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'Massive' tobacco industry third party lobbying for revised European Directive

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The tobacco industry deployed "massive" third party lobbying to subvert revised European regulations on tobacco products, helped by regulatory reforms that seem to have made it easier for corporate interests to influence public health legislation, reveals research published online in *Tobacco Control*.

The 2014 European Union Tobacco Products Directive, which becomes national law next year, is a revised version of the 2001 Directive. It includes an increase in the size of graphic health warnings, a ban on certain flavourings, restrictions on the size and shape of cigarette packs, and regulation of e-cigarettes.

But it is weaker than the original proposals. The process for revision also took over five years, and was beset by controversy, amid claims of tobacco industry interference and the forced resignation of the Health Commissioner John Dalli. The Directive has been described as "the most lobbied dossier in the history of EU institutions."

In a bid to look at the scale and nature of industry lobbying and assess how recent regulatory reforms have affected corporations' ability to exert influence, the researchers analysed a wide range of documentary evidence.

This included 581 documents obtained through Freedom of Information requests; 28 leaked Philip Morris International papers, 17 transnational tobacco company documents from the Legacy Tobacco Documents

Library (University of California); minutes, meeting reports and press releases from the European Commission, Council of Ministers, and the European Parliament; plus a variety of web content including media coverage and blogs.

Semi structured interviews were also carried out with tobacco control experts and members of the European Parliament.

The researchers took account of the impact of Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), which seeks to curb the influence of the tobacco industry on public health policy, and European regulatory reforms known as Smart Regulation, which aim to reduce red tape and boost business competitiveness.

The analysis revealed that industry lobbying tactics were deployed on a "massive" scale. Philip Morris International alone employed over 160 lobbyists, and described third party involvement as "key to success."

Numerous third parties lobbying for the tobacco industry position were identified. Fifty one had clear financial links with the tobacco industry.Throughout the review process, tobacco industry access and influence were secured through the highest levels of political and legal power within the EU, with high profile former EU officials enabling this access.

There was repeated undisclosed contact between senior Commission officials and industry representatives, indicating that Article 5.3 is not being implemented in some parts of the Commission, despite it being a signatory to the FCTC since 2005.

As a result, two of the proposals that industry was most concerned about—plain packaging and point of sales display ban—were removed, and progress of the Directive was subject to repeated delays at every

stage of the process.

The study confirmed previous research showing that the Smart Regulation agenda enables corporate interests to exert undue influence and therefore risks undermining European Union public health policy.

"Smart Regulation tools must be reviewed to ensure they serve the public and not just corporate interests, uphold Article 5.3, particularly in parts of the Commission not responsible for health and in the European Parliament, and fulfil the EU's broader commitment to transparent policy making," conclude the researchers.

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