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TOBACCO  
INDUSTRY  
INTERFERENCE  
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# Table of Contents

Background and Introduction.....	4
Tobacco and Human rights.....	4
Lack of Tobacco Control Measures in Germany Due to Industry Interference.....	4
Tobacco Industry in Germany.....	5
Methodology.....	6
Summary of Findings.....	7
Recommendations.....	8
Results and Findings.....	9
Indicator 1: Level of Industry Participation in Policy-Development.....	9
Indicator 2: Industry Corporate Social Responsibility (CSR) activities.....	10
Indicator 3: Benefits to the Tobacco Industry.....	12
Indicator 4: Forms of Unnecessary Interaction.....	14
Indicator 5: Transparency.....	17
Indicator 6: Conflict of Interest.....	19
Indicator 7: Preventive Measures.....	20
Appendix I: Tobacco Industry Corporate Social Responsibility activities.....	23
Appendix II: Tobacco Industry Groups.....	24
Endnotes.....	25

## Background and Introduction

Tobacco use is one of the leading risk factors for premature death and disability. Smoking and exposure to second-hand smoke cause a large number of serious diseases, including cancer as well as respiratory and cardiovascular diseases such as chronic obstructive pulmonary disease (COPD).<sup>1</sup> As a consequence, tobacco use kills 125,000 people in Germany and 8 million people globally every year.<sup>2</sup> In 2018, more than 24% of the German population aged 15 years and older were current users of tobacco products (27% of men and 21.6% of women).<sup>3</sup>

In Germany alone, tobacco use causes direct and indirect costs of €97 billion (\$111bn) every year.<sup>4</sup> Additionally, research exposes socio-economic inequalities: the lower the education and income, the higher the smoking rates.<sup>5</sup>

**“Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health policy interests.”**

– Guidelines for implementation of Article 5.3 of the WHO FCTC

In 2004, Germany ratified the World Health Organization Framework Convention on Tobacco Control (WHO FCTC).<sup>6</sup> The treaty now has 182 parties and covers 90% of the global population.<sup>7</sup> It is a powerful instrument to defend public health against the multinational tobacco industry, helping

governments to enforce smokefree public places, tobacco advertising and sponsorship bans, tobacco taxes, product packaging and ingredient regulation, alternative livelihoods for tobacco smallholder farmers, and many other measures.<sup>8</sup> It also contains strong provisions to stop the tobacco industry from interfering in policymaking (Article 5.3 and its guidelines).<sup>9</sup>

### Tobacco and Human rights

Since tobacco use is the largest preventable cause of death, tobacco control is essential to achieve the human right to health.<sup>10</sup> In fact, the WHO FCTC is grounded on human rights. In its preamble, the treaty refers to the human right to health and cites the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) – conventions that are widely adopted globally and ratified by Germany.<sup>11</sup> This has been reemphasized in the *2018 Cape Town Declaration on Human Rights and a Tobacco-free World*.<sup>12</sup> German civil society organizations are increasingly raising awareness of the links between human rights, sustainable development and tobacco control and are engaging in human rights reporting in this area.<sup>13</sup> In 2020, a group of organizations submitted civil society reports on tobacco control in Germany and human rights violations in tobacco supply chains to the UN Committee on the Elimination of Discrimination Against Women and the UN Committee on the Rights of the Child.<sup>14</sup>

### Lack of Tobacco Control Measures in Germany Due to Industry Interference

More than 15 years after the country’s ratification of the WHO FCTC, the tobacco industry in Germany is still strong and able to exert influence on public health policy. Some progress in the implementation of the treaty had been achieved in the 2000s, but regulation since then has largely stalled. Germany now is on the last place of the European Tobacco Control Scale 2019 that ranks tobacco control measures in 36 European countries.<sup>15</sup> The report criticises that Germany did not introduce any new tobacco control policies since 2010, except of transferring

regulation required by the European Union – the 2014 EU Tobacco Products Directive – into national law.<sup>16</sup> On the positive side, Germany ratified the WHO FCTC Illicit Trade Protocol (ITP). However, the country lacks key tobacco control measures such as regular significant tobacco tax increases, comprehensive smokefree legislation, good cessation support, a comprehensive ban on tobacco advertising, promotion and sponsorship, and effective measures against the interference of tobacco industry in policymaking.<sup>17</sup>

This report analyses the biggest obstacle to tobacco control progress in Germany: The industry's interference in policymaking and the lack of implementation of WHO FCTC Article 5.3 by the German government.

The tobacco industry in Germany – as in many other countries<sup>18</sup> – uses various tactics to prevent and delay regulation: It employs corporate social responsibility (CSR) activities to present itself as good corporate citizens, enhance its reputation and gain access to political decisionmakers as well as the media. It funds events and activities by German state governments and donates to political parties or sponsors their conventions and other events. And last but not least, tobacco industry representatives as well as front groups target non-health departments to create conflict over tobacco control measures between ministries.

The tobacco industry's sponsoring and CSR activities in Germany are pervasive and anything but denormalized, although this is one of the demands that are made in the guidelines for implementation of Article 5.3. Tobacco industry CSR activities and sponsoring can be found on local, state and national level and cover areas such as education, science, welfare, culture, media, politics or economics. The Results and Findings chapter contains many examples. However, it is impossible to track and list all CSR activities and events of the tobacco industry for this report, even when only focusing on events that were attended or endorsed by political decisionmakers. Appendix I lists some of the actors and initiatives in this area to give readers a hint for further research.

## **Tobacco Industry in Germany**

The tobacco market in Germany is dominated by a few multinational cigarette companies and their local subsidiaries (Table 1). Additionally, there are various medium-sized companies producing cigars, cigarillos or tobacco-related materials (such as papers, filters and other smoking-related supplies).<sup>19</sup> The e-cigarette industry is a mix of multinational players as well as smaller companies.<sup>20</sup>

Germany also hosts the Körber Group, which is the parent company of Hauni, the world's leading producer of cigarette machines. The company boasts that “two thirds of the world's filter cigarettes and tobacco products are manufactured using machines and equipment” from them.<sup>21</sup> It has subsidiaries around the globe and provides all kinds of machinery necessary for the manufacture of tobacco and related products (including heated tobacco products). The Körber Group made €2.5 billion (\$2.8bn) in revenues and €316 million (\$363m) in profits in 2018. It is not clear how much Hauni currently contributes to the group.<sup>22</sup> The most recent data from 2011 suggests that it makes up 40% of its total revenues.<sup>23</sup> The Körber Group is owned by the Körber Foundation, a big philanthropical player in Germany with good connections to political decisionmakers, including the Federal President (see for example question 5 in the Results and Findings chapter).

There is a big number of tobacco industry associations and organizations that act as front groups for the industry in Germany. Table 2 lists some of them that repeatedly appear in the analysis of

tobacco industry interference discussed in the Results and Findings chapter. For a complete list, see Appendix I.

Local cigarette company	Multinational parent company	Market share
Philip Morris GmbH	Philip Morris International (PMI)	37.08%
Reemtsma Cigarettenfabriken GmbH	Imperial Brands	23.78%
British American Tobacco Germany	British American Tobacco (BAT)	19.6%
JTI Germany	Japan Tobacco International (JTI)	6%
Heintz van Landewyck GmbH	Landewyck Group / Landewyck Tobacco S.A. (Luxembourg)	0.71%
Joh. Wilh. von Eicken GmbH	N/A	0.7%
Others	N/A	12,13%

**Table 1:** Cigarette companies and their market shares in Germany in 2017.<sup>24</sup>

Organization	Abbreviation	English translation
Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse	BVTE	German Federal Association of Tobacco Industry and New Products
Bundesverband der Zigarrenindustrie	BdZ	Federal Association of Cigar Industry
Deutscher Zigarettenverband	DZV	German Association of the Cigarette Industry
Körper-Stiftung	N/A	Körper Foundation
Mittelständische Unternehmen der Tabakwirtschaft	MUT	Association of medium-sized tobacco companies
Verband der Rauchtobakindustrie	VdR	German Association of Smoking Tobacco

**Table 2:** German tobacco industry organizations that are mentioned by name in the Results and Findings chapter (complete list see Appendix II).

## Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance.<sup>25</sup> There are 20 questions based on the Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 - 5, where 5 indicates highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not-applicable. Where multiple pieces of evidence are found, the score applied reflects an average. To increase readability, the references to pieces of evidence are placed at the end of the report. It is worthwhile to check the endnotes because they often contain links to pictures, social media and other interesting details. Monetary amounts are expressed in euros, but for international readers they are converted into US dollars at a simplified average exchange rate (€1=\$1.15). The report covers information on incidents in 2018 and 2019 that was available by the end of July 2020. Additionally, it contains a few references to 2017 and 2020.

## Summary of Findings

Germany has an overall score of 63.

### 1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

In 2019, the Minister of Finance followed proposals of the tobacco industry regarding tobacco taxes. The Minister's proposal was not adopted by the government, but not because of public health concerns. On a positive note, there are no tobacco industry representatives in German delegations to the WHO FCTC sessions of the Conference of the Parties (COP). Germany also does not invite tobacco industry to sit in government interagency committees or advisory bodies.

### 2. INDUSTRY CORPORATE SOCIAL RESPONSIBILITY ACTIVITIES

The Federal President partners with the Körber Foundation, a tobacco industry organization. Furthermore, several German state governments received sponsorships of the tobacco industry, especially for events of state representations to the federal government. In 2018/19 tobacco industry sponsorship contributions to state governments amounted to a total of at least €570,000 (about \$655,000).

### 3. BENEFITS TO THE INDUSTRY

The tobacco industry has managed to delay the introduction of an outdoor tobacco advertising ban for several years, even though Germany was obligated to implement it by 2010. Additionally, the government gives privileges to e-cigarettes and heated tobacco products as compared to cigarettes when it comes to taxation and health warnings (no pictorial warnings needed on heated tobacco and e-cigarettes). The industry also benefits from a €5-6 million (\$5.75-6.9m) tobacco tax exemption for tobacco products that manufacturers provide their employees as a deposit without remuneration.

It appears that the German government only implements new tobacco control measures if they are required by EU regulation.

### 4. UNNECESSARY INTERACTION

Top level politicians, including Chancellor Angela Merkel and Prime Ministers of German States, as well as members of parliament and government officials regularly participate in social events and other activities that are organized or at least partially sponsored by the tobacco industry. These events give tobacco industry representatives access to political decisionmakers. Additionally, PMI sponsored two trainings for police officials on illicit trade in 2019. The events involved top PMI executives, representatives of a PMI sponsored research project, high level police officials (local and state level) as well as members of parliament. The trainings were organized by a police union, not the police itself. However, participants of the trainings were law enforcement and customs officers and speakers were introduced with their official titles.

### 5. TRANSPARENCY

Germany does not have a lobby register, neither for the tobacco industry in particular nor for economic entities in general. The tobacco industry is not required to disclose information about its lobbying activities or affiliated organizations.

In cases strictly necessary for legislation, the government discloses meetings with tobacco industry and written statements submitted during official hearings. Minutes of related

meetings are not published. However, in 2018/19 there were a number of tobacco industry meetings with high-level government officials that were not strictly necessary. This only came to light because of a brief parliamentary inquiry.

## 6. CONFLICT OF INTEREST

The government does not prohibit contributions from the tobacco industry to political parties. As a result, the governing parties (CDU, CSU and SPD) as well as one of the opposition parties (FDP) receive large donations and sponsorships. Political parties in Germany received at least €200,000 (\$230,000) in 2018 and 2019 from the industry, but this represents just the tip of the iceberg: While donations have to be disclosed by parties, the much bigger sponsorship amounts for conventions and other party events remain largely obscure.

No retired senior government officials (such as Prime Ministers or Ministers) have joined the tobacco industry in recent years.

## 7. PREVENTIVE MEASURES

In the area of preventive measures, Germany fares poorly. The government is of the view that the guidelines for the implementation of Article 5.3 of the WHO FCTC are not legally binding so that it can pick only those measures that seem convenient. Therefore, it takes almost no action in the area of prevention. The government does not require the recording and disclosure of all interactions with tobacco industry representatives. There is no code of conduct for public officials prescribing standards with which they should comply in their dealings with the tobacco industry. There is also no program to consistently raise awareness about Article 5.3 guidelines within government departments.

## Recommendations

- Adopt a comprehensive national tobacco control strategy, outlining a timeline for the full implementation of the WHO FCTC
- Denormalize and regulate tobacco industry CSR activities
- Ban tobacco industry sponsorship and other contributions to government and public institutions
- Increase transparency of sponsoring contributions to political parties in general and ban tobacco industry donations to as well as sponsorships of political parties
- Introduce a comprehensive and obligatory lobby register
- Require the tobacco industry to periodically submit information on lobbying, philanthropy and political contributions
- Record and disclose all meetings and other interactions between tobacco industry representatives and government officials, including dates, participants, subjects, outcomes and minutes
- Adopt a code of conduct for public officials, prescribing standards with which they should comply in their dealings with the tobacco industry
- Adopt a system to regularly raise awareness of Article 5.3 guidelines within government departments and public institutions, including police and other law enforcement institutions



## Results and Findings

Note: The higher the score, the worse the interference. “Rec. 3.1” or similar terms refer to the recommendations in the [guidelines for implementation of Article 5.3 of the WHO FCTC](#).

	0	1	2	3	4	5
<b>INDICATOR 1: Level of Industry Participation in Policy-Development</b>						
1. The government <sup>26</sup> accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry <sup>27</sup> in setting or implementing public health policies in relation to tobacco control <sup>28</sup> (Rec 3.1)				3		
<p>In May 2019, there was a brief discussion about raising tobacco taxes, initiated by Olaf Scholz, the Federal Minister of Finance.<sup>29</sup> The Minister planned an incremental tax increase and an exemption for e-cigarettes.<sup>30</sup> This followed proposals of tobacco companies.<sup>31</sup> The industry’s lobbying for tax raises might sound paradox because tobacco taxation is one of the most important means to make people quit smoking and prevent young people from starting.<sup>32</sup> However, this instrument is ineffective if tax increases are done in small steps, as was proposed by the industry. At the same time, tobacco companies like to use tax increases as a smokescreen to hide their own price hikes and trick consumers into blaming the government for making cigarettes more expensive.<sup>33</sup> Since there have been no changes in tobacco taxation for years in Germany, a small increase would be a welcome opportunity for the industry to boost its profits. The Minister’s initiative was silenced within days by the Federal Chancellery, though – not because of public health concerns but due to the fact that the governing parties had agreed not to raise taxes during this legislative period.<sup>34</sup></p> <p>No other incidents have been recorded during 2018 and 2019. However, based on the available information, it is difficult to adequately answer this question because the government does not disclose all meetings with the tobacco industry or related minutes (see questions 11 and 16).</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)	0					
There is no publicly available information whether any policy or legislation drafted by or in collaboration with the industry was submitted to the government. It is therefore not possible to know the extent of the government’s collaboration with the tobacco industry.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		1				
No such involvement of tobacco industry in governmental public health committees is known.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the		1				

	0	1	2	3	4	5
sessions of the Conference of the Parties (COP) or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) <sup>35</sup> (Rec 4.9 & 8.3)						

There are no tobacco industry representatives on German COP delegations.<sup>36</sup>

## INDICATOR 2: Industry Corporate Social Responsibility (CSR) activities

5. A. The government agencies or its officials endorses, supports, forms partnerships with or participates in so-called CSR activities organized by the tobacco industry. (Rec 6.2)						
B. The government (its agencies and officials) receives contributions <sup>37</sup> (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						5

### A: The government partners with CSR activities organized by the tobacco industry

Germany's Federal President Frank-Walter Steinmeier partners with the Körber Foundation for the History Competition of the Federal President.<sup>38</sup> The Körber Foundation is one of the biggest CSR actors of the tobacco industry in Germany (funding volume of almost €19 million [\$21.85m] in 2018).<sup>39</sup> It is the sole owner of the Körber AG, a group of companies that – through its subsidiary Hauni AG – is the world's leading producer of cigarette manufacturing machines.<sup>40</sup> The company boasts that “two thirds of the world's filter cigarettes and tobacco products are manufactured using machines and equipment” from Körber.<sup>41</sup> Accordingly, regulation of tobacco products is listed as a risk factor in Körber's annual report and the company opposes regulations such as plain packaging or a ban on cigarette vending machines, for example during the public consultation for the revision of the EU Tobacco Products Directive in 2010.<sup>42</sup> The Körber Foundation does not sponsor tobacco-related activities and there is no evidence that it comments on tobacco control related issues.

However, it does not hide that its money comes from the tobacco sector.<sup>43</sup> It sponsors a large variety of educational, research and cultural projects that give its representatives access to high-level political leaders in Germany and abroad – including Ministers, Prime Ministers and Presidents of foreign countries. In 2018/19, these were for example Mike Pompeo (US Secretary of State), Jens Stoltenberg (NATO Secretary General), Erna Solberg (Prime Minister of Norway) and Mateusz Morawiecki (Prime Minister of Poland).<sup>44</sup>

The History Competition of the Federal President aims at children and young people under 21 years of age. Prizes amount to a total of more than €250,000 (\$287,500). The first prize winners on the federal level personally receive their awards from the Federal President and a representative of the Körber Foundation at Palace Bellevue, the President's residence in Berlin.<sup>45</sup> Prize certificates carry the logo of the Federal President next to the Körber Foundation logo.<sup>46</sup>

Chairman of the 2018/19 competition's board of trustees was the Head of the Office of the Federal President, Stephan Steinlein. Vice-Chairman was Thomas Paulsen, Member of the Executive Board of the Körber Foundation. Other board members of the competition were under-secretaries of state from Saarland and Saxony and representatives of other important institutions.<sup>47</sup> The competition has been organized by the Körber Foundation under the

patronage of the Federal Presidency since 1973.<sup>48</sup> Although the title of the competition implies that it is organized by the President, it is completely in the hands of the Körber Foundation. That is why this partnership does not show up in the sponsoring list of the federal government, revealing that the list and the related anti-corruption directive have significant gaps.<sup>49</sup>

Pictures of the award event at the President's residence:

[https://www.facebook.com/pg/Geschichtswettbewerb/photos/?tab=album&album\\_id=2392366227556594](https://www.facebook.com/pg/Geschichtswettbewerb/photos/?tab=album&album_id=2392366227556594)

Video on the President's website:

<https://www.bundespraesident.de/SharedDocs/Berichte/DE/Frank-Walter-Steinmeier/2019/11/191119-Geschichtswettbewerb.html>

### **B: The government receives sponsoring from the tobacco industry**

The federal government requires the disclosure of all sponsoring contributions above €5,000 (\$5,750) to federal agencies in a biannual report. The last report covers 2017/18 and does not show any tobacco industry sponsorships. The related administrative directive (of 2003) however does not explicitly prohibit tobacco industry sponsorships.<sup>50</sup>

Most German states have passed directives on the disclosure of sponsoring contributions, but only a few reports covering the years 2018/19 are available. Some states do not disclose the names and/or amounts if a sponsor does not agree to the publication. These factors make it difficult to get an overview of all tobacco industry sponsoring for government entities in Germany. **German state governments received at least €570,000 (\$655,000) from the tobacco industry in 2018/19.** The available reports reveal the following incidents:

- The Representation of the State of Lower Saxony to the Federal Government received sponsorship payments as well as contributions in kind from Reemtsma Cigarettenfabriken GmbH (a subsidiary of Imperial Brands with a cigarette factory in the state of Lower Saxony) for its summer parties in Berlin in 2018 and 2019. These contributions amounted to more than €30,000 (\$34,500; both years together).<sup>51</sup>
- The State of Hamburg received at least €465,000 (\$534,750; 2018) and €70,000 (\$80,500; 2019) from Körber Foundation.<sup>52</sup> Another at least €5,000 (\$5,750) came from BAT for the state's summer party in Berlin in 2019.<sup>53</sup> The logos of Reemtsma/Imperial and its blu e-cigarette brand can be seen in a video of the summer party, implying that Reemtsma was among the sponsors but declined a publication of their name and contribution.<sup>54</sup> Of the contributions from Körber Foundation and BAT, some amounts were not disclosed either.<sup>55</sup>
- The Representation of the State of Rhineland-Palatinate to the Federal Government received sponsorships from JT International Germany (the company has a factory in the state) for its biannual summer party in Berlin in 2017 and 2019.<sup>56</sup> The sponsorship amount in 2019 was about €4,200 (\$4,830).<sup>57</sup>

It appears that tobacco companies prefer to sponsor parties of state representations to the federal government – killing two birds with one stone: enhancing their reputation at the state level and gaining access to politicians and decisionmakers at the federal level. These summer parties are attended by high level politicians such as state prime ministers, ministers as well as

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members of the national parliament and top level politicians of the federal level.

### INDICATOR 3: Benefits to the Tobacco Industry

6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month). (Rec 7.1)					4	
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The tobacco industry has managed to delay the introduction of an outdoor tobacco advertising ban for several years, although the ban has broad public support and Germany was required to implement it by 2010 due to its ratification of the WHO FCTC.<sup>58</sup> During the last election period, in 2016, the Cabinet approved a draft bill, but it was never tabled in national parliament. It was blocked until the elections in late September 2017 by Volker Kauder, who was the leader of the governing parliamentary group of the Christian Democratic Union (CDU) and Christian Social Union (CSU).<sup>59</sup> After the elections, the coalition agreement of CDU/CSU and the Social Democratic Party (SPD) almost included a declaration that the government will implement the advertising ban, but it was eliminated in the last minute due pressure from the leaders of the CDU/CSU group in parliament, according to the news magazine Der Spiegel.<sup>60</sup> Nonetheless, the tobacco advertising ban was debated again, supported by tobacco control advocates, public health and children’s rights groups, as well as two opposition proposals from the Green Party and DIE LINKE in parliament.<sup>61</sup> In December 2019, the CDU/CSU group in parliament, under a new leadership since September 2018, came up with a compromise position paper, supported by large parts of the group (but with 46 no votes and strong opposition from their economic wing).<sup>62</sup> As a result of this compromise, a ban of outdoor tobacco advertising was passed in Parliament in July 2020. It contains long transition periods for implementation (incremental for different types of products):<sup>63</sup>

- application on traditional tobacco products from 1st January 2022
- application on heated tobacco products from 1st January 2023
- application on e-cigarettes from 1st January 2024

In comparison to the last official draft (of 4 November 2015),<sup>64</sup> it has been further weakened. The new law differentiates between different types of tobacco products and e-cigarettes. It also allows an exemption for advertising at the outside of specialist tobacco shops. While the 2015 draft prohibited the provision of free samples of any tobacco product, electronic cigarettes as well as refill tanks, the new draft only prohibits this for cigarettes, roll-your-own tobacco and shisha tobacco, and only outside of specialist tobacco shops. This way, free sampling and gifts remain allowed for e-cigarettes, heated tobacco products as well as cigars and cigarillos – anywhere, not only in specialist shops.

Other forms of advertising such as advertising at the point of sale, display of tobacco products at the point of sale, packaging and product design features, and most importantly promotion and sponsorship, remain allowed.

While emphasizing their general opposition to a tobacco advertising ban, PMI has repeatedly

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<p>requested a differential treatment of traditional tobacco products vs. heated tobacco products and e-cigarettes, e.g. in their statement in a hearing on the tobacco advertising ban in 2019.<sup>65</sup> Associations representing the e-cigarette industry as well as medium-sized companies and cigar manufacturers also requested exemptions of an advertising ban and other regulation.<sup>66</sup> In their written statement, the BdZ for example made the compromise proposal to give a longer transitional period, keep point of sale advertisements and allow the free provision of cigars and cigarillos.<sup>67</sup></p> <p>However, the implementation of the EU track and trace system was done shortly before the EU deadline in May 2019, but still on time.<sup>68</sup> It largely follows the EU requirements, although the tobacco industry complains that it is “an imposition on the German economy in terms of legislation, time, finances and technology“ and that it is clear “that Track &amp; Trace would not curb tobacco smuggling, just as shock images or new advertising bans would not strengthen health protection”.<sup>69</sup></p>						
7. The government gives privileges, incentives, exemptions or benefits to the tobacco industry (Rec 7.3)				3		
<p>The government has given privileges to e-cigarettes and heated tobacco products over cigarettes. There are no taxes on e-cigarettes or liquids like that are applied to tobacco, only value added taxes apply. Tobacco sticks for heated tobacco products are taxed like pipe tobacco, which is much cheaper than the tax on cigarettes. They also carry text-only warnings, not pictorial warnings as prescribed for cigarettes and roll-your-own tobacco. E-cigarettes only need a warning that nicotine is addictive.<sup>70</sup></p> <p>Shisha tobacco is taxed like pipe tobacco. No tobacco taxes apply to smokeless tobacco.<sup>71</sup></p> <p>Additionally, the government gives the industry a tobacco tax exemption for tobacco products that manufacturers offer their employees as a deposit without remuneration, amounting to €6 million (\$6.9m) in 2018 and €5 million (\$5.75m) in 2019.<sup>72</sup></p> <p>Furthermore, there are customs exceptions for tobacco products. Germany applies EU minimum travelers’ allowances for travels within the EU:<sup>73</sup></p> <ul style="list-style-type: none"> <li>• 800 cigarettes</li> <li>• 400 cigarillos (cigars weighing maximum 3 grams each)</li> <li>• 200 cigars</li> <li>• 1 kg of tobacco</li> </ul> <p>Amounts for other tobacco products (e-cigarettes, heated tobacco etc.) are unknown.</p> <p>Allowances for travels from outside the EU:<sup>74</sup></p> <ul style="list-style-type: none"> <li>• 200 cigarettes or</li> <li>• 100 cigarillos or</li> <li>• 50 cigars or</li> <li>• 250 grams of smoking tobacco or</li> <li>• a proportionate combination of these goods</li> </ul> <p>Note: these amounts can be carried by any importer who is at least 17 years old, although the minimum age for the purchase of tobacco products in Germany is 18.</p>						

	0	1	2	3	4	5
<p>Allowances for e-cigarettes, heated tobacco products and others:</p> <ul style="list-style-type: none"> <li>heated tobacco products: 250 grams if the plug of tobacco is wrapped using an aluminium wrapper (treated like smoking tobacco); 200 pieces if the plug of tobacco is not wrapped in aluminium (treated like cigarettes)</li> <li>water pipe vape cotton is treated like smoking tobacco (250 grams)</li> <li>liquids for e-cigarettes (with or without nicotine) are treated like any normal non-tobacco product (value limits apply)</li> </ul>						
<b>INDICATOR 4: Forms of Unnecessary Interaction</b>						
<p>8. Top level government officials (such as President/ Prime Minister or Minister<sup>75</sup>) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)</p>					4	
<p><b>In the past years, top level politicians regularly participated in events organized and/or sponsored by the tobacco industry.</b> These included for example Chancellor Angela Merkel, Annegret Kramp-Karrenbauer (Chairwoman of the CDU, former Prime Minister of the State of Saarland, favourite CDU candidate for the next chancellorship at that time), Stephan Weil (Prime Minister of Lower Saxony), Stanislaw Tillich (then Prime Minister of Saxony), Olaf Scholz (then Mayor of the State of Hamburg), Peter Tschentscher (Mayor of the State of Hamburg), Sigmar Gabriel (former Vice Chancellor), Robert Habeck (Chairman of the Green Party) as well as a large number of Members of Parliament.</p> <p><b>List of known incidents:</b></p> <p><b>Events that were co-sponsored by the tobacco industry:</b></p> <p>During the Publishers’ Night in 2018 and 2019, Chancellor Angela Merkel (2018) and the President of the German Federal Parliament, Wolfgang Schäuble (2019) received the ‘Ehren-Victoria’ award.<sup>76</sup> The Publishers’ Night is organized by the Association of German Magazine Publishers and sponsored by PMI and VdR among other companies and organizations. In 2018 and 2019, PMI was present with an IQOS promotion booth as well as a big lounge area with branding of PMI’s “Power of the Arts” award.<sup>77</sup> The Publishers’ Night is attended by high-level politicians as well as celebrities and representatives of the media.<sup>78</sup> The Publishers’ Night magazine was sponsored by VdR.<sup>79</sup></p> <p>Pictures of the event, including lounge area and logo wall:</p> <p>2018: <a href="https://publishers-summit.vdz.de/service/archiv/2018/bildergalerie-publishers-night">https://publishers-summit.vdz.de/service/archiv/2018/bildergalerie-publishers-night</a></p> <p>2019: <a href="https://publishers-summit.vdz.de/publishers-night/galerie">https://publishers-summit.vdz.de/publishers-night/galerie</a></p> <p>Additionally, top level politicians participated in the Blankeneser Neujahrsempfang (a huge new years reception in Hamburg) which is sponsored by BAT as one of the main sponsors. Top level tobacco industry representatives of BAT as well as Reemtsma attend the event.<sup>80</sup></p>						



Traditionally, there is a VIP reception before the official reception starts, where sponsors can meet the guests of honor.<sup>81</sup>

- Speakers in 2018: Olaf Scholz (SPD, then Mayor [=prime minister] of the State of Hamburg, since March 2018 Vice Chancellor and Minister of Finance), Alexander Graf Lambsdorf (FDP, member of parliament) as well as two non-politicians.<sup>82</sup>
- Speakers in 2019: Peter Tschentscher (SPD, Mayor [=prime minister] of the State of Hamburg), Annegret Kramp-Karrenbauer (Chairwoman of the CDU, former Prime Minister of the State of Saarland, at that time she was seen as the favorite CDU candidate for the next chancellorship), Robert Habeck (Chairman of the Green Party) and Sigmar Gabriel (former Minister of Economics as well as Vice Chancellor, 2013-2017 and former Minister of Foreign Affairs, 2017-2018).<sup>83</sup>

#### **Events that were organized and sponsored by the tobacco industry:**

At the 2018 Reemtsma Liberty Award gala, the Justice Minister of Lower Saxony, Barbara Havliza (CDU) participated. She posed for a picture with Sven Jacob, Public Affairs official of Reemtsma. Thomas Oppermann (SPD), Vice President of the national parliament, also participated.<sup>84</sup> The Reemtsma Liberty Award was an annual prize given to journalists from 2007 to 2018 and was initiated and sponsored by Reemtsma. Pictures: <https://www.politik-kommunikation.de/gala/reemtsma-liberty-award-2018-1194543176>

Numerous members of parliament and other politicians, especially of the CDU/CSU party group, attended the PMG 2018 social event of PMI at the luxury China Club in Berlin.<sup>85</sup> Josef Oster (CDU), Henning Otte (CDU), Oliver Grundmann (CDU), Carsten Müller (CDU, party chairman in the parliament Committee on Legal Affairs and Consumer Protection, and Member of the Committee on Economic Affairs), Peter Ramsauer (CSU, Chairman of the Committee on Economic Cooperation and Development, former Minister of Transport [2009-2013]), Florian Hahn (CSU), Olav Gutting (CDU, member of the Finance Committee). Dirk Hilbert (FDP), the Mayor of the city of Dresden, also participated in the event, posing for a picture with Markus Essing, Chairman of PMI Germany. Dresden hosts a PMI factory and PMI announced to invest €320 million (\$368m) in a new IQOS production site there in 2017 (which was stopped in June 2018, see below).<sup>86</sup> Additionally, Hans Eberhard Schleyer, a member of the National Regulatory Control Council, attended the event. Pictures: <https://www.politik-kommunikation.de/gala/philip-morris-pmg-2018-383631891>

In 2018 and 2019, numerous members of parliament also attended events of the DZV (German Association of the Cigarette Industry):<sup>87</sup> Albert Weiler (CDU; outspoken against a TAPS ban<sup>88</sup>), Gero Hocker (FDP, Member of the Parliamentary Committee on Food and Agriculture that deals with tobacco control), Wolfgang Kubicki (FDP, Vice Party Chairman, Vice President of the National Parliament), Tankred Schipanski (CDU), Alois Karl (CSU), Thomas Oppermann (SPD, Vice President of the National Parliament, seen on a picture with Michael Kaib of Reemtsma and Jan Mücke of the DZV), Bernhard Daldrup (SPD, member of the Finance Committee) and Peter Ramsauer (FDP, Chairman of the Committee on Economic Cooperation and Development).

Pictures: <https://www.politik-kommunikation.de/gala/dzv-fruehsommerempfang-1461444923> and <https://www.politik-kommunikation.de/gala/dzv-herbstempfang-962397760>

Other events of the VdR and Reemtsma attracted members of parliament as well as staff members of MPs or government entities (only MPs listed here):<sup>89</sup> Nicola Beer (FDP, general secretary of the party 2013-2019, MP 2013-2019, Vice President of the European Parliament since 2019), Gitta Connemann (CDU, since 2015 Vice Chairperson of the CDU/CSU group in parliament), Elisabeth Motschmann (CDU), Albert Weiler (CDU – again, see above). Pictures: <https://www.politik-kommunikation.de/gala/reemtsma-grill-lounge-1324433093> and <https://www.politik-kommunikation.de/gala/41-preisverleihung-pfeifenraucher-des-jahres-97819238>

**Other meetings to foster relationships:**

In addition to these social events, top level government officials have met with and/or endorsed tobacco industry in 2017 and 2020 (included here because the 2017 incident still had repercussions in the following years and at the 2020 incident, the draft tobacco advertising ban was discussed, a development spanning several years).

In 2017, Stanislaw Tillich, then Prime Minister of Saxony welcomed the announcement of PMI to invest €320 million (\$368m) in a new IQOS factory in Dresden, a city in Saxony. The Prime Minister also posed for pictures with Stacey Kennedy, Chairperson of PMI Germany, in front of a PMI logo wall.<sup>90</sup> Video clip showing Stanislaw Tillich with PMI Germany Chairperson Stacey Kennedy: <https://www.youtube.com/watch?v=4vYcUVLolms>

Matthias Machnig, then State Secretary in the Federal Ministry for Economic Affairs was also cited as endorsing the investment.<sup>91</sup> State Secretary Machnig in general had a supportive attitude towards the tobacco industry, as preparatory notes for meetings with tobacco industry representatives at the Federal Ministry for Economic Affairs in the years of 2014 to 2016 show (published through a freedom of information request). These notes also reveal the Ministry’s opposition to draft legislation and proposals from the Ministry for Food and Agriculture (for example a tobacco advertising ban).<sup>92</sup>

PMI later canceled the investment “for now”, citing production capacities elsewhere, but keeping it pending for years if and how they might further invest. In 2019, PMI announced a smaller investment in a logistics centre in Saxony.<sup>93</sup>

In early February 2020, the Prime Minister of Lower Saxony, Stephan Weil (SPD), visited the Reemtsma factory in Langenhagen, meeting Reemtsma CEO Michael Kaib and other top level company representatives. He was accompanied by members of the state parliament (Rüdiger Kauroff, SPD, and Rainer Fredermann, CDU). The tobacco advertising ban was also discussed during the meeting (Weil was however cited referring to the federal level, avoiding a statement of support).<sup>94</sup>

9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors (including monetary contribution for these activities). (Rec 4.3)			2			
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In 2019, PMI sponsored two trainings on illicit trade for police. The trainings were organized



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<p>by the Trade Union of the Police (GdP). Speakers were high level PMI ITP officials, high level representatives of the union (national level), police officials (local or state level), representatives of a PMI IMPACT project (FIFI), as well as members of parliament.<sup>95</sup></p> <p>The State Commissioner for Police Affairs (ombudsman) of the State of North Rhine Westphalia, Thorsten Hoffmann, also participated in one of the trainings and posted pictures on his Facebook page:<sup>96</sup> <a href="https://www.facebook.com/Hoffmann.Do/posts/2151323948497189">https://www.facebook.com/Hoffmann.Do/posts/2151323948497189</a></p> <p>The trade union is not a government agency. Nevertheless, participants of the trainings are law enforcement and customs officers and speakers were introduced with their official titles.</p> <p>Additionally, PMI placed a full page advertorial in the union’s magazine in January 2020, reflecting the trainings (reach: about 180,000 people, mostly in law enforcement; prize of the advertorial probably about €12,000 [\$13,800]).<sup>97</sup></p> <p>Pictures of the event were shared on Twitter by the trade union’s customs district as well as Markus Schütz of PMI, for example a tweet showing an official of the Bundeskriminalamt (BKA).<sup>98</sup> His presentation carried the BKA logo and the tweet was also liked by the BKA: <a href="https://twitter.com/gdp_zoll/status/1187345184012587009">https://twitter.com/gdp_zoll/status/1187345184012587009</a> (more tweets in endnotes).</p> <p>Additionally, the trade union retweeted tweets of PMI Germany and Markus Schütz, for example:<sup>99</sup> <a href="https://twitter.com/HerrSchuetz/status/1200074030486867969">https://twitter.com/HerrSchuetz/status/1200074030486867969</a> (more tweets in endnotes).</p>						
<p>10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i></p>		1				
No such agreements known.						
INDICATOR 5: Transparency						
<p>11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)</p>				3		
<p>Tobacco industry representatives meet with government representatives in hearings that are a necessary part of the legislative procedure for new laws. Written statements by the invited organizations or companies related to these hearings are published on the website of the concerned ministry.<sup>100</sup> Minutes of the related meetings are not disclosed.</p> <p>However, in addition to these, tobacco industry representatives regularly met top level government officials in 2018 and 2019 in meetings that were not strictly necessary. This only came to light because of a brief parliamentary inquiry of the party DIE LINKE.<sup>101</sup> The following list is based on this inquiry:</p> <p>2018:</p> <ul style="list-style-type: none"> <li>• Ministry of Food and Agriculture, State Secretary Dr. Aeikens – meeting with VdR</li> <li>• Ministry of Finance, State Secretary Bösinger – meeting with VdR</li> </ul>						

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<ul style="list-style-type: none"> <li>Ministry of Economy and Energy, Parliamentary State Secretary Wittke – meeting with PMI and public affairs agency MSL Germany (same meeting)</li> <li>Ministry for the Environment, Nature Conservation and Nuclear Safety, Parliamentary State Secretary Schwarzelühr-Sutter – meeting with DZV</li> </ul> <p>2019:</p> <ul style="list-style-type: none"> <li>Ministry of Finance, State Secretary Bössinger – meeting with DZV and VdR</li> <li>Federal Chancellery, Minister of State Dr. Hoppenstedt – meeting with Reemtsma Cigarettenfabriken GmbH, BAT, DZV and VdR (subject was the advertising ban)</li> </ul> <p>Meetings at the Ministry of Health and Ministry of Food and Agriculture, as disclosed on their websites:<sup>102</sup></p> <p>2018:</p> <ul style="list-style-type: none"> <li>Ministry of Food and Agriculture, technical level, workshop of the EU commission on track and trace – meeting with tobacco industry associations and concerned companies</li> <li>Ministry of Food and Agriculture, technical level, another workshop of the EU commission on track and trace – meeting with tobacco industry associations and concerned companies</li> <li>Ministry of Food and Agriculture, technical level, drafts on track and trace regulation – meeting with tobacco industry associations and concerned companies</li> <li>Ministry of Food and Agriculture, State Secretary Aiekens (same meeting as mentioned above)</li> <li>Ministry of Health, technical level, on e-cigarettes, with Reemtsma (Imperial Tobacco)</li> <li>Ministry of Health, Permanent Representation of the Federal Republic of Germany to the European Union in Brussels, Department of Health, on COP8 of the FCTC – meeting with Concilium AG (consultancy firm on behalf of PMI)</li> </ul> <p>2019:</p> <ul style="list-style-type: none"> <li>Ministry of Food and Agriculture, technical level, on tobacco advertising ban – meeting with MUT</li> <li>Ministry of Food and Agriculture, department head 2, on tobacco advertising ban – meeting with tobacco industry associations and concerned companies</li> </ul>						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)						5
<p>Germany does not have a lobby register for any industry.<sup>103</sup> The national parliament maintains a list of associations. Several tobacco industry groups are listed there with information regarding their address as well as board and staff members.<sup>104</sup> However, registration is voluntary and not a necessary precondition to for example gain access to hearings in parliament. It does not contain information on budgets, lobby focus (specific laws or issues) or clients. Furthermore, companies, consultancy agencies and other actors that make up a large amount of lobby contacts, cannot register at all.<sup>105</sup> As an example, PMI usually does its lobbying directly or through consultancy companies, and is not a member of big tobacco industry associations in Germany. This complexity cannot be captured by the current</p>						

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voluntary associations' list.						
<b>INDICATOR 6: Conflict of Interest</b>						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11)						5
<p><b>Political parties in Germany received at least €200,000 (\$230,000) as donations and sponsorships from the tobacco industry in 2018/19.</b></p> <p>Tobacco industry contributions to political parties, candidates or campaigns are not prohibited in Germany. Political parties are only required to disclose contributions exceeding €10,000 (\$11,500) per year. Contributions exceeding €50,000 (\$57,500) have to be disclosed immediately, contributions exceeding €10,000 have to be disclosed in the party's annual report and accounts.<sup>106</sup></p> <p>§25 (2) of the Parteiengesetz lists a number of prohibited contributions (e.g. it is not allowed to receive donations from outside the European Union), but the tobacco industry is not included.</p> <p>The law does not cover sponsoring. Sponsoring contributions, for example to party conventions or other events, remain largely obscure. In annual reports, they are lumped together in compound items on "revenue from events, distribution of publications and other income-related activities" or "income from entrepreneurial activity" insofar this covers sponsor payments to party-owned companies.<sup>107</sup> For the big parties CDU, CSU and SPD, which currently form the government coalition, these compound items are much bigger than the total donations from legal persons.</p> <p>PMI disclosed sponsoring payments for the years before 2016 (German parties received \$167,701 in 2015).<sup>108</sup> However, other tobacco companies and associations such as JTI also sponsor party events and let their staff offer cigarettes there.<sup>109</sup> DZV for example sponsored a smokers' lounge at the CDU party convention.<sup>110</sup> VdR had a booth at the CSU party convention in 2019. Andreas Scheuer, CSU board member and Federal Minister of Transport, posed for a picture with VdR staff, posted on the association's Facebook page.<sup>111</sup> Picture: <a href="http://www.facebook.com/verband.rauchtabak/photos/a.937257886614149/978302579176346/">www.facebook.com/verband.rauchtabak/photos/a.937257886614149/978302579176346/</a></p> <p>The SPD voluntarily discloses sponsors and amounts, although scattered in various documents on national and state level as well as related entities. It is unclear whether the party discloses sponsorships in all its state divisions. In 2018 and 2019 together, the SPD and its vorwärts magazine received at least €80,500 (\$92,575) from JTI, DZV and PMI for events such as party conventions and summer parties in the capital. The sponsorship for example included smokers' lounges, company booths or catering for the media area.<sup>112</sup></p> <p>Tobacco industry donations to political parties (excl. sponsoring):<sup>113</sup></p> <p>2019 (PMI only – party accounts not available yet):</p> <ul style="list-style-type: none"> <li>• CDU, CSU, SPD and FDP received \$16533 each from PMI</li> </ul> <p>2018 (according to party accounts):</p>						

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<ul style="list-style-type: none"> <li>• CDU: €17,000 (\$19,550) from PMI</li> <li>• CSU: €19,000 (\$21,850) from PMI</li> <li>• SPD: €15,000 (\$17,250) from PMI</li> <li>• FDP: €15,000 (\$17,250) from PMI</li> </ul> <p>2017 (federal election year; according to party accounts):</p> <ul style="list-style-type: none"> <li>• CDU: €34,000 (\$39,100) from PMI &amp; €15,000 (\$17,250) from BdZ</li> <li>• CSU: €23,000 (\$26,450) from PMI</li> <li>• SPD: €15,000 (\$17,250) from PMI</li> <li>• FDP: €15,000 (\$17,250) from PMI</li> </ul> <p>Note: 2017 was also the year in which the draft bill for a billboard tobacco advertising ban failed to be debated in parliament and therefore was not passed before the elections – blocked by people around Volker Kauder, then the chairman of the CDU/CSU parliamentary group (see question 6).<sup>114</sup></p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)			2			
<p>DZV and BVTE are led by Jan Mücke as Managing Director. Jan Mücke was Parliamentary State Secretary at the Federal Ministry of Transport and Digital Infrastructure (2009-2013) before he joined the DZV in 2014. He still proudly uses his title of “Parliamentary State Secretary (retd.)”, for example in his Twitter bio.<sup>115</sup> Two staff members of the VdR worked for members of parliament and the CDU before joining the tobacco industry: Christian Puck and Maximilian van Ackeren.<sup>116</sup></p> <p>There is no information on other retired government officials who have joined the tobacco industry.</p>						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
<p>There is no information on current government officials holding positions, including consultancy positions, in the tobacco industry.</p>						
<b>INDICATOR 7: Preventive Measures</b>						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)						5
<p>According to the government, there is no procedure of disclosure for interactions with the tobacco industry – be it official meetings or sidemeetings at events. Only the Federal Ministry of Health as well as the Federal Ministry of Food and Agriculture disclose dates, companies/associations and the subject of official meetings on their website, but they don’t disclose minutes and outcomes (see question 11).</p> <p><b>The government is of the view that the guidelines for the implementation of Article 5.3 are not</b></p>						

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<p><b>legally binding and that it has “no obligation to record all professional contacts and conversations or participants”.</b><sup>117</sup> In a 2019 response to a brief parliamentary inquiry of the party DIE LINKE on government meetings with tobacco industry representatives, the federal government states:</p> <p>“During each legislative period, the members of the Federal Government maintain contacts with a large number of actors from all legal groups in the performance of their duties. This constant exchange includes discussions and also communication in other forms (written, electronic, telephone). A complete list of the meetings that have taken place cannot be guaranteed when answering the present question. There is no obligation to record all relevant data, and no such comprehensive documentation has been carried out. The following explanations and information are based on the available knowledge and existing documents and records. Therefore, data in this regard may not be complete. It cannot be ruled out that personal discussions may have taken place on the fringes of events or other appointments. The extent to which this was actually the case cannot be ascertained for the reasons stated above. There is no obligation to record all professional contacts and conversations as well as participants. [...]</p> <p>The processing of business transactions and the administration of documents in the federal ministries are governed by Article 12.2 of the GGO [Common Rules of Procedure of the Federal Ministries] in conjunction with the Registry Directive (RegR). In particular, the principles of traceability, proper processing, transparency and economic efficiency of administrative action and the efficiency of task completion must be observed. The decision on the file relevance of a process is the responsibility of the responsible official in charge. This also applies to the preparation and recording of meetings.”<sup>118</sup></p> <p>Additionally, there are no disclosure procedures regarding interactions with the tobacco industry for members of parliament. Since members of parliament have an important and powerful role in Germany’s parliamentary democracy, it would be crucial to increase transparency in this area as well.</p> <p>It is therefore not possible to know the extent of the government’s collaboration with the tobacco industry.</p>						
<p>17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2)</p>						5
No such code of conduct is known.						
<p>18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)</p>				3		
<p>Partially. The government requires the tobacco industry to periodically submit information for example on:<sup>119</sup></p> <ul style="list-style-type: none"> <li>• sales volumes of tobacco products, including e-cigarettes (units or kilograms),</li> </ul>						

	0	1	2	3	4	5
<p>disaggregated by brand name and type of product</p> <ul style="list-style-type: none"> <li>• preferences of consumers, including youth and current non-smokers</li> <li>• summaries of market research on tobacco products and e-cigarettes</li> <li>• contents of tobacco products and e-cigarettes</li> <li>• marketing expenditures</li> </ul> <p>The tobacco industry is in particular not required to submit information on lobbying, philanthropy or political contributions. It is important to note that the industry's disclosure of marketing expenditures is not based on a law but on an agreement between the DZV, PMI and the Federal Drug Commissioner.<sup>120</sup> The exact contents of the agreement are unknown.</p>						
<p>19. The government has a program / system/ plan to consistently<sup>121</sup> raise awareness within its departments on policies relating to FCTC Article 5.3 guidelines. (Rec 1.1, 1.2)</p>						5
No such program is known.						
<p>20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)</p>						5
No such policy is known and state governments even take sponsorships from tobacco companies (see question 5).						
<b>TOTAL</b>						<b>63</b>

## Appendix I: Tobacco Industry Corporate Social Responsibility activities

Initiative or organization	Tobacco industry entity
Philip Morris Stiftung	Philip Morris GmbH
Stiftung für Zukunftsfragen	Formerly “BAT Leisure Research Institute”, now “Foundation for Future Studies”, funded and controlled by British American Tobacco
The Power of the Arts	Award by Philip Morris GmbH
Reemtsma Liberty Award	Media award by Reemtsma Cigarettenfabriken (Imperial Brands), terminated in 2018
Geschichtswettbewerb des Bundespräsidenten	Youth history competition of the Federal President, organized and funded by Körber Foundation
Deutscher Studienpreis	German Thesis Award, organized and funded by Körber Foundation (patron is the President of the federal parliament)
Deutscher Zukunftspreis	German Future Award – the Federal President’s Prize for Technology and Innovation; partially sponsored by Philip Morris Stiftung
Pfeifenraucher des Jahres	‘Pipe smoker of the year’ award by VdR, recipients are celebrities and politicians
Reemtsma Begabtenförderungswerk	Scholarships for pupils and university students funded and organized by Reemtsma Cigarettenfabriken GmbH

Table 3: Some of the tobacco industry's CSR initiatives in Germany.<sup>122</sup>

## Appendix II: Tobacco Industry Groups

Industry association	English translation
Bund für Lebensmittelrecht und Lebensmittelkunde (BLL)	German Federation of Food Law and Food Science (BLL)
Bundesverband der deutschen und fränkischen Tabakpflanzer	Federal Association of German and Franconian Tobacco Growers
Bundesverband der Tabakwirtschaft und neuartiger Erzeugnisse (BVTE)	German Federal Association of Tobacco Industry and New Products
Bundesverband der Zigarrenindustrie	Federal Association of Cigar Industry
Bundesverband des Tabakwaren-Einzelhandels (BTWE)	Federal association of the tobacco goods retail trade
Bundesverband Deutscher Tabakwaren-Großhändler und Automatenaufsteller (BDTA)	Federal Association of German Tobacco Wholesalers and Vending Machine Operators
Bundesverband Deutscher Zeitungsverleger	Federal Association of German Newspaper Publishers
Bündnis für Tabakfreien Genuss	Alliance for Tobacco-free Enjoyment
Deutscher Zigarettenverband (DZV)	German Association of the Cigarette Industry
Fachverband Aussenwerbung	Outdoor advertising association
Fachverband Faltschachtel-Industrie	Association of the folding carton industry
FDW Werbung im Kino	Association of Advertising in the Cinema
Handelsverband Deutschland (HDE)	German Retail Federation
Interessengemeinschaft E-Dampfen	German Vapers Organization
Markenverband	German Brands Association
Mittelständische Unternehmen der Tabakwirtschaft (MUT)	Association of medium-sized tobacco companies
Verband der deutschen Rauchtobakindustrie (VdR)	German Association of Smoking Tobacco
Verband des eZigarettenhandels (VdeH)	Association of the e-Cigarette Trade
Verband der Deutschen Zeitschriftenverleger (VDZ)	Association of German Magazine Publishers
Zentralverband der deutschen Werbewirtschaft (ZAW)	German Advertising Federation

*Table 4: Important tobacco industry associations and tobacco industry front groups that have participated in hearings and meetings with government officials in the past years in Germany.<sup>123</sup>*



## Endnotes

- 1 Michael Eriksen et al., *The Tobacco Atlas*, 5th ed. (Atlanta, Georgia, USA: American Cancer Society, 2015).
- 2 World Health Organization, *WHO Report on the Global Tobacco Epidemic 2019: Offer Help to Quit Tobacco Use* (Geneva, 2019), <https://apps.who.int/iris/bitstream/handle/10665/326043/9789241516204-eng.pdf?ua=1>; Daniel Kotz, Melanie Böckmann, and Sabrina Kastaun, 'The Use of Tobacco, E-Cigarettes, and Methods to Quit Smoking in Germany', *Deutsches Aerzteblatt Online*, 6 April 2018, <https://doi.org/10.3238/arztebl.2018.0235>.
- 3 World Health Organization, *WHO Global Report on Trends in Prevalence of Tobacco Use 2000-2025*, 3rd edition (Geneva, 2019), <https://apps.who.int/iris/rest/bitstreams/1263754/retrieve>.
- 4 Deutsches Krebsforschungszentrum, *Deutliche Tabaksteuererhöhungen sind die wirksamste Maßnahme, um zum Nichtrauchen zu motivieren. Aus der Wissenschaft - für die Politik* (Heidelberg, 2019), [https://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP\\_2019\\_Tabaksteuererhoeungen\\_final.pdf](https://www.dkfz.de/de/tabakkontrolle/download/Publikationen/AdWfP/AdWfP_2019_Tabaksteuererhoeungen_final.pdf).
- 5 Kotz, Böckmann, and Kastaun, 'The Use of Tobacco, E-Cigarettes, and Methods to Quit Smoking in Germany'.
- 6 United Nations Treaty Collection, 'Parties to the WHO Framework Convention on Tobacco Control', 21 May 2020, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IX-1&chapter=9](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IX-1&chapter=9).
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