



Brussels, 11 December 2013

To: European Commissioner Maroš Šefčovič

Re: the European Commission's implementation of Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (FCTC)

Dear Commissioner Šefčovič,

I write to ask for clarification about the Commission's implementation of Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (FCTC), which aims to protect public health policies from tobacco industry influence. As part of the ALTER-EU coalition we wrote to the Commission about this in January 2013, but statements made by you in a hearing in the European Parliament last week indicate that the Commission might have introduced new measures to implement its obligations under this important UN treaty and we are keen to learn more.ⁱ

During the hearing of the Parliament's Budgetary Control Committee last week, you stated that the WHO rules are "quite clear" and that meetings with tobacco lobbyists can only happen when these are in public and when mentioned on the website. We agree with this interpretation of the rules and you stated that this practice is already adopted by the Commission; you also mentioned that there are additional rules which you will make sure are implemented.

Research published by CEO in December 2012 showed that DG SANCO was the only Commission department that implements Article 5.3 and its accompanying guidelines by publishing a list of meetings with tobacco lobbyists on its website (although there were meetings missing in the list)ⁱⁱ. Other Commission departments that meet with tobacco lobbyists fail to disclose these meetings, our report showed. For example: President Barroso's own cabinet and officials from the Secretariat-General had, at that time, held at least five undisclosed meetings with tobacco industry lobbyists.ⁱⁱⁱ

In the light of your statements made to MEPs last week, I would like to ask if the Commission has introduced new measures to implement the WHO rules, ensuring that all meetings with the tobacco industry will be disclosed on the Commission website? We have not been able to identify any changes to the Commission website in this respect, but perhaps we have overlooked something. You also referred to additional rules that are to be implemented. Article 5.3 and the accompanying guidelines indeed require the introduction of specific ethics rules for Commissioners and Commission officials regarding their relations with the tobacco industry. Has the Commission taken any new steps in this direction? ALTER-EU outlined examples of such measures in a letter earlier this year, which I attach for your convenience.^{iv}

I look forward to your response to these questions.

Yours sincerely,

Olivier Hoedeman
on behalf of Corporate Europe Observatory (CEO)

- i European Parliament's Committee on Budgetary Control, Committee meeting, December 2 2013. <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20131202-1500-COMMITTEE-CONT#managehelp>
- ii DG Sanco publishes a list of "Meetings on TPD revision" (with links to minutes) http://ec.europa.eu/health/tobacco/events/index_en.htm#anchor3
- iii See "The Commission's shabby implementation of UN rules for tobacco lobbying", Corporate Europe Observatory, December 2012. <http://corporateeurope.org/news/commission-shabby-implementation-un-rules-tobacco-lobbying>
- iv Letter to Commission President Barroso, 17 January 2013 (ALTER-EU, jointly with Corporate Accountability International, European Public Health Alliance and Smoke-Free Partnership) <http://www.alter-eu.org/sites/default/files/documents/Letter%20to%20President%20Barroso%20on%20WHO%20FCTC%205.3%20%28%29.pdf>