



Survey on the implementation of article 5.3 of the WHO FCTC

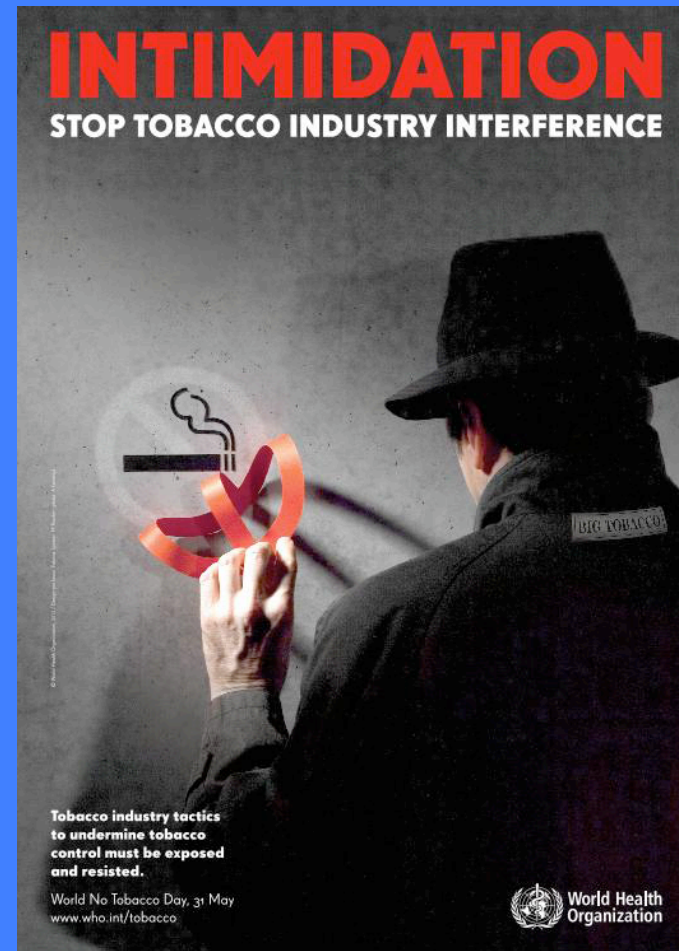
LUK JOOSSENS

Association of European Cancer Leagues

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Article 5.3 of the FCTC

“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”



PMI : A striking example

- PMI is the biggest spender on EU lobby activities in Brussels in 2013 (5 million €).
- PMI has engaged 161 persons to lobby against the Tobacco Products Directive (TPD).
- PMI has direct access to the 13th Floor of the Berlaymont building during the TPD negotiations.
- PMI is suing the EU on the TPD.
- PMI wants to renew in July 2016 the “cooperation” agreement on contraband with the EU.

The tobacco industry has access to the 13th floor of the Berlaymont building (we not).



Survey

- 34 European countries: EU 28 + 3 EFTA countries + Serbia, Ukraine and Turkey
- Questionnaire send out in April 2015 and January 2016

Survey

The tobacco sector refers to entities directly involved in the production, manufacturing, distribution or sale of tobacco or tobacco products or representing the interests of any such entity.

All organisations, companies and individuals that work to further the interests of the tobacco sector (**including e.g. consultants, law firms, retailers, growers**).

Article 5.3 of the FCTC

Article 5.3 in the WHO convention and the accompanying guidelines state that decision-makers “should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.”

If interactions with the tobacco industry are necessary, interactions should be conducted transparently.

Questionnaire

- 1) Is there a policy (legislation, circular, recommendations) which obliges **the recording of meetings** between the tobacco sector (see definition above) and members of the executive or legislative power?
- 2) Is there a policy (legislation, circular, recommendations) which **restricts contacts** between the tobacco sector and government officials only to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products?

Questionnaire

3) Is the tobacco industry generally speaking **treated as any other industry sector or are there specific rules**, besides the rules on recording of meetings, which only apply to the tobacco sector?

Results

- UK, Ireland and the Netherlands provided a positive answer on all three questions.
- France provided a meaningful answer on transparency.
- Germany, Serbia, Latvia, Slovenia and Belgium provided an answer on one question
- 16 countries provided a negative answer on all three questions.
- 9 countries did not reply (probably with negative answers).

UK

“To ensure further transparency, the government commits to publishing the details of all policy-related meetings between the tobacco industry and government departments. This excludes meetings to discuss operational matters to reduce the illicit trade in tobacco and bilateral meetings between tobacco manufacturers and HM revenue & customs” (England 2011)

UK

- The Department of Health includes the following requirement in consultations on tobacco policy:
- *“We ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.”*

NL

The government's position is that there should be and are no contacts with the tobacco sector, unless such contacts are necessary (technical matters arising in relation to the implementation of already approved or adopted legislation or policies). These may include public consultations. For the ministry of Finance, it was agreed that meetings with the entire tobacco sector may take place on a regular/annual basis to discuss various technical issues that are reoccurring (such as the annual adjustment of the Weighted Average Price).

Ireland

The Lobbying Act covers contact with 'Designated Public Officials' (Politicians, civil servants) on 'relevant matters' (public policy). The amount of information required is limited – it asks for the 'lead' person in the delegation and if any of them are former office holders. It does not ask for full minutes and agendas but asks for 'intended results'. The full data is available on www.lobbying.ie .

France

Manufacturers, importers and distributors of tobacco products, as well as companies, professional organizations or associations representing them, shall annually publish and submit to the Minister of Health a report detailing all the expenses related to influence activities or interest representation activities.

Serbia

The Tobacco Control Strategy emphasizes that “by no means, partnership and direct funding from the tobacco industry for implementation of tobacco control activities will be accepted”.

The Council for Tobacco Control and National Committee for Tobacco Use Prevention specifies that each member should sign the statement that there is no any conflict of interest regarding connection to tobacco industry.

Other

In Slovenia, Latvia, Germany and Turkey (some) meetings with the tobacco industry are recorded.

In Belgium, there is an informal and limited restriction on contacts with the tobacco industry.

Recommendations for future actions based on the survey results

- Restrict meetings with the tobacco to technical meetings
- Record and publicize the meetings with the tobacco industry
- Treat the tobacco industry differently
- Ban partnerships with and funding by the tobacco industry
- Request conflict of interests declarations for those involved in tobacco control policies