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# European Tobacco Industry Interference Index 2021

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# Acknowledgements

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## List of abbreviations

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APPG	All-Party Parliamentary Group
BAT	British American Tobacco
CSR	Corporate Social Responsibility
COP5 etc.	5 <sup>th</sup> (6 <sup>th</sup> etc.) session of the Conference of the Parties of the WHO FCTC
Covid-19	Coronavirus disease 2019
DG	Directorate-General (of the EU)
DG SANTE	Directorate-General for Health and Food Safety (of the EU)
EU	European Union
JTI	Japan Tobacco International
NATO	North Atlantic Treaty Organization
PMI	Philip Morris International
WHO	World Health Organization
WHO FCTC	World Health Organization Framework Convention on Tobacco Control

## Main country collaborating organisations

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**Czech Republic:** First Faculty of Medicine, Charles University, Prague

**France:** CNCT National Committee Against Smoking

**Netherlands:** Trimbos Institut, Dutch Cancer Society

**Turkey:** Turkish National Coalition on Tobacco or Health

**Ukraine:** Advocacy Center LIFE

**Unirted Kingdom:** University of Bath

**Georgia:** Tobacco Control Alliance, (GHPEF)

**Germany:** Laura Graen, Consultant

**Kazakhstan :** National Coalition "For a Smoke-Free Kazakhstan"

**Romania:** AER PUR ROMANIA,

**Spain:** Tobacco Control Unit, Catalan Institute of Oncology

**Israel:** Smoke Free Israel

**Switzerland:** AT, Swiss Association for Smoking Prevention ; Oxysuisse

**Italy:** Laboratory of Lifestyle Epidemiology, Mario Negri Institute

**Norway:** Norwegian Cancer Society

**Poland:** Department of Public Health and Social Medicine, Medical University of Gdansk



## Introduction and background

Of the eight million people who die each year as a consequence of smoking, at least 1.4 million live in the WHO European region.<sup>1</sup> That is why the WHO Framework Convention on Tobacco Control (WHO FCTC) was developed and ratified by more than 180 Parties around the globe, including the European Union and all countries of the WHO European Region except for Switzerland and Monaco.<sup>2,3</sup> This binding health treaty sets out evidence-based measures for the prevention of tobacco use and the regulation and reduction of tobacco supply.<sup>3</sup>

However, to protect its profits, the tobacco industry attempts to subvert, delay and block regulation, constantly developing new tactics and continuing strategies it has used even before the WHO FCTC came into force in 2005.<sup>4-6</sup> The industry for example routinely employs direct and indirect lobbying, also including so-called front groups. To sow conflicts within governments, it often negotiates with industry friendly departments such as trade or finance to elicit support which can block or undermine policies of health on their behalf. Should a tobacco regulation move forward, the industry tries to delay its implementation or exploits gaps to subvert it. Additionally, tobacco companies take governments to court to stop legislation, sometimes even when their own lawyers advise that the case is unlikely to be successful.<sup>7</sup> This again is a tactic to delay tobacco control implementation and to create a chill effect – deterring other countries from taking similar measures.<sup>8,9</sup>

Learning from decades of tobacco industry influence on policymaking, the WHO FCTC includes a provision requiring all State parties to take measures to safeguard political decisions against interference from tobacco companies or their representatives: Article 5.3.<sup>3</sup>

This report analyses how 16 countries in the WHO European Region, and the institutions

of the European Union, 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>10</sup>

Reports from the countries included in this ranking show huge variations within the European region, from the **United Kingdom (UK)**, **France** and the **Netherlands** that do fairly well to countries like **Italy**, **Romania**, **Georgia** or **Switzerland** that have few or almost no safeguards against tobacco industry influence on political decisions (see chapter “European regional ranking”).

Throughout the region, tobacco companies attempt to influence policy development, with a varying degree of success (“Indicator 1: Participation in policy development”). In some countries, they openly draft legislation in collaboration with government institutions or members of parliament. In others, governments do not give in to heavy lobbying.

As a way to improve their public reputation and access to policymakers, tobacco companies engage in CSR activities (“Indicator 2: Corporate Social Responsibility (CSR)”). In 2020, these activities in many countries were related to Covid-19 pandemic relief. Only four countries, **Switzerland**, **Norway**, **France** and the **Netherlands** did not report any Covid-19 related tobacco industry activities involving public institutions.

Even though the Guidelines to Article 5.3 of the WHO FCTC urge Parties not to grant incentives or preferential treatment, a number of countries have difficulties to follow this principle (“Indicator 3: Benefits to the tobacco industry”). In some countries, governments gave in to requests for to postponement of the implementation of policies. Many countries allowed customs exceptions or charged low tobacco taxes for all or specific tobacco products. **Romania**

and **Switzerland** even gave subsidies to tobacco farmers.

Many governments entered into partnerships, or top level officials fostered relationships with the tobacco industry, both at the local and the national level (“Indicator 4: Unnecessary interaction”). In the **Czech Republic** and **Spain**, the tobacco multinational Philip Morris International managed to enter into partnerships promoting the company's heated tobacco products. More widespread are cooperation and collaboration with the tobacco industry on illicit trade.

One of the most important measures to safeguard policymaking against tobacco industry influence is complete transparency (“Indicator 5: Transparency”). However, no country covered by this report has comprehensive rules for the disclosure of records of all interactions between the tobacco industry and public officials.

Tobacco industry donations and sponsorship contributions to political parties or candidates can trigger conflicts of interest because they can influence political decisions of the concerned parties or candidates.

Nevertheless, they are widely accepted in the countries covered by this report, and many countries do not even require their full disclosure (“Indicator 6: Conflict of interest”). However, five countries prohibit tobacco industry contributions or corporate contributions in general, showing the way for other countries in the region.

The Guidelines to Article 5.3 of the WHO FCTC recommend several effective measures to proactively protect public health policy from tobacco industry influence. Many countries scored badly in not putting protective measures in place, for example because procedures for the disclosure of records of interactions with the tobacco industry are missing or tobacco industry contributions to public institutions or officials are not prohibited (“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.

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.

It is important to emphasize the watchdog role of civil society that continuously works to expose tobacco industry attempts to influence political decisions, and supports governments in protecting tobacco control measures. To highlight a few examples: In 2019 and 2020, civil society in **Switzerland**, **Romania** and **Israel** successfully protested against tobacco industry CSR partnerships with public institutions so that these activities were stopped.

## Recommendations

Countries should fully implement the Guidelines to Article 5.3 of the WHO FCTC and especially take measures to:

- **Limit interactions** between the tobacco industry and public officials to those strictly necessary for regulation
- Make those interactions that are strictly necessary completely transparent, e.g. conducted as public hearings or through the disclosure of records of meetings
- Implement comprehensive transparency rules, including the disclosure of records of interactions with the tobacco industry and a register for lobbying activities and related budgets
- Reject any voluntary or otherwise non-binding agreements with the tobacco industry, e.g. for the implementation or enforcement of tobacco control measures
- Either prohibit any tobacco industry activities in the area of Corporate Social Responsibility (CSR) or ensure that any contributions from or partnerships with the tobacco industry are rejected by public institutions
- Prohibit or at least make fully transparent all donations or other contributions from the tobacco industry to political parties, candidates and campaigns
- Stop any incentives, tax exemptions or other privileges (e.g. subsidies) for the tobacco industry
- Support civil society in its watchdog role

## Methodology

This report is based on country reports researched by in-country researchers. It covers 16 countries of the WHO European region plus EU-level institutions. The country reports are based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance and used by tobacco control researchers and advocates around the globe as part of the Global Tobacco Industry Interference Index project.<sup>11,12</sup>

In the country reports, there are 20 questions based on Article 5.3 guidelines and categorized into seven indicators. Information used in the country reports and in this European regional report is 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 reports largely cover incidents from 1<sup>st</sup> January 2020 to 31<sup>st</sup> March 2021 with some references to previous years where appropriate.

A scoring system is applied to make the assessment. The scores range from 0 to 5, where 5 indicates highest level of industry interference and 0 or 1 is low or no interference. Hence, the lower the score, the better for the country.

In the overall regional ranking and the ranking per indicator, a color coding system is applied.

In the overall score, we maintained the same colour coding as in the Global Tobacco Industry Interference Index, as such:



For simplicity in the individual indicators, a **green** label applies to all countries reaching a rounded score of 33 per cent or less of the maximum possible score, **yellow** is applied to all countries reaching a rounded score of 60 per cent or less of the maximum possible score, and **red** is applied to all countries reaching a rounded score of 61 per cent and above.

The summary of the indicators (chapter “European regional ranking”) presents best practices from selected countries plus the three worst ranked countries per indicator. If there are more than three countries with the same score among the worst, they are all included.

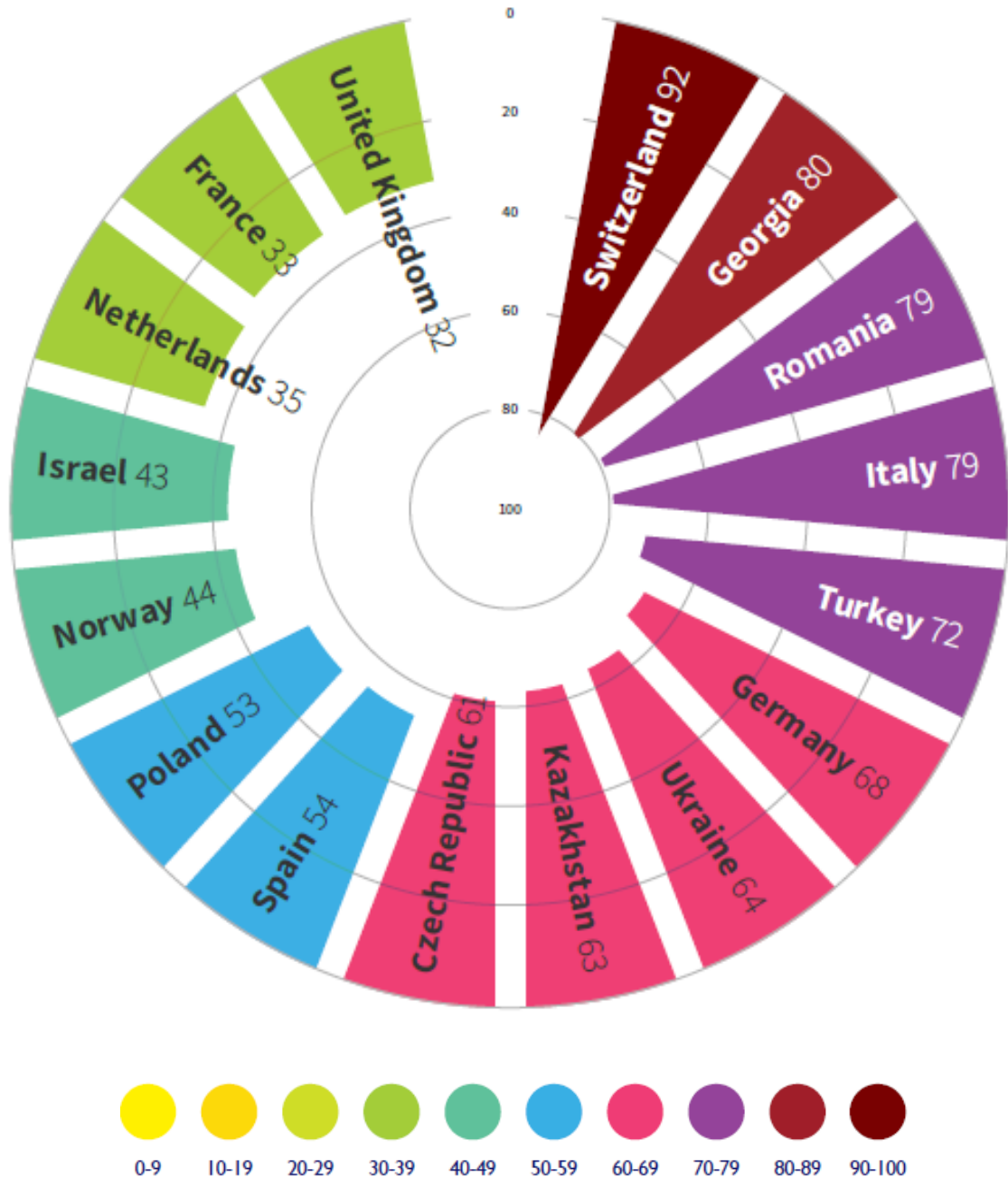
Limitation: Since the survey is based on publicly available information only or information obtained through freedom of information requests, the evidence presented here is not exhaustive or complete. The report is based on individual country indices. Hence, ranking of countries should be viewed with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



## European regional ranking

### Overall country scores

Scores should be read as penalty points: The higher the score, the worse the tobacco industry interference and the worse the overall ranking compared to other countries.



Sixteen European countries ranked by their total score in the tobacco industry interference index. The lower the score, the better the ranking.

## *The European Union: a special case*

*By Irina Kubinschi, Smokefree Partnership, based on the EU Tobacco Industry Interference Index 2021.<sup>13</sup>*

The EU Index report is not included in the overall ranking due to the specificities of the EU, as some sections of the original report were not applicable in this case.

The European Union and the EU member states are Parties to the WHO FCTC. As such, the EU must observe the WHO FCTC when adopting tobacco control legislation. Currently, most of the national rules with regard to tobacco control are a result of the EU decision-making process. The EU process for adoption of legislation gives equal power to the member states in the EU Council on the one hand, and the directly elected European Parliament on the other. The European Commission designs and proposes legislation and watches over its appropriate implementation once EU acts are adopted by Member states and Parliament.

It is of outmost importance that public health policies are protected against tobacco industry interference at EU level. The industry can and still does influence the preparatory work for legislative proposals in the European Commission, as well as the decision-making process through its outreach in the European Parliament and at the national level which is then reflected in the Council.

There is no uniform set of rules implementing Article 5.3 of the WHO FCTC applicable to all EU institutions, but there are internal rules or recommendations for dealing with the tobacco industry in some cases (for example, for DG SANTE, the health department of the European Commission). There is only a general framework at EU level on transparency of the decision-making process, including the dialogue with stakeholders (public consultations, meetings etc.).

As regards the Council, member states have varying degrees of implementing Article 5.3 and its Guidelines at their national level, which has a direct impact on the EU decision-making process. Countries with weak tobacco control legislation and a high presence of tobacco industry interference can often block or water down stronger public health policies at EU level.<sup>14</sup>

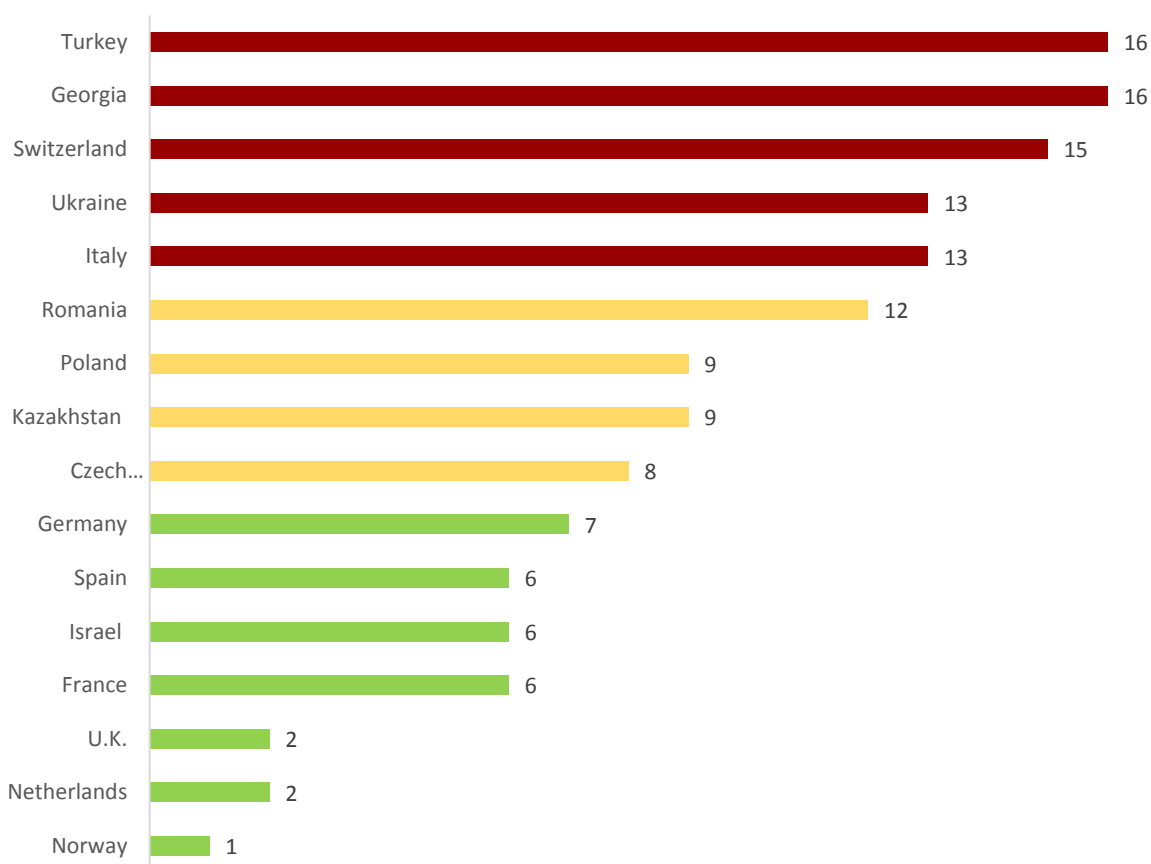
As of 2021, the EU has set itself an objective to achieve a tobacco free generation by 2040, set in Europe's Beating Cancer Plan, meaning that less than five per cent of the population use tobacco.<sup>15</sup> To achieve this objective it will undergo revisions of crucial legislation, notably relating to tobacco taxation and to product regulation, marketing and advertising. Considering these upcoming legislative deliberations, particular attention must be paid urgently to the tobacco industry's efforts to influence the policy-making process at EU level.

At the Commission level, there is a legal obligation for disclosing the records of the interactions with all stakeholders only for Commissioners, their cabinet members and Directors-General. DG Sante is the only department proactively publishing the minutes of the meetings with the tobacco industry.

In 2016, the EU Ombudsman made an inquiry into the Commission's implementation of WHO FCTC Article 5.3. Following the inquiry, the Ombudsman deemed the Commission's refusal to establish specific and stricter rules for the disclosure of all meetings which its services and its staff have with the tobacco industry to be maladministration.

The Ombudsman called for a "proactive transparency policy regarding meetings with tobacco lobbyists", across all Commission services and staff in order to comply with transparency obligations in the FCTC.

To this date, no such proactive transparency policy specifically regarding meetings with the tobacco industry has been implemented at the Commission, nor at the other EU Institutions, despite recent reports and signals showing that the tobacco lobbying has not lost traction at EU level. The Ombudsman and DG Sante's model for implementing Article 5.3, together with the Ombudsman recommendations should be taken on board and applied to all EU Institutions and their departments when dealing with the tobacco industry, in line with the WHO FCTC and its Guidelines.

*Indicator 1: Participation in policy development*

*Ranking for indicator 1: Participation in policy development.*

Throughout the European Region, tobacco companies try to influence policy development, with varying success. In some countries, they openly draft legislation in collaboration with government institutions or members of parliament, for example in Georgia (see below).<sup>16</sup> In Ukraine, a tobacco control bill was delayed by the submission of several alternative bills, some of them sponsored by members of parliament who had connections to the tobacco industry. This tactic is called “legislative spam”. The amount of alternative bills forced the health committee to create a working group that also included organizations linked to the tobacco industry. The result was a weakened bill in which the planned minimum purchase age of 21 was removed, the size of health warnings on e-cigarettes was

decreased and the enforcement period of the display ban was prolonged.<sup>17</sup>

In other cases, the industry uses more subtle ways that are sometimes difficult to prove. In Germany, for example, the tobacco industry met with State secretaries of the Ministry of Finance several times between 2018 and 2020 to lobby for moderate taxation. In 2021, the Ministry came up with a new taxation bill that included tobacco industry friendly positions. Curiously, the Ministry did not invite public health organizations to the official consultation on the bill but only business groups. A freedom of information request relating to the bill and the meetings between State Secretaries of the Ministry of Finance and tobacco industry representatives was largely denied by the Ministry. Instead of disclosing information, it

sent a five page justification of the denial and charged the maximum possible fee of €500, apparently as a scare tactic to discourage future requests.<sup>18</sup>

### **Best practice examples**

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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> The Netherlands conducted two official consultations in 2020 that were transparent and open to any citizen, company or organization, 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>20</sup>

In the **United Kingdom**, the tobacco industry tried to influence policymaking within Parliament through the All-Party Parliamentary Group (APPG) for Vaping and the APPG on Corporate Governance. The government however did not accept or endorse policies drafted in collaboration with the tobacco industry.<sup>21</sup>

### **Worst ranked countries**

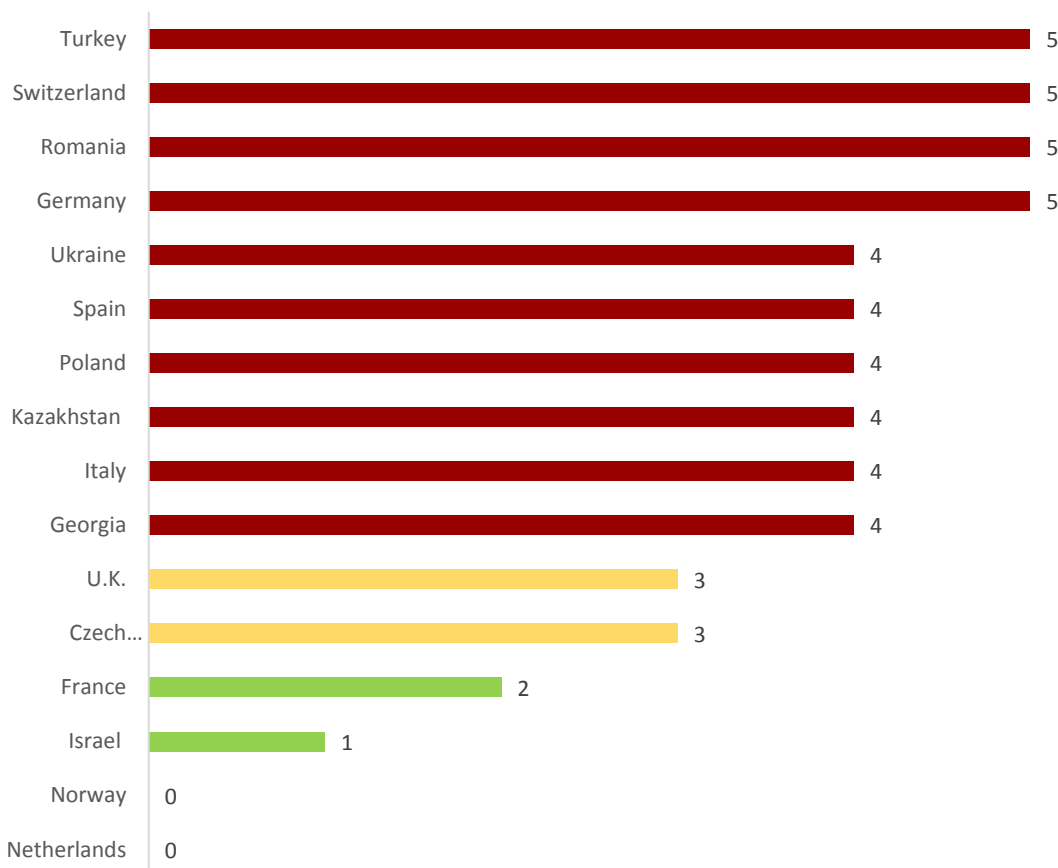
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**Turkey (16/20):** The Vice Minister of Commerce, Riza Tuna Turagay, was a board member of British American Tobacco Turkey until just before he was appointed into his

government position in January 2019, implying a close relationship with the tobacco industry. The industry also manages to influence policymaking processes through participation in the Economic and Social Council of the nation. In 2020 and 2021, some tobacco control measures relating to taxation and health warnings were delayed.<sup>22</sup>

**Georgia (16/20):** The tobacco industry managed to influence tobacco control policymaking through the Business Ombudsman's Office of Georgia. The Ombudsman's office had regular meetings and consultations with tobacco industry representatives and sent legislative proposals to parliament that were drafted in collaboration with the industry. The government supports local tobacco production through the "Produce in Georgia" programme.<sup>16</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 2020, the government made clear that it puts tobacco industry interests above public health goals by stating that it would only "restrict [tobacco] advertising to an extent acceptable to the tobacco industry." The president of the Swiss Tobacco Trade Association, Gregor Rutz, is a member of the National Council, ensuring direct access to policymaking processes. Tobacco industry influences policymaking at the local level, too: Some cantons are hesitant to implement more restrictive tobacco control measures, apparently because of tobacco company factories or headquarters in their region.<sup>23</sup>

**Indicator 2: Corporate social responsibility (CSR)**

Ranking for indicator 2: Corporate social responsibility.

The tobacco industry uses CSR activities to improve its reputation and to gain access to policymakers. In many countries, tobacco companies successfully convince policymakers and public institutions to participate in or form partnerships with the tobacco industry regarding CSR projects. These partnerships often occur on a local level but sometimes involve the highest political levels such as Federal Ministries and Presidents, for example in Germany, Turkey, and Kazakhstan.<sup>18,22,24</sup>

When it is allowed to do so, the tobacco industry sponsors public institutions through financial contributions or in-kind donations, a

practice that raises questions of potential conflicts of interest.

Almost all countries in the European region that were surveyed reported the involvement of public institutions in Covid-19 related CSR activities of the tobacco industry – such as tobacco industry donations of medical equipment or logistical support.<sup>16–18,21,22,24–30</sup> Only Switzerland, Norway, France and the Netherlands reported no Covid-19 related tobacco industry CSR activities involving public institutions.<sup>19,20,23,31</sup>

### Best practice examples

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Countries can safeguard themselves against tobacco industry CSR tactics by prohibiting tobacco industry contributions to public institutions or banning all tobacco industry sponsorship and CSR. **France** is a best practice example for this: Since 2016, “any sponsorship or philanthropy action is prohibited when it is carried out by manufacturers, importers or distributors of tobacco products or when its purpose or effect is direct or indirect promotion in favor of tobacco, tobacco products and ingredients.”<sup>31</sup> However, this rule does not apply to tobacco retailers and their professional association, creating a loophole in an otherwise comprehensive ban.<sup>31</sup>

Only in the **Netherlands** and **Norway**, the government did not endorse, support or participate in tobacco industry CSR activities.<sup>19,20</sup>

In **Israel**, the Ministry of Health and civil society raised awareness of tobacco industry activities among institutions targeted by the industry. When the Ministry of Interior published a Philip Morris CSR call for civil society organizations in a database on its website, a civil society petition led to its removal.<sup>25</sup> Civil society protests in **Romania** also successfully prevented an official partnership between the Ministry of Health and the tobacco industry on Covid-19 related activities.<sup>30</sup>

### Worst ranked countries

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**Germany (5/5):** In the reporting period, the Federal President collaborated with the Körber Foundation for a youth history competition that takes place every year since the 1970s. The Körber Foundation is the sole owner of Körber AG, a group of

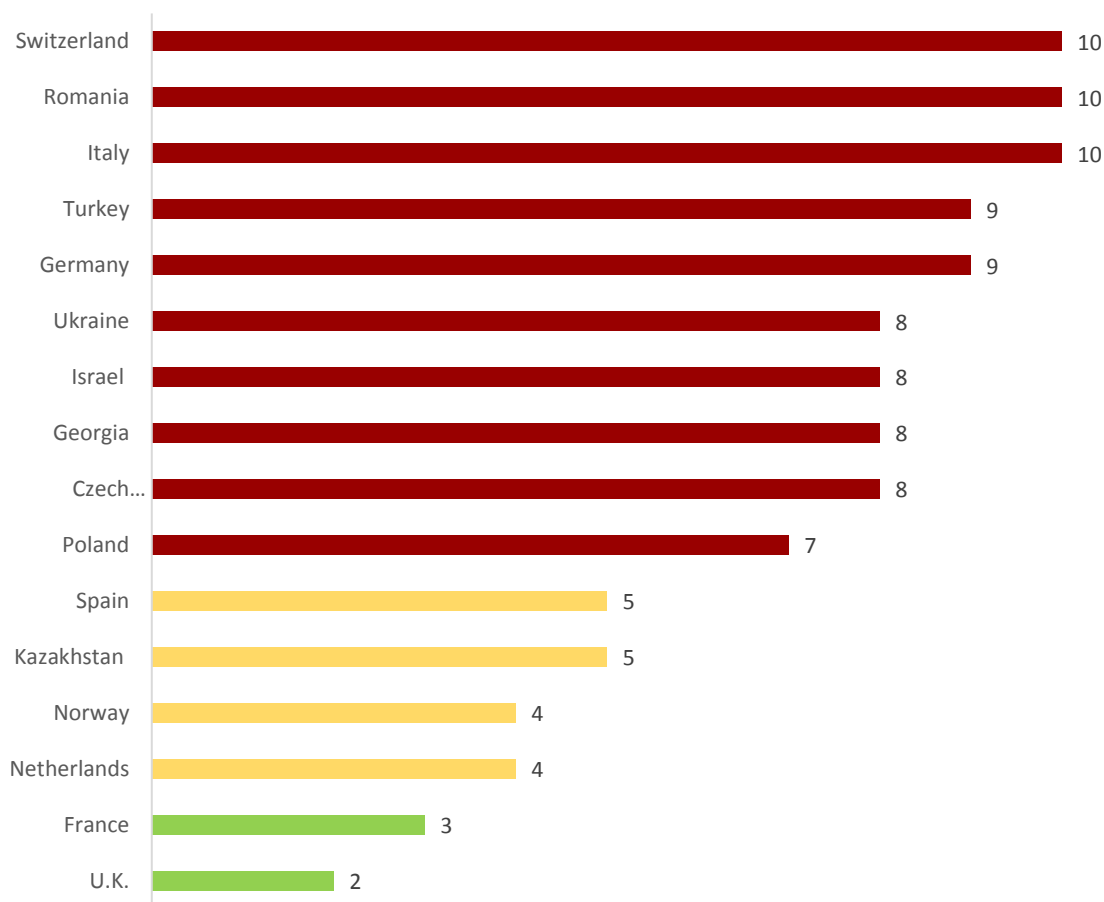
companies that is the world’s leading producer of cigarette manufacturing machines. In addition, several German states accepted contributions from the tobacco industry, especially those that host tobacco industry factories or headquarters. For example in 2020, the Health Authority of the State of Berlin accepted Covid-19 pandemic relief support from Philip Morris International.<sup>18</sup>

**Turkey (5/5):** The local subsidiaries of Philip Morris International and Japan Tobacco International donated TRY 5 million 979 (about €770,000 in May 2020) to the Presidential National Solidarity Campaign for efforts against the Covid-19 pandemic.<sup>22</sup>

**Switzerland (5/5):** In 2020, Philip Morris International became one of the main sponsors of the Swiss pavilion at the World Expo in Dubai, contributing CHF1.8 million (about €1.6 million). Only after protests from public health experts, various politicians, and the WHO, the Ministry of Foreign Affairs canceled the sponsorship contract and subsequently implemented rules in relation to tobacco industry sponsorship. In the reporting period, tobacco companies also sponsored public theatres and museums on a local level.<sup>23</sup>

**Romania (5/5):** Civil society protest successfully blocked an official partnership between British American Tobacco and the Ministry of Health on the contribution of medical equipment. However, the company still managed to donate medical equipment to local hospitals with the coordination of the Ministry of Health. In addition, several city administrations cooperated with British American Tobacco for environmental projects regarding the collection and recycling of cigarette butts.<sup>30</sup>



*Indicator 3: Benefits to the tobacco industry*

*Ranking for indicator 3: Benefits to the tobacco industry.*

Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses. Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy,” states principle four of the Guidelines to Article 5.3 of the WHO FCTC.<sup>10</sup> This includes benefits such as state investments in tobacco companies, tax exemptions or the postponement of the implementation of tobacco control regulation.

Countries in the region rank quite differently regarding this indicator. Some provided little incentives to the tobacco industry, such as the United Kingdom and France.<sup>21,31</sup> Other countries conceded to industry requests for

the postponement of regulation or longer implementation periods, such as Georgia, where plain packaging was adjourned from 2018 to 2023.<sup>16</sup> Many countries in the European region allowed customs exceptions for tobacco products or charged lower taxes on heated tobacco products as compared to cigarettes, for example Italy.<sup>29</sup> In Kazakhstan and four other countries not included in this report, tobacco products are subject to low taxation due to the Eurasian Customs Union Agreement.<sup>24</sup> The Netherlands and Germany have specific tax exemptions: Staff at a NATO base in the Netherlands do not have to pay taxes on cigarettes, and the German government gives the tobacco industry a tobacco tax

exemption for products that manufacturers offer their employees as an in-kind allowance, amounting to €5 million per year.<sup>18,20</sup> Switzerland and Romania provide subsidies for tobacco farming.<sup>23,30</sup>

### **Best practice examples**

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Even though some countries rank better than the others in this category, no country really is a best practice example overall. Even the United Kingdom and France, that have a green label, granted tax exemptions or customs allowances for tobacco and related products.

### **Worst ranked countries**

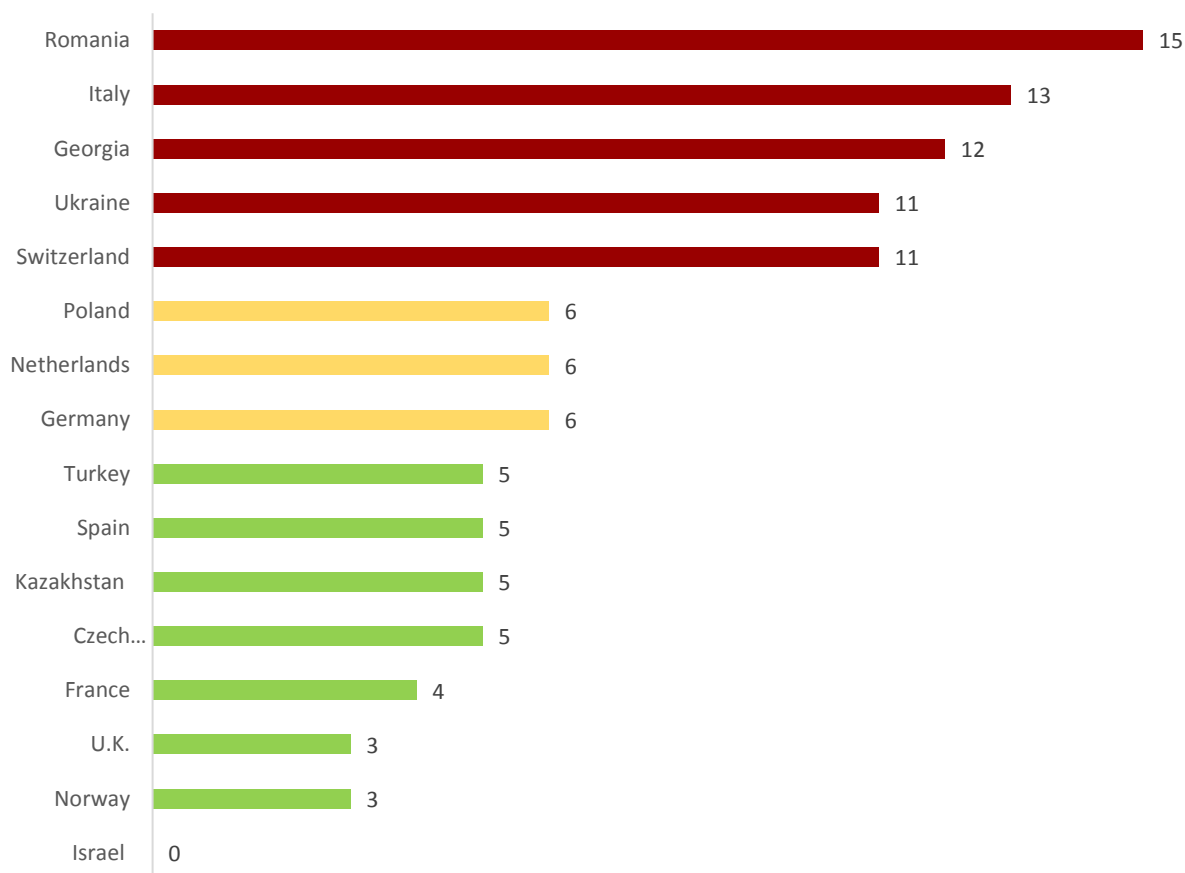
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**Switzerland (10/10):** Switzerland is the only country included in this survey, and together with Monaco the only country in the WHO European Region, that has not ratified the WHO FCTC. This, in connection with very

little tobacco control regulation, provides great benefits to the tobacco industry. There is for example no federal purchase age limit of 18 years, and tobacco taxes have not been increased since 2013, remaining much lower than the WHO recommendation. In addition, Swiss tobacco farmers receive subsidies.<sup>23</sup>

**Romania (10/10):** Tobacco farmers are granted subsidies at one of the highest rates compared to other agricultural subsidies. In addition, the implementation of the EU tracking and tracing system was delayed, and Romania was the only country in the EU with such a delay.<sup>30</sup>

**Italy (10/10):** Opposition of government and members of parliament prevented tobacco tax increases. Taxes on heated tobacco products are much lower than on conventional cigarettes, and international travellers are given big duty free allowances for tobacco products.<sup>29</sup>

**Indicator 4: Unnecessary interaction**

*Ranking for indicator 4: Unnecessary interaction.*

Preventing unnecessary interaction between the tobacco industry and government officials is one of the most important measures to protect policymaking processes from undue influence. Nevertheless, many governments enter into partnerships, or top level government officials foster relationships with the tobacco industry, at the local or national level.

Philip Morris for example managed to enter into agreements with the Spanish regional government of Extremadura and the Czech city of Karlovy Vary to cooperate on the promotion of heated tobacco products.<sup>27,28</sup> In Karlovy Vary, this was mediated through the Association of Hotels and Restaurants that contributed to the Karlovy Vary City without Smoke project.<sup>28</sup>

More widespread are cooperations regarding illicit trade, for example in Romania, Ukraine, Italy, Georgia, France, and the Netherlands, where governments entered into agreements with or accepted contributions of equipment and trainings from tobacco companies.<sup>16,17,20,29-31</sup> This is especially irritating for countries like France or the Netherlands that otherwise do well regarding this indicator and the overall ranking. Protecting policies and enforcement on illicit trade from tobacco industry influence seems to be a blind spot in many countries. Countries should also be aware that the industry uses indirect ways to reach customs officials, for example in Germany, where Philip Morris co-organized and funded trainings on illicit trade together with the Customs District Group of the Trade Union of the Police.<sup>18</sup>

### Best practice examples

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In the **United Kingdom**, the government conducted a roundtable on smoking related litter with the tobacco industry, but the responsible minister took protective measures: At the beginning of the meeting, the minister clearly stated that the goal was not to agree on a partnership with the industry. Additionally, public health organizations were present and minutes of the meeting were made public.<sup>21</sup>

In **Israel**, researchers found no evidence of unnecessary interaction between top level government officials and the tobacco industry. The government did not accept offers of assistance from the tobacco industry, for example regarding enforcement of tobacco control measures, and did not enter into partnerships with the industry.<sup>25</sup>

### Worst ranked countries

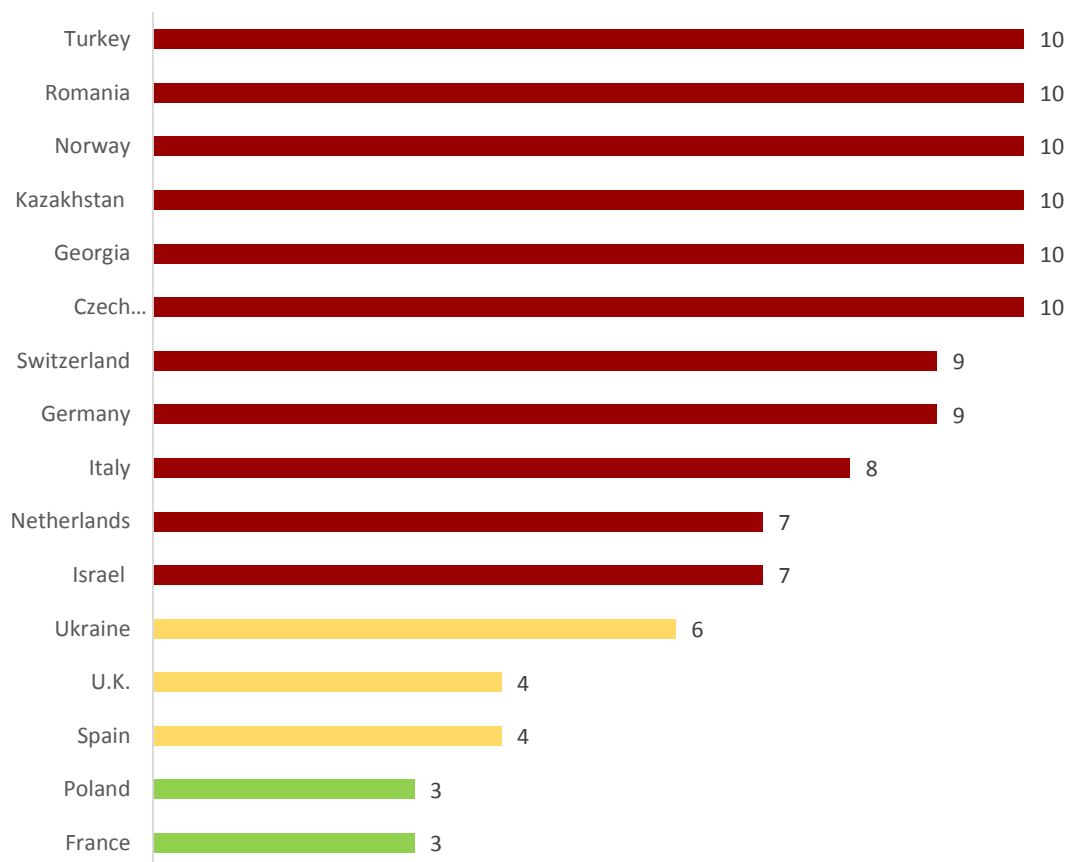
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**Romania (15/15)**: Several high level government officials participated in tobacco industry events. Moreover, the Customs Police partnered with all three multinational tobacco companies active in Romania (JTI, PMI and BAT). The companies provided equipment and trainings for customs officials and conducted awareness raising. In addition, BAT formed partnerships with local

authorities regarding littering, and conducted a joint campaign with the governmental National Consumer Protection Agency.<sup>30</sup>

**Italy (13/15)**: In the reporting period, several regional authority officials met with the tobacco industry or participated in events organized by the tobacco industry. In addition, the Ministry of Agriculture in 2019 entered into an agreement with PMI on investments of up to €500 million over a period of five years and joint efforts against illicit trade and illegal work. The Finance Police collaborated with PMI, JTI and BAT, and accepted donations from them. Local authorities cooperated with PMI, BAT and JTI on anti-littering projects.<sup>29</sup>

**Georgia (12/15)**: All three multinational tobacco companies (BAT, JTI and PMI) met with the Prime Minister in relation to the Covid-19 pandemic. In recent years, JTI and BAT conducted or sponsored trainings for government officials on illicit trade. Additionally, the government of the Adjara Autonomy Republic of Georgia entered into a Memorandum of Understanding with a Chinese tobacco company to promote tobacco growing in the Adjara region and promote Georgian tobacco in China.<sup>16</sup>

**Indicator 5: Transparency**

Ranking for indicator 5: Transparency.

Transparency, especially the disclosure of meetings and minutes between government officials and the tobacco industry and information on tobacco industry lobbying activities, increases accountability of governments, helps understand decision-making processes and dispel doubts regarding potential industry influence. It also provides civil society important information to fulfil its watchdog role.

Only four out of sixteen countries included in this report score less than five points, meaning that they do rather well, though not perfect, in terms of transparency.<sup>21,26,27,31</sup> Eight countries have a score of nine or ten, the worst to achieve.<sup>16,18,19,22–24,28,30</sup>

**Best practice examples**

Countries that do well on this indicator have rules for the disclosure of all or at least part of the interactions between government officials and the tobacco industry, often including the publication of minutes. Some countries also have lobby or transparency registers that require the tobacco industry to disclose information on lobbying budgets and other subjects, but even the best have shortcomings regarding enforcement and verification procedures.

**The Netherlands** for example has a great transparency register requiring the disclosure of all interactions with the tobacco industry. However, because a clear disclosure deadline is lacking, not all information is uploaded.<sup>20</sup>

In **France**, the government adopted various provisions to improve transparency in general, not only for tobacco-related issues in recent years. For example, Ministers publish their upcoming meetings each week. However, this rule does not apply to more junior officials and members of parliament, and there is no archive, so that the list of planned meetings disappears as soon as the schedule for the next week is published. In addition, tobacco companies have to disclose detailed lobbying budgets, but a mechanism to verify that the provided information is correct is missing.<sup>31</sup>

In **Spain**, the president, ministers and vice ministers publish their daily agendas. Minutes are not disclosed. The same applies to meetings of less senior government officials. Members of parliament are obligated to disclose their agendas but only few adhere to the rule.<sup>27</sup>

### **Worst ranked countries**

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**Turkey (10/10):** The government neither publicly disclosed meetings with the tobacco industry nor did it require the registration of tobacco industry or related entities lobbying on behalf of tobacco companies.<sup>22</sup>

**Romania (10/10):** The country does not have a lobby register, although such a register existed for one year in 2016. In the reporting period, there were extensive interactions between the tobacco industry and members of the lower and upper Chambers of Parliament regarding a draft bill on tobacco control. The bill covered an

advertising, promotion and sponsorship ban, taxation and the regulation of heated tobacco products. The tobacco industry was allowed to participate in more than ten sessions. These meetings were not disclosed but covered by the media.<sup>30</sup>

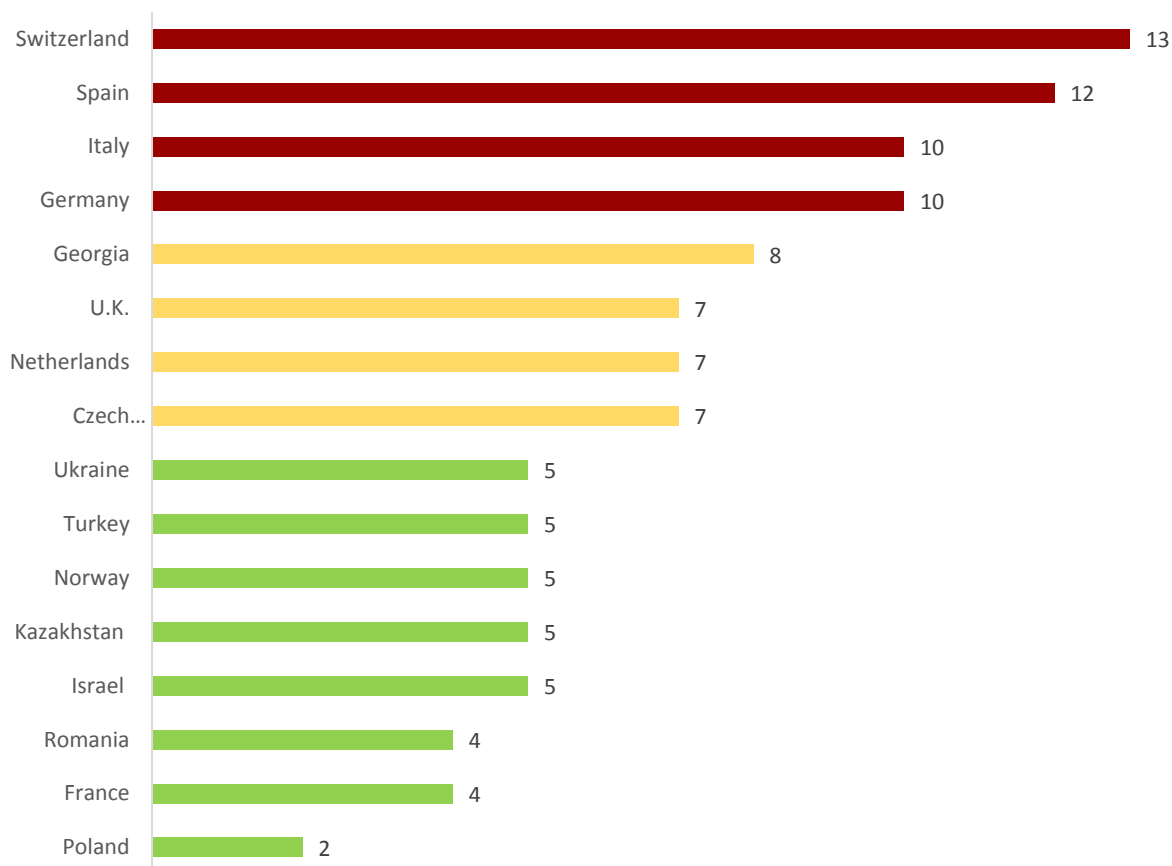
**Norway (10/10):** The government does not require tobacco companies or other entities or individuals acting on their behalf to register. Additionally, the Ministry of Finance did not disclose its interactions with the tobacco industry despite being in contact with an industry association regarding information about illicit trade.<sup>19</sup>

**Kazakhstan (10/10):** There are no rules requiring the disclosure of interactions between government officials and tobacco industry representatives. Tobacco companies or affiliated organizations and individuals do not have to register.<sup>24</sup>

**Georgia (10/10):** The government is required by the Georgian tobacco control law to adopt regulation to implement Article 5.3 of the WHO FCTC. Nevertheless, these rules have not been adopted yet. There are no rules for the registration of tobacco industry and affiliated entities, or the disclosure of meetings between government officials and the tobacco industry.<sup>16</sup>

**Czech Republic (10/10):** There are no requirements or procedures for the disclosure of meetings between government officials and the tobacco industry, or for the registration of tobacco companies or lobbyists acting on their behalf.<sup>28</sup>



**Indicator 6: Conflict of interest**

*Ranking for indicator 6: Conflict of interest.*

Tobacco industry donations and sponsorship contributions to political parties or candidates can trigger conflicts of interest because they can influence political decisions of the concerned parties or candidates.

Nevertheless, they are widely accepted in the countries covered by this report, and many countries do not even require their full disclosure. Only five countries disallow political contributions from the tobacco industry or corporations in general (see box).

Further conflicts of interest arise when current or former government officials work for the tobacco industry. Tobacco companies hiring (former) government officials profit from their insights into political decisionmaking processes and their close contacts to decisionmakers. Additionally, in some countries, state owned tobacco companies require government officials to be

board members, sometimes together with local or multinational tobacco companies – for example in Spain.<sup>27</sup>

### **Best practice examples**

In **France**, corporate sponsorship of political parties is prohibited in general. Only individuals are allowed to donate to political parties and there is an upper limit of €7,500 per individual per year. The High Authority checks whether new activities of retired high-level government officials in the private sector are problematic and may issue a notice of incompatibility (this applies for three

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

- Ukraine (political contributions from the tobacco industry are prohibited)<sup>17</sup>
- Poland (political contributions from the tobacco industry are prohibited)<sup>26</sup>
- France (corporate contributions to political parties are prohibited in general)<sup>31</sup>
- Israel (corporate contributions to political parties are prohibited in general)<sup>25</sup>
- Spain (corporate contributions to political parties are prohibited in general, but not to foundations of political parties if unrelated to electoral activities)<sup>27</sup>

years after retirement). There are also transparency rules for current government officials and members of parliament.<sup>31</sup>

In **Poland**, tobacco industry contributions to political activities and sponsorship of sports, culture, health or other activities by tobacco companies are prohibited. During the reporting period, there were also no current or retired government officials holding positions in the tobacco industry.<sup>26</sup>

**Worst ranked countries**

**Switzerland (13/15):** At the federal level, there are no rules prohibiting contributions from the tobacco industry to political parties. Additionally, political contributions do not have to be disclosed. There were no incidents of recent movements of former high-level government officials to, or current officials holding positions in the tobacco industry. However, in the past decades, there were several such incidents and these influenced tobacco control regulation up to the present day, for example regarding subsidies for tobacco farmers in Switzerland.<sup>23</sup>

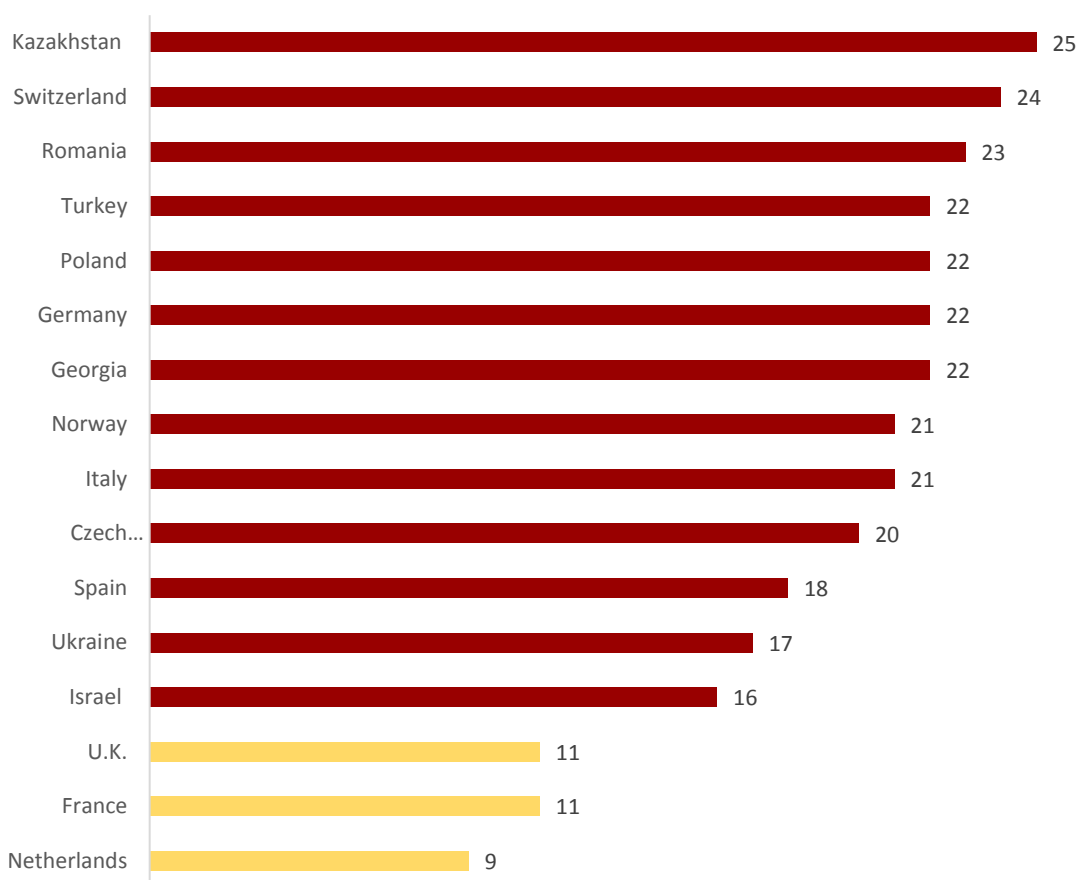
**Spain (12/15):** Corporate contributions to political parties are prohibited, but contributions from individuals remain allowed and the limits are quite high (max. €50,000 per year) compared to countries like France. Three former high-level government officials are board members of the largest tobacco distributor in Spain, together with four representatives of the tobacco company

Imperial Brands and five others. Moreover, current high-level officials of the government are members of the board of a state owned tobacco leaf company. While the majority of the company is owned by the state, the tobacco company Altadis-Imperial Tobacco holds some 20%.<sup>27</sup>

**Italy (10/15):** Political contributions by the tobacco industry are not prohibited and full disclosure is not required. For example, a company linked to the main political party (Movimento 5 Stelle) annually receives funding of €500,000 for consultancy from PMI. Several former government officials form part of the tobacco industry, including an official of the Ministry of Agriculture who was a delegate at COP5 and COP6 of the WHO FCTC.<sup>29</sup>

**Germany (10/15):** Tobacco industry contributions to political parties are not prohibited and full disclosure is not required. In 2019/20, the governing parties as well as an opposition party received at least a total of €192,000 from the tobacco industry. There are no current government officials holding positions in the tobacco industry. However, the two biggest tobacco lobby groups are led by a former parliamentary secretary of state and one of these groups in 2021 managed to contract an expert on novel tobacco products. He had been a staff member of the German Federal Institute for Risk Assessment up until his tobacco industry engagement, and was part of the German delegations to COP7 and COP8 of the WHO FCTC.<sup>18</sup>

## Indicator 7: Preventive measures



Ranking for indicator 7: Preventive measures.

The guidelines to Article 5.3 of the WHO FCTC recommend several effective measures to proactively prevent tobacco industry interference in policymaking processes. These are measures to increase transparency, accountability and the prevention of conflicts of interest or corruption.

A procedure for the disclosure of all records of interactions between government officials and representatives of tobacco companies or related associations for example greatly benefits transparency and accountability. The majority of countries in the region however do not have comprehensive rules in this area.

Most countries also do not prohibit tobacco industry contributions to public institutions or

officials, such as funding, technical assistance or study visits. A comprehensive code of conduct for public officials regarding their interactions with the tobacco industry is also mostly missing.

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 of the European Union that are covered by this report (including the United Kingdom as a former EU member), Turkey and Georgia.<sup>16,18,20–22,26–31</sup>

The guidelines additionally recommend that governments raise awareness of tobacco industry interference tactics and Article 5.3. However, no country covered by this report

has a programme or system to consistently raise awareness of Article 5.3.

Many countries score badly regarding preventive measures. Some even significantly worsened their overall score. Norway for example received almost half of its overall “penalty points” score because it does not proactively take measures against tobacco industry interference.<sup>19</sup>

### **Best practice examples**

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No country does really well in the area of preventive measures to safeguard policymaking from tobacco industry interference. Some countries have partial measures, for example on the disclosure of interactions with the tobacco industry. However, there is significant room for improvement in all countries covered by this report.

### **Worst ranked countries**

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**Kazakhstan (25/25):** The country receives five penalty points on each question in this category: There are no procedures for disclosing records of interaction with the tobacco industry. There is no code of conduct for public officials on interactions with the tobacco industry. Tobacco companies do not have to disclose information, for example on marketing expenditures, market shares or lobbying.

There is no awareness-raising programme on Article 5.3 and there are no rules disallowing contributions or gifts offered by the tobacco industry to government institutions or officials.<sup>24</sup>

**Switzerland (24/25):** The government does not have any rules and is not planning to develop such rules regarding the disclosure of interactions with the tobacco industry. There is no code of conduct for public officials 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, and Switzerland is not a party to the WHO FCTC. A federal level ordinance regulates the acceptance of gifts to public officials in general, not specific to gifts offered by the tobacco industry. This only applies to the federal level and only to gifts offered to individuals, not contributions to public institutions.<sup>23</sup>

**Romania (23/25):** Very little preventive measures are taken. The tobacco industry is obligated to provide information on production, manufacture and revenues, according to EU regulations. This was however not implemented in 2020. There is no policy on the disclosure of interactions with the tobacco industry, no code of conduct for public officials, no awareness-raising programme on Article 5.3, and no rules prohibiting contributions from the tobacco industry to public officials.<sup>30</sup>

## Conclusion

The survey shows that no country in the region is spared from tobacco industry interference and there is still room for improvement.

Of the 16 countries covered by this report, more countries deteriorated (6) than improved (4) their score. Two countries maintained their score and four countries were first time participants in the survey.

**No country covered by this report has fully implemented Article 5.3 of the WHO FCTC.**

Most problematic is the lack of preventive measures taken by countries in the region.

Even countries that come off better in the overall ranking do not have essential safeguards in place to protect public health policymaking from tobacco industry influence. Countries need to adopt a whole of government approach to the implementation of Article 5.3.

In addition, the lack of transparency in many countries makes it difficult for researchers to track political activities of the tobacco industry. Transparency is also important so that civil society can fulfil its watchdog role, raise awareness of problematic behaviours or support government against attacks by the tobacco industry.

## Annex: Detailed scores of countries

Rank 2021	Country	Indicators							Total Score 2021* (2020)
		1 – Policy influence	2 – CSR	3 – Tobacco industry benefits	4 – Unnecessary interactions	5 – Transparency	6 – Conflict of interest	7 – Prevention	
1	United Kingdom	2	3	2	3	4	7	11	32 (32)
2	France	6	2	3	4	3	4	11	33 (27)
3	The Netherlands	2	0	4	6	7	7	9	35 (39)
4	Israel	6	1	8	0	7	5	16	43 (48)
5	Norway	1	0	4	3	10	5	21	44 (–)
6	Poland	9	4	7	6	3	2	22	53 (–)
7	Spain	6	4	5	5	4	12	18	54 (63)
8	Czech Republic	8	3	8	5	10	7	20	61 (60)
9	Kazakhstan	9	4	5	5	10	5	25	63 (63)
10	Ukraine	13	4	8	11	6	5	17	64 (68)
11	Germany	7	5	9	6	9	10	22	68 (63)
12	Turkey	16	5	9	5	10	5	22	72 (67)
14	Italy	13	4	10	13	8	10	21	79 (–)
14	Romania	12	5	10	15	10	4	23	79 (77)
15	Georgia	16	4	8	12	10	8	22	80 (77)
16	Switzerland	15	5	10	11	9	13	24	92** (–)

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

\*\* Score adds up to 87, but is adjusted to reflect that Switzerland has not ratified the WHO FCTC



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