

European Commission
To the Commissioner for Health and Animal Welfare
Mr Olivér Várhelyi
Wetstraat 200
1049 Brussels
Belgium

Date 26 October 2026
Subject Request to consult WHO on FCTC Article 5.3

Dear Commissioner Várhelyi,

Now that the European Commission started the process of the revision of the Tobacco Products Directive (TPD) and Tobacco Advertising Directive (TAD), we see an enormous surge in tobacco industry lobbying in the European Parliament. Since this Parliament is in session already 438 meetings of tobacco lobbyists with MEPs were registered in the European Transparency register. We must fear that the real number is much higher, since it can be assumed that not all meetings are registered.

As you know, the WHO Framework Convention on Tobacco Control (FCTC) states in Article 5.3 that “in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”.

The *Guidelines for the implementation of Article 5.3* in addition state that “Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry *to the greatest extent possible*.” The guidelines also mention that “Parties should implement measures in *all branches of government* that may have an interest in, or the capacity to, affect public health policies with respect to tobacco control.” [Italics added by us]

Furthermore, it is made clear that these rules apply to all layers of government: “The guidelines are applicable to government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf. Any government branch (*executive, legislative and judiciary*) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests should be accountable.” [Italics added by us]

Now that the EU is revising the tobacco policies for the next period, it is bizarre that tobacco lobbyists have unlimited access to the EP that plays an important part in policy making. If the commercial and other vested interests of the tobacco industry must be barred from tobacco policy making, this should certainly also be applied to the EP.

It is our understanding that the Secretariat to the FCTC in Geneva will issue a statement on this matter when asked to do so by one of the Parties to the Convention. For that reason, we want to ask the Commission to consider the possibility of consulting the FCTC secretariat on this question.

The huge influence the tobacco industry still has on policy making, especially through parliamentarians, is the main reason why tobacco policies are watered down so often everywhere in the world. Especially now that the European Union is deciding on tobacco policy for the coming decennium with the aim of establishing a smokefree generation by 2040, the tobacco lobby's influence should be stopped.



A statement by the FCTC Secretariat, mentioning that Article 5.3 is fully applicable to parliamentarians and their staff, would help block the commercial interests of the tobacco industry from policy making. It would help bar lobbyist's access to the EP but furthermore would set a precedent for all EU Member States.

The tobacco industry is the only industry that markets highly addictive and at the same time harmful and life-threatening products. This unique industry is therefore regulated by a unique international UN convention that includes a unique article barring tobacco lobby from influencing policy making. Parliamentarians everywhere should not be excepted from this rule. The European Commission could make a huge difference here by demanding an explicit statement on this from the FCTC Secretariat.

Yours sincerely,



Wanda de Kanter

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