

Brussels, 5 December 2023

Subject: European Commission's transparency and request for a meeting

Honourable European Ombudsman Emily O'Reilly,

The [Smoke Free Partnership](#) (SFP) is a coalition of over 50 civil society organisations working on policy analysis and advocacy for the implementation of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC). We are writing to kindly ask for a meeting in the coming weeks to discuss how we can best support you in your work on ensuring the transparency of the European Commission and its officials when interacting with tobacco industry representatives.

First, we would like to take this opportunity to show further our support for your hard work in calling on the Commission to be compliant with [Article 5.3](#) of the WHO Framework Convention on Tobacco Control and its Guidelines on preventing the tobacco industry from interfering on public health policies, to which the EU and its Member States are signatories parties.

The greatest impediment to the successful implementation of robust tobacco control policies remains the tobacco industry's interference. Instances of such interference leading to policy delays or outright obstruction have concrete repercussions, putting at risk the lives of many Europeans. By monitoring the EU Transparency Register, SFP managed to shed a light on the human and economic resources deployed by the tobacco industry and its front groups in lobbying EU institutions. The [2022 Report on Declared Tobacco Industry Presence in the EU Policy-Making Environment](#) shows that the tobacco industry spent between €11.7 million and €14.8EUR in direct spending and spending on consultancies at the EU level in 2021 alone.

The [2023 Europe Regional Tobacco Industry Interference Index](#), produced by SFP, Corporate Europe Observatory (CEO) and the Global Center for Good Governance in Tobacco Control (GGTC), and released on 14 November, shows how no country in Europe is spared from the industry of the tobacco industry and, therefore, not compliant with Art. 5.3. Not only, but of the 16 countries that have been covered in the previous report, more than half worsened their score. Particularly on transparency, there is a lot to be done: nine countries had the maximum score, showing a 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.

One of the most virtuous European countries is the Netherlands, the Index shows, particularly when it comes to transparency. The Dutch National Report shows how, since 2016, interactions between the government and the industry and the meeting minutes are disclosed in a national transparency registry, publicly available [online](#).

In the [Letter from the European Ombudsman to the European Commission on the transparency of its interactions with representatives of the tobacco industry](#), you asked the Commission to disclose documents regarding interactions between Commissioners, their cabinets and/or Commission staff members and tobacco industry representatives by 23 August 2023.

In light of the delay of the Commission in disclosing such key documents, we would like to request an in-person meeting to discuss how civil society can further support the Ombudsman's effort to ensure transparency of meetings between the Commission and tobacco industry representatives.

We would appreciate scheduling a meeting with you or someone in your team to discuss the meetings between the European Commission and the tobacco industry that were not disclosed and that we uncovered through our monitoring.

Thank you for your consideration and kind regards,

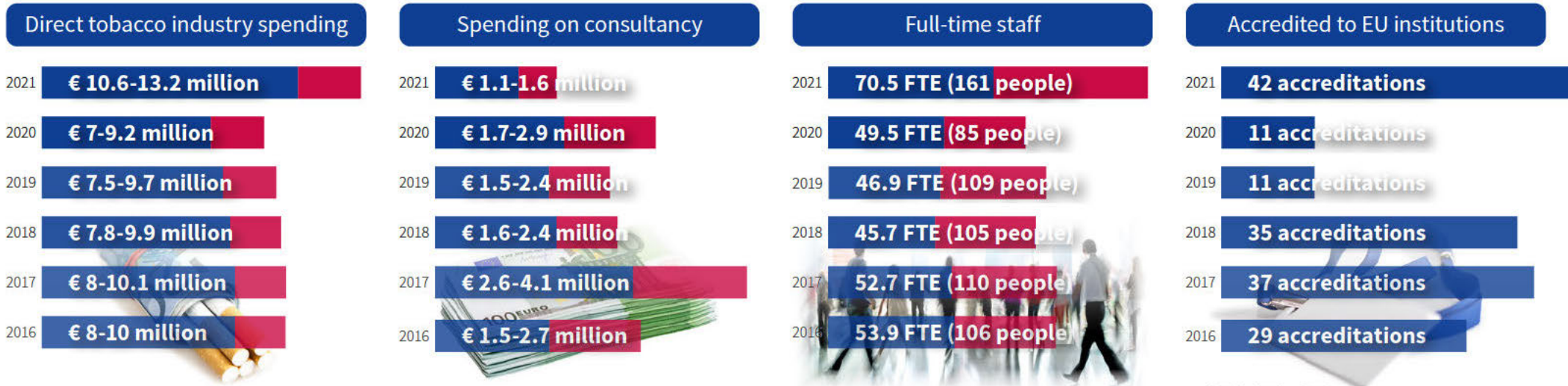
Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Number of meetings with the European Commission as declared in the Transparency Register: **000**

## Why is this important?

Tobacco industry interference remains the largest obstacle to the implementation of effective tobacco control policies worldwide. When tobacco industry interference results in delays or policies being blocked, this translates into real lives being put at higher risk of disease and death.

SFP has been monitoring the EU Transparency Register to identify and measure the representation of tobacco industry interests. The objective is to shed light on the human and economic resources of the tobacco industry and its allies, who are lobbying the EU institutions.

## How did we conduct the search?

1. Search tobacco manufacturers
2. Search trade associations
3. Search affiliations (other EU/national trade associations, consultancies)
4. Free text search for 'tobacco' and 'cigarette' in 6 languages (EN, FR, ES, IT, DE, NL) as well as search for declared meetings with the European Commission
5. Constant cross referencing, elimination of non-relevant results and cross checking of ambiguities by desk research

## Is this estimate exhaustive?

No. This is a conservative estimate of lobbying resources of the tobacco industry for three reasons:

1. Because it is based on the voluntary EU transparency Register, it only reflects what is declared in the register.
2. The limited number of languages of the search may mean that interest representatives may not have been included in the results.
3. The register also does not cover law firms, many of which might be representing tobacco industry clients.

SFP MAIN PARTNERS:



SFP ASSOCIATE PARTNERS:



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