



Ombudsman regrets Commission stance on UN tobacco lobbying rules

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The European Ombudsman, **Emily O'Reilly**, strongly regrets that the European Commission has chosen not to make its dealings with the tobacco industry more transparent in line with UN guidelines.

The Commission was responding to the Ombudsman's recommendation to extend the transparency policy of DG Health to all DGs through proactive online publication of all meetings of all Commission staff with tobacco lobbyists.

Such a move would acknowledge the reality that the tobacco industry actively lobbies across multiple DGs in order to advance its commercial interests.

The Commission, in its [opinion \[Link\]](#) on the Ombudsman's recommendation, still says it meets its obligations under the World Health Organisation's Framework Convention on Tobacco Control (FCTC).

However the WHO guidelines clearly state that ' **all branches of government** ' come within the scope of the FCTC.

Emily O'Reilly stated: " *I appreciate the significant work that the Juncker Commission has done*



to improve lobbying transparency, and its intentions to make further improvements.

"However this is a missed opportunity by the Juncker Commission to show global leadership in the vital area of tobacco lobbying. The Prodi Commission took a lead role in the development of this important UN Convention.

"It cannot be enough to adopt a restrictive view of what is expected from the UN FCTC or to justify lack of proactivity on the grounds that it has met the minimum legal requirements. Public health demands the highest standard.

"Maintaining the status quo effectively means that future meetings of Commission officials with tobacco lobbyists may create distrust. It appears that the sophistication of global lobbying efforts by big tobacco continues to be underestimated."

Once the Ombudsman has obtained feedback from the complainant, she will draw up her final analysis regarding this case.

Background

The complaint was brought by an NGO which claimed the Commission was not meeting its obligations under the WHO's Framework Convention on Tobacco Control. The Ombudsman agreed, finding that the Commission's approach to publicising meetings with tobacco lobbyists was, with the exception of DG Health, inadequate, unreliable and unsatisfactory. The Ombudsman was also concerned to find that certain meetings with lawyers representing the tobacco industry were not considered as meetings for the purpose of lobbying.

In her [recommendation \[Link\]](#) published in October 2015, the Ombudsman called on the Commission **proactively to publish online all meetings with tobacco lobbyists, or their legal representatives, as well as the minutes of those meetings.**

The Ombudsman took the view that parties to the Convention - as the EU is - are required to take active measures to limit meetings with the tobacco industry and to ensure transparency when these meetings occur. The Ombudsman also took the view that as all Directorates are involved in legislative and policy areas relating to tobacco control they should all implement the same transparency measures as DG Health.

The Ombudsman also called on all other EU institutions and agencies involved in policy making to implement the WHO FCTC rules for their officials.

Editors' note

The WHO Framework Convention on Tobacco Control (FCTC) entered into force in 2005.

WHO FCTC [GUIDING PRINCIPLES \[Link\]](#) - Article 5.3



Principle 1 : *There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.*

13. The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.

Principle 2 : *Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.*

14. Parties should ensure that any interaction with the tobacco industry on matters related to tobacco control or public health is accountable and transparent.

Principle 3 : *Parties should require the tobacco industry and those working to further its interests to operate and act in a manner that is accountable and transparent.*

15. The tobacco industry should be required to provide Parties with information for effective implementation of these guidelines.

Principle 4 : *Because their products are lethal, the tobacco industry should not be granted incentives to establish or run their businesses.*

16. Any preferential treatment of the tobacco industry would be in conflict with tobacco control policy.