



Sustainable tobacco control needs protection from industry interference

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Executive Summary

The Article 5.3 of the WHO Framework Convention on Tobacco Control (WHO FCTC) requires Parties to protect public health policies from tobacco industry interference. However, although the treaty has been ratified by most European Member States and European Union, the implementation of its Article 5.3 is insufficient.

Moreover, industry interference is evolving and becoming more difficult to recognize. Tobacco and related industries exploit novel consumer tobacco and nicotine products to further interfere with public health policies, especially as these products are often not regulated similarly to conventional tobacco products.

To protect public health policies from industry interference, it is important to raise awareness of WHO FCTC Article 5.3 across all sectors and governance levels as well as establish clear policies and protocols for its implementation and transparency in policy making. Further, national monitoring systems for industry interference and information exchange of industry practices and activities are needed.

Introduction

The tobacco epidemic is one of the biggest public health threats the world has ever faced, killing over 8 million people a year worldwide.¹ Tobacco industry interference is the greatest barrier to reducing tobacco's deadly toll.² The industry employs numerous tactics to shape and influence tobacco control policies, referred to as corporate political activities.^{2,3} In Europe, tobacco industries spent about 20,000,000€ on lobbying in 2022,⁴ making the European ombudsman urge the European Commission to better protect health policies from industry interference.⁵ It is essential to understand how commercial interests can undermine public health.

The WHO FCTC emphasizes the fundamental and irreconcilable conflict between the interests of the tobacco industry and public health policy.⁶ The Article 5.3 of the WHO FCTC and its guidelines require Parties to protect public health policies from commercial and other vested interests of the tobacco industry, and from organizations and individuals that work to further the interests of this industry.^{6,7} The article applies to government officials, representatives and employees of any public or semi-public institution within the Party's jurisdiction as well as to any person responsible for setting and implementing tobacco control policies at all levels of governance.

The Article 20 of the WHO FCTC also requires Parties to promote and facilitate the exchange of information regarding practices of tobacco industry, and to cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities. However, systematic monitoring and information exchange of these are not yet common practice.



Policy Problem

Even though the WHO FCTC has been ratified by most of the European Member States as well as by the European Union, the implementation of Article 5.3 recommendations at national and European levels is insufficient. Countries lack concrete tools and protocols to prevent industry interference.^{8,9}

The **tobacco industry interference playbook** - a well-documented set of strategies - includes tactics such as manufacturing doubt, funding biased research, lobbying, creating front groups, and promoting voluntary regulation over binding legislation (**Figure 1**). These tactics are now being replicated and adapted by the nicotine industry, which in many cases constitutes the same entities as the tobacco industry.¹⁰ The expansion of product portfolios and differing legislations for novel nicotine products enable tobacco and related industries to diversify their tactics and exploit gaps in policy protections.¹¹ This often results in the absence of effective policies or delays in their

adoption, weakening public health responses. Both industries use coordinated strategies to shape regulatory environments in their favour,¹² for example by leveraging front groups and influencers on social media to shape public opinion and influence policymaking.¹³

Still, **monitoring tools and practices to detect and counter industry interference are lacking**. Studies have shown that even where Article 5.3 is acknowledged, its implementation is hindered by the absence of systematic tracking mechanisms and transparency protocols.^{8,12} One example of an established monitoring system, which builds on active civil society engagement, is the Global Tobacco Industry Interference Index.¹⁴ According to the year 2023 Index, most of the twenty European region countries taking part in the assessment did not perform well in protecting their policies from industry interference and there was large variation between countries.¹⁵

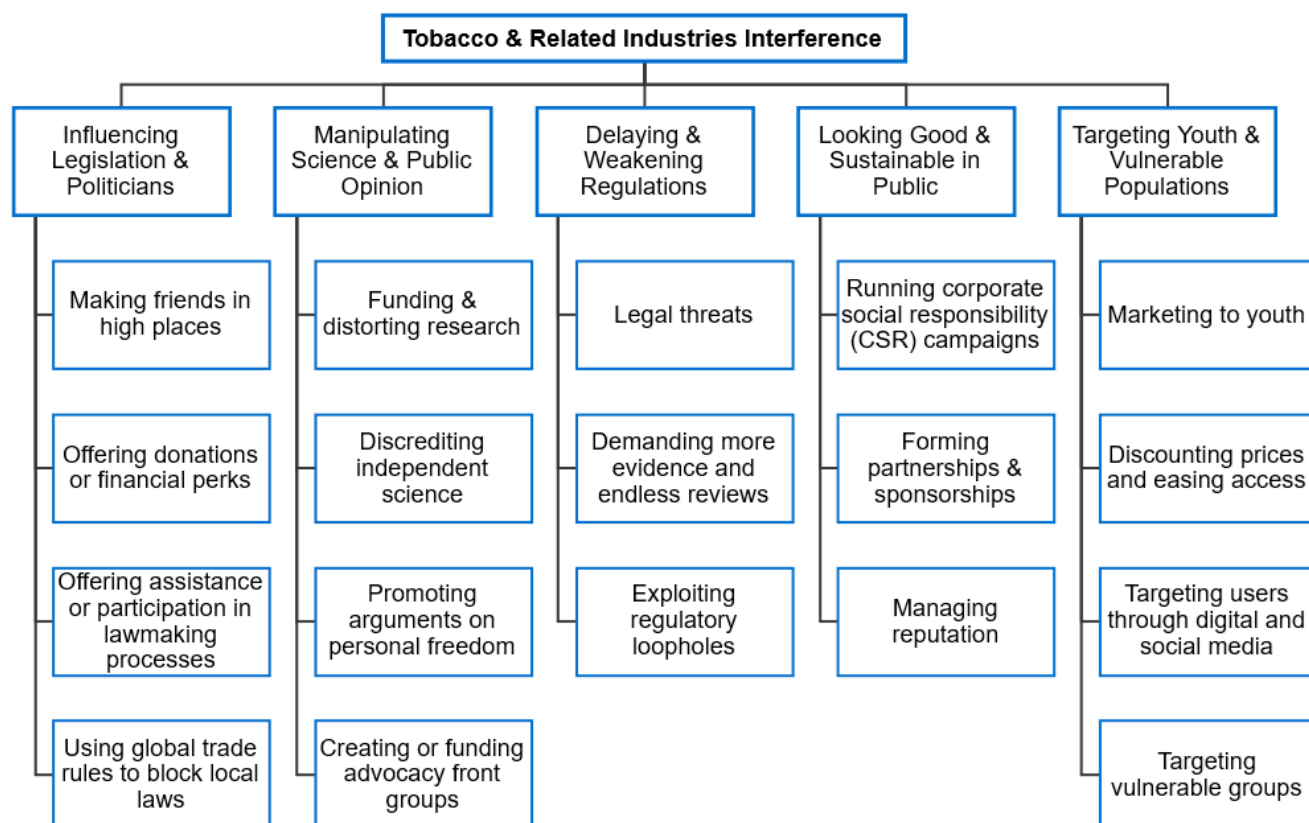


Figure 1: Examples of strategies and tactics used by the tobacco industry to undermine tobacco control efforts. Drafted based on literature in Tobacco Tactics (www.tobaccotactics.org/topics/tactics-themes/).

Discussion

Monitoring tobacco and related industry interference is essential for strengthening the implementation of WHO FCTC Article 5.3. Research and civil society-led initiatives have shown that both tobacco and nicotine industries use similar and evolving strategies to shape public perception and delay regulation. These tactics often remain hidden behind neutral-appearing entities, making them difficult to detect without systematic observation.

Effective monitoring offers multiple benefits:

1. **Supports policy evaluation:** By documenting how industry interference may undermine the impact of public health measures or create a misleading picture of policy success.
2. **Increases transparency:** By revealing influencing methods, such as lobbying, funding research, and manipulating information – helping authorities and researchers assess the independence of decision-making.
3. **Acts as an early warning system:** By exposing emerging products, marketing tactics, and attempts to circumvent legislation.
4. **Increases awareness** among decision-makers, civil society, and media, strengthening institutional resilience against interference and facilitating evidence-based policymaking and advocacy for stronger safeguards. Integrating awareness on WHO FCTC Article 5.3 and tobacco and related industries interference tactics into whole-of-government, all policymakers, and civil society organizations in all sectors ensures that protection from commercial interests becomes a standard part of governance culture.

Broader institutional adoption of industry monitoring – such as integrating these tools into national reporting systems, policymaking processes, and cross-sector governance – is needed to ensure accountability and protect public health policies from commercial and vested interests.

Recommendations

- ❖ **Monitor tobacco and related industry interference regularly** by establishing a national monitoring system on industry interference or joining an existing monitoring system, such as Global Tobacco Industry Interference Index, to build capacities on better practices for implementing WHO FCTC Article 5.3
- ❖ **Establish concrete policies and protocols** – such as lobby register, code of conduct, declaration of interest procedure, register of lobbying contacts – with mechanisms to monitor compliance to ensure implementation of WHO FCTC Article 5.3 and transparency in political decision-making.
- ❖ **Apply all such policies and protocols to all** industries involved in the production, marketing, or sale of tobacco and consumer nicotine products, as well as to related organizations.
- ❖ **Empower civil society organizations** and support them in monitoring of tobacco and related industries interference in public health policies.
- ❖ **Require transparency** by requesting the tobacco and related industry to regularly report all their corporate political and corporate social responsibility activities and finances spent in this respect.

Conclusion

Monitoring and information exchange on practices of tobacco industry and related entities increase protection of health policies from industry interference on both national and EU level. These build capacity and transparency, and facilitate national actions to progress towards the Tobacco-Free Generation goal of the Europe's Beating Cancer Plan. Better protection from the industry interference is fundamental for the Sustainable Development Goals 3.a and 3.4, that recall strengthening the implementation of the WHO FCTC and reducing premature mortality from non-communicable diseases by one third by 2030.

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