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Ombudsman: European Commission not transparent enough about tobacco lobbying

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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The European Ombudsman, Emily O'Reilly, has found the Barroso Commission was not transparent enough about its meetings with the tobacco industry. She called on the Juncker Commission from now on proactively to publish online all meetings with tobacco lobbyists, or their legal representatives, as well as the minutes of those meetings.

The Ombudsman's inquiry concluded that the Commission's approach to publicising such meetings is, with the exception of DG Health, inadequate, unreliable and unsatisfactory. In most of the cases, the Commission publishes information about such meetings only in response to access to documents requests or questions from MEPs. The Ombudsman found that certain meetings with lawyers representing the tobacco industry were not considered as meetings for the purpose of lobbying.

According to the Ombudsman, the Commission is not fully implementing UN World Health Organisation (WHO) rules and guidelines governing transparency and tobacco lobbying, to which the EU is a party.

Emily O'Reilly stated: "The European Commission has a particular responsibility in its role as initiator of EU legislation to ensure that policy-making in public health is as transparent as possible. This is all the more true when it comes to tobacco control, for which there is a dedicated UN framework. The UN framework applies to all EU institutions, who should implement these safeguards against undue tobacco lobbying. It is an opportunity for the Juncker Commission to be a global leader in this area of public health promotion."

The complaint was brought by an NGO which claimed the Commission was not meeting its obligations under the WHO's Tobacco Control Convention. The Ombudsman agreed, stating that as EU policies are drawn up with the help of several Commission departments, it is not enough that only DG Health is transparent about its meetings with tobacco representatives.

The Ombudsman found unconvincing the Commission's argument that responding to MEP questions as well as to access to documents requests amounts to sufficient transparency. This effectively means that if no questions

are asked, meetings with tobacco lobbyists remain undisclosed.

The Ombudsman has invited the Commission to explain by 31 December 2015 how it will implement her recommendations. In addition, Emily O'Reilly has requested an update on the Commission's intention to introduce a mandatory register of lobbyists.

The full recommendation can be found [here](#).

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

UN FCTC **GUIDING PRINCIPLES** - 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.