



OUT_{of}STEP

SHADOW REPORT FROM EU TOBACCO CONTROL NGOs
ON THE EUROPEAN COMMISSION'S REPORT 'DANCING THE TANGO'



Preface

Early in 2011 the European Commission published a report on its achievements during the Framework Convention on Tobacco Control (FCTC) negotiations entitled *‘Dancing the Tango: the experience and roles of the European Union in relation to the Framework Convention on Tobacco Control’*.¹

This report, *‘Out of Step’*, is a response from members of the NGO tobacco control community.

While recognising the very important role the EU has played in the FCTC process, including providing the greatest share of funding, this report highlights the responsibility that Europe carries for the problem of global tobacco addiction. It will also serve to illustrate its own far from praiseworthy track record in protecting its own citizens from the harms caused by tobacco. This report highlights issues and concerns raised following the 4th Conference of the Parties (COP4) of the FCTC and makes recommendations to the European Union as well as to European tobacco control NGOs. The FCTC is the greatest opportunity the world has seen to tackle the menace that is tobacco addiction; indeed, the EU should play a leadership role which would require a full and measurable commitment to tobacco control, as well as a change of attitude towards, and approach to, other Parties and regions.

¹http://ec.europa.eu/health/tobacco/docs/tobacco_tango_en.pdf

Europe has played a major role in the global tobacco pandemic

The tobacco pandemic has been created largely by high income countries. The EU, as well as the wider European region, are significant offenders as key exporters of the tobacco problem to the rest of the world. Much of 'Big Tobacco' is headquartered in Europe, and Eastern Europe feeds and facilitates the illicit trade. Because of this, Europe has a responsibility towards the rest of the world to take tobacco control seriously. It needs to be acknowledged by the European Commission, the EU Member States and health NGOs that we must do better. Europe has not yet achieved a good record in tobacco control.

Despite being in one of the richer regions of the world, many EU countries are now falling behind best practice in FCTC implementation. Weak labelling policy, for instance, is a source of concern, especially as the EU is signing Association Agreements with its neighbourhood countries, effectively obliging them to introduce weak EU tobacco control legislation.

In spite of having the first comprehensively smoke-free countries in the world, the EU is now the only region where strong smoke-free laws have been adopted and then partly repealed at national level in response to heavy tobacco industry lobbying. Although much has been achieved to reverse the disastrous "Spanish model"² locally, its adoption in other parts of the world has caused very serious problems, and advocates need to be aware of the impact actions in the EU will have elsewhere.

Europe is not putting the necessary resources into tobacco control and sufficient expertise has not been developed in many countries to support FCTC implementation and to cover the geographical and political landmass that needs to be monitored. With a few significant exceptions, tobacco control in the Member States is weak and underfunded. This translates into a lack of funding and political support for effective tobacco control policies in Brussels, as well as globally. Since EU enlargement in 2004 and 2006, this situation has become more serious as the political balance of power has swung back to the Member States and there has been an increase in tobacco industry influence in many EU countries (old and new).

A handful of advocates in Brussels and a few national capitals cannot hold back this tide alone. National health ministries must do more to secure increased funding, develop expertise and resources, and play a more active part in European tobacco control. Civil society, particularly national heart, lung and cancer societies and other tobacco-related disease organisations also have a key role to play in this initiative. With some notable exceptions such as the members of the Smoke Free Partnership (Cancer Research UK, the European Respiratory Society, the European Heart Network and, until 2010, the French National Cancer Institute) and the Association of European Cancer Leagues, these organisations have not met their responsibilities at EU and European regional level.

² The 'Spanish model' was smoke-free legislation in bars and restaurants with important exceptions or loopholes. It was mainly the owner's responsibility to decide to go completely smoke-free, which in most cases they decided not to do.

Issues at COP4

At COP4 the EU was perceived by other Parties to be inflexible, overbearing and insistent on pursuing its own agenda, while being unprepared to listen to the perspectives of the other regions. There was a perception that, because the EU was promoting the illicit trade protocol over other Articles and due to the anti-smuggling agreements it already has with tobacco companies, it was only interested in promoting its own interests. Also, because it has been recognised that the more recent industry agreements have some major flaws that were initially not spotted by NGOs, there was a perception that the NGOs were taking a pro-industry line, or at the very least, were too close to the Commission.

While recognising that too few resources are being devoted to tobacco control by national NGOs in the EU and that other regions have their own problems and weaknesses, those NGOs that are active in EU tobacco control want to be as supportive, transparent and effective as possible within the FCTC process. Therefore, meetings of NGO representatives were held on 8 and 27 March 2011 in Brussels and Amsterdam under the auspices of the Smoke Free Partnership (SFP) and the Framework Convention Alliance (FCA) respectively, where these concerns and different perceptions were discussed, mistakes identified and a series of actions identified as set out in the recommendations below.



Recommendations to the EU, specifically in relation to the European Commission and EU Presidencies

1. As the richest region in the FCTC and a main source of the tobacco problem, the EU should aim to fulfil its obligations under the Convention to identify further resources to support FCTC implementation and not tie these solely to its own areas of interest.
2. The EU should explain its decision making processes (which are viewed by some as inflexible) to the other Parties and NGOs, so they can understand why the EU cannot change its position until it has had the chance to hold further consultation with Member State representatives.
3. Member State FCTC representatives should engage with their counterparts from other regions **ahead of**, as well as during, negotiations
4. At FCTC meetings the EU should engage with and listen to the rest of the world, not simply focus on EU concerns. Representatives should use language and a tone that is respectful of others' positions.
5. The EU should recognise the important role that NGOs have played and are continuing to play in the FCTC process and should allow NGO observers to attend preparation and position meetings before and during FCTC negotiations. The EU should keep accredited NGOs informed of progress and decisions, working in collaboration with them to achieve FCTC objectives.
6. The EU, its Member States and the Commission should recognise their obligations under Article 5.3 of the FCTC to prevent tobacco industry interference in tobacco control and public health policies. Article 5.3 should be urgently implemented according to the adopted guidelines (e.g. EU structural funds should not be provided for tobacco manufacturing).
7. The EU should closely monitor the FCTC Secretariat and ensure that it is implementing its mandate, including the decision at COP2 to seek extra budgetary contributions, and to fundraise for work plan activities, assistance to Parties and other FCTC work. The EU and its Member States should ask the FCTC secretariat to produce proper budget papers **well in advance** of Conferences of the Parties so as to avoid time wasting at the COP, as happened at COP3 and COP4.
8. The EU and its Member States should maximise the opportunities for global tobacco control provided by the UN Summit on Non-Communicable Diseases (NCDs) to be held in September 2011. As part of this, it should coordinate a strong position that emphasises the importance of accelerating the implementation and monitoring of the FCTC and identifies tobacco control as a development issue.

Recommendations to the EU tobacco control NGOs

Support for the FCTC

1. EU tobacco control NGOs must strengthen their watchdog role with regard to the EU and demonstrate their independence including, whenever possible, reporting back, however briefly, on meetings with Commission officials and Member State representatives. NGOs should also request and attend regular meetings with Commission and other EU organs and relevant Member State officials to discuss and advocate for a more effective and fair EU FCTC policy.
2. EU tobacco control NGOs should develop a specific advocacy strategy towards the EU and Member State Permanent Representations in Geneva where the EU Committee B policy decisions are discussed and formulated.
3. Increased links with colleagues in the wider European region should be developed to ensure a better coordinated EURO region advocacy strategy for Inter-Governmental Negotiating Bodies, COPs and other FCTC meetings. This will be particularly important if the Working Group on Article 6 (Illicit trade) meets, as several Parties expressing a wish to be facilitators of that Group come from the EURO region.
4. The UN Summit on NCDs represents a great opportunity and should be capitalised on: NGOs should write to their heads of state urging them to attend and to prioritise the implementation and monitoring of the FCTC.

Countering the tobacco industry

5. NGOs must develop a more formal strategy to advocate for implementation of Article 5.3 (tobacco industry interference) in the EU institutions and should seek to expand their advocacy presence in the European Parliament in order to counter a growing tobacco industry presence and influence there.
6. NGOs should consider making better use of the EU Freedom of Information rules to better understand EU policy development mechanisms and trends, to track tobacco industry influence across the EU institutions and to advocate for more effective FCTC implementation.

Addressing the lack of capacity in tobacco control in Europe

7. European NGOs should work with national and international tobacco control colleagues to rapidly address the problem of the shortage of expertise and other resources at Member State, EU and EURO level. Cancer, heart and lung societies should play a greater part in reducing the tobacco epidemic in Europe and globally.



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The Smoke Free Partnership is a strategic, independent and flexible partnership between Cancer Research UK, the European Heart Network and the European Respiratory Society. It aims to promote tobacco control advocacy and policy research at EU and national levels in collaboration with other EU health organisations and EU tobacco control networks.

