



Smoke Free Partnership

Draft Response to the Green Paper on the role of Civil Society in Drugs Policy in the European Union

The **Smoke Free Partnership** is a new strategic, independent and flexible partnership between the **European Respiratory Society**, **Cancer Research UK** and the **Institut National du Cancer**. 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.



Draft Response to the Green Paper on the role of Civil Society in Drugs Policy in the European Union

1. Introduction

The Smoke Free Partnership is a new strategic, independent and flexible partnership between the European Respiratory Society, Cancer Research UK and the Institut National du Cancer. 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.

The Smoke Free Partnership would like to congratulate the European Commission for seeking ways of adding value to the EU Action Plans on Drugs with a view to placing the specific experience and knowledge of civil society at the disposal of the policy making process at EU level in a practical and sustainable manner. Furthermore, we agree with the Commission that any further steps in involving civil society at EU level should imply choices about whom to include in the process and about the nature of the contribution they can make. It is in this spirit that we are responding to the consultation.

2. The illegitimate trade of Tobacco

Whilst tobacco is not an illicit drug (and is therefore not included in the EU Drugs Action Plan as such), the illegal trade of tobacco is a major health problem as it undermines a high tobacco taxation policy (which evidence shows is one of most effective ways to reduce consumptionⁱ). It also makes cigarettes available cheaply, thereby increasing consumption and undermining efforts to keep youngsters from smoking. Indeed, smuggled cigarettes evade health regulations, such as prohibitions on selling to minors, package warnings and other labelling requirements.

It also should be noted that terrorist groups and other criminal organizations are involved in the illegal tobacco trade.ⁱⁱ Many governments are concerned by the link between tobacco smuggling and criminal and terrorist organisations by providing these organisations millions of dollars through the diversion of large consignments of cigarettes.ⁱⁱⁱ Smuggling is mainly caused by cigarettes which are duty suspended under the transit regime and which disappear during their international transport. They can be sold on the illegal market without taxes. A container load of 10 million cigarettes can be bought in transit for 200 000 euros, but is worth 5 to 10 times more. Transit is a concession system aimed at facilitating trade. Its essence is to allow the temporary suspension of customs duties, excise and VAT payable on goods originating from and/or destined for a third country while under transport across a defined customs area. Missing containers which end up in the illegal tobacco trade are an important source for financing of organised crime and terrorist organisations. The current relative lack of controls on cigarette containers under transit makes it easy for terrorist organisations to finance their activities, as smuggling cigarettes is much less risky than smuggling illegal drugs but is still highly profitable (and is a convenient way to launder drug money).^{iv}

As the Action Plan calls for the need to take a strong stance against drugs trafficking at all levels and the need for a trans-national and coherent approach, the Smoke Free Partnership suggests that the reduction of the illegal tobacco trade be mentioned in the Action Plan. Indeed, even if Article 15 of the WHO FCTC contains obligations for the countries to reduce the illegal tobacco trade, it is not detailed and specific enough to be fully effective. Furthermore, we suggest that a closer cooperation and coordination between the various actors in the field of other drugs policy such as COP1 and the United Nations Convention against Transnational Organized Crime be made explicit in the document.



Draft Response to the Green Paper on the role of Civil Society in Drugs Policy in the European Union

3. What are your views on the benefits, added value or weaknesses of the Civil Society Forum on Drugs as outlined in this Green Paper? Do you agree with the main elements proposed?

- The Smoke Free Partnership (SFP) welcomes the concept of a Civil Society Forum on Drugs as an effective tool to support and discuss the implementation of the Action Plan.
- The SFP suggests that the future Forum should have a structured approach with clear application procedures, and a detailed and achievable work plan with a direct input on development of drugs policy. The agenda, minutes and presentations of each meeting should be available from the Commission's website.
- The above criteria should apply to working groups if any were formed as part of the Forum.
- The SFP suggests that a specific virtual forum on the Civil Society Forum on Drugs be created in order to maximize transparency. It should have full details about the Policy Forum, including lists of members, agendas and minutes of all meetings, copies of presentations made and of the Recommendations adopted.
- The Forum should be chaired by the Commission thereby ensuring practical aspects and continuity of the work.
- As stated before, any steps involving civil society at EU level should imply choices about whom to include in the process and about the nature of the contribution they can make. To this end, the Commission should clearly state the selection criteria; applicants should clearly state the nature of the contribution they can make. Both criteria and nature of contribution should be available from the Commission's website.

4. What are your views on the benefits, added value or weaknesses of thematic linking of the existing networks as outlined here and for what thematic areas could this be adopted? Do you agree with the main elements proposed?

- The Smoke Free Partnership does not have specific comments to make regarding the thematic linking of existing networks. This is because the Green Paper does not specify what the specific themes could be nor who the existing networks are.
- In principle, we would agree that creating cooperation and linking networks from the field of drug treatment where interested parties could discuss a civil society approach on improving the access to and the quality of the treatment services as well as the good practice is a good idea. Perhaps, this could be done through a virtual Forum (as suggested above), thus allowing organisations not involved in the Forum to discuss a particular topic that they have expertise on under a specific theme.

5. Do you see the Civil Society Forum and the thematic linking of existing networks as complementary or as alternatives to each other? Please provide details on how arrangements could work out in either case.

- As stated above, The SFP is not able to respond to this question fully as neither the themes nor the networks are specified in the Green Paper. Whilst a Forum would provide



Draft Response to the Green Paper on the role of Civil Society in Drugs Policy in the European Union

a broad platform for a structure dialogue, the thematic approach through the linkage of different and relevant networks could be very effective in sharing information and disseminating best practice. A complementary approach between these two models would seem appropriate if synergies were truly integrated between them.

6. Do you consider any of the examples of consultation practices listed in the annex below to be particularly relevant as a basis for structuring the dialogue on drugs, and if so, why?

- ❑ The Smoke Free Partnership found the examples of consultation practices listed in the annex useful and relevant. However, it would have been useful to include links for each of them in order to facilitate the research regarding their relevance.
- ❑ The Smoke Free Partnership recommends that strong links should be established between the future Forum and the Health Policy Forum.
- ❑ The Smoke Free Partnership recommends that links should also be established between the future forum and COP1 (Conference of the Parties) of the FCTC (Framework Convention for Tobacco Control) and the United Nations Convention against Transnational Organized Crime. Indeed, while international treaties and other mechanisms have been developed to reduce trafficking in pharmaceutical drugs, illegal drugs, firearms and other products, no similar systems have been implemented to reduce tobacco smuggling. Although the Framework Convention on Tobacco Control (FCTC) contains some useful measures to combat smuggling, these still need to be elaborated in a protocol. Synergies between the future forum and the above cited organizations could prove to be useful.

7. Would your organisation be willing to participate in a structured dialogue with the European Commission?

- ❑ Whilst tobacco is not an illicit, it is is nonetheless specifically mentioned in the section relating to drug demand reduction: *'Drug demand reduction measures must take into account the health-related and social problems caused by the use of illegal psychoactive substances and of poly-drug use in association with legal psychoactive substances such as tobacco, alcohol and medicines'*. The Smoke Free Partnership would therefore welcome the possibility to participate in the future Forum.
- ❑ Furthermore, The Smoke Free Partnership calls for an increased international cooperation to combat smuggling (Protocol) and support campaigns for the development of an EU Directive and European legislation building on the agreement the European Commission, ten Member States and Philip Morris international (PMI) to combat smuggling and counterfeiting. We believe that our experience in developing our own position could benefit other organisations.

ⁱ World Bank. Tobacco control at a glance , Washington DC, 2003, www.worldbank.org/tobacco

ⁱⁱ See, e.g., Horwitz S, Cigarette smuggling linked to terrorism, Washington Post, June 8 2004. U.S. General Accounting Office, *Terrorist Financing: U.S. Agencies Should Systematically Assess Terrorists' Use of Alternative Financing Mechanisms*, GAO-04-163, November 2003, <http://www.gao.gov/new.items/d04163.pdf>.



Draft Response to the Green Paper on the role of Civil Society in Drugs Policy in the European Union

ⁱⁱⁱ The European Community against RJ Reynolds Tobacco Company, Civil money laundering action, 31 October 2002, U.S. District Court, New York, 146 pages.

^{iv} See, e.g., Farah, D., “Money Cleaned, Colombian Style; Contraband Used to Convert Drug Dollars,” *The Washington Post*, August 30, 1998.