

José Manuel Barroso  
President of the European Commission  
1049 Brussels

Brussels, October 2012

**OPEN LETTER: Call for immediate progress on revision of Tobacco Products Directive and for greater transparency and stronger ethics rules**

Dear President Barroso,

We are writing to you in with regard to the announcement that the Tobacco Products Directive (TPD) will be postponed until the appointment of a new Commissioner. We are concerned that this sends the wrong message to people in Europe, that the Commission is disconnected from the priorities of its citizens and refuses to do its legal and moral duty by releasing this long-awaited piece of legislation. A stronger Tobacco Products Directive is urgently needed to help protect people from tobacco marketing and reduce youth smoking rates. Tobacco causes 650,000 deaths each year in Europe<sup>1</sup>.

We cannot accept any further delay; this is undermining citizens' confidence in EU decision making and hampering the EU and its Member States as global leaders in the reversing the trend of tobacco consumption. Tobacco has a devastating effect in terms of chronic disease in Europe and associated healthcare costs and lost productivity for European economies. This is unacceptable and we urge you to show leadership and bring this to public debate now.

The facts of the resignation of Commissioner Dalli still remain uncertain. What has become evident from this incident is that the Commission approach to transparency and impact assessment must be urgently revisited. According to the Commission press release "the OLAF report showed clearly that the European Commission's decision-making process and the position of the services concerned has not been affected at all by the matters under investigation."<sup>2</sup>

If this is so postponing the release of the Directive would not only be unjustifiable, but overly undemocratic. Since 2007, the European Parliament, the Council of Ministers, and the 2010 public consultation have repeatedly called for the revision of the Directive. In addition, the Commission's own report on the Application of the Tobacco Products Directive of November 2007 found the revision necessary.

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<sup>1</sup> [European Commission, Tobacco or Health in the European Union: Past, Present and Future, Luxembourg, 2004](#)

<sup>2</sup> [Press statement on behalf of the European Commission](#)

The events surrounding the release of the Tobacco Products Directive demonstrate the need for enhanced EU transparency policies and decision making processes. The Commission's ethics rules remain unclear and we ask for the urgent introduction of far more effective conflicts of interest rules for Commissioners and Commission officials. Both the Code of Conduct for Commissioners and the Commission's Staff Regulations need to be strengthened to avoid that the Commission's contacts with lobbyists leading to potential conflicts of interest and undue influence. We call upon you to use the review of the "Transparency Register" next year to secure far greater transparency by solving the shortcomings of the current voluntary register and introducing a mandatory register before the end of this Commission's term. In addition to the Transparency Register through which lobbyists report on their activities, the European Commission should provide online transparency about meetings, phone calls and correspondence between Commission officials and lobbyists.

We encourage you to take every opportunity of the review of the Smart Regulation agenda this year to promote public interest in the EU's decision making process and ensure greater transparency in the Consultation process. The stakeholder approach to the Commission needs to be revisited. For public consultations, the reliance on multiple choice questionnaires has become increasingly problematic. The Consultation for the Tobacco Product Directive resulted in 57% of the 82,117 responses being duplicates of one submission, largely as a result of the rent-a-mob tactics of the tobacco industry and its allies, designed to delay and undermine the legislative process from introducing stronger tobacco regulation in Europe.<sup>3</sup>

To lay the foundations of a review process next year and the finalization of first annual report of the "Transparency Register" and the review of the Smart Regulation agenda, we urge you to be proactive in promoting the public interest and protecting the health of people living in Europe. The appointment of a new Commissioner cannot delay the work programme of the European Commission, in particular the release of the Tobacco Product Directive. Therefore we call on you for fast and concrete action to address our concerns.

Sincerely yours,

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<sup>3</sup> [http://ec.europa.eu/health/tobacco/docs/consultation\\_report\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/consultation_report_en.pdf)

## Signatories



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