

Brussels, 10 February 2025

Subject: Urgent need for strengthened implementation of WHO FCTC Article 5.3 in EU institutions

Honourable Commissioner Šefčovič,

The [Smoke Free Partnership](#) (SFP) is a coalition of over 55 civil society organisations dedicated to policy analysis and advocacy for the implementation of the World Health Organization Framework Convention on Tobacco Control ([WHO FCTC](#)).

In collaboration with [Corporate Europe Observatory](#) (CEO), we are writing to emphasize the critical importance of effectively implementing Article 5.3 of the FCTC to protect the transparency and integrity of European Union institutions and officials in their engagements with representatives of the tobacco industry.

During the previous Commission term, we were encouraged by Vice-President Jourova and her cabinet's support, to raise awareness about the recommendations listed in "[Targeting the European Commission: The 7 Lobbying Techniques of Big Tobacco](#)" (published by CEO, EPHA, and STOP in March 2021). They agreed on the need for a consistent approach and better implementation of Article 5.3 across all DGs, following DG SANTE's approach. In autumn 2024, we were informed that the Commission was assessing which departments are most exposed to tobacco lobbying, with plans to extend DG SANTE's approach to several other DGs. **We are writing to inquire about the timeline for this critical reform and to emphasize recent developments that highlight the urgency of fully implementing Article 5.3.**

### **WHO FCTC Article 5.3**

WHO FCTC Article 5.3<sup>1</sup> mandates the protection of public health policies from the undue influence of the tobacco industry. This article highlights the critical need for transparency and accountability when interacting with entities whose objectives conflict with public health goals. Strengthening the enforcement of **Article 5.3** within the European Institutions is not just necessary but imperative to preserve the integrity of policymaking and ensure public health remains the paramount priority.

### **Increased lobby spending and other examples of growing tobacco industry interference**

We have taken note of increasing tobacco industry lobbying expenditure. Between 2019 and 2022, the four largest tobacco companies collectively spent an estimated €37.6 to €48.2 million on EU-focused lobbying activities. While data for 2023 and 2024 remains unavailable, estimates suggest annual spending averages €12.5–€16 million. To put this in perspective, the seven largest fossil fuel companies collectively spend €12.8 million annually, or approximately €1.8 million per company. In contrast, several large tobacco companies spend between €3.1 and €4 million each on lobbying efforts. This disproportionate expenditure underlines the need for strict Article 5.3 to protect EU policymaking processes against tobacco industry influence.

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<sup>1</sup> [Guidelines for implementation of Article 5.3](#)

We are deeply concerned about recent examples highlighting that tobacco industry lobbying manages to circumvent EU transparency requirements. One notable case involves the lobbying group World Vapers' Alliance (WVA)<sup>2</sup>, which was recently suspended from the European Parliament's Transparency Register. Despite this, WVA representatives reportedly continued to meet with MEPs and, even presented a petition to the European Parliament in November 2024<sup>3</sup>. This occurred after their suspension from the Transparency Register<sup>4</sup>, raising serious questions about the enforcement of the EU Transparency Register rules and the Commission's stated commitment to avoiding unregistered lobbyists' influence, and compliance with WHO FCTC Article 5.3 standards.

Additionally, data on tobacco industry interference within the European Parliament is alarming. Reports indicate that during the previous legislative period (2019-2024), Members of the European Parliament (MEPs) held more than 100 meetings with representatives of the tobacco industry according to the Transparency Register Meeting Register. Alarmingly, within only the first six months of the current legislative period (June to January 2025), there have already been 71 such registered meetings. This large number indicates a lack of awareness among MEPs (a majority of which are newly elected) about the obligation to protect policy-making from tobacco industry influence as outlined in WHO FCTC Article 5.3. We have written to European Parliament President Metsola about these developments last month and encouraged her to improve the Parliament's implementation of Article 5.3.

### **The new Commission's competitiveness agenda and tobacco industry influence**

Additionally, we would like to share our concerns regarding the new Commission's agenda, which prioritizes 'competitiveness' to an unprecedented extent. This agenda has a strong focus on 'simplification' which, in practice, might result in deregulation and lowering of standards<sup>5</sup>. The initiatives announced will provide industry stakeholders with increased access and influence. This agenda poses significant risks. We have already observed participation of tobacco lobbyists in industry coalition meetings with the Commission on competitiveness issue<sup>6</sup>. If the expansion of European companies is given unchecked priority and the tobacco industry is treated as a standard sector, this could lead to enhanced access for tobacco industry lobbyists to EU decision-making processes, particularly during the drafting of new legislation. This development would undermine the principles of WHO FCTC Article 5.3 and the EU's commitment to safeguarding public health policies from industry interference.

### **Supporting your mission to strengthen transparency**

As outlined in your mission letter, one of your key goals for this term is to ensure trust and confidence of Europeans and 'strengthen our transparency system'. Enhancing lobby transparency within the European

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<sup>2</sup> Tobacco Tactics [World Vapers' Alliance](#)

<sup>3</sup> Follow the Money EU, [Shadow vape lobbying in Brussels](#), newsletter, 25 November 2024, accessed November 2024

<sup>4</sup> [World Vapers Alliance](#), Lobby Facts profile, accessed November 2024

<sup>5</sup> CSO letter VDL protection 2025 January. [Letter](#).

<sup>6</sup> Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse e.V. (BVTE) was meeting the Commission on November 4<sup>th</sup> 2024. [Participants meeting](#).

Institutions is critical to maintaining the trust of EU citizens and ensuring ethical policymaking processes. At the same time, it is essential to ensure compliance with international obligations under the WHO FCTC Art. 5.3, which serves to protect public health policies from tobacco industry influence.

We are confident that SFP and CEO, with our expertise in transparency, can offer valuable insights and support in this regard. We would greatly appreciate the opportunity to discuss these matters further at a time convenient for your members of your cabinet.

We look forward to your response and thank you in advance for considering our request.

Yours sincerely,

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A handwritten signature in black ink, appearing to be 'Lilia Olefir', enclosed within a large, loopy, circular flourish.A handwritten signature in black ink that reads 'Olivier Hoedeman', followed by a long, horizontal, slightly wavy line underneath.