



Corporate  
Europe  
Observatory



Global Center for  
Good Governance  
in Tobacco Control

Europe Regional  
**Tobacco Industry Interference**  
Index 2023

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# Endorsements

Corporate Europe Observatory (CEO)

# Abstract

This report analyses how 20 countries in the WHO European Region are affected by tobacco industry interference and how far they have progressed in the implementation of Article 5.3 and its Guidelines that were unanimously adopted by the Conference of the Parties of the WHO FCTC in 2008<sup>5</sup>. It is divided into 7 indicators which reflect the Article 5.3 Guidelines.

# Suggested citation

Olefir, L., Pelella, S., Tao, A. 2023 Europe Tobacco Industry Interference Index. Smoke Free Partnership. October 2023.



Co-funded by  
the Health Programme  
of the European Union

*Smoke Free Partnership receives an operating grant under the Seventh EU Public Health Programme (2014-2021). The content of this report represents the views of the author(s) only and is his/her sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the Consumers, Health, Agriculture and Food Executive Agency or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains.*

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# Introduction

The WHO European Region has one of the highest death rates attributed to tobacco consumption. The WHO estimates<sup>1</sup> that 16% of all deaths in the over-30 adult population are due to tobacco consumption.

To fight the tobacco epidemic, the WHO Framework Convention on Tobacco Control (WHO FCTC) was developed and ratified by 183 countries around the world<sup>2</sup>. This binding health treaty sets out evidence-based measures to prevent tobacco use and to regulate and reduce tobacco supply<sup>3</sup>.

The WHO European Region has made the most significant advances in the implementation of this Treaty, with 50 out of 53 countries having ratified it. However, the full implementation of the Treaty and most of its obligations remain low. This is due in large part to tobacco industry interference.

The tobacco industry has a long history of opposing tobacco control measures. To protect its commercial interests, the tobacco industry adopts numerous tactics, which can complement and reinforce each other, to influence policy-making decisions. It provides misleading and unreliable research that supports their theories. It also hires retired government officials or offers donations to gain access to decision-makers and uses front groups to give the impression that their positions are widely supported. The tobacco industry further facilitates illicit tobacco trade in order to use these numbers with policymakers to prove that higher taxes would increase smuggling and to show the role that the industry can play in fighting this issue<sup>4</sup>.

Anticipating such influence tactics, the WHO FCTC includes in its Article 5.3 a requirement for all State parties to take measures to safeguard political decisions against interference from tobacco companies or their representatives<sup>5</sup>. Indeed, it states that “In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law<sup>6</sup>.” The Guidelines to Article 5.3 of the WHO FCTC recommend several effective measures to proactively protect public health policy from tobacco industry influence<sup>7</sup>.

**This report analyses how 20 countries in the WHO European Region are affected by tobacco industry interference and how far they have progressed in the implementation of Article 5.3 and its Guidelines that were unanimously adopted by the Conference of the Parties of the WHO FCTC in 2008<sup>5</sup>. It is divided into 7 indicators which reflect the Article 5.3 Guidelines.**

The following ranking by indicator showcases the best and the worst examples among the countries covered by this report. Brief country summaries expose tobacco industry tactics and highlight successful safeguards countries have taken.

The index’s scoring is elaborated in such a way that lower-scoring countries have effective policies against tobacco industry interference, while higher-scoring ones rank poorly. Countries in the region vary largely in their performance, with **France** and **the Netherlands** ranking low with effective safeguard measures in place against tobacco industry interference, while countries like **Switzerland** and **Georgia** scoring highly due to a complete absence of such measures (see chapter “European regional ranking”).

Across the region, tobacco companies attempt to insert themselves into the policymaking process, with different levels of success (“Indicator 1: Participation in policy development”). In some countries like **the Netherlands**, tobacco industry submissions to public consultations are completely disregarded. Whereas in other countries, such as **Bulgaria**, only proposals by the tobacco industry were considered during legislative consultations.

To cultivate a favourable public perception and gain access to policymakers, the industry engages in CSR activities (“Indicator 2: Corporate Social Responsibility (CSR)”). These activities range from donations (most notably during the Covid-19 pandemic) to the organization of “green” activities to promote the correct disposal of cigarette filters. Only **Norway** and **the Netherlands** had no evidence of government endorsement for tobacco industry CSR activities.



Despite the prohibition by Article 5.3 Guidelines of the WHO FCTC against incentives or preferential treatment for the tobacco industry<sup>8</sup>, more than half of the countries seriously fail to respect this (“Indicator 3: Benefits to the tobacco industry”). Many countries lowered taxes for HTPs compared to other tobacco products. **Romania** and **Switzerland** subsidise tobacco farmers, while France continues to support tobacco retailers.

Governments have been observed to interact and even seek partnerships with the tobacco industry (“Indicator 4: Unnecessary interaction”). In **Poland** and **Italy**, the government cooperates with the tobacco industry on illicit trade, while officials participate in high-level events with industry representatives.

Transparency measures are important both for safeguarding against tobacco industry influence and for holding officials accountable for unnecessary interactions with the industry (“Indicator 5: Transparency”). All the countries in this report lack regular disclosure requirements for meetings with industry representatives across all branches of government. Most countries only disclose information, if any, upon request by third parties (i.e., Freedom of Information Acts).

Tobacco industry donations and sponsorship contributions to political parties or candidates are a source of conflict of interest, as they can influence the political decisions of the concerned parties or candidates. Nonetheless, most countries do not prohibit such contributions (“Indicator 6: Conflict of

interest”). Most countries also have no mechanisms to prevent current or former government officials from working in or with the tobacco industry.

Most countries scored poorly due to the lack of several if not all, preventative measures (e.g., A disclosure requirement for all records of interactions between government officials and representatives of tobacco companies or related associations) (“Indicator 7: Preventive measures”). Moreover, no country covered by this report had a programme to consistently raise awareness of tobacco industry tactics and Article 5.3 of the WHO FCTC.

It is important to emphasise the role of CSR activities in normalising the tobacco industry in the eyes of governments, investors, and citizens. Corporate sustainability rating providers such as the London Stock Exchange and S&P Global<sup>9, 10</sup> have given extremely favourable sustainability scores to the tobacco industry. This is also due to governments giving tobacco companies a free hand in promoting themselves as “responsible” market actors.

Such practices need to be limited, as an industry responsible for over 8 million deaths worldwide annually cannot be considered “responsible”. In France, a committee set up by the Ministry of the Economy and Finance has decided that companies making more than 5% of their money from tobacco sales won’t be recognised as ‘socially responsible investments.’” Governments should follow this example and implement further exclusions or prohibitions to prevent the tobacco industry’s CSR activities.

# Recommendations

Countries should fully implement the Guidelines to Article 5.3 of the World Health Organization of the Framework Convention on Tobacco Control (WHO FCTC) and especially take measures to:

- Prohibit unnecessary interactions between the tobacco industry and public officials; limit them to those strictly necessary for regulation; develop awareness programs and a code of conduct to inform government officials about the WHO FCTC Article 5.3 Guidelines.
- Make those strictly necessary interactions completely transparent, e.g., conducted as public hearings or through the disclosure of records of meetings and contacts with the tobacco industry.
- Strengthen national tobacco control legislations, including specific provisions on limiting interactions with the tobacco industry;
- Implement comprehensive transparency rules, including disclosing records of interactions with the tobacco industry, a register for lobbying activities, and related budgets and deadlines for the disclosure.
- Reject any voluntary or otherwise non-binding agreements with the tobacco industry, e.g., for the implementation or enforcement of tobacco control measures: ensure that efforts to combat illicit trade continue at the government level without relying on the tobacco industry.
- Prohibit any tobacco industry activities in the area of Corporate Social Responsibility (CSR) and ensure that any contributions from or partnerships with the tobacco industry are rejected by public institutions in accordance with the guidelines outlined in Article 13 of the WHO FCTC.
- Ban all donations or other contributions from the tobacco industry to political parties, candidates, and campaigns, promoting unbiased decision-making. Countries that are not yet ready to ban such donations should at least make fully transparent all donations from the tobacco industry.
- Prohibit any form of incentives, tax exemptions, or other privileges (e.g., subsidies) for the tobacco industry.
- Support civil society in its role as watchdog and in raising public awareness.
- Ban on the so-called revolving door phenomenon to prevent government officials from holding positions in the tobacco industry during their mandate and/or following its end.

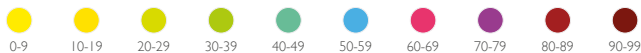
# Methodology

This report is based on country reports researched by in-country independent experts and researchers. It covers 20 countries of the WHO European region. The country reports are based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance<sup>11, 12</sup>. There are 20 questions based on the Article 5.3 Guidelines. Information used in this report is obtained from the public domain only.

Monetary amounts are expressed in the local currency of the country concerned and roughly converted to Euros for reference. The report covers information on incidents from April 2021 up to March 2023 but also includes incidents prior to 2021 that still have relevance today.

A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates the highest level of industry interference, and 1 is low or no interference. Hence, the lower the score, the better for the country. The 0 score indicates the absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average. Non-Parties to the WHO FCTC apply a score of '0' to Question 4.

For the overall ranking, the same colour coding was used as in the Global Tobacco Industry Interference Index, as such:



For the individual indicators, the colour green was applied to all countries reaching a rounded score of 33 percent or less of the maximum possible score, yellow was applied to all countries reaching a rounded score of 60 percent or less of the maximum possible score, and red was applied to all countries reaching a rounded score of 61 percent and above.

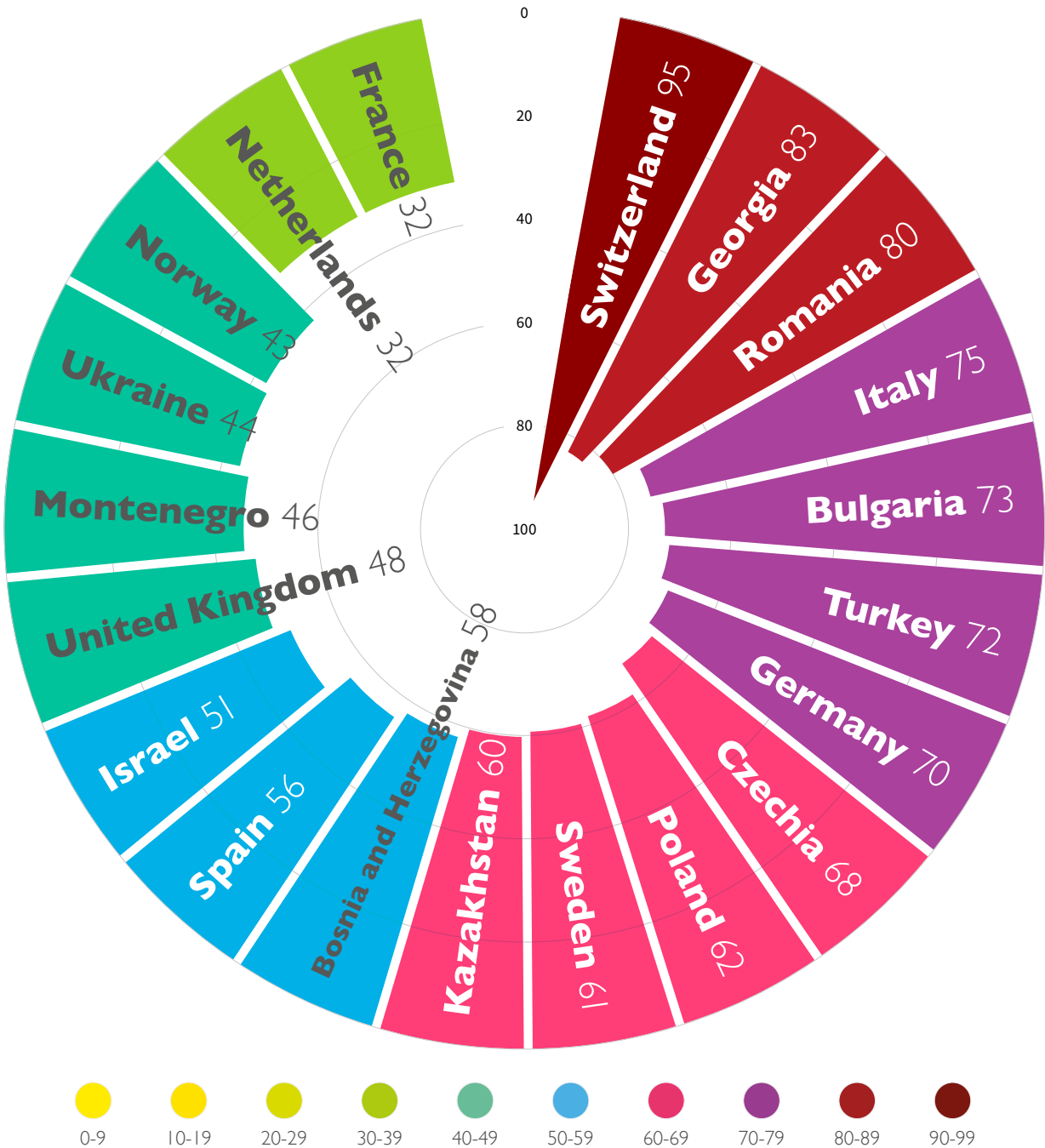
The summary for each indicator includes best practices from selected countries plus the three worst-ranked countries per indicator. If more than three countries have the same score among the worst, they are all included.

Limitation: Given that the survey is based on publicly available information or information obtained through freedom of information requests, the evidence presented here cannot be considered exhaustive or complete. The report is based on individual country indices. Hence, the ranking of countries should be viewed with this limitation.

# European regional ranking

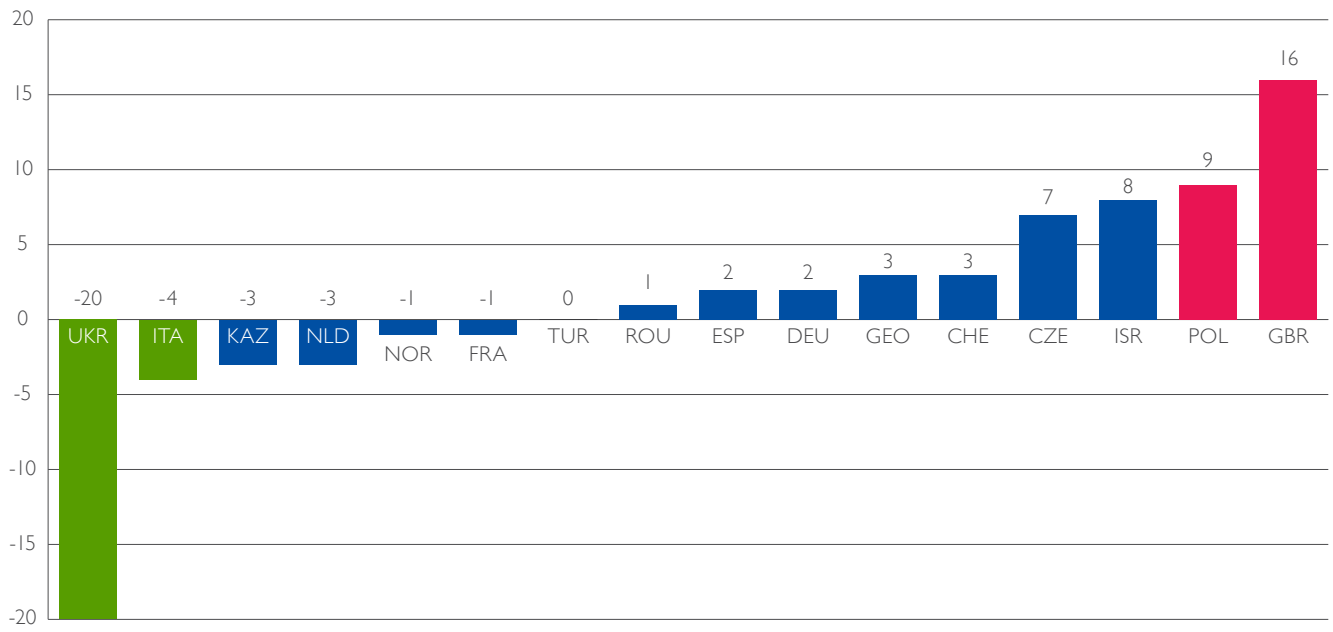
Overall country scores: 66

## Global Tobacco Industry Interference Index 2023 (Europe)

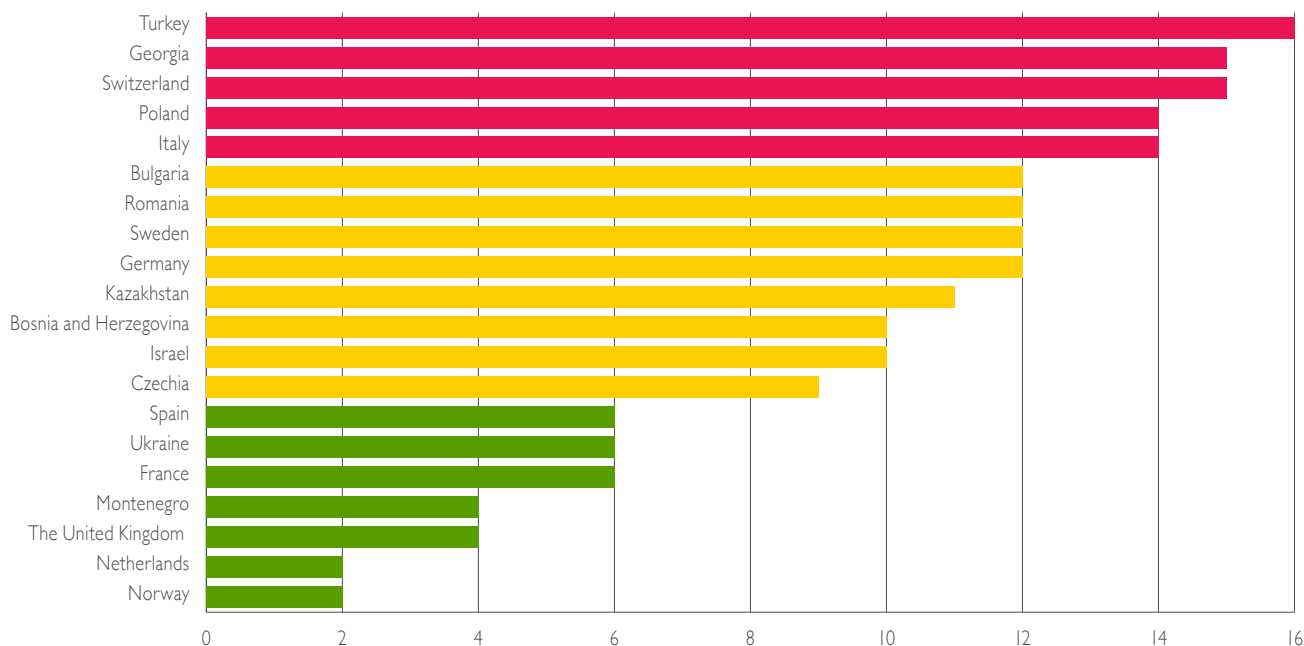




**Score Difference of GTI 2021 and GTI 2023**



# Indicator 1: Level of industry participation in policy-development



Ranking for indicator 1: Participation in policy development.

**Guidelines of Article 5.3 of the WHO FCTC recommend parties to not accept any form of offer for assistance by the tobacco industry when drafting policies<sup>13</sup>.** The tobacco industry has a long history of trying to participate in the EU policy-development process.

In some countries, such as the Netherlands, the tobacco industry submits responses to consultations, but these are disregarded by the government<sup>14</sup>. In the UK, the Welsh consultation on “Tobacco control strategy for Wales and delivery plan” clearly stated that “In line with Article 5.3 of the World Health Organisation (WHO) Framework Convention on Tobacco Control (FCTC), [tobacco industry] comments have been documented as part of this analysis. However, they will not be taken into consideration as the strategy and delivery plan are further developed”<sup>15</sup>. In others, the tobacco industry is allowed or invited by the government to participate in the decision-making process.

The support is bigger on topics such as illicit trade. For example, in Bulgaria in 2022, the Ministry of Finance developed changes in the Excise Duties and Tax Warehouses Act; only proposals from the tobacco industry were considered<sup>16</sup>. In Norway, for example, despite being one of the countries

with the lowest scores, former MPs have access to the national assembly. Given that some of them have joined the tobacco industry as consultants or lobbyists, the tobacco industry has more accessible access to influence policy development<sup>17</sup>. Finally, in Spain, the Consultation Committee of the Tobacco Market Commission of the Ministry of Finance, has by law also representatives of the tobacco industry. Even if it’s not a public health body, it provides recommendation to the government<sup>18</sup>.

## Best practice examples

Governments can safeguard their tobacco control policymaking by setting rules on transparency and clearly stating their refusal of tobacco industry proposals.

In the reporting period, the Governments of Norway and the Netherlands did not accept offers for assistance from or collaboration with the tobacco industry in drafting tobacco control policies<sup>19, 20</sup>. Between April 2021 and March 2023, the Netherlands conducted six internet consultations concerning (amendments of) legislation on tobacco and other related products that were transparent and open to any citizen, company, or organisation, including the tobacco industry. In this process, the

tobacco industry was requested to only comment on technical issues, and the industry's comments did not result in policy changes<sup>21</sup>.

## Worst ranked countries

**Turkey (16/20):** In Turkey, the Vice Minister of Commerce used to be a board member of BAT Turkey. This close association undermines public health, in particular as meetings with the tobacco industry remain confidential in Turkey unless reported by the Ministry. Furthermore, many national legislations bring benefits to the tobacco industry. For example, tobacco taxation does not increase faster than inflation. Law Amending the Law on Regulation of Tobacco, Tobacco Products and Alcohol Market and Certain Laws numbered 7423 and in the Anti-Smuggling Law brought many benefits to Big Tobacco Cartels against local tobacco growers and producers<sup>22</sup>.

**Georgia (15/20):** The Business Ombudsman's Office of Georgia (BOO) has regular meetings and consultations with tobacco industry representatives. A report from 2022 shows that the tobacco industry officially applied to the Parliament and required the postponement of plain tobacco packaging as their official recommendation. Mr. Nanuashvili, a lobbyist at the Business Association of Georgia (BAG), passed a regulation in Parliament to reduce tax on HTPs and e-cigarettes and legalised the promotion and advertisement of these new products on behalf of the BAG<sup>23</sup>.

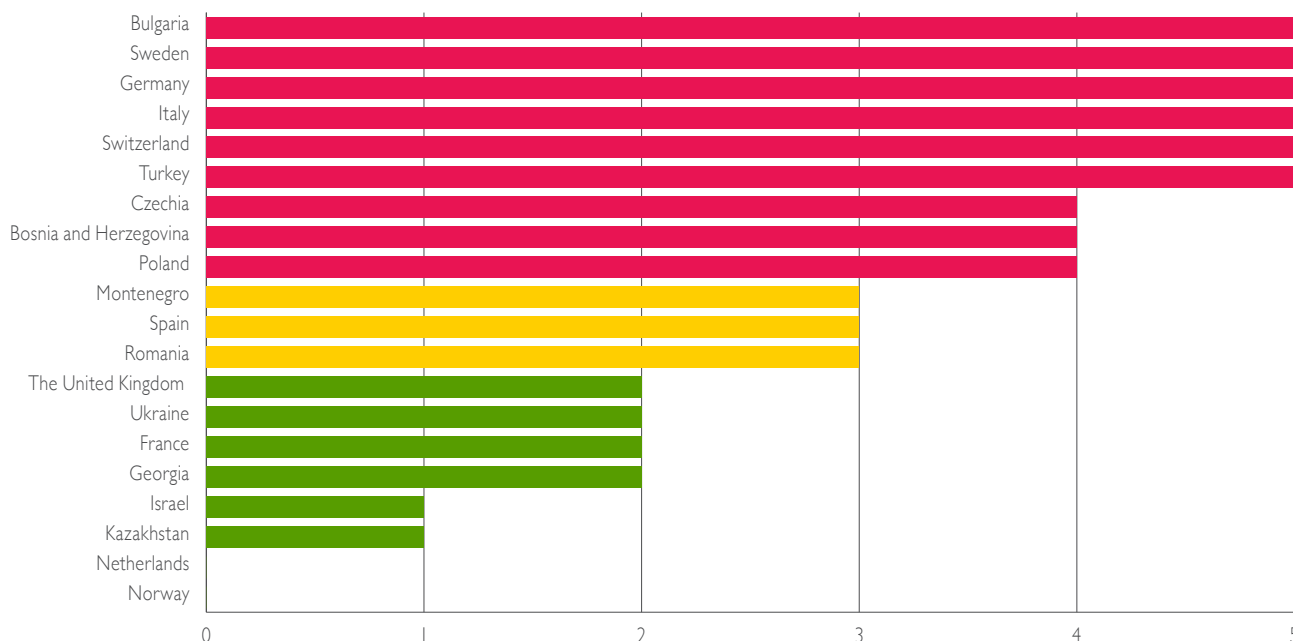
**Switzerland (15/20):** Switzerland is – apart from Monaco – the only country in the WHO European region that has not ratified the WHO FCTC. In 2022, the Swiss Federal Council (Government) and the Swiss Federal Assembly (Parliament) failed to

promote a popular initiative that would ban tobacco advertising when children were exposed. They stated that the initiative “was going too far” and that advertisement should be “restricted to an extent acceptable to the tobacco industry”. People working for tobacco companies can work in the parliament, and during the policy-making process, tobacco companies are specifically invited by the parliament to provide feedback<sup>24</sup>.

**Italy (14/20):** In Italy, no law in place limits the influence of the tobacco industry in setting or implementing public health policies in relation to tobacco control. In 2021, British American Tobacco (BAT) Italy was making deals to neutralise unfavourable legislations and to approach members of the Parliament and the Government. This emerged from the investigation into the Open Foundation, the foundation of the former Italian Prime Minister Matteo Renzi. Finally, tobacco industry representatives are allowed to lobby at the government level. Indeed, the leading transnational tobacco companies, including Japan Tobacco International (JTI), Philip Morris International (PMI), and British American Tobacco (BAT), are all registered in the register of lobbyists<sup>25</sup>.

**Poland (14/20):** In Poland, the tobacco industry regularly participates in discussions on excise policy at the Excise Forum. The latter was established in 2021 and was organised into 4 working groups on specific issues. Swedish Match, Federation of Polish Entrepreneurs, Philip Morris, and the Polish Association of Tobacco Growers are some of the tobacco industry that submitted recommendations. Recommendations developed by the Excise Forum, although not binding, constitute an important advisory voice for the Ministry of Finance<sup>26</sup>.

# Indicator 2: Industry Corporate Social Responsibility (CSR) activities



Ranking for indicator 2: Corporate social responsibility.

**Guidelines of Article 5.3** say that governments should denormalise and, to the extent possible, regulate activities described as “socially responsible” by the tobacco industry, including but not limited to activities described as “corporate social responsibility”<sup>27</sup>. Through CSR activities, the tobacco industry aims to portray itself as a “respectable” company, which would also allow them to gain access to policymakers. Activities vary from donations (for example, during the COVID-19 pandemic) to the organisation of “green” activities promoting the “correct” disposal of cigarette filters to the promotion of articles on public health. Most countries found examples of CSR activities at a national level. Nonetheless, countries are putting in place some good practices. For example, the Socially Responsible Investment Label Committee of France aims to guide investors towards sustainable investments. In 2023, they announced a recommendation to exclude any player that derives more than 5% of its sales from tobacco<sup>28</sup>. A case which is worth mentioning is Ukraine. Since the war started, the tobacco industry funded different humanitarian activities while still being present in the Russian Federation, de facto supporting the aggressor state<sup>29</sup>.

## Best practice examples

In **Norway** and **the Netherlands**, no evidence of government agencies endorsing, supporting, forming partnerships with, or participating in CSR activities of the tobacco industry was found. In addition, no evidence of the government receiving CSR contributions from the tobacco industry was found in both countries<sup>30, 31</sup>. In Norway, “the polluters pay principle” has been a leading principle for environmental management. In the same way, the government should put a levy on the industry’s profits to finance tobacco cessation and tobacco waste management<sup>32</sup>.

## Worst ranked countries

**Bulgaria (5/5):** Numerous Industry CSR activities were reported in Bulgaria. For example, the Ministry of Environment and Water cooperated with the tobacco industry on an information campaign for the prevention of pollution by cigarette butts and tobacco products called “So what?”. PMI donated during the COVID-19 pandemic and has a long-time ecological CSR campaign called “Change the picture” to reduce the litter caused by cigarette butts. The campaign involves cleaning beaches and public spaces with the help of volunteers<sup>33</sup>.

**Germany (5/5):** In Germany, the Federal President collaborates with the Körber Foundation for the “History Competition of the Federal President”. The Körber Foundation is the sole owner of the Körber AG, a group of companies that is the world’s leading producer of cigarette manufacturing machines. Furthermore, the Philip Morris Foundation sponsors the Federal President’s German Future Award. Thanks to civil society engagement, this sponsorship will end in 2024. These sponsorships and collaborations don’t appear in the transparency reports, which proves the gaps that can be found at both federal and national level<sup>34</sup>.

**Italy (5/5):** Italy reported numerous industry CSR activities. Philip Morris launched with the Ministry of Economic Development “BeLeaf: Be The Future” which was aimed at enterprises and start-ups that have developed technologies applicable to the “agritech” sector, in particular on tobacco. Philip Morris Institute for Manufacturing Competences is the new Philip Morris centre for higher education and skills development with the involvement of a number of public and academic institutions. The government conducted other projects in partnership with the tobacco industry on the environment and pollution of cigarette filters. Finally, PMI Italy donated 1 million euros to the Italian Civil Protection during the COVID-19 pandemic<sup>35</sup>.

**Sweden (5/5):** The Swedish organisation “Håll Sverige Rent” (Keep Sweden Clean) collaborates and is funded by Philip Morris and several other big tobacco companies. The tobacco industry is also

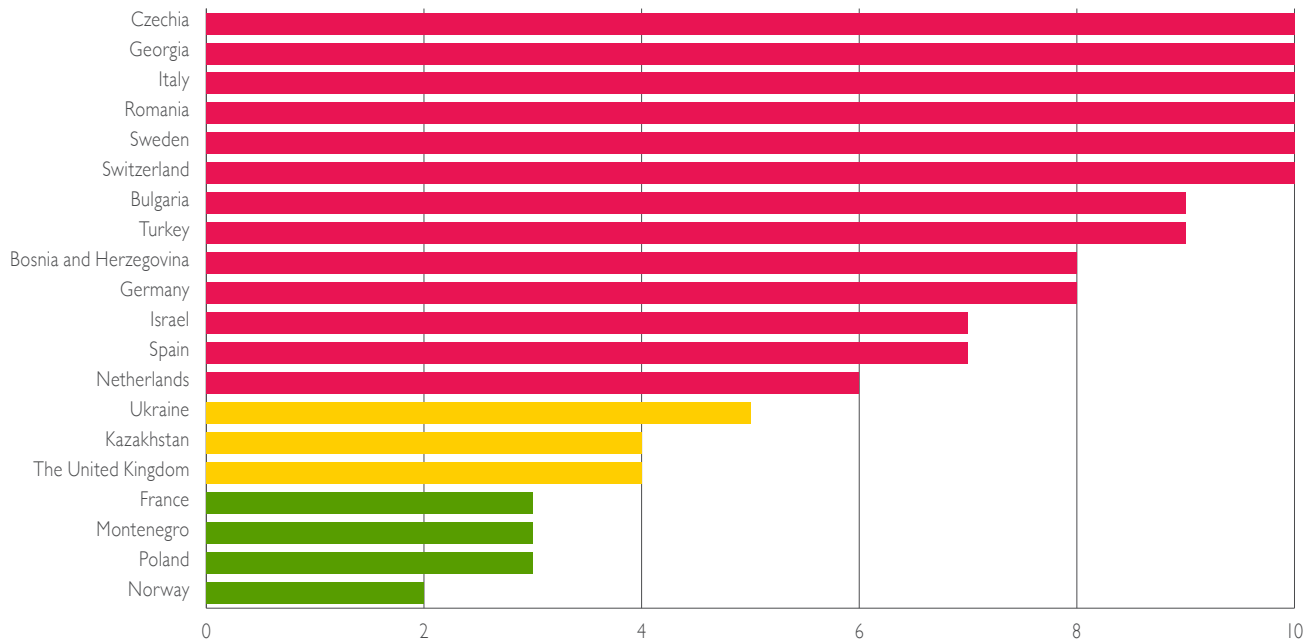
buying its way into the youth associations and political parties to influence Swedish law and young people. They also collaborate with convenience stores to normalise the selling of their products<sup>36</sup>.

**Switzerland (5/5):** The Swiss Federal Government has no policies preventing federal departments from forming partnerships with the tobacco industry or accepting sponsorship offers. This led the tobacco industry to introduce self-regulating tactics. The tobacco industry further promotes and sponsors environmental events such as Clean-up-Day, organised by the Association for a Clean Environment and a Better Quality of Life. Amongst its institutional partners is the Federal Office for the Environment (FOEN). For the Clean-Up-Day in the Summer of 2022, the IGSU carried out several awareness campaigns with posters in public spaces. Passers-by in various cities were able to sign the statement “Litter belongs in the bin. We stick to it.” and thus declare their support for a clean environment and against littering. In Zurich, Bern, Basel, Lucerne, Geneva, and Lugano, several hundred people took part in the campaigns. The posters were marked with the JTI logo. In this way, consumers are the ones being held responsible rather than the industry<sup>37</sup>.

**Turkey (5/5):** Turkey suffered from an earthquake in February 2023. JTI Turkey and PMI announced they would provide support and donations to relief support. For example, PMI donated \$2 million USD to support immediate humanitarian aid and long-term recovery assistance through partnerships with relief agencies approved by the government<sup>38</sup>.



# Indicator 3: Benefits to the Tobacco Industry



Ranking for indicator 3: Benefits to the tobacco industry.

## Guidelines of Article 5.3 say that the tobacco industry should not be granted incentives such as tax exemptions, postponements of implementation of regulations, or investments<sup>39</sup>.

Nonetheless, tobacco companies receive in different countries numerous benefits which allow them to run their business.

For example, many countries reported lower taxes for HTPs compared to other products, such as traditional cigarettes. Countries such as Romania and Switzerland provide subsidies to tobacco farmers<sup>40, 41</sup>. The French government continues to support tobacco retailers<sup>42</sup>. Due to the Eurasian Tax agreement, the tobacco industry continues cigarette production with a lower tax regime in Kazakhstan and in 4 countries of the Custom union<sup>43</sup>.

In the Canary Islands in Spain, for geographical reasons, a special tax regime is in place. This affects also tobacco products, which have lower taxes and prices compared to the rest of Spain<sup>44</sup>.

The tobacco industry further delays the implementation of tobacco control regulation. In Sweden, for example, it took six years to regulate nicotine snus (nicotine portions). Nonetheless, this resulted in an inadequate law that fails to protect young people<sup>45</sup>. In Germany, the tobacco industry

delayed advertising regulations for more than a decade. Even though it passed in 2022, it gave tobacco companies a long transition period<sup>46</sup>. In Spain, the approval of a Comprehensive Plan for Tobacco Control has been stopped by the health minister. It is believed that the minister benefited the tobacco industry in the Canary Islands, as she recently ran for mayor of its biggest city<sup>47</sup>. In Bosnia and Herzegovina, an amendment was approved in 2022 postponing the implementation of smoke-free policies in public places for an additional six months<sup>48</sup>.

Finally, enforcement is also blocked by the tobacco industry. In Israel, for example, even if the Prohibition of Advertising and Restriction of Marketing of Tobacco and Smoking Products Law was passed three years ago, no enforcement mechanism or government ministry responsible have been assigned<sup>49</sup>.

## Best practice examples

Even though some countries rank better in this category, no country is a best practice example overall. Even **Norway, France, Montenegro, and Poland**, which have a green label, granted tax exemptions or customs allowances for tobacco and related products<sup>50, 51, 52, 53</sup>. For example, the French Government developed contracts with the professional organisation of tobacco retailers<sup>54</sup>. In Poland, the National Revenue Administration signed

an agreement with Philip Morris in December 2022<sup>55</sup>. The government of Montenegro took over a tobacco factory after it went bankrupt in 2001<sup>56</sup>.

On the other hand, the new Norwegian Government partially reversed measures introduced in 2020, for example, by reducing the quotas of cigarettes and tobacco allowed when entering the country<sup>57</sup>.

### **Worst ranked countries**

**Czechia (10/10):** In Czechia, the government was in the process of preparing a draft act on lobbying. The Ministry of Health promoted the inclusion of Article 5.3 in the act. The draft rules were approved in 2018 and were supposed to enter into force in 2021, but due to a legislative council hearing, the current legislation is expected to come into effect in 2025<sup>58</sup>.

**Georgia (10/10):** In Georgia, numerous tobacco control laws have been postponed because of the influence of the tobacco industry. The law on plain packaging was initially postponed from January 2018 to January 2023 and now to July 2024. Because of the influence of the tobacco industry, Georgia is still not a party to the Protocol to Eliminate Illicit Trade in Tobacco Products. Moreover, the government supports the expansion of the tobacco industry within the country<sup>59</sup>.

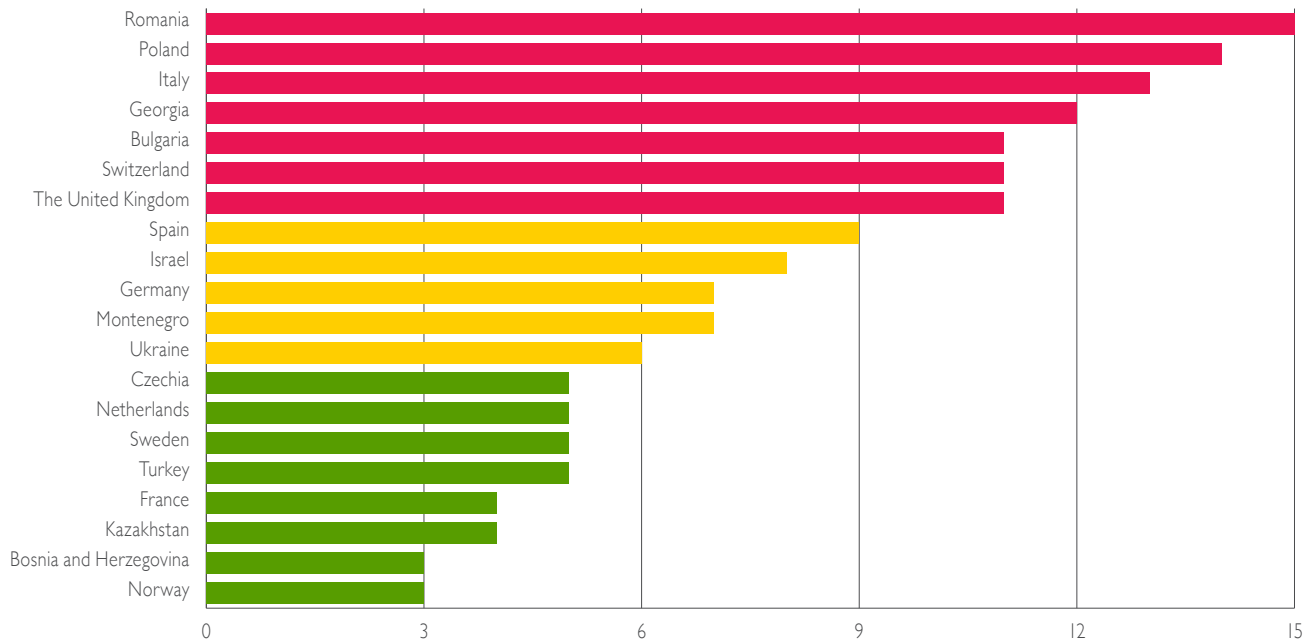
**Italy (10/10):** In Italy, the government recently failed to ratify the EU Directive of 29 June 2022 aimed at withdrawing certain exemptions in respect of heated tobacco products. Furthermore, certain political parties forming the current coalition in power have attacked tobacco control restrictions. For example, several government officials attacked new restrictions that were proposed on vaping and heated tobacco products. As a consequence, the restrictions weren't implemented<sup>60</sup>.

**Romania (10/10):** In 2020-2021, the Romanian Government extended the implementation deadline for banning menthol flavours which Romania was supposed to implement as of 2020, and failed to communicate it to the EU Commission. Furthermore, the government provides subsidies to tobacco farming at the highest rate compared to all agricultural subsidies<sup>61</sup>.

**Sweden (10/10):** In Sweden, numerous challenges arose when trying to regulate nicotine snus. It took six years, and despite that, regulations are still inadequate to protect young people. The tobacco industry is also allowed to market heated tobacco products in the streets, and they are also allowed to sell online to persons above the age of 25. Age limits are challenging to be respected<sup>62</sup>.

**Switzerland (10/10):** Switzerland's non ratification of the WHO FCTC has benefited the tobacco industry in various ways. Among the various victories, the tobacco industry was able to freeze taxation levels of tobacco products since 2013 to a level far below the one recommended by WHO. Furthermore, Swiss farmers receive financial support from the Swiss Tobacco Finance Fund. E-cigarettes are not regulated, neither the age of consumers to whom e-cigarettes may be sold is federally regulated, nor are there any federal advertising restrictions. Only some cantons introduced their own rules to regulate e-cigarettes and protect young people. Another example is using taxpayers' money to invest in the tobacco industry. In particular, the Federal Social Insurance Office (FSIO) is responsible for the old-age and survivors' insurance (OASI); at the beginning of 2023, it was revealed that all three transnational tobacco companies, British American Tobacco (BAT), Japan Tobacco International (JTI), and Philip Morris International (PMI) are present in the list of Compenswiss investments<sup>63</sup>.

# Indicator 4: Forms of Unnecessary Interaction



Ranking for indicator 4: Unnecessary interaction.

**As highlighted in the Guidelines of Article 5.3 of the WHO FCTC, interactions with the tobacco industry should be limited to only when strictly necessary and should be transparent<sup>64</sup>.**

Nonetheless, governments often seek partnerships or interactions with the tobacco industry and its officials. Even if Norway is one of the countries with the lowest scores, the Minister of Research and Higher education responded to an invitation of tobacco farmers/snus producers in his electoral district and met with them. This sets a dangerous precedent in light of the proposed ban on the online sales of tobacco products<sup>65</sup>.

Governments such as the Polish one took part in events where the tobacco industry was invited<sup>18</sup>. Swedish high-level officials support the tobacco industry on social media<sup>66</sup>. Countries such as France reported a lack of awareness by stakeholders of Article 5.3 of WHO FCTC. On this issue and following the last elections, the *Déontologie à l'Assemblée Nationale* (Deontology of the National Assembly) developed and distributed a guide to MPs, which included a section on interactions with the tobacco industry<sup>67</sup>.

These interactions also happen at the local and regional level. In Spain, unnecessary interactions were recorded in Extremadura and the Canary Islands. In

the first, the regional government attended various events and participated in activities organised by the tobacco industry, such as the inauguration of the Philip Morris IQOS centre. In the Canary Islands, the government collaborated with tobacco companies by sponsoring awards and organising visits to tobacco factories<sup>68</sup>.

### Best practice examples

In **Bosnia**, in **Norway**, and **Kazakhstan**, no official information has been found on the government accepting, supporting, endorsing, or entering into partnerships or non-binding agreements with the tobacco industry<sup>69, 70, 71</sup>. Moreover, both in **France** and **Kazakhstan**, no offers of assistance from the tobacco industry were reported to be accepted by the government in the relevant time-frame<sup>72, 73</sup>.

In France, thanks to the efforts and the work of civil society, in particular CNCT, the tobacco industry won't be present anymore in 2023 to a trade show on sustainable development organised by the French government<sup>74</sup>.

### Worst ranked countries

**Romania (15/15):** Government members have attended events organised by the tobacco industry. For example, in November 2022, the Minister of

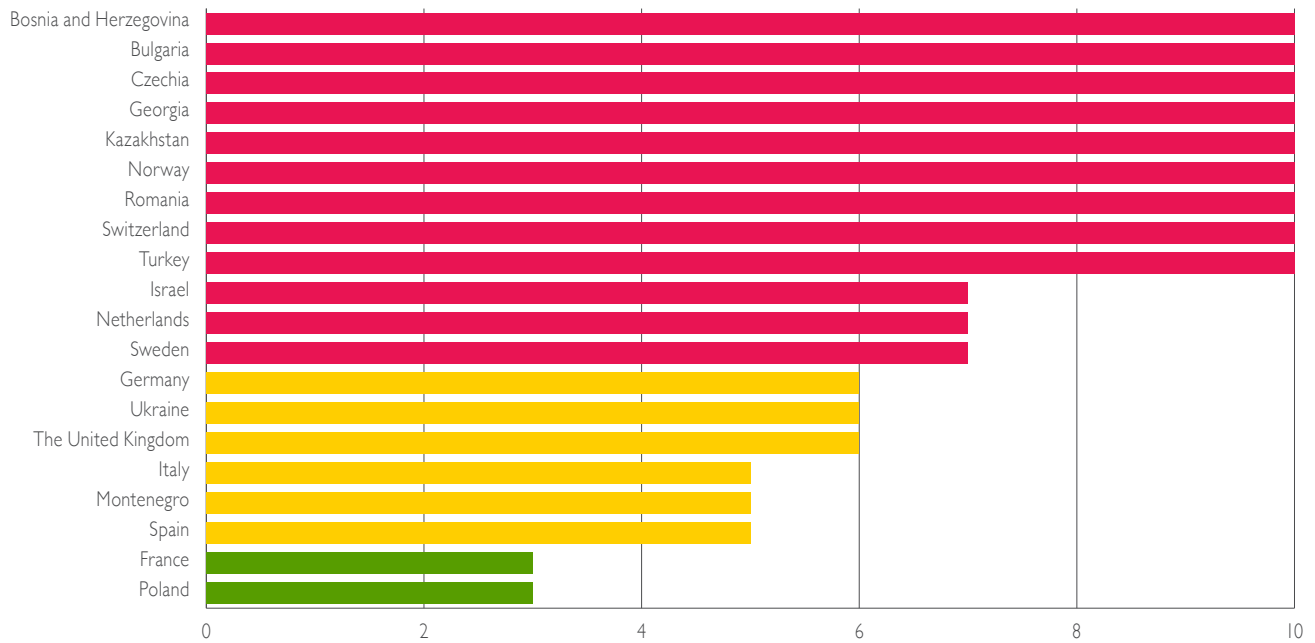
Internal Affairs, Minister of Finance, and other leaders of customs and fiscal authorities took part in an event on illicit trade. Furthermore, in June 2022, BAT announced a new campaign in partnership with the National Authority for Consumers Protection (ANPC) for zero tolerance for the sale of nicotine products to minors<sup>75</sup>.

**Poland (14/15):** In Poland, there are numerous examples of government officials holding meetings with tobacco companies. For instance, in August 2021, Marshal of the Podlaskie Voivodeship, Artur Kosicki, met with representatives of companies such as Chorten Group, British American Tobacco Polska, Metal Processing Cluster, and m-Windykacja. The 2021 Economic Forum, attended by politicians, had as speakers representatives of the tobacco industry. The tobacco industry also collaborates with the Polish government to organise training or to collect data on illicit trade<sup>76</sup>. According to Article

5.3 FCTC and its Guidelines for Implementation, “there is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests”. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

**Italy (13/15):** In Italy, BAT launched different projects, such as a monitoring project for sustainable tobacco farming or a tobacco production plant. Relevant political figures have attended the opening events and presentations. Furthermore, the tobacco industry supports the Italian government in fighting illicit trade. Again, Parties to the FCTC should limit interactions with the tobacco industry. Finally, the Ministry of Agriculture signed several agreements with different tobacco industry companies on the purchase of tobacco<sup>77</sup>.

# Indicator 5: Transparency



Ranking for indicator 5: Transparency.

**Guidelines of Article 5.3 of the WHO FCTC require parties to disclose minutes and agendas of the meetings held between government officials and the tobacco industry<sup>78</sup>.** This practice increases the transparency and accountability of governments. It also helps civil society as a watchdog and to inform the public about industry interference.

More than half of countries score full marks in this category, demonstrating a severe lack of transparency measures regarding interactions with the tobacco industry and the lobbying activities of the industry. In countries like Bulgaria and Kazakhstan, it is even encouraged to coordinate with the tobacco industry on issues such as illicit trade<sup>79, 80</sup>.

Many countries have disclosure requirements only upon request by third parties (i.e., Law on Free Access to Information in Montenegro<sup>81</sup>) and lack specific rules that oblige the tobacco industry to register entities, affiliated organisations, and individuals acting on their behalf, including lobbyists.

In Germany in 2022 they established a new lobby register. Even if it helps increase transparency, it still presents numerous weaknesses<sup>82</sup>.

## Best practice examples

No countries have a perfect or near-perfect score for this indicator. Legislation in most countries only requires disclosure of meetings upon the request of third parties. **France** and **Poland** have partial disclosure requirements for interactions with the tobacco industry. In France, only the executive branch is subject to such requirements, while in Poland, it is only for interactions that are part of public consultations on draft legislation. In France, tobacco industry lobbying has reporting obligations, however, the truthfulness of these reports is questionable. In Poland, there is a general register for entities engaged in lobbying, but nothing specific for the tobacco industry<sup>83, 84</sup>.

## Worst ranked countries

**Bosnia (10/10):** There is no transparency in government interactions with the tobacco industry. The industry is also not required to disclose or register its entities, affiliated organisations, and individuals acting on their behalf including lobbyists<sup>85</sup>.

**Bulgaria (10/10):** Besides not having any disclosure requirements for meetings/interactions, the Bulgarian Government regularly coordinates with the tobacco industry on legislative proposals and illicit trade. Attempts at introducing transparency regulations for



lobbying activities have thus far failed, most likely due to industry interference<sup>86</sup>.

**Czechia (10/10):** Czechia has no disclosure requirements for meetings/interactions with the tobacco industry. Neither does it require tobacco industry entities, affiliated organisations, and individuals acting on their behalf to register or disclose their identities<sup>87</sup>.

**Georgia (10/10):** Due to industry interference, a draft decree to enforce transparency requirements in interactions between Georgian officials and the tobacco industry has been blocked for 5 years. There are no rules requiring the industry to disclose or register its entities, affiliated organisations, and individuals acting on their behalf including lobbyists<sup>88</sup>.

**Kazakhstan (10/10):** In Kazakhstan, meetings between officials and the tobacco industry are a norm and may sometimes even be required by law. These meetings are not subjected to any transparency obligations. Tobacco industry entities, affiliated organisations, and individuals acting on their behalf are also not subject to any disclosure or registration requirements<sup>89</sup>.

**Norway (10/10):** There are no disclosure requirements in Norway, while former

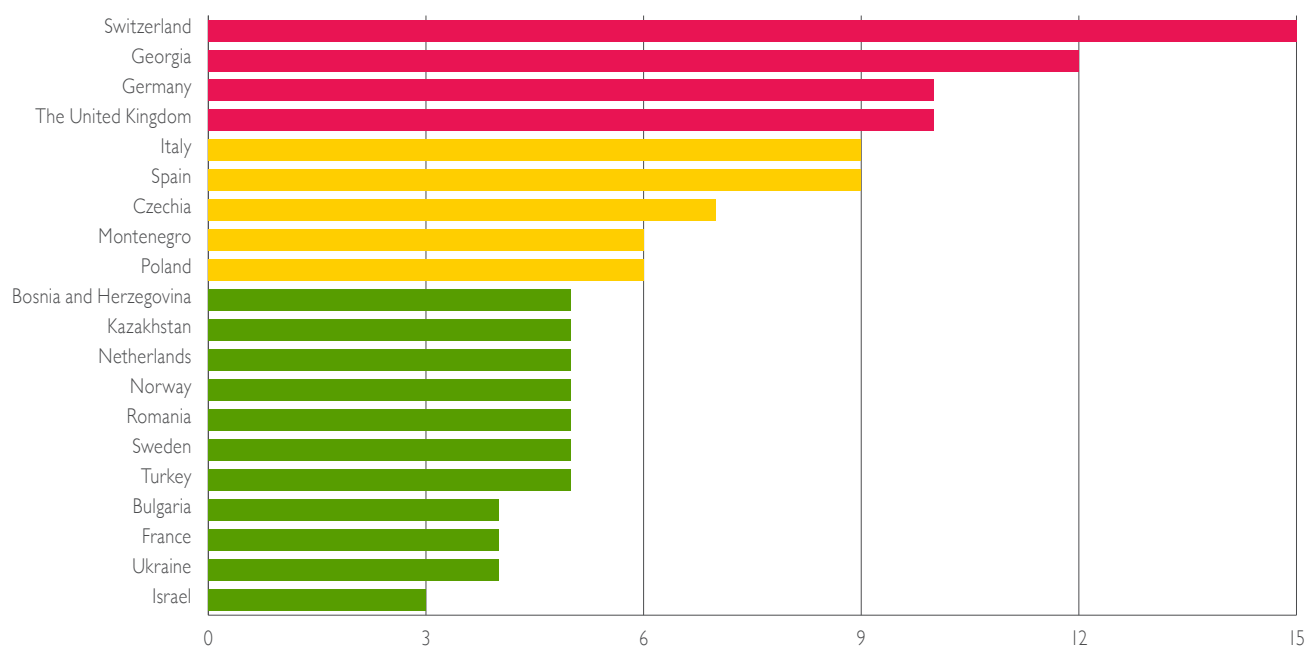
parliamentarians who lobby within Parliament for the tobacco industry do so freely thanks to the “Golden Key” that is accorded to former representatives. There are equally no rules requiring the industry to disclose or register its entities, affiliated organisations, and individuals acting on their behalf including lobbyists<sup>90</sup>.

**Romania (10/10):** Romania had a Registry of Interest Transparency, which functioned on a limited basis for a year, requiring registering interest groups and disclosing their meetings with officials. This measure was dropped during a change in government. The tobacco industry continues to be present in many public events<sup>91</sup>.

**Switzerland (10/10):** No disclosure requirements exist in Switzerland. Federal and local officials meet with the industry on both a formal and informal basis. Rules exist that ask elected officials to declare their business/consulting activities, but as it is an honour system, it is not legally binding. Therefore, there are no effective rules requiring policymakers to disclose their ties to tobacco industry entities or individuals, including lobbyists, acting on their behalf, and no such policy is currently being developed<sup>92</sup>.

**Turkey (10/10):** Turkey has not implemented any of the aforementioned transparency measures<sup>93</sup>.

## Indicator 6: Conflict of interest



Ranking for indicator 6: Conflict of interest.

Conflict of interest can arise from donations and contributions given to political parties from the tobacco industry, from hiring current/former government officials, and from having them on their board. **For this reason, Guidelines of Article 5.3 of the WHO FCTC require parties to develop policies on the disclosure and management of conflict of interests for people involved in public health policies<sup>94</sup>.** Even if contributions from the tobacco industry can influence policy positions, most countries do not prohibit them.

In the UK, there is evidence of different high level government officials accepting donations or contributions from the tobacco industry. In 2022 for example, two MPs accepted tickets for concerts donated by JTIII.

Also having current or former government officials working for the tobacco industry benefits them by enhancing their ability to influence decision-making processes. Most countries have no evidence of this; however, many have no mechanisms to prevent such situations from arising.

Among the countries that presented evidence of former government officials working for the

tobacco industry, for example in Germany a former member of BfR (the German Federal Institute for Risk Assessment) joined in 2021 BVTE (the German Association of the Tobacco Industry and New Products) as a Senior Director on Harm Reduction. It's worth noting that while in BfR, he was responsible for risk assessment of e-cigarettes and he was in charge with the approval of some new products<sup>95</sup>.

### Best practice examples

In **Ukraine** and **Poland**, there is legislation that explicitly prohibits contributions from the Tobacco Industry<sup>96, 97</sup>. In Ukraine, the legislation also imposes disclosure requirements on financial contributions to political parties and campaigns<sup>98</sup>. In **France**, there is a High Authority that regulates the departure of senior officials into the private sector, while in Ukraine, officials of all levels are prohibited from working for companies they have coordinated/cooperated with/overseen while in office<sup>99, 100</sup>. In France, transparency regulation requires officials to disclose assets and interests while also requiring the industry to disclose those working in any capacity as lobbyists<sup>101</sup>. In **Israel**, contributions to political parties from corporations are banned. No case where retired politicians took positions in the tobacco industry in the relevant period was recorded<sup>102</sup>.

## Special mention: These countries prohibit political contributions from the tobacco industry

- Ukraine (political contributions from the tobacco industry are prohibited)<sup>103</sup>
- Poland (political contributions from the tobacco industry are prohibited)<sup>104</sup>
- France (corporate contributions to political parties are prohibited in general)<sup>105</sup>
- Israel (corporate contributions to political parties are prohibited in general)<sup>106</sup>
- Spain (corporate contributions to political parties are prohibited in general, but not to foundations of political parties if unrelated to electoral activities)<sup>107</sup>

## Worst ranked countries

**Switzerland (15/15):** Before August 2022, Switzerland was the only country among those of the Council of Europe that had no legislation that regulates campaign financing. For the first time, Swiss parties are required to disclose the sources of their parties' funding in the 2023 elections. Many former senior officials are now working either directly for or with the tobacco industry. Former tobacco industry employees have also found positions within the state administration, and it is not prohibited for officials to hold positions or consult with/for the tobacco industry. At least 27 members of the Federal Parliament are connected with the tobacco lobby<sup>108</sup>.

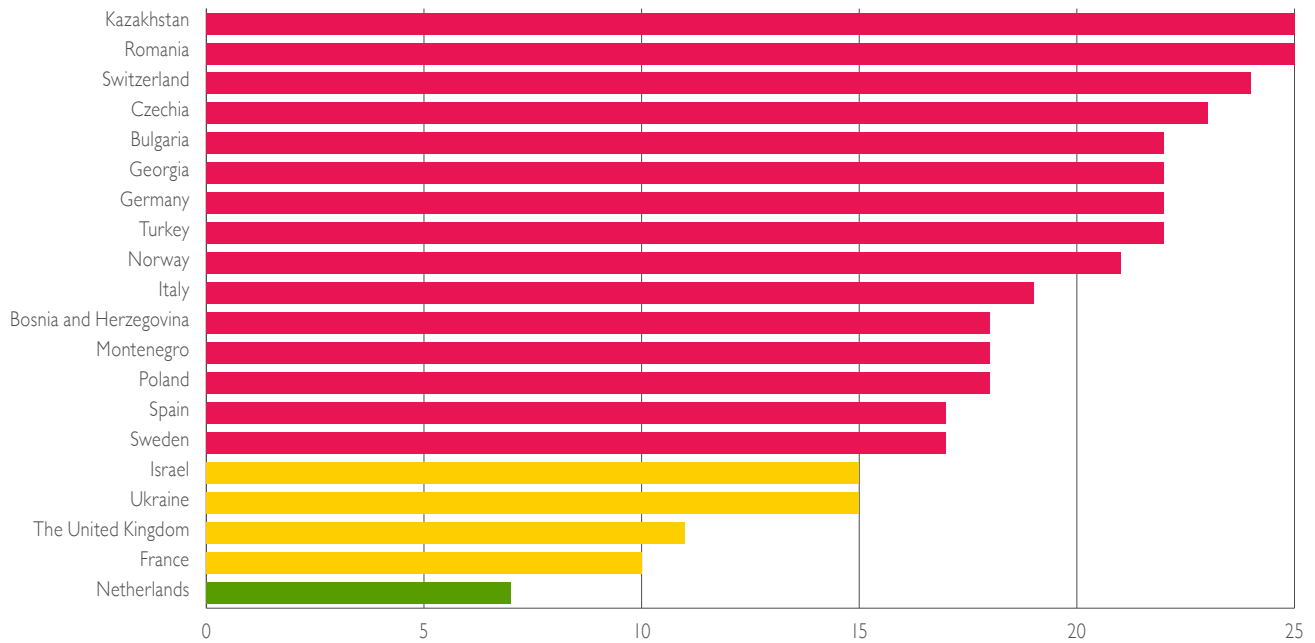
**Georgia (12/15):** The tobacco industry is not prohibited from contributing to political parties,

candidates, or campaigns in Georgia. Contributions do not have to be disclosed. Former senior officials are major players in the tobacco industry, such as the former Georgian Minister of Economy and owner of "Tbilisi Tobacco." Current top officials have previously worked in the tobacco industry (e.g., the Deputy Minister of the Economy and Sustainable Development). There is no evidence to suggest that they continue to hold such positions, but there are no rules that prohibit this either<sup>109</sup>.

**Germany (10/15):** The tobacco industry has funded major political parties in recent years. Between 2021 and 2022, political parties received at least €235,000 as contributions from the tobacco industry or related groups. Big tobacco companies have also sponsored high-level events and trips, with one trip having the German Chancellor in attendance. Retired senior officials have been found to work as senior managers in tobacco lobby groups, with some having negotiating experience at the Framework Convention on Tobacco Control's Conference Of the Parties in their role as government officials. Although there is no evidence, it is uncertain if federal parliamentarians hold consultancy positions in the tobacco industry<sup>110</sup>.

**United Kingdom (10/15):** No prohibition against tobacco industry contributions is in place. Parliamentary groups have received donations from the tobacco industry, and parliamentarians have received gifts from the tobacco industry. Former senior officials work in or with the tobacco industry. Senior officials and advisors have been found to have connections with the tobacco industry, such as having worked as lobbyists for the tobacco industry or having the tobacco industry as clients in their business previous to working in government<sup>111</sup>.

# Indicator 7: Preventive measures



Ranking for indicator 7: Preventive measures.

To avoid the tobacco industry interfering with policymaking, several preventive measures are recommended. These include, for example, the disclosure of records of interactions between government officials and representatives of tobacco companies and to prohibit tobacco industry contributions to public institutions. More than half of the countries included in this report fail to have provisions regarding the disclosure of interactions and contributions.

Most countries have a general code of conduct for public officials but lack specific provisions regarding their interactions with the tobacco industry. This is also the case with regulations on contributions to public institutions or officials, such as funding, technical assistance, or study visits, which often lack specific provisions prohibiting those from the tobacco industry. In Ukraine, there is a specific prohibition of tobacco industry contributions to public institutions or officials by its tobacco control legislation<sup>112</sup>. In Israel in 2022, the Knesset (house of representative) speaker requested all Members to publicly report meetings and topics of those meetings held with representative of the tobacco industry<sup>113</sup>.

The tobacco industry should also be required to regularly submit information, for example, on tobacco production, market shares, and marketing

expenditures. This works fairly well in most countries covered by this report. However, most countries do not require the tobacco industry to submit information regarding lobbying, philanthropy, and political contributions.

No country covered by this report has a programme or system to consistently raise awareness of Article 5.3 across ministries and institutions, despite this being recommended by the guidelines.

Many countries score poorly regarding preventive measures, with the average score being 19/25.

## Best practice examples

**The Netherlands** performed best in this category, as it has a protocol of conduct for officials in engaging with the tobacco industry, a code of integrity that directly references Article 5.3, and a complete disclosure of meetings between officials and the tobacco industry. Besides having an official guidebook on Art.5.3 compliance, official communications in the Netherlands regularly reference Art.5.3<sup>114</sup>. In **France**, the tobacco industry has to register its lobbying activities in a special registry that is publically accessible<sup>115</sup>. In the **United Kingdom**, there are some policies but they are followed only by the health department. For example, in 2022 the Wales long-term tobacco control strategy mentioned that, in

accordance with the FCTC, they will take proactive measures to protect health policy from the vested interests of the tobacco industry<sup>16</sup>.

### **Worst ranked countries**

**Kazakhstan (25/25):** Kazakhstan has full marks given the complete absence of measures to prevent tobacco industry interference<sup>17</sup>.

**Romania (25/25):** Romania scores full marks in this category as it has none of the above-mentioned preventive measures<sup>18</sup>.

**Switzerland (24/25):** Switzerland has not ratified the WHO FCTC. The government has no rules and is not planning to develop rules regarding disclosing interactions with the tobacco industry. Public officials have no code of conduct regarding interactions with the tobacco industry. The tobacco industry is

not obligated to disclose information. There is also no programme to raise awareness of Article 5.3 guidelines. A federal-level ordinance prohibits gifts to public officials in general, which does not specifically target the tobacco industry. This only applies to the federal level and only to gifts offered to individuals, not contributions to public institutions. There is no prohibition on officials accepting assistance from the industry in the form of policy documents or expert advice<sup>19</sup>.

**Czechia (23/25):** Prague only requires the registration of economic entities engaged in the manufacturing and sale of tobacco and related products. There is a planned law on registering corporate lobbyists that is being developed. Besides this, there is a total absence of preventive measures in Czechia<sup>20</sup>.



# Conclusions

The European report shows that no country in the region is spared from tobacco industry interference. In particular, it shows that no government has fully implemented Article 5.3 of the WHO FCTC.

This year's report added four new countries (Bosnia & Herzegovina, Bulgaria, Montenegro and Sweden). Of the 16 countries covered by the previous reports, more than half worsen their score (9), while 6 countries improved it and 2 maintained it.

There are some areas where countries are particularly behind. For example, 9 countries had the maximum score in indicator 5 (Transparency), showing lack of transparency regarding interactions with the tobacco industry. Transparency enables greater accountability and allows civil society and the general public to be informed about any interference happening at the national and local levels.

Another increasingly problematic issue is CSR activities promoted by the tobacco industry, for example, in the form of sustainability actions and donations given during the COVID-19 pandemic.

CSR activities are used by the tobacco industry as greenwashing activities and to draw reputational advantages. Countries need to ban any form of CSR activities by the tobacco industry.

On the other hand, there are some indicators where countries scored better. Indeed, in Indicator 6 (Conflict of Interest) more than half of the countries had a score lower than 1/3 of the total (green code). Out of them, five countries (Ukraine<sup>121</sup>, Poland<sup>122</sup>, France<sup>123</sup>, Israel<sup>124</sup>, Spain<sup>125</sup>) had specific policies in place which prohibited political contributions from tobacco industry.

Finally, some national reports showed a significant decrease in the overall score compared to the previous report. In particular, Ukraine's improvement is in its recorded minus 20 points. This progress is due to the improved tobacco control legislation and due to the decrease in TI activity recorded. Nonetheless, due to security reasons following the outbreak of the war, some activities linked to the tobacco industry might not be currently available<sup>126</sup>.

## Annex: Detailed scores of countries

Rank	Country	Indicators							Total Score 2023* (2021)
		1 Policy Influence	2 CSR	3 Tobacco industry benefits	4 Unnecessary interactions	5 Transparency	6 Conflict of interest	7 Prevention	
1	France	6	2	3	4	3	4	10	32 (33)
2	The Netherlands	2	0	6	5	7	5	7	32 (35)
3	Norway	2	0	2	3	10	5	21	43 (44)
4	Ukraine	6	2	5	6	6	4	15	44 (64)
5	Montenegro	4	3	3	7	5	6	18	46 (-)
6	The United Kingdom	4	2	4	11	6	10	11	48 (32)
7	Israel	10	1	7	8	7	3	15	51 (43)
8	Spain	6	3	7	9	5	9	17	56 (54)
9	Kazakhstan	11	1	4	4	10	5	25	60 (63)
10	Bosnia and Herzegovina	10	4	8	3	10	5	18	58 (-)
11	Sweden	12	5	10	5	7	5	17	61 (-)
12	Poland	14	4	3	14	3	6	18	62 (53)
13	Czechia	9	4	10	5	10	7	23	68 (61)
14	Germany	12	5	8	7	6	10	22	70 (68)
15	Turkey	16	5	9	5	10	5	22	72 (72)
16	Bulgaria	12	5	9	11	10	4	22	73 (-)
17	Italy	14	5	10	13	5	9	19	75 (79)
18	Romania	12	3	10	15	10	5	25	80 (79)
19	Georgia	15	2	10	12	10	12	22	83 (80)
20	Switzerland	15	5	10	11	10	15	24	95** (92)

\* Note: The higher the score, the worse the ranking

\*\* Score adds up to 90, but is adjusted to reflect that Switzerland has not ratified the WHO FCTC

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