen Peukenafval", *Cimabel*, 21 augustus 2024. <https://cimabel.be/tabaksector-bindt-in-heel-vlaanderen-strijd-aan-tegen-peukenafval/>.

⁴⁸ Cimabel, "Tabaksector en Dagbladhandelaars Zetten Strijd Verder Tegen Vervuiling door Sigarettenpeuken", *Cimabel*, 17 april 2024. <https://cimabel.be/tabaksector-en-dagbladhandelaars-zetten-strijd-verder-tegen-vervuiling-door-sigarettenpeuken/>.

⁴⁹ Cimabel, "Tabaksector en Dagbladhandelaars Binden Strijd Aan Tegen Vervuiling door Sigarettenpeuken", *Cimabel*, 5 oktober 2023. <https://cimabel.be/tabaksector-en-dagbladhandelaars-binden-strijd-aan-tegen-vervuiling-door-sigarettenpeuken/>.

⁵⁰ Cimabel, "Tabaksector Bindt Strijd Aan Tegen Vervuiling door Sigarettenpeuken Aan de Kust", *Cimabel*, 14 augustus 2023. <https://cimabel.be/tabaksector-bindt-strijd-aan-tegen-vervuiling-door-sigarettenpeuken-aan-de-kust/>.

⁵¹ Ruthcanty. "Tobacco Industry Interference in Spanish Tobacco Product Waste Management". Blog - Tobacco Control, 10 maart 2025. <https://blogs.bmj.com/tc/2025/03/10/tobacco-industry-interference-in-spanish-tobacco-product-waste-management/>.

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the tobacco industry has systematically sued every new tobacco regulation that Belgium has introduced, which is a deliberate strategy to delay policy processes ⁵² .						
One example of a court case is on heated tobacco products. The government sought to classify these products under the same legislation as traditional tobacco products. However, Philip Morris Benelux challenged this classification, arguing that heated tobacco does not involve combustion, does not contain traditional tobacco, and is therefore a less harmful alternative. They asked the federal Minister to review these decisions, but the government did not accept the industry's comments. The company brought the case to the Council of State, disputing the characterization of heated tobacco as "a product intended for smoking." In 2023, the Council ruled in favor of Philip Morris Benelux, concluding that heated tobacco products should not be subject to the same categorization. As a result, regulations on heated tobacco products have been delayed. On the positive side, this has also postponed their introduction to the Belgian market ^{53,54} .						
Other court cases were started by BAT and PMI in May 2023, to challenge the Royal Decree on the ban of sales of nicotine pouches. They argue this product is less harmful than cigarettes and a ban may be counterproductive ^{55,56} . So far, the tobacco industries have not succeeded in influencing this legislation. The ban was implemented on October 1, 2023, and will remain in effect until the Council of State issues a ruling ⁵⁷ .						
The federal Ministry of Health has enforced restrictions on the sales and display of tobacco products, as outlined in the Interfederal Strategy 2022-2028 for a smoke-free generation ⁵⁸ . The aim was to implement these bans gradually by January 1, 2028, but the majority have been implemented in recent years. However, a lead time of one year remains between the publication of a legal amendment and its enforcement, said to give the sector a chance to adapt ⁵⁹ . Also, an earlier news article with a political party in 2021 on a 'tobacco free generation' reveals that to counter opposition with the tobacco industry, the proposed bills on tobacco sales should not be implemented until 2025 ⁶⁰ .						
7. The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)					4	

⁵² Dehaene, Talitha. "Steeds meer jongeren vaperen: 'Tabaksproducenten zien tieners als vervangers voor de rokers die zijn overleden aan hun verslaving'". *De Morgen*, 1 februari 2023. <https://www.demorgen.be/nieuws/steeds-meer-jongeren-vaperen-tabaksproducenten-zien-tieners-als-vervangers-voor-de-rokers-die-zijn-overleden-aan-hun-verslaving~bb5ec738/>.

⁵³ Gabriëls, Suzanne. "Soms Mag Je een Veldslag Verliezen Om de Strijd Tegen het Roken te Winnen". *Site-Artsenkrant-NL*, 31 januari 2024. https://www.artsenkrant.com/actueel/soms-mag-je-een-veldslag-verliezen-om-de-strijd-tegen-het-roken-te-winnen/article-opinion-69999.html?cookie_check=1745570579.

⁵⁴ Het Laatste Nieuws, "Nog geen witte rook verwarmde tabak", *Philip Morris International*, 2022. <https://www.pmi.com/markets/belgium/nl/media-nieuws>.

⁵⁵ De Specialist, "Tabaksreuzen Naar Raad van State Tegen Verkoopverbod Nicotinezakjes", *De Specialist*, 24 may 2023. https://www.despecialist.eu/nl/nieuws/tabaksreuzen-naar-raad-van-state-tegen-verkoopverbod-nicotinezakjes.html?utm_source=chatgpt.com.

⁵⁶ Philip Morris International, "Tabaksfabrikanten naar Raad van State tegen verbod op verkoop nicotinezakjes". *Philip Morris International*, z.d. https://www.pmi.com/resources/docs/default-source/belgium-market-files/tabaksfabrikanten-naar-raad-van-state-tegen-verbod-op-verkoop-nicotinezakjes-hbvl370cf3bf6c7468f696e2ff0400458fff.pdf?sfvrsn=a4789bb6_2.

⁵⁷ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Koninklijk besluit van 14 maart 2023 betreffende het verbod op het in de handel brengen van bepaalde soortgelijke producten*. *Belgisch Staatsblad*, 24 maart 2023. <https://www.ejustice.fgov.be/eli/bsluit/2023/03/14/2023041247/justel>.

⁵⁸ Algemene Cel Drugsbeleid. *Interfederale strategie 2022–2028 voor een rookvrije generatie*. 14 december 2022. https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederale_strategie_tabak_en_bilage_final_nl.pdf.

⁵⁹ Belga Wire, "CORRECTION: Uitstalverbod Voor Tabak Treedt Vanaf April 2025 in Werking", *Belgapress*, 2024, <https://share.belga.press/news/68062068-1bdf-4c4a-ab2e-2977626c21b0>.

⁶⁰ De Standaard, "CD&V Pleit Voor 'Tabaksvrije Generatie'", *De Standaard*, 15 december 2021. https://www.standaard.be/cnt/dmf20211215_95159325.

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The government still allows the tobacco industry to manipulate pricing strategies that encourage consumption. This includes offering both premium and low-cost product ranges, as well as making larger packs cheaper per unit compared to smaller ones⁶¹. In Belgium, it is allowed to import tobacco products for own use duty-free. If bought within EU, a maximum amount of 800 cigarettes, 400 cigarillos, 200 cigars or 1 kilogram of smoking tobacco is allowed. Products bought in a non-EU member state should be declared. A maximum amount of 200 cigarettes, 100 cigarillos, 50 cigars or 250 grams of smoking tobacco is allowed⁶². There is a ban on the remote sale of e-cigarettes and e-liquids to consumers, as well as their remote purchase by consumers. In practice, this means that selling and purchasing these products online is not allowed. However, cross-border remote sales from Belgium are permitted if the legislation of the destination member state allows it⁶³. Until 2024, there were no taxes on e-liquids, only VAT was paid for these products. Nowadays, a tax of 0.15 euro per milliliter is applied on e-liquids, which is a lower tax rate than traditional cigarettes and tobacco, but in line with other EU countries^{64,65}. Also rolling tobacco, cigars and cigarillos have a lower tax rate than cigarettes⁶⁶.						
INDICATOR 4: Forms of Unnecessary Interaction						
8. Top level government officials (such as President/ Prime Minister or Minister ⁶⁷) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)			2			
There are no direct interactions observed between the tobacco industry and government officials. However, Perstablo, the federation of press shops that is considered as representing some of the tobacco industry's interests, discloses having contacts with federal ministers. Perstablo organized a reception for their partners, where the tobacco industry, as well as the Federal Minister for the Self-Employed, Small and Medium-sized Enterprises, and the Federal Minister for Finance, responsible for Anti-Fraud and National Lottery were present. According to Perstablo's article, the Director of the federation addressed issues relevant to the press shop sector in his speech, including excise duties on tobacco products and the sale of alternative tobacco products⁶⁸. Although there is no further evidence of direct contact between tobacco industry representatives and the Ministers, no clarity on the topics discussed with the press shop federation, and no indication that the Ministers were aware of the industry's presence, the incident nonetheless constitutes a breach of						

⁶¹ Sébastien, Ponciau. "Philip Morris Condamné Pour Publicité Illégale: 'Il Faisait Passer Son Intérêt Personnel Avant L'intérêt Public'". *DHnet*, 14 december 2021. <https://www.dhnet.be/actu/faits/2021/12/12/philip-morris-condamne-pour-publicite-illegale-il-faisait-passer-son-interet-personnel-avant-linteret-public-3XOWUJMWRRGCJOGKTED2HRKLCE/>.

⁶² FOD Buitenlandse Zaken - Buitenlandse Handel en Ontwikkelingssamenwerking. "Douane", *FOD Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking*, z.d. <https://diplomatie.belgium.be/nl/reisadviezen/douane>.

⁶³ FOD Financiën, "Vloeistoffen Elektronische Sigaretten", *FOD Financiën*, 28 april 2025.

https://financien.belgium.be/nl/douane_accijnzen/ondernemingen/accijnzen/algemene-informatie/accijnsgoederen/esig#q23.

⁶⁴ FOD Financiën, "Vloeistoffen Elektronische Sigaretten", *FOD Financiën*, 28 april 2025. https://financien.belgium.be/nl/douane_accijnzen/ondernemingen/accijnzen/algemene-informatie/accijnsgoederen/esig#q15

⁶⁵ ECigIntelligence, "Belgium Introduces E-liquid Excise Duty To Adapt To Evolving Tobacco Market - ECigIntelligence", *ECigIntelligence*, 18 oktober 2023. <https://ecigintelligence.com/belgium-introduces-e-liquid-excise-duty-to-adapt-to-evolving-tobacco-market/>.

⁶⁶ Federal Public Service Finance, "MyMinfin," *MyMinfin*, z.d., <https://www.minfin.fgov.be/myminfin-web/pages/public/fisconet/document/36c45672-9088-40b3-9757-2894b722240b>.

⁶⁷ Includes immediate members of the families of the high-level officials

⁶⁸ Perstablo, "Eerste Receptie Voor Partners Meteen Groot Succes", *Perstablo*, z.d. <https://www.perstablo.be/blog/nieuws-8/eerste-receptie-voor-partners-meteen-groot-succes-155>.

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Article 5.3 of the WHO FCTC as the interaction goes beyond what is strictly necessary for the implementation of existing regulation.						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)				3		
The federation of tobacco manufacturers, Cimabel, and other front groups are initiating initiatives themselves that aim to control the sales of tobacco to minors⁶⁹. For instance, the three federations of press shops have launched in 2023 a quality label for responsible selling (www.bl8.be), encouraging retailers to sign the Charter to assure a safe environment for minors and limit their exposure to tobacco products. Inspections with mystery shoppers in 2023 indicate that still more than half of press shops do not comply with this sales ban to minors⁷⁰. The federations state that there is governmental support for their initiative. In an interview of Perstablo with the Minister of Justice, the Minister expresses its enthusiasm about the label⁷¹. Also another politician calls it a great initiative taken by the press shop sector⁷². Furthermore, the tobacco industry and its front groups describe on their websites to work together on illicit trade with governmental agencies; BAT Benelux declares on their website that they fully support the government in eliminating illicit trade of tobacco products. They mention to work together with authorities to ensure that appropriate enforcement action is taken, besides other things⁷³. In the same interview of Perstablo with the Minister of Justice as mentioned above, the Minister expresses also its concerns about illicit trade of tobacco products. He would like to address this in consultation with the sectors concerned and explore how these sectors themselves can take more responsibility and engage in self-regulation to limit illegal sales⁷⁴. Perstablo has published an article in their magazine issue December 2021 about Philip Morris Benelux and its report on illegal tobacco trade. On a yearly base, PMI publishes a report on the production and traffic of illegal smoking products. To this end, it is mentioned that the organization in Belgium works closely with local authorities, customs and other relevant agencies to combat the phenomenon⁷⁵. Since 2010, the government and tobacco industry actors are joining forces to better combat counterfeiting and piracy, known under the private foundation NANAC. More specifically there is a partnership with the Customs authorities and ICC Belgium (International Chamber of						

⁶⁹ Cimabel, "Cimabel | Rookverbod Voor Jongeren", *Cimabel*, 21 juni 2022. <https://cimabel.be/standpunten/rookverbod-voor-jongeren/>.

⁷⁰ News.Belgium, "Controles met Mystery Shoppers Onmisbaar Om Handelaars Verkoopverbod op Alcohol en Tabak Voor Minderjarigen te Doen Naleven", *News.belgium*, 4 april 2024. <https://news.belgium.be/nl/controles-met-mystery-shoppers-onmisbaar-om-handelaars-verkoopverbod-op-alcohol-en-tabak-voor>.

⁷¹ Perstablo, "Minister van Tigchelt Over de Illegale Handel en Hoe Die te Bestrijden", *Perstablo*, 3 juli 2024. <https://www.perstablo.be/blog/nieuws-8/minister-van-tigchelt-over-de-illegale-handel-en-hoe-die-te-bestrijden-231>.

⁷² Perstablo, "Verkiezingsdossier", *Perstablo*, 29 mei 2024. <https://www.perstablo.be/blog/nieuws-8/verkiezingsdossier-222>.

⁷³ "British American Tobacco Benelux - Tackling Illicit Trade", *BAT Benelux*, z.d. <https://www.batbenelux.com/sustainability-and-responsibility/tackling-illicit-trade>.

⁷⁴ Perstablo, "Minister van Tigchelt Over de Illegale Handel en Hoe Die te Bestrijden", *Perstablo*, 3 juli 2024. <https://www.perstablo.be/blog/nieuws-8/minister-van-tigchelt-over-de-illegale-handel-en-hoe-die-te-bestrijden-231>.

⁷⁵ Perstablo, "Perstablo Mag22", *Calameo*, december 2021, <https://www.calameo.com/read/0064571353396c4e95ae4>.

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Commerce), which latter includes members such as JTI and Philip Morris Benelux ⁷⁶ . Also, Cimabel is an active member of NANAC ⁷⁷ . Furthermore, there are partnerships with the Federal Public Service of Economy.						
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
No evidence is found.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)						5
The Code of Ethics requires members of the government to be transparent about contacts with interest representatives, but there is no register publicly disclosing interactions with the tobacco industry ⁷⁸ . Except for the general lobby register in the Federal Parliament, contacts with cabinets and ministers are not registered and subsequently not publicly disclosed ⁷⁹ . All examples described in this questionnaire are subsequently interactions that were not publicly disclosed.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)				3		
The Federal Parliament has been using a lobby register for several years to increase transparency. It registers interactions with professional consultancies, lobbyists, NGOs, research institutes, religious organizations and public authorities⁸⁰. The register is published on the website of the Chamber, where interactions with the tobacco industry and its front groups are also identified⁸². However, no such register exists for direct contacts with cabinets and ministers. Within the Interfederal Strategy 2022-2028 for a smoke-free generation there is the objective formulated to establish a transparency register of contacts between the (tobacco) industry and all government departments and agencies. More specifically the objective is to first analyze the feasibility and practical set-up of implementing a transparency register⁸³. The deadline for this was set end 2024, but no progress has been reported to date.						

⁷⁶ "Neeen Tegen Namaak, "About," Neeen Tegen Namaak, z.d., <https://www.neentegennamaak.be/about/>.

⁷⁷ Cimabel, "Cimabel | Over Ons", Cimabel, 6 oktober 2023. <https://cimabel.be/over-ons/>.

⁷⁸ Belgium.be, "Deontologische code regeringsleden," Belgium.be, accessed October 21, 2025. https://www.belgium.be/nl/over_belgie/overheid/federale_overheid/federale_regering/deontologische_code_regeringsleden.

⁷⁹ Nieuwsblad, "België is veel te mild voor tabakslobby volgens nieuw rapport", Nieuwsblad, 3 december 2022. <https://web.belga.press/explore/kiosk/article/shared/a6cb3de4-0cc9-47b2-8119-4d52ae7dc44b?uuid=a6cb3de4-0cc9-47b2-8119-4d52ae7dc44b>.

⁸⁰ Nieuwsblad, "België is veel te mild voor tabakslobby volgens nieuw rapport", Nieuwsblad, 3 december 2022. <https://web.belga.press/explore/kiosk/article/shared/a6cb3de4-0cc9-47b2-8119-4d52ae7dc44b?uuid=a6cb3de4-0cc9-47b2-8119-4d52ae7dc44b>.

⁸¹ De Belgische Kamer van Volksvertegenwoordigers, "Lobbyregister", De Kamer, z.d. <https://www.dekamer.be/kvvcr/showpage.cfm?section=/lobby&language=nl&story=general.xml>.

⁸² De Belgische Kamer van Volksvertegenwoordigers, "Lobbyregister", De Kamer, z.d. <https://www.dekamer.be/kvvcr/showpage.cfm?section=/lobby&language=nl&story=general.xml>.

⁸³ Algemene Cel Drugsbeleid. Interfederaal strategie 2022–2028 voor een rookvrije generatie. 14 december 2022. https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_ni.pdf.

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The implementation of a transparency register is also supported by several political parties ⁸⁴ . In 2023, the president of the political party CD&V has taken a first step and registered their contacts with organizations and lobbyists that came to present their electoral memorandum on a publicly accessible list. The content of discussions was not made public ⁸⁵ .						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes		1				
In the Law of January 24, 1977, on the protection of the health of consumers with regard to foodstuff and other products, it is stated that it is prohibited to get sponsored by tobacco, tobacco-based products and similar products, hereinafter referred to as tobacco products. Advertising and sponsorship are defined as any communication or action aimed directly or indirectly at promoting sales, regardless of the place, means of communication or techniques used ⁸⁷ .						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)				3		
In Belgium, there is no procedure or policy that specifies it would be prohibited as a retired government official to work for the tobacco industry. However, we did not identify evidence of retired senior government officials working for the tobacco industry itself. We did identify incidences of former government officials being member of the board of Bepact (Belgian Public Affairs Community), an association that brings together public affairs professionals and includes members from the tobacco industry as well ⁸⁸ . The Director of Corporate Affairs & Communications of JTI Belgium is one of the Board members. Also a former employee of PMI is a Board member ⁸⁹ . Although we cannot relate this association to the tobacco industry itself, they are indirect representing the views of this industry.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)	0					
No incidences known.						
INDICATOR 7: Preventive Measures						
SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed 4. Committed to develop such a policy/ program 5. None						

⁸⁴ De Morgen, "Sancties en een register voor de regering: Groen wil transparanter lobbywerk in 2023", *De Morgen*, 2 januari 2023. <https://www.demorgen.be/snelnieuws/sancties-en-een-register-voor-de-regering-groen-wil-transparanter-lobbywerk-in-2023~b10303b1/?referrer=https%3A%2F%2Fwww.bing.com%2F>.

⁸⁵ Le Vif, "Il Faut Plus de Transparence Dans Les Relations Entre Le Monde Politique Et L'Industrie Du Tabac", *Le Vif*, 26 juli 2023. <https://www.levif.be/opinions/cartes-blanches/il-faut-plus-de-transparence-dans-les-relations-entre-le-monde-politique-et-lindustrie-du-tabac/>.

⁸⁶ De Clerck, Felix, "Een transparant register van contacten met organisaties: juni." CD&V, 13 juli 2023.

<https://www.cdenv.be/een-transparant-register-van-contacten-met-organisaties-juni>.

⁸⁷ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, *Wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere producten*, Belgisch Staatsblad, 8 maart 1977,

https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1977012431&table_name=wet.

⁸⁸ Bepact, "Mission", Bepact, z.d. <https://bepact.be/en/mission>.

⁸⁹ Bepact, "GOVERNANCE", Bepact, z.d. <https://bepact.be/en/teammembers>.

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16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
There is a lobby register of the Federal Parliament and an objective formulated to establish a transparency register in the Interfederal Strategy 2022-2028 for a smoke-free generation, but these do not specify to disclose records of interaction with the tobacco industry and its representatives ^{90,91} .						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>Yes – for whole of government code; Yes but partial if only MOH</i>					4	
There is currently no code of conduct available on how to interact with the tobacco industry, but the Interfederal Strategy 2022-2028 for a smoke-free generation does formulate this as one of their objectives ⁹² . By the end of 2024 they would have prepared a Belgian guideline for contacts between the tobacco industry and government departments and agencies. However, up to today, the objective has not been implemented yet, as the analysis to do so is still ongoing. Once drafted, these guidelines will be promoted and applied within the different levels of government to concretely combat the interference of the tobacco industry in the decision-making process.						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and 10 Decision)				3		
There is regulation in place within the Royal Decree of February 5, 2016, on the manufacture and marketing of tobacco-based products and herbal products intended for smoking. This regulation requires manufacturers marketing tobacco-based products in Belgium to annually provide the government with data on the contents and emissions of their tobacco products, including: a qualitative and quantitative list of all ingredients, tar, CO and nicotine content, labelling and sales volume. This royal decree also states that the information from the notification of tobacco products is made publicly available, except for information covered by trade secret. However, neither market share nor lobbying, philanthropy, political contributions, or other TAPS activities are included in this submission ⁹³ .						

⁹⁰ De Belgische Kamer van Volksvertegenwoordigers, "Lobbyregister", *De Kamer*, z.d.

<https://www.dekamer.be/kvvcr/showpage.cfm?section=/lobby&language=nl&story=general.xml>.

⁹¹ Algemene Cel Drugsbeleid. *Interfederaal strategie 2022–2028 voor een rookvrije generatie*. 14 december 2022.

https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_nl.pdf.

⁹² Algemene Cel Drugsbeleid. *Interfederaal strategie 2022–2028 voor een rookvrije generatie*. 14 december 2022.

https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_nl.pdf.

⁹³ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, *Koninklijk besluit van 5 februari 2016 betreffende het fabriceren en het in de handel brengen van producten op basis van tabak en voor roken bestemde kruidenproducten*, Belgisch Staatsblad, 3 maart 2016, geraadpleegd op 30 april 2025,

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/kb_5_februari_2016_tabak_gecoordineerd_versie.pdf.pdf.

	0	1	2	3	4	5
JTI describes publishing information on a voluntary basis on its websites, providing annual reports on their sustainability strategy, governance and business strategies. They submit product information to governments as legally required, but emphasize to safeguard its confidential business information and trade secrets ⁹⁴ .						
19. The government has a program / system/ plan to consistently ⁹⁵ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec I.1, I.2)					4	
There is currently no formal program to consistently raise awareness on policies relating to the FCTC Article 5.3 Guidelines. However, the objective in the Interfederal Strategy 2022-2028 for a smoke-free generation that aims at developing guidelines on contacts between the tobacco industry and government departments, intends to promote and apply these guidelines across various government levels ⁹⁶ . This to combat the interference of the tobacco industry in the decision-making process.						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)			2			
The FCTC report from 2023 indicates that Belgium has a comprehensive ban on tobacco sponsorship, including contributions from tobacco companies to any other entity for “socially responsible causes” and/or any other activities implemented under “corporate social responsibility” by the tobacco industry⁹⁷. However, the law on marketing and sponsorship does not specify gifts or other offers of assistance of the tobacco industry⁹⁸. Additionally, the Royal Decree concerning the status of the civil servants indicates that one should not be in a state of conflict of interest by having a personal advantage that affects the impartial and independent exercise of the duties. This royal decree stated that civil servants shall not, either directly or by intermediary, even outside the exercise of his office, but for cause, solicit, demand or accept gifts, rewards or any advantage⁹⁹. This is also specified in the Code of Ethics for members of the federal government¹⁰⁰.						

⁹⁴ Japan Tobacco International, “Our Six Core Principles.” *JTI*. Geraadpleegd op 30 april 2025. <https://www.jti.com/about-us/our-business/our-six-core-principles>.

⁹⁵ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

⁹⁶ Algemene Cel Drugsbeleid. *Interfederaal strategie 2022–2028 voor een rookvrije generatie*. 14 december 2022. https://overlegorganen.gezondheid.belgie.be/sites/default/files/documents/2022_12_14_interfederaal_strategie_tabak_en_bijlage_final_nl.pdf.

⁹⁷ World Health Organization. “Core Questionnaire Of The WHO FCTC”, 2023. https://extranet.who.int/fctcapps/sites/default/files/2023-12/e83wpvewwm8yufs_785818.pdf.

⁹⁸ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Wet van 24 januari 1977 betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere producten*. Belgisch Staatsblad, 8 maart 1977. Geconsolideerde versie tot 4 juni 2024. https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1977012431&table_name=wet.

⁹⁹ Federale overheidsdienst Justitie. *Koninklijk Besluit van 2 oktober 1937 houdende het statuut van het rijkspersoneel*. Belgisch Staatsblad, 8 oktober 1937.

https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1937100201&table_name=wet.

¹⁰⁰ Belgium.be, “Deontologische code regeringsleden,” *Belgium.be*, accessed October 21, 2025. https://www.belgium.be/nl/over_belgie/overheid/federale_overheid/federale_regering/deontologische_code_regeringsleden.

	0	1	2	3	4	5
TOTAL	55					

ADDITIONAL¹⁰¹	QUESTIONS
<i>Based on COP9 and COP10 Decisions highlighting Article 5.3 recommendations</i>	
A. LIABILITY: Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4) [5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.] Evidence In the FCTC report of 2023, Belgium states that there are measures regarding criminal liability for any violations of tobacco control legislation, but no separate criminal liability provisions in relation to tobacco control outside tobacco control legislation. General civil liability provisions could be applied to tobacco control, but no civil liability measures are specified for tobacco control¹⁰². The Royal Decree of February 5, 2016, on the manufacture and marketing of tobacco-based products and herbal products intended for smoking describes that violations of this law, including incorrect notifications of tobacco products, will be detected, identified, prosecuted and punished¹⁰³.	
B. KH RESOURCE DATABASE: Government adopted and implemented measures to ensure public access to information on TI activities [5.5 Parties should adopt and implement effective legislative, executive, administrative and other measures to ensure public access, in accordance with Article 12(c) of the Convention, to a wide range of information on tobacco industry activities as relevant to the objectives of the Convention, such as in a public repository.] Evidence As defined in the Royal Decree of February 5, 2016, on the manufacture and marketing of tobacco-based products and herbal products intended for smoking, governments disclose information about the contents and emissions of tobacco products that is annually notified by the tobacco industry, except for information that falls under trade secret. However, neither market share nor lobbying, philanthropy, political contributions, or other TAPS activities are included in this submission¹⁰⁴.	

¹⁰¹ Added for initial assessment, but not included in the scoring of the index of 2025.

¹⁰² World Health Organization. "Core Questionnaire Of The WHO FCTC", 2023.

https://extranet.who.int/fctcapps/sites/default/files/2023-12/e83wpvevwm8yufs_785818.pdf.

¹⁰³ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu. *Koninklijk besluit van 5 februari 2016 betreffende het fabriceren en het in de handel brengen van producten op basis van tabak en voor roken bestemde kruidenproducten*. Belgisch Staatsblad, 3 maart 2016. Gewijzigd bij KB van 26 april 2019. Geconsolideerde versie tot 20 juni 2019.

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/kb_5_februari_2016_tabak_gecoordineerd_versie-pdf.pdf.

¹⁰⁴ Federale Overheidsdienst Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu, *Koninklijk besluit van 5 februari 2016 betreffende het fabriceren en het in de handel brengen van producten op basis van tabak en voor roken bestemde kruidenproducten*, Belgisch Staatsblad, 3 maart 2016, geraadpleegd op 30 april 2025,

https://www.health.belgium.be/sites/default/files/uploads/fields/fpshealth_theme_file/kb_5_februari_2016_tabak_gecoordineerd_versie-pdf.pdf.

Annex A: Sources of Information

	TOP TOBACCO TOBACCO COMPANIES	MARKET SHARE*	BRANDS	SOURCE
1	Philip Morris Benelux BV	35.1%	Marlboro, L&M	https://www.pmi.com/markets/belgium/nl/startpagina
2	British American Tobacco Benelux	18.3%	Lucky Strike, Pall Mall	https://www.batbenelux.com/
3	Japan Tobacco BELUX	17.6%	Camel, Winston	https://www.jti.com/europe/belgium-luxembourg
4	Imperial Brands Plc	10.4%	News, Gauloises, John Player Special	No national website
5	Real Liquid	13.4%	Dewy's, Tahi	https://realliquid.be/
6	EHale	6.8%	Hexa	https://ehale.eu/nl/

* Numbers from Euromonitor 2023.¹⁰⁵

	TOP TOBACCO INDUSTRY ALLIES/ FRONT GROUPS	TYPE (FRONT GROUP, AFFILIATE, INDIVIDUAL)	SOURCE
1	Cimabel	Federation of cigarette manufacturers	https://cimabel.be/
2	VapeBel	Federation of vape retailers and distributors	https://vapebel.be/
3	Comeos	Federation of commerce and services	www.comeos.be
4	Prodipresse	Walloon federation of press shops	https://www.prodipresse.be/
5	Perstablo	Flemish federation of press shops	https://www.perstablo.be/

¹⁰⁵ Euromonitor International, "Tobacco: Euromonitor from trade sources/national statistics", *Passport database*, 2023.