

Press release

Huge progress made thanks to court case against Dutch State

Dutch government draws up rules for contacts with tobacco industry

Amsterdam, 9 November 2015 – The court in The Hague ruled against the Youth Smoking Prevention Foundation today in the case against the Dutch State over illegal contacts of the government with the tobacco industry and its lobby. Nevertheless the court case has led to huge progress in the way the Dutch government relates to the tobacco industry. In a policy document called ‘Clarification implementation Article 5.3 WHO-Framework Convention’ that was sent to both chambers of Parliament days before the court case was heard by the court of The Hague, government clarifies how it wants to meet the requirements of Article 5.3. In this case the Youth Smoking Prevention Foundation is legally represented by mr. Phon van den Biesen, lawyer of Van den Biesen Kloostra advocaten in Amsterdam.

The court judged that legally the Youth Smoking Prevention Foundation is not in the position to request that the Dutch government complies with Article 5.3 of the Framework Convention on Tobacco Control (FCTC) of the World Health Organisation (WHO). This article requires 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”.

Important results

“Of course it is disappointing that the court didn’t rule otherwise, but nonetheless this case has yielded a lot,” says pneumonologist Wanda de Kanter, co-founder and chair of the Youth Smoking Prevention Foundation. “Under the threat of this case the Dutch government compiled a policy document called ‘Clarification implementation Article 5.3 WHO-Framework Convention’ that was sent to both chambers of Parliament. In this document the government clarifies how it wants to meet the requirements of Article 5.3. Although the wording of the document is at some points a little vague, it is now written down how government at all levels – national, regional and local – must behave in relation to the tobacco industry. That document is here to stay, indifferent from today’s court ruling.”

“It means that from now on the doors of government are closed for the tobacco industry and its lobbyists. This will end the extensive influence of the tobacco industry that time and again tries to raise doubts by issuing defective research and reports and in reality is only in search of ‘replacement smokers’, as they call our children, because they are meant to replace the smokers who died of their addiction. The policy document secures that current and future governments finally can start to seriously control tobacco in this

country without the tobacco lobby trying to counter that. We could never have achieved this without this case.”

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