

Switzerland

2021

TOBACCO
INDUSTRY
INTERFERENCE
INDEX

July 2021

Acknowledgements

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The authors would like to thank Claudia Künzli of Swiss Lung Association, Luc Lebon of Unisanté, Prof. em. Dr. Theodor Abelin of Berne University, Bruno Meili the president of Swiss association for tobacco control, Franziska Lenz and Mirjam Weber of Swiss Cancer Association, Barbara Weil of Association of Swiss Doctors (FMH), and Kathrin Lauber from Bath University Tobacco Control Research Group, for their contributions to this document.

Without the input of all these people, this document would not be a reality.

The authors would also like to express sincere gratitude to Mary Assunta of the Global Centre for Good Governance in Tobacco Control (GGTC) for her edits and advice.

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krebsliga schweiz
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lega svizzera contro il cancro

Background and Introduction

By now, we know that tobacco kills more than half of those who regularly use it, is one of the leading risk factors for disability worldwide and has a two trillion-dollar economic cost to society each year.¹ Fortunately, efforts of governments, civil society, and the international community, through the WHO Framework Convention on Tobacco Control (FCTC), are having life-saving effects in many countries. Although overall global tobacco consumption prevalence appears to decrease slightly, we continue to contend with the reality that many countries with young populations are experiencing a growing prevalence as the tobacco industry's tactics continually undermine public health efforts.² Recently, findings show that reductions in prevalence rates have not kept pace with population growth. As a result, the total number of smokers globally has increased steadily since 1990.³

Switzerland is a small, multilingual country with 8.6 million inhabitants, and 3 major language regions. It is a democracy with direct democratic rights for its citizens on the federal, cantonal, and municipal level. The country has a federalist political structure, which gives the municipalities and cantons much autonomy. Similarly, responsibilities for health-related matters are shared by federal and cantonal authorities, as well as by the private sector through a complex system of regulations and laws. The private sector plays a considerable role in this decentralised and heterogenous health care system, which renders the country prone to detrimental alliances between various regulatory authorities and private interest groups, including the more powerful economic players.⁴

Tobacco Industry and Prevalence Rates in Switzerland

Switzerland has long been a field of subtle but simmering battles between the countervailing forces of public health and global tobacco. The tobacco multinationals have selected Switzerland as their worldwide sanctuary, from which they can quietly and safely plan their global operations. Philip Morris International (PMI) has its global operational headquarters in the western city of Lausanne, as well as a large research centre and a cigarette factory in Neuchâtel. British American Tobacco (BAT) has a strong presence in Lausanne, as well as international and national offices together with a cigarette factory in Boncourt, in the canton of Jura. In 1999, PMI and BAT gradually merged or ousted local tobacco companies, resulting in the two companies sharing over 90% of the market in Switzerland. In the same year, Japan Tobacco acquired R.J. Reynolds International, which had its headquarters in Geneva, and renamed it Japan Tobacco International (JTI). The acquisition included a production site at Dagmersellen, in the canton of Lucerne. The tobacco multinationals' heavy presence is partly explained by Swiss legislation, which is attractive to businesses and less restrictive than that of the European Union and the United States.⁵ Moreover, Switzerland is one of the few countries that have not ratified the WHO FCTC. In 2020, Switzerland was less restrictive than most other European countries. For example, all European countries ban outdoor tobacco advertising, but Switzerland does not. Switzerland is also the only European country which allows tobacco advertising in print media. Only six years after the first smoke-free law in the EU, Switzerland also banned smoking in enclosed, public spaces on the federal level, adopting the now discredited "Spanish model": smoking establishments are allowed if their area accessible to the public does not exceed 80m², in larger establishments, smoking is allowed in dedicated smoking rooms, with full service, as well as at work in one-person offices, in multi-dwelling housing, and outdoors with no restrictions, enabling smoking to still be maintained as a social norm.^{6,7}

Tobacco is present everywhere in Switzerland. For instance, the country has one of the highest densities of points of sale of tobacco products, which are distributed through a network of 13'500 retailers (including discounters, kiosks, petrol stations and supermarkets, as well as 14'500 vending machines). All these 28'000 points of sales are heavily used as advertising channels by the tobacco multinationals, allowing them to reach the population in

their daily life almost on a continuous basis, with a particular emphasis on youth. As a comparison, the density of points of sale in Switzerland is almost 10 times that of France.⁸ As a result of the ever-present influence of tobacco, in 2017, more than 27% of the population in Switzerland smoke, with rates higher than 31% amongst youth (15 to 24 year olds), with a death rate of 9500 per year due to tobacco use.⁹ Some research even suggests the true smoking prevalence in Switzerland to be much greater, with a recent multi-year study conducted in the Canton of Zurich showing that six to twelve year-olds are already smoking. Of the youth aged 16 to 17, 70% of girls and 60% of boys were found to smoke occasionally or regularly. Moreover, every fifth youth indicated that they smoked several times a week, or daily, with ENDS being the most popular method by far (73%).^{10 11}

As in many countries, the tobacco industry in Switzerland prevents and delays any developments in public health policies that may harm their interests. It creeps into regulatory discussions, sways decision makers, and employs numerous lobbyists to create conflict over novel tobacco control measures, as shown in the Results and Findings section. However, even when only focusing on the political sphere for this report, it is impossible to list all incidences where the tobacco industry interferes in political processes, as all meetings or discussions are not made public. Therefore, one may assume that many more incidences have occurred than are presented here. From a total of 100 possible points, Switzerland scores a 92, signifying a very high level of tobacco industry interference.

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance.¹² 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. The individual scores are added up to obtain the total score. Non-Parties to the WHO FCTC apply a score of '0' to Question 4. The total score of non-parties is then divided by 95 X 100 to obtain the total score (thus 87/95 x 100 = 92). To increase readability, the references to pieces of evidence are placed at the end of the report. The report covers information on incidents from 2019 up to May 2021, but also includes incidents prior to 2019 that still have relevance today.

Summary Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Switzerland has not ratified the FCTC and has no formal rules against the participation of the tobacco industry in public health policy, allowing key government officials to represent tobacco industry interests in policy discussions. Moreover, the Swiss governments' open support for input from the tobacco industry on drafted policies and legislation, allows the industry to be well represented in the policy process, enabling them to water down or stop tobacco control measures.

2. INDUSTRY CSR ACTIVITIES

The Swiss federal government has no policies in place which prevent federal departments, or individual civil servants to form partnerships with the tobacco industry, or from accepting sponsorship offers. While this became particularly obvious following the Dubai Expo 2020 scandal with the Federal Department for Foreign Affairs and Philip Morris, numerous other incidences have also occurred on the local level, where multinationals PMI, BAT and JTI fund various CSR activities in the cantons of Geneva, Jura, and Vaud.

3. BENEFITS TO THE INDUSTRY

By failing to ratify the FCTC, Switzerland's minimal and non-encompassing federal tobacco control laws benefit the tobacco industry greatly, allowing it to use the country as a political playground and a marketing laboratory. For example, a major victory of the tobacco industry is the freeze on taxation of tobacco products since 2013, at a level which is far below the level recommended by the WHO (60.3% in Switzerland vs. 75% recommended by WHO). Currently the tobacco industry has virtually no constraint in the way it markets its products in Switzerland, making them particularly attractive to young people. This regulatory vacuum is exploited by the tobacco and nicotine industry to flood Switzerland with new products, whether heated tobacco products, a large range of e-cigarettes, including the Juul, as well as nicotine pouches with extreme concentrations of nicotine, and snus.

4. UNNECESSARY INTERACTION

High level government officials, including the current Minister of Foreign Affairs, Ignacio Cassis, participate in meetings or other social activities that are organised or at least partially sponsored by the tobacco industry. These events give tobacco industry representatives access to political decisionmakers, as well as providing them with opportunities to further their market expansion interests, as shown in the sponsorship deal with PMI for the opening ceremony of the Swiss embassy in Moscow.

5. TRANSPARENCY

There is no law or reliable system in place that requires the government to publicly disclose meetings, or interactions with, as well as contributions from the tobacco industry, and vice versa. Minutes of related meetings are not published either. Yet between 2019-2021, a number of tobacco industry meetings with government officials took place that were not strictly necessary. As a result, donations and sponsorship deals with the tobacco industry may be struck, and individuals are not required to disclose any affiliations they may have with the tobacco industry.

6. CONFLICT OF INTEREST

At the federal level, Switzerland has no national legislation for prohibiting any type of contributions from the tobacco industry to political candidates, parties, or campaigns, or to require full disclosure of such contributions. It is the only country in the Council of Europe that has not passed legislation to regulate political funding.

The connections between people active in the political field and the tobacco industry are often complex and difficult to follow, as they are generally not made public. However, government officials now part of the tobacco industry could be found, such as Thomas Borer, former Swiss ambassador, as well as political party employee, Christophe Berdat, former general secretary of the Swiss Liberal Party.

7. PREVENTIVE MEASURES

Switzerland fares very poorly in the domain of preventive measures. The Swiss government has not put in place any policies, nor is it in the process of developing any, that require the disclosure of records of interaction with the tobacco industry. Neither has it adopted or formulated a code of conduct, with standards, when dealing with tobacco industry representatives, or a policy requiring the tobacco industry to periodically submit information on various political, and marketing measures. There is also no programme to consistently raise awareness about Article 5.3 guidelines within government departments.

Recommendations

It is impossible to produce, market and sell tobacco products in a way that is compatible with public health or the UN's 2030 Agenda, and is in line with the Sustainable Development Goals. The tobacco industry in Switzerland, as in the rest of the world, has been using subtle and covert strategies to counter scientific research, public health, and tobacco control policies. Their well-organised intelligence network and their vast financial resources enables them to ensure that their interests are not impeded. The tobacco industry is aware of its low credibility with the public; thus, it remains discreet and confidential, enlisting the help and support from other industries, particularly politicians. In Switzerland, they have skilfully exploited the Swiss tradition of consensus democracy, using the process of political debate, and public consulting to water down or stop tobacco control measures, ensuring that the dominant and consistent role of the tobacco industry in tobacco control policies has been largely overlooked. The ability of the tobacco industry in keeping debates about tobacco away from public health attests to the industry's success, as does the rising prevalence of smoking among youth and women.⁴

The health and environmental relevance of tobacco must be maintained in public discussions, so that it may be considered by as many people as possible, for an extended period. Particularly in the political realm, open discussion, and awareness of tobacco industry tactics, will limit the industry's influence. Public health advocates in Switzerland will need to

adopt similarly strategic and long-term tactics, if possible, by enabling professional lobbyists, public relations, and public policy specialists. Many counterstrategies have been successfully employed in other countries and must be adapted to Switzerland. The government and NGO's must keep presenting the harms the tobacco industry has on public health and the environment. A system to regularly raise awareness of the Article 5.3 guidelines must be implemented. Relevant policy activities should include:

- Establishing measures to limit political interactions with the tobacco industry,
- Requiring that all interactions with the tobacco industry, at all government levels are fully disclosed in the most systematic and transparent way
- Ensure that on all governmental levels, no incentives, privileges, or benefits are given to the tobacco industry to establish or run their businesses,
- Ensuring that the tobacco industry is excluded from taking part in setting public health policies.

Moreover, Switzerland must adopt a comprehensive national tobacco control strategy, outlining the full implementation of the WHO FCTC. The current national public health strategies on non-communicable disease, and on addiction are too general and fail to take into consideration the weight of tobacco consumption on public health and the influence of the tobacco industry. The development of projects relevant to Article 5.3 of the FCTC, by the Tobacco Prevention Fund in Switzerland, is crucial to promoting a status-quo shift. Particularly the use of the guidelines for the implementation of Article 5.3 of the Convention will have an overarching impact on Switzerland.¹³

2021 Tobacco Industry Interference Index Results and Findings

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INDICATOR I: Level of Industry Participation in Policy-Development						
I. The government ^a accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry ^b in setting or implementing public health policies in relation to tobacco control ^c (Rec 3.1)						5
<p>Switzerland has no formal rules against the participation of the tobacco industry in public health policy.</p> <p>A. The Swiss government endorses tobacco industry interests and puts them above public health objectives</p> <p>On 26. August 2020, the Federal Council of Switzerland addressed a message to the Swiss Parliament in which it proposed to reject the popular initiative "Children and adolescents free from tobacco advertising".¹⁴ In its message, the Federal Council explains that "the initiative can clearly be approved from a public health perspective. Indeed, a better protection of young people against tobacco advertising is desirable to protect their health." Seeing that "young people are particularly susceptible to be influenced by advertising messages", the Federal Council adds that "with a very broad ban on tobacco advertising, the initiative would have a positive impact not only on the health of minors but also on the health of the entire population." The Federal Council recognizes that "the initiative addresses a public health problem" as "smoking is responsible for almost 15% of deaths and is therefore the leading preventable cause of death in Switzerland" noting furthermore that "almost half of all smokers start using tobacco in their teens." While agreeing that "better protection of children and young people from tobacco advertising is therefore desirable" the Federal Council nevertheless considers that "the initiative, which would lead to very broad advertising restrictions, goes too far." Expressing its opinion "that a certain balance between the interests of health and those of the economy must be maintained," the Federal Council reasserts that it is only willing "to restrict [tobacco] advertising to an extent acceptable to the tobacco industry".¹⁵</p> <p>B. National Councillor endorses tobacco industry interests</p> <p>The National Council is the lower chamber of the federal Parliament; it represent the people in the development of new policies and laws. The Swiss Federal Assembly is a mix of semi-professional and professional members of Parliament, as some members continue to spend more than a third of their working time in another job. There are no rules against the participation of the tobacco industry in policy making. People working for tobacco companies can be elected as members of the Federal Assembly without having to resign from their job. For instance, Gregor Rutz, a member of the National Council of Switzerland since 2012, is the salaried president of the Swiss Tobacco Trade Association (called Swiss Tobacco). He has openly stated that he is committed to supporting attractive business operations, low taxes and to oppose the impediment of "unnecessary laws".¹⁶ He is a dedicated promoter of</p>						

^a The term "government" refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

^b The term, "tobacco industry" includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

^c "Offer of assistance" may include draft legislation, technical input, recommendations, oversees study tour

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tobacco industry interests. The association which he chairs, Swiss Tobacco, is the umbrella organisation of companies and organisations in the Swiss wholesale and retail tobacco trade; it represents their interests in political, economic and social matters.^{17 18}

C. Members of Parliament accept invitations to meals in restaurants by the tobacco industry

In a working paper recently published by the Swiss Graduate School of Public Administration entitled “Tobacco control policy: strategy and tactics used by the tobacco industry in Switzerland”, Samuel Adam reports that legislators accept “invitations to meals in restaurants that offer tobacco industry representatives the opportunity to present arguments against a stricter law, in order to obtain a majority during votes in the National Council and the Council of States. The particularity of these invitations lies in the fact that they are targeted at parliamentarians and members of the Committee on Social Security and Public Health, who have not yet adopted a clear-cut position on the subject under debate. (...) This operating technique suggests that lobbyists representing tobacco interests are profiling parliamentarians in order to determine those who are the most influential or able to defend their cause”.¹⁹

D. Tobacco Lobbyists in federal Parliament

In early 2019, Thomas Borer, a former Swiss Ambassador, was lobbying international organisations in Geneva on behalf of Juul, an e-cigarette company with a growing market in Switzerland. Altria, the parent company of Philip Morris USA, holds a third of Juul’s shares.²⁰ In December 2019, Alfred Heer, another National Councillor, representing the conservative political party SVP (Schweizerische Volkspartei), helped the tobacco industry increase its influence in the Swiss Federal Parliament by giving Thomas Borer, whose clients still included Juul, one of his coveted access badges to the Federal Palace, of which each member of Parliament can issue two.²¹ Jacques Bourgeois and Philippe Nantermod, both of whom are also National Councillors have given such accreditation badges to the secretary generals of SwissTabac and Swiss Cigarette respectively.^{22 23} The provision of such access badges to known lobbyists working for tobacco industry interests highlights the attempt to endorse, support and collaborate with the tobacco industry in the Swiss Parliament and in influencing legislative work related to public health and tobacco control policies.

Additional information is difficult to provide, as the government does not generally disclose meetings with tobacco industry representatives and related notes for the record.

2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)											5
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A. At the national level

Switzerland has not ratified the FCTC and openly supports input from a variety of actors on drafted policies and legislation, including from the tobacco industry.

For example, the Swiss Federal government engages with tobacco companies and their affiliated groups through federal consultations (Vernehmlassungsverfahren) which are held to inform public policy. For instance in September 2019, Swiss Cigarette, the front group association of the three tobacco multinationals (BAT, JTI and PMI) was invited by the Federal Department of Home Affairs (FDHA) to respond to a consultation on the revision of the ordinance on the Tobacco Prevention Fund.²⁴ Also invited were Swiss Tobacco, the Swiss Association of Smoking Tobacco Manufacturers and the Swiss Association of Cigar

Manufacturers. Not only did Swiss Cigarette submit its response to the consultation, but its response was also endorsed and separately submitted by the top economic trade association of Switzerland, *economiesuisse*, of which Swiss Cigarette is a member. The multinationals (BAT, JTI and PMI) also responded separately. In the cover letter accompanying their response, BAT indicate that they were specifically invited by the Federal Office of Public Health (FOPH) to submit their comments (“In a letter dated 09.09.2019, British American Tobacco Switzerland (BAT) was invited to comment on the total revision of the Tobacco Prevention Fund Ordinance (TPFV) as part of the consultation process. We thank you very much for this.”). While BAT claims to have been invited to comment on the total revision of the TPFV, the name of the company cannot be found in the official “List of addressees of the consultation” published by the FOPH on their website.²⁵

It must be noted that these types of federal consultations are publicly published, and anyone may participate. The procedure is transparent: both the list of invited organisations and the respondents’ submissions are published on the website of the Federal Council. Although the consultation and the responses are transparent (completely exposing the political position of stakeholders to their opponents), the way the submissions are evaluated by the Federal Council is rather opaque. Normally, the Federal Council publishes a report summarizing the results, which highlights the key points of the different positions. But no such report has been published on the results of the consultation concerning the revision of the Tobacco Prevention Fund ordinance, which went into effect on 1 August 2020. It is thus not possible to know the extent of which the government has taken the tobacco industry remarks into consideration. Nevertheless, by actively inviting representatives of the tobacco industry to participate in the consultation process on such an issue as the national tobacco prevention fund, the FDHA commits itself to consider their views, allowing the tobacco industry to influence the outcome. Moreover, the consultation process is not limited to the FDHA, but applies to all federal departments. For example, the taxation of e-cigarettes will be led by the Federal Department of Finance, and they will also invite the tobacco industry to participate in the consultation on the tobacco tax law that will be issued in the future.

Another example showing how the Swiss government supports policies of the tobacco industry is illustrated by the way the Federal Customs Administration (FCA) sided with the tobacco industry when OxySuisse, a Swiss tobacco control NGO, asked for access to information about retail prices of cigarettes, which are public information required by the law to be printed visibly on each pack of cigarettes. When OxySuisse submitted its request by invoking the law of transparency, the FCA, which holds the data, rejected the request, arguing that it was in breach of the protection of the tobacco companies’ trade secret. OxySuisse filed an appeal to the Federal Administrative Tribunal. The FCA and the three tobacco multinationals (BAT, JTI and PMI) submitted lengthy briefs, all providing similar arguments as to why OxySuisse’s request was to be denied. The Administrative Tribunal ruled in favour of OxySuisse, stating in its decision from 1 May 2020 that FCA’s position in the matter was “hardly understandable”.²⁶

B. At the local level

The tobacco companies are especially active in the cantons (the States of Switzerland) where they have a strong presence, namely Geneva, Jura, Lucerne, Neuchâtel and Vaud. They utilise every opportunity to present themselves as crucial actors of the local economy, emphasizing their importance as employers and taxpayers. In response, the local authorities and parliament representatives of these cantons tend to side with the tobacco industry on political issues, that threaten their interest, notably those related to public health, as has been shown by Samuel Adam in the previously mentioned working paper of the Swiss Graduate School of Public Administration.¹⁹ Adam analysed the results of the consultation

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on the proposed tobacco control law and concluded: “It would appear that some cantons are less willing to implement more restrictive measures because of the presence of tobacco companies on their territory. As an example, we can cite Vaud and Neuchâtel, which are home to the headquarters of two major tobacco companies also active in the field of electronic cigarettes. They both request a complete overhaul of the draft law to go in the direction of the economic organizations.”¹⁹

An example of what Samuel Adam is referring to may be seen in a letter from 2018, addressed to the FDHA by the State Council of the canton of Neuchâtel, where PMI has its science & technology centre, as well as a large factory. The cantonal authorities commented on the draft tobacco product law, stating that: “The draft law falls short of our expectations regarding the opportunity that reduced-risk products represent in reducing the impact of consumption on the health of smokers. We are convinced that the ambition of the legislation should not be limited to making the marketing of such products possible but should be to create a framework favourable to the transition from traditional products to these new products, with the prospect of eventually freeing ourselves from any problem of harmfulness to health. This implies giving ourselves the means to dynamically accompany the rapid technological evolution of this field, but also to open up possibilities for communicating about the new products. We therefore propose a more concrete differentiation of the applicable restrictions between conventional and reduced-risk products. In addition to encouraging innovation and investment in the development of these new products, such an approach would allow the tobacco industry’s marketing budgets to be favourably oriented. This would send a very strong signal to an important economic sector for our country, to support and encourage its transformation towards a sustainable future. It would also reconcile public health and economic development issues”.²⁷ This is an almost verbatim copy of PMI’s marketing narrative for the IQOS. “Transformation towards a sustainable future”: the words seem to have been lifted from PMI’s website.²⁸ This is relevant to this day, as the co-signers of the letter, Laurent Favre and Séverine Despland are still members of the State Council of the canton of Neuchâtel.^{29 30}

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)												5
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The tobacco industry perspective is well represented in the policy process. It is customary to invite financially strong organisations, such as tobacco companies, to consult on policy drafts.

The government has also been found to advise the tobacco industry. SwissTabac is the umbrella organisation for the country’s tobacco growers. The organisation is responsible for organising the production of tobacco in Switzerland, as well as for the professional protection of its members. Their 2019-2020 annual report indicated that the Federal Customs Administration (FCA) regularly participated in meetings with industry partners and provided information on the tobacco situation at the federal level³¹. Moreover, SwissTabac state that they have been able to count on the collaboration with Agroscope, the Swiss Federal centre of excellence for agriculture research, affiliated with the Federal Office for Agriculture, which in turn is subordinate to the Federal Department of Economic Affairs, Education and Research. It is clear, in this instance, that multiple governmental bodies, such as the FCA and Agroscope, are either advising the tobacco industry or collaborating with them.

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4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ^d (Rec 4.9 & 8.3)	0					
Switzerland signed the WHO FCTC on June 25 th , 2004, but is one of a few countries (7 out of the 168 initial signatories) that have not yet ratified the WHO FCTC. ³²						
INDICATOR 2: Industry 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 ^e (monetary or otherwise) from the tobacco industry (including so-called CSR contributions). (Rec 6.4)						5
<p>A. Federal Government</p> <p>The Swiss Federal government has no policies in place which prevent federal departments, or individual civil servants to form partnerships with the tobacco industry, or from accepting sponsorship offers. Following the Dubai World Expo 2020 scandal (see #10), the Federal Department of Foreign Affairs (FDFA) introduced their own rule, to specifically prevent the FDFA from participating in, or forming sponsorship deals with the tobacco industry. However, this internal rule is in no way an official federal law and is not all encompassing. The lack of a clear-cut policy prohibiting any sort of partnership with the tobacco industry allows the tobacco industry to infiltrate governmental agencies using tactics that further their interests. As stated in the guidelines of the FCTC, anything less than an all-encompassing ban allows for subtle loopholes to which the tobacco industry may allocate more resources. In the Swiss government, rather than talking about loopholes, one could say that it is an open field for tobacco industry interference, with a few barriers to cross.</p> <p>In 2018, Swiss Cigarette updated its voluntary agreement with the advertising self-regulatory Commission for Fairness (Schweizerische Lauterkeitskommission), which was then chaired by Christine Buillard-Marbach, a National Councillor. The current president, Philipp Kutter, is also a member of the Swiss National Council. The declared goal of the agreement is to ensure that tobacco products “be marketed responsibly and appropriate measures be taken to ensure that the promotion and dissemination of these products are directed to adult smokers, not minors, and meet the information needs of adults to exercise their free choice”.³³ This is a typical example of the self-regulation tactic, whereby the industry’s adoption of voluntary marketing protocols and youth education programmes avert any effective regulations.³⁴ Such voluntary marketing codes are known to be ineffective.² The agreement between Swiss Cigarette and the Commission for Fairness is no exception. It allows tobacco companies to escape the Commission’s penalties for breaches of its rules and prevents the publication of the meeting notes of the Commission decisions when they relate to tobacco.³⁵</p>						

^d Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

^e political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

Despite its ineffectiveness, the agreement is taken as a reference by the Swiss government. For instance, Alain Berset, the minister in charge of the FDHA, which covers public health, publicly recognized the voluntary agreement and considered it “to be in force” and that it has to “be respected”.³⁶ Members of the Swiss parliament also consider the voluntary agreement as a key instrument. Joachim Eder, the Chair of the Social Security and Health Committee of the Council of States made the following presentation of the agreement before the Council of States: “I can only inform you that there is already an agreement between Swiss Cigarette, representing all Swiss manufacturers, and the Swiss Commission for Fairness regarding self-restrictions of the cigarette industry in advertising... This agreement governs the marketing rules: the marketing rules for the media, such as the print media, outdoor and billboard advertising, cinema, Internet, video, audio and computer, placement of the products; and also, the marketing rules for promotion and for sponsorship; the marketing rules for packaging, sales and distribution. Finally, the implementation procedure is also regulated in this agreement. The Fairness Commission is referred to as the exclusive inspection body”.³⁷ The voluntary marketing agreement allows the tobacco multinationals to benefit from a high degree of support from the Swiss government and parliament, allowing these companies to form partnerships with government officials to present themselves as socially responsible.

On 21 March 2021, the National Council decided to oppose the popular initiative “Yes to the protection of children and young people against tobacco advertising” that proposes to ban all forms of tobacco advertising that may reach children and youth.¹⁴ During the debate, National Councillor Philipp Kutter, from the Party of the Centre (“Le Centre”, formerly known as Christian-Democrats), took to the floor, explaining why the initiative should be rejected. He made a strong reference to his position as president of the Commission for Fairness: “...I have been Chairman of the Swiss Commission for Fairness for just over a year. This commission was founded in 1966, more than fifty years ago. It is an institution of the communications industry whose purpose is the self-regulation of commercial advertising. It deals with complaints about unfair advertising. Although the rulings are not binding on the State, they have always had a regulating effect in the past. This self-regulation also has an effect on tobacco advertising. In 2005, Swiss Cigarette, the association of the three most important cigarette companies in Switzerland, reached an agreement with the Commission for Fairness on voluntary marketing and advertising guidelines. Although there is no legal obligation, this self-regulation has meant that the tobacco industry has since adhered to important advertising restrictions that are in the interests of society and, in particular, for the protection of minors. For example, the industry has committed itself not to advertise in print media whose readership does not consist of at least 80 percent adults. Furthermore, it is not permitted, for example, to distribute free cigarettes to minors or to sponsor events aimed primarily at under-18s. This agreement is a good example of successful self-regulation. It is voluntary and yet effective because Swiss Cigarette members abide by it. Without the legislator having to take action, the industry has reacted to negative effects of advertising and has restricted itself. If the popular initiative would be accepted, the agreement of Swiss Cigarette and the Swiss Commission for Fairness would become obsolete, because no advertising would be allowed anymore. Instead of a good Swiss compromise, as provided for in the agreement, state coercion and a total ban would take hold. I do not find that very Swiss. I recommend: Let us stay on our path. Let us stick to the tried and tested instruments, the Tobacco Product Law and self-regulation, and reject the initiative”.³⁸ This misleading statement (which is also inaccurate: the agreement with Swiss Cigarette was initially concluded in 1992, not in 2005) most certainly influenced the outcome of the vote. The Party of the Centre, to which National Councillor Philipp Kutter belongs, has a pivotal role in the Swiss National Council. Its members voted 21 to 6 against the popular initiative. If only 7 of its members had switched sides and supported the initiative, the initiative would have won the support of the National Council. This would have supported its future success. This

example emphasizes how the tobacco self-regulation mechanism works: while being glaringly ineffective at regulating tobacco advertising, it is most effective as a political tool to defeat strict tobacco advertising legislation.

B. Local Government

PMI contributed 390'000 CHF towards the construction of the Vaud Fine Arts Museum, and an additional 50'222 CHF to its running costs. As stated in a draft report published in August 2019 by the canton of Vaud, 98% of the payments for the construction of the Museum are to be made over a period of ten years, which may be seen as a strategy of long-term contacts and collusion.³⁹

The Grand Théâtre de Genève is the largest cultural structure of French-speaking Switzerland. It is a public institution mostly funded by the City of Geneva and the Canton of Geneva. Yet, it accepts amongst its “greatest patrons” the tobacco multinational JTI.⁴⁰

The museum of contemporary art of Geneva, MAMCO, is a public foundation sustained materially and financially by public authorities and supported by its donors and its friends' association. JTI is among its “main sponsors”, at the same level as the Canton of Geneva and the City of Geneva. The former CEO of JTI also sits on the foundation's Council.⁴¹

Numerous similar examples throughout Switzerland could be given. For instance, the largest open-air festival of Switzerland, and one of the largest in Europe, Paleo Festival, in Nyon, has been sponsored by Philip Morris continuously for at least the last 20 years. The tobacco company has kept a large physical presence at the festival. The president and founder of the Festival is also the current mayor of the city of Nyon. He has been strongly supporting PMI's sponsorship and presence, justifying it by saying that the activities sponsored by PMI are “uniquely addressed to adult smokers,” while in fact associating the festivities organized by PMI with “adulthood” and “smoking” constitute a strong reinforcer of tobacco initiation amongst teenagers.⁴²

Through its British American Tobacco Foundation, located in the canton of Jura, BAT financially supports and collaborates with local charity institutions, such as Caritas Jura, Caritas Vaud, and the Foundation “Les Castors” for persons with disabilities, all of which have close partnerships with public authorities and public social institutions.^{43 44}

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)										5
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Switzerland has not ratified the FCTC, which has greatly benefited the tobacco industry, as minimal and non-encompassing federal, tobacco control laws act as a playground for the tobacco industry.

A. Lack of age limit on the federal level

In Switzerland, tobacco regulation is not under any current, federal public health law that is exclusively directed at tobacco. A new law on tobacco products is currently under discussion in the Parliament. Only a ban of advertisements in TV and radio, the law on passive smoking (818.31) and its implementation law (Ordinance) (818.311) are relevant tobacco control laws on the national level that we may list.

Additionally, the roles and responsibilities within the Swiss healthcare system are split up among the federal, cantonal, and municipal levels. A clear example of this split is that there is no federal age limit to sell tobacco products to minors. Those limits are usually formulated in cantonal laws, which ends up with a patchwork of different legislations. Ten cantons have set the minimum age to buy tobacco products at 16 years, while 14 others raised to 18 years. Two Swiss cantons (Schwyz and Appenzell Innerrhoden) still have no age limit for purchasing tobacco products. As shown in an article from Berner Zeitung, minors freely smoke in Appenzell.⁴⁵ While there is no information known which indicates the government accommodating the tobacco industry by postponing tobacco control laws, the lack of basic control policies, such as an age limit on the federal level is an indication of the Swiss government shifting terms in favour of the tobacco industry.

B. Freeze on taxation of tobacco products

A major victory of the tobacco industry is to have obtained a freeze on taxation of tobacco products since 2013, at a level which is far below the level recommended by the WHO (60.3% in Switzerland vs. 75% recommended by WHO).^{46 47} Taxation of tobacco products is determined by a law dating back from 1969 with several revisions, whose purpose has never been public health, although taxation is known as the most potent tobacco prevention measure. The law gives the government some leeway for tax increases, provided this does not exceed a specified limit. The limit was attained with the last tax increase in 2013 (increasing the price of the most sold cigarette pack by 0.10 CHF).⁴⁸ The government initially considered asking Parliament to adopt a law that would allow it to go beyond the taxation limit of 60.3%. However, faced with opposition from the pro-tobacco lobby at Parliament, it decided to give up the request, resulting in a tax freeze since 2013. This has benefitted the tobacco industry greatly, as the tobacco industry has continued to increase the price of cigarettes in small steps to maximize profitability without affecting demand. The at the time president of the Economic Affairs and Taxation Committee of the National Council, Dominique de Buman, reported on the debate that took place in the committee on the tobacco taxation issue as follows: "Opinions were divided on the abandonment by the Federal Council of its power to increase tobacco taxes. In fact, the Federal Council had exhausted its competence, conferred by the law in force, to increase the price of a pack of cigarettes within a range fixed by the law. It had to ask Parliament to renew its competence in this matter. [...] the Federal Council finally decided not to do so, based on the results of the consultation process. The high price of a pack of cigarettes was becoming a deterrent to consumption, as the statistics show".⁴⁹ Therefore, what guided the decision to freeze taxation of cigarettes was the concern that further tax increases could be so effective as a tobacco prevention tool that it would deter consumption, thus threatening the economic interest of the tobacco industry. This was the only interest that was protected, since at the 60% level, there is a wide margin for taxation increases before reaching the tipping point where both tax revenues and the number of smokers decrease. The freeze is still in force today, with no prospect of a change in the foreseeable future. One can say that the lobbying efforts of the tobacco industry have been successful at indefinitely postponing future tax increases and at making sure that public health considerations are excluded from the tobacco taxation debate.

C. Regulatory status quo

In May 2014, the Swiss government issued a draft tobacco control law and initiated a consultation on the draft text. The draft was adjusted based on responses to the consultation and submitted to parliament 18 months later (in November 2015). In 2016, the Swiss Parliament rejected the new draft law on tobacco products (Tobacco Products Act), although the proposed law, notably the section concerning an advertising ban, was very weak, still keeping Switzerland at the last position of the Tobacco Control Scale Europe for advertising

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<p>bans.⁵⁰ In November 2019, following a broad consultation process, the government submitted a new version of the law to the Parliament, which is currently being debated in the two legislative chambers (National Council and Council of States). The new law is to introduce a uniform age restriction of 18 years throughout Switzerland and is tentatively scheduled to enter into force mid-2023. In the current versions which are subjected to a dispute resolution between the two chambers, advertising will still be allowed without any restriction at the point of sale. Moreover, cigarette vending machines will continue to be allowed, and Switzerland will remain at the last position of the 36 countries evaluated in the Tobacco Control Scale Europe. The advertising ban will not be comprehensive, limited to a catalogue of traditional marketing measures which the tobacco industry basically no longer uses. This highlights how far behind Switzerland is in comparison to its neighbouring countries. Moreover, it is unclear whether this law will in fact come into force in 2023.⁵¹ The regulatory status quo that the inconclusive legislative process has maintained for the past seven years, which will likely persist for another number of years, benefits the tobacco industry. Currently the tobacco industry has virtually no constraint in the way it markets its products in Switzerland, making them particularly attractive to young people, further highlighting the grossly ineffective and illusory voluntary marketing code.</p> <p>This regulatory vacuum is exploited by the tobacco and nicotine industry to flood Switzerland with new products, whether heated tobacco products, a large range of e-cigarettes, including the Juul, the newly disposable Puff Bar, as well as nicotine pouches with extreme concentrations of nicotine, and snus. Concerning the latter, their sale was banned in 1995 on public health grounds, just as it is in the European Union, where the ban remains in place. At that time, the aim was to prevent a new tobacco product, still unknown in Switzerland, from coming onto the market and addicting new consumers. However, in November 2019, the Federal Tribunal, Switzerland's supreme court, decided to lift the ban, making it possible to sell snus in Switzerland without constraints. In its ruling, the Federal Supreme Court takes the view that Article 5 of the Tobacco Products Ordinance, which prohibits the sale of snus, lacks a legal basis.⁵²</p>											
7. The government gives privileges, incentives, exemptions, or benefits to the tobacco industry (Rec 7.3)											5
<p>A. Swiss Tobacco Farmers receive Financial Support</p> <p>In 2020, 148 Swiss farmers grew tobacco on 420 hectares. Per year, they receive nearly 40,000 CHF per hectare of tobacco from the "Finanzierungsfonds Inlandtabak", a Swiss Tobacco Finance Fund. The fund is supported by earmarked tobacco taxes, of 2.6 centimes CHF per pack of 20 cigarettes, and 1.73 CHF per kilogramme of loosely, cut tobacco.^{53 54}</p> <p>At the centre of this subsidies system stands the Cooperative Society for the Purchase of Indigenous Tobacco, "Einkaufsgenossenschaft für Inlandtabak", (SOTA). Every year, SOTA buys the entire harvest from the tobacco farmers and then sells it to the three big cigarette manufacturers in the country, PMI, BAT and JTI. The buying and selling prices are determined by a federal ordinance.⁵⁵ Tobacco leaves are grouped in three classes of quality and are purchased from the farmers at 17.40 CHF/kg, 12.70 CHF/kg and 5.50 CHF/kg based on their classification. Using the same classification, the tobacco leaves are then sold to manufacturers at 4.50 CHF/kg, 3.70CHF/kg, and 1.00 CHF/kg, i.e. between 3 to 5 times less than the purchase price. In other words, Swiss tobacco farmers receive at least three times as much for their goods as is paid on the world market for tobacco of the "best" quality.⁵⁵⁻⁵⁷</p>											

In 2019, the Federal Council announced that they did not want to shake up and change the financial support provided to Swiss tobacco growers, even though this contradicts the Confederation's health policy. The Federal Council argued that a restriction of domestic production would have no influence on tobacco consumption.⁵⁸ While a direct influence on tobacco consumption is difficult to establish, the continued support of tobacco production and the tobacco industry in Switzerland further underscores the backing to the tobacco industry by the government, thus normalising not only the production of tobacco in Switzerland, but also the public perception of tobacco itself. Additionally, the high subsidies received by tobacco farmers have a one side-effect that benefits the tobacco industry, as they help maintain a strong lobby in the agricultural world, which in turn provides an unwavering political support for the tobacco industry. Furthermore, the low number of Swiss tobacco farmers distorts liberal market rules, and results in increasing earnings for a decreasing number of farmers, cultivating a crop that is not adapted to the Swiss climate.

B. Tobacco Industry Taxation Optimization

In 2019, the global net sales of the three big tobacco multinationals based in Switzerland were: PMI 30.2 billion; BAT 33 billion; JTI 20 billion (in US dollars).⁵⁹ Switzerland is a tax paradise, with a lack of transparency, limiting the ability to know exactly how much in taxes these companies are paying in Switzerland. Moreover, the lack of transparency is used to avoid paying taxes in other countries. If the taxes paid in Switzerland can play an important role for some local economies, such as in the canton of Neuchâtel, where PMI is the first fiscal contributor, they are only a fraction of what those companies should pay. The fiscal strategies of those multinationals are complex and difficult to understand. A recent report by the University of Bath started to highlight those mechanisms, showing that Switzerland is playing a central place in this scheme of tax avoidance.⁶⁰

C. Open Request for Information

In March 2021, representatives of the Swiss association for tobacco control (AT Schweiz) sent out letters to the cantons of Geneva, Neuchatel, Vaud, Lucerne, and Jura, as well as the municipalities of Geneva, Neuchatel, Lausanne and Dagmersellen. These cantons and cities were chosen as they hold the various headquarters from the three largest multinational tobacco companies in Switzerland, namely PMI, BAT and JTI. Based on the law of transparency, a request was sent to the concerning cantons or municipalities to reveal whether they have any agreements with the tobacco companies they are hosting and to provide information about these agreements, such as tax benefits. The cities of Geneva and Dagmersellen did not respond.

The canton of Lucerne stated that tax benefits do exist for certain companies, however based on their secrecy obligation according to the § 134 Tax Act, they do not provide this information to third parties.

The representatives from the canton of Geneva stated that their examination "has not concluded any economic promotion agreements with companies active in the tobacco sector." In relation to tax agreements, they state that "tax secrecy ((art. 39 LHID, 110 LIFD et 11 LPFisc) prevents the transmission of any document concerning any company" in the canton.

The Cantonal Administrative Mediation Office (BCMA) of Vaud responded that they "do not see why such agreements should exist" and said to contact another department for tax issues.

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The canton of Neuchatel simply responded “application of legal provisions” in relation to general tax benefits and tax benefits on research and development costs for tobacco companies.

The city of Neuchatel revealed that the city benefits from “significant economic activity” related to the tobacco industry, and that the city “maintains a regular dialogue with all companies located in the municipality, for example to find appropriate solutions in terms of mobility and parking for their employees.” However, they did not provide any further details, simply referring to the cantonal administration for further information.

The city of Lausanne claimed that “there is no agreement between the city of Lausanne and the companies producing or selling tobacco.” And for further details related to tax agreements, one should contact the cantonal authorities of Vaud, who failed to provide further information.⁶¹

INDICATOR 4: Forms of Unnecessary Interaction

8. Top level government officials (such as President/ Prime Minister or Minister ^f) 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)						5
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In 2019, two National Councillors accepted invitations from BAT to take part in media discussions. A confirmation letter and the attendance by a journalist revealed that both National Councillors made a podium appearance on 3. April 2019, alongside Mads Larsen, General Manager of BAT Switzerland. The purpose was to openly discuss BAT harm reduction goals and measures in front of “all major Swiss-German editorial offices (print, online, radio, TV) as well as a handful of federal house correspondents,” to display the innovative nature of BAT and their approach to relieve the lungs.⁶²

In 2010, JTI unveiled plans “for furthers investment in Geneva”.⁶³ In 2012, JTI announced that the building works of its new international headquarters in Geneva would be beginning in spring 2012, with the local authorities granting the final construction permit on 9 December 2011. The land on which JTI’s headquarters was built belongs to the canton of Geneva, which granted JTI with long term building rights.⁶⁴ It is located at the heart of the strategic district of international and humanitarian organizations, next to the World Meteorological Organization and one block away from the World Trade Organization. In 2015, the JTI headquarters were inaugurated in Geneva. Among the dignitaries attending the opening ceremony were the then Geneva Cantonal Economy and Security Minister Pierre Maudet, and the Administrative Councillor of the City of Geneva, both taking part in cutting the ribbon during the inauguration, shoulder to shoulder with the CEO of JTI.⁶⁵ Pierre Maudet remained in his government position until October 2020.^{66 67} Currently, the JTI headquarters include a 1,162m² day-care centre for 104 children and 8,162m² of new public space, which were built in collaboration with the city of Geneva.^{68 69} It is managed by a foundation created jointly by the City of Geneva and JTI.⁷⁰ The collaboration allows the City of Geneva to use a quota of places from the new, 104 capacity day-care centre that was built.⁶⁸ Moreover, the new public space courtyard opened up local transport connections for pedestrians and tourists.^{68 71} According to the architects, the building is conceived to “draw references to its immediate context” (its closest neighbours include, in addition to WMO, the Institute of Global Health,

^f Includes immediate members of the families of the high-level officials

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Human Rights Watch, and La Maison de la Paix – The House of Peace) with a view of “establishing a strong identity amid its illustrious neighbours.” ⁷¹						
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)		1				
<p>No such agreements are known.</p> <p>This question is not relevant for Switzerland, and when being compared with other countries, this question should be disregarded from the total, as with question 4.</p>						
10. The government accepts, supports, endorses, or enters into partnerships or agreements with the tobacco industry. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.						5
<p>A. Federal Level</p> <p>For the World Expo 2020 in Dubai, Switzerland’s presence was planned with a pavilion looking like an upside-down pyramid clothed in mirrors. The cost of the national pavilion was estimated at 15 million CHF. Before the current Minister of Foreign Affairs, Ignacio Cassis, took office, the Federal Council decided that half of the costs of the Swiss pavilion would be financed by private sponsors. In previous world exhibitions, the share supported by sponsors was only one third. Cassis was optimistic in his first appearance in front of the Council of States (the high chamber of the Federal parliament), as numerous companies were showing a strong interest in being represented in the Swiss pavilion. In their open call, the Federal Council encouraged sponsors to participate, due to the “particularly attractive economic environment of Dubai”.⁷² In July 2019, Swiss Media revealed that Cassis had allowed PMI to sponsor the Swiss pavilion at Expo 2020. PMI was set to be one of the main sponsors, having provided around 1,8 million CHF and had been told they would be able to profit from the “official image of Switzerland”. Only following national uproar, including amongst public health experts and various politicians, as well as the WHO, the FDFA reacted and retracted the sponsoring deal with PMI.^{73 74}</p> <p>On 18 June 2019, Cassis also took part in the opening ceremony of the new Swiss Embassy in Moscow, Russia.⁷⁵ It was an extravagant party, lasting four days. The red carpet was rolled out in front of the building, and an alphorn quartet, flown in from Switzerland, played to welcome the 800 invited guests. During the celebration, there was more music, champagne, a raclette buffet and fine food from the five-star hotel Swissôtel Krasnye Holmy. Amongst the 700,000CHF budget for the party, sponsors provided 555,000CHF. Amongst the sponsoring list, big players of the swiss economy could be found, including PMI. The tobacco multinational, which had contributed 45,000CHF, was given the right to set up a smoker’s lounge in the pavilion’s courtyard, where people were only allowed to smoke PMI heated tobacco products.⁷⁶ These aspects were only made public one month after the ceremony took place.⁷⁷</p>						

In a public statement, the FDFA stated that Russia is a priority partner for Swiss foreign policy. The country has a large market with a lot of potential for Swiss companies. Additionally, the FDFA explained that many Swiss companies are active in Russia, so it was "natural to involve them in the opening of our new embassy." On the one hand, they were able to finance the event, on the other hand, it was about image promotion. "Our country is often identified with its brands," said the FDFA.^{77 78} It seems that the sponsorship agreement with PMI was a way for the tobacco multinational to enhance its reputation in the federal governmental sphere, gaining access to top level government officials, while furthering its interests by expanding their market exposure in Russia.

Soon after, research by the Republik, a Swiss digital magazine, revealed that not only was the FDFA willing to offer PMI an "image promotion," but they were also prepared to offer political support. In mid-2019, the parliament in Moldova initiated a change to the national tobacco law, with the aim of tightening restrictions and in particular increasing taxation on heated tobacco products (i.e., the IQOS). Worried about this move, Philip Morris requested support from the Swiss embassy in Kiev, which is also responsible for its neighbouring country, due to the absence of Swiss representation in Moldova's capital Chisinau. Cassis's ministry immediately agreed to help its dedicated sponsor – and wrote an intervening letter on the 13 July 2019.⁷⁶ The Swiss State Secretariat for Economic Affairs (SECO) in Berne informed Republik that on 4 July, Philip Morris had requested "intervening with the Moldovan authorities so that the company could have the opportunity to express its position during the public consultation procedure in parliament and during the debates on a bill that could affect the work of the company." Five days later, the managing director of Philip Morris for Ukraine got in touch with the Swiss embassy in Kiev. "Philip Morris contacted the Swiss embassy in Ukraine to point out the lack of a public consultation procedure," says a spokesperson for the tobacco group. The Swiss embassy promptly complied – and in a letter dated 13. July conveyed an unambiguous request to Moldovan President of Parliament Zinaida Greceanii. According to an FDFA spokesperson, the letter mentions "that Philip Morris should be involved in the public consultation procedure on the draft legislation, as it could affect the work of the company".⁷⁶ The FDFA asserts that it does not see this as interference in the Moldovan legislative process. "The responsibilities of Swiss embassies also include representing the interests of the Swiss business community in their host countries," says the FDFA spokesperson, according to Republik. "Therefore, it is not uncommon for ambassadors to be directly contacted by Swiss companies abroad".⁷⁶ This instance reveals deep insights into the fluid transitions from Swiss diplomacy to the tobacco industry, as well as the increased blurring of boundaries between the FDFA and the world's biggest tobacco multinational.

A. Local Level

The canton of Lucerne has JTI as a partner in the Lucerne Economic Development Network (Wirtschaftsförderung Luzern). It is organised following the public-private partnership model and according to the canton of Lucerne, "all Lucerne municipalities as well as network partners from business and industry are financially and ideally committed to a growing business and residential location in Lucerne".⁷⁹ It is worth noting that Lucerne hosts a large cigarette factory belonging to JTI in the municipality of Dagmersellen.

As mentioned before, the city of Geneva partners with JTI, through a jointly created foundation, for the management and operations of the day-care centre which is located on the premises of the JTI headquarters in Geneva.

Public institutions, such as universities, may also establish partnerships with tobacco companies. A notable example is the "service agreement" signed between PMI and the University of Zurich in July 2013.⁸⁰ This concerned a project proposal by two professors for

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an “intervention analysis” that would study “the effect of plain packaging for tobacco products on smoking behaviours in Australia”.⁸¹ The professors stated that “whether the introduction of plain packaging has any effect on smoking rates is a priori unclear. However, the measure comes at a very high cost to the tobacco industry and consumers. It is a severe restriction of consumers’ freedom of choice.” They proposed to “apply statistical and economic methods to real-world data” to “analyse whether a causal link between the Plain Packaging Act 2011 and smoking behaviour (smoking prevalence, initiation, and intensity) in Australia can be established”.⁸¹ Their results were published without peer reviews in the form of two working papers posted on the website of the Department of Economics of the University of Zurich. PMI was delighted by the two professors’ conclusions and issued a press release with title “Researchers Find No Evidence Plain Packaging ‘Experiment’ Has Cut Smoking”. The two papers were widely used by PMI and other tobacco corporations in their responses to consultations on plain packaging, notably in Canada, Norway, Singapore, and the UK, and in litigation. The real-world data used by the University of Zurich was re-analysed by two researchers and published as peer-reviewed papers: their conclusions were “in marked contrast to that of the industry-funded analysis” and their results showed that “the reduction in smoking prevalence that followed the introduction of plain packaging appears to have been even greater than expected”.⁸² The industry-funded working papers are still today on the website of the University of Zurich, without any disclaimer or declaration of interest.⁸³

In June 2020, Ursula Oesterle, Director External Innovation & Transformation of PMI, was invited to and gave an online guest lecture within the ETH Global Lecture Series.⁸⁴ ETH Zurich is a University directly funded and under the control of the Swiss confederation, thus it must be considered as a federal body. While Oesterle may not have directly talked about the tobacco industry, or any of PMI’s products, such as the IQOS, the act of inviting an important representative of a major tobacco industry player, not only offers credibility and visibility to PMI, but also legitimizes interactions with the tobacco industry. Thus, through exchanges such as these, the government supports interactions with the tobacco industry.

INDICATOR 5: Transparency

I 1. 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)												5
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There is no law in place that requires the government to publicly disclose meetings, or interactions with the tobacco industry.

Cases that became public include the government not disclosing its meeting with PMI and the agreement that was made to have PMI as a sponsor at the World Expo 2020, or for their opening ceremony of the Swiss embassy in Moskow (see #10), as well as their advisory meetings with SwissTabac (see #3).

I 2. 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)												4
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Since 13 December 2002, Article 11 of the Federal Act on the Federal Assembly, reads as follows: “On assuming office and at the start of every year, each assembly member must inform his or her office in writing about his or her:

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- a. professional activities; if the assembly member is an employee, they must give information about their position and their employer;
- b. further activities on management or supervisory committees as well as advisory committees and similar bodies of Swiss and foreign business undertakings, institutions and foundations under private and public law;
- c. activities as a consultant or as a specialist adviser to federal agencies;
- d. permanent management or consultancy activities on behalf of Swiss or foreign interest groups;
- e. participation in committees or other organs of the Confederation.

In the case of activities listed in paragraph letters b–e, the assembly member shall declare whether the activity is voluntary or paid.

The Parliamentary Services maintain a public register containing the information provided by assembly members.^{85–87}

While this rule makes the affiliations of the members of parliament public, it does not, however exist purely for tobacco companies. Rather, it is a measure to ensure that the public is aware of how the interests of the parliament members may influence their decisions. Additionally, this measure is limited to parliament members and is does not apply to other governmental departments or officials. The rule also specifically lists the situations to which it applies, limiting itself to specific kinds of potential conflicts of interest, with loopholes. For instance, owning a large portfolio of tobacco stocks does not need to be declared; management and consultancy functions on behalf of Swiss or foreign interest groups are declared only if they are “permanent”; etc. Finally, this is an honour system: there are no penalties for omissions or misleading declarations. The system thus cannot be considered reliable.

INDICATOR 6: Conflict of Interest

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
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At the federal level, Switzerland has no national legislation for prohibiting any type of contributions from the tobacco industry to political candidates, parties or campaigns, or to require full disclosure of such contributions. It is the only country in the Council of Europe that has not passed legislation to regulate political funding. Only a few cantons have adopted their own legislation.⁸⁸ Schaffhausen for example accepted an initiative in 2020 for “transparency in the financing of political parties.” The initiative demands that parties publish their campaign budgets for elections and votes, as well as the names of individuals and companies that give them more than 3000 CHF per year.⁸⁹

14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)							4
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<p>The connections between people active in the political field and the tobacco industry are often complex and difficult to follow, as they are generally not made public. Several government officials now part of the tobacco industry could be found, however.</p> <p>While not a government official, Christophe Berdat, former political party influential employee and general secretary of the Swiss Liberal Party, initially moved to BAT in 2002, and since 2016 he is Manager Public and Regulatory Affairs at PMI.⁹⁰</p> <p>Thomas Borer, previously a Swiss ambassador, now runs a consultancy firm, with one of his clients being Juu.¹²¹ (see also #1)</p> <p>There is no information on other retired government officials holding positions, including consultancy positions, in the tobacco industry.</p>						
<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)</p>					4	
<p>Gregor Rutz is the current president of the Swiss tobacco trade association, Swiss Tobacco, and since 2012, he has been active in the Parliament as a National Councillor.</p> <p>Kaspar Villiger is a Swiss businessman, politician and former member of the Swiss Federal Council, as well as former president of the Confederation in 1995 and 2002.⁹¹ His brother, Heinrich Villiger, is the Chairman of the Board of Directors of Villiger Söhne Holding AG, and Villiger Söhne AG, Swiss cigarillo- and cigar producers.⁹² Kaspar Villiger played an important political role in 2003 in the Law on tobacco taxation that extended the current tobacco subventions systems (SOTA), while he was opposed to the creation of the Tobacco Prevention Fund, calling it “a stupid fund” (“dieses dummen Fonds”) in a speech to the National Council.⁹³</p> <p>There is no information on other current government officials holding positions, including consultancy positions, in the tobacco industry.</p>						
INDICATOR 7: Preventive Measures						
<p>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)</p>						5
<p>The Swiss government has not put any policies or programmes in place, and neither is it developing such policies or programmes.</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

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The Swiss government has neither adopted or formulated a code of conduct, prescribing standards with which they should comply when dealing with the tobacco industry, or their representatives.						
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)						5
The Swiss government has no such requirement, measure, and is not in the process of developing such a programme.						
19. The government has a program / system/ plan to consistently ^g raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
The Swiss government has no such programme, system, or plan.						
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)					4	
<p>Since July 2001, the Federal Council enacted the Ordinance on the Personnel of the Confederation, in which Article 93 states that any federal employees who are involved in a procurement, or decision-making process are prohibited from accepting minor and socially customary benefits (which exceed a market value of 200 CHF), if:</p> <ol style="list-style-type: none"> 1. The advantage is offered by: <ol style="list-style-type: none"> a. An actual, or potential supplier, or provider b. A person involved in, or affected by a decision-making process, or 2. A connection between the granting of the advantage and the procurement or decision-making process cannot be excluded. <p>Furthermore, Article 93 further states that if employees are unable to refuse a gift on grounds of courtesy, they shall hand it over to the competent authority in accordance with Article 2. Moreover, acceptance on grounds of courtesy must be in the overall interest of the Confederation and the acceptance and any utilisation of such gifts shall be made by the competent office in accordance with Article 2 for the benefit of the Swiss Confederation.⁹⁴</p> <p>It must be noted that this ordinance is exclusively for individuals employed directly by the Federal Administration and does not apply to individual cantons. Therefore, while the Swiss government has a rule that prohibits the acceptance of gifts for federal employees, there is no such policy, and, a fortiori, no specific policy disallowing any contributions from the tobacco industry. It is not applicable to legislators, such as National Councillors or</p>						

^g For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

	0	1	2	3	4	5
Councillors of State, who can be employed by private companies or have their own businesses.						
TOTAL						87

Appendix I:
Multinational tobacco groups in Switzerland
(as of 14.03.2021)

Multinational group	Companies/foundations of the group registered in Switzerland	Canton	Official documents	Source	Comment
British American Tobacco	AD Tabacs International SA	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-100.089.325	WIPO Global Brand Database	International management of IP rights for the <i>Alain Delon</i> cigarette brand
	American-Cigarette Company (Overseas) Limited	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-102.820.291	WIPO Global Brand Database https://www.dnb.com/business-directory/company-profiles.american-cigarette-company_%28overseas%29_limited.897535fd098ffa961b188c000bc38cb4.html	International holder of IP rights for several BAT brands, including <i>Peter Stuyvesant</i> , <i>Vogue</i> , <i>Winfield</i> . "There are 934 companies in the American-Cigarette Company (Overseas) Limited corporate family."
	Rothmans of Pall Mall Limited	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-107.903.263		Holder of several international brands of BAT (<i>Rothmans</i> , <i>Pall Mall</i> , <i>Lord</i> , <i>Consulate</i> , <i>Royals</i> , <i>LR</i>)
	British American Tobacco Switzerland SA	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.947.657	http://www.bat.ch/ https://www.davidoff-cigarettes.ch/ https://www.gauloises.ch/ https://www.epok.ch/ https://www.kent.ch/ https://www.luckystrike.ch/ https://www.parisienne.ch/	BAT sells the cigarette brands of Imperial Brands PLC on the Swiss Market (<i>Davidoff</i> , <i>Gauloises</i> , <i>Gitanes</i>)
	Nicoventures Communications (Switzerland) SA	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-392.245.924	https://www.govype.ch/	Purpose: "Acquisition, promotion of tobacco harm reduction through corporate communications, sponsorships and related activities related to potentially reduced risk products such as tobacco heating products, electronic cigarettes, snus, moist snuff, tobacco-free nicotine packets and other oral and nicotine products."

	BAT Switzerland Vending SA	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.969.015	http://www.batvending.ch/	Vending machines
	Intertab SA	FR	https://adm.appls.fr.ch/hrcmatic/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-102.190.544		50% owned by BAT
	Fonds social de British American Tobacco Switzerland SA	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-109.766.310		CSR Provide financial support to charities such as Caritas
	Fondation British American Tobacco Switzerland	JU	https://ju.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-101.950.347	http://www.bat.ch/group/sites/BAT_A4KKEC.nsf/vwPagesWebLive/DOA2THQR	CSR
Japan Tobacco	JT International SA	GE	https://ge.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-105.274.060	https://www.jti.com/	Global headquarters for international operations of Japan Tobacco outside Japan. Formerly named RJ Reynolds International
	JT International AG Dagmersellen	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.927.695	https://www.camel.ch/ https://www.winston.ch/ https://logicvapes.ch/	Manufacturing and Swiss market
	The JTI Foundation	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-109.479.827	http://jtifoundation.org/	CSR International. "We help less privileged people and victims of natural or man-made disasters improve their quality of life."
Philip Morris International	Philip Morris Products SA	NE	https://hrc.ne.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-105.950.151	https://www.pmi.com/ https://www.marlboro.ch/ https://www.chesterfield.ch/ https://ch.iqos.com/	Global operational headquarters of PMI group Holder of international IP rights for the IQOS brand.
	Philip Morris Brands Sàrl	NE	https://hrc.ne.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-105.950.151		Holder of international IP rights for <i>Marlboro</i> .
	PMI Engineering SA	NE	https://hrc.ne.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-105.950.151		R&D
	Philip Morris Investments Sàrl	NE	https://hrc.ne.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-105.950.151		
	Philip Morris World Trade Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-104.878.195		Management of PMI's worldwide trade

	Philip Morris Exports Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/companyReport.action?companyOfsUid=CHE-109.598.219		Exports, in particular to the Middle East
	Philip Morris Services India Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-100.988.376		Marketing and sales to India and Bangladesh
	Philip Morris Taiwan SA	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-100.988.413		Marketing in the Taiwan region
	Philip Morris Holdings Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-110.032.114		Holding
	Philip Morris Finance SA	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-105.511.521		Management of PMI's financial operations
	Philip Morris International Services Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-101.851.857		
	Philip Morris SA	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-105.901.856		Manages cigarette vending machines in Switzerland (through acquisition of Uniomat and Cigomat)
Swedish Match	Swedish Match Switzerland AG	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-308.614.414		Swiss subsidiary of Swedish Match Group. Brands: - <i>Mc Chrystal's</i> (snuff) - <i>G.4</i> (snuff) - <i>Onyx</i> (snus)
	Swedish Match Treasury Switzerland AG	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-237.460.710		Provides treasury services to the Swedish Match Group and enters into transactions, directly or indirectly, in Switzerland and abroad, relating to the development of and trade in tobacco products, nicotine products, matches, lighters and similar products related to the business activities carried on within the Swedish Match Group.
Oettinger Davidoff	Oettinger Davidoff Holding AG	BS	https://bs.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-295.274.347	http://oettingerdavidoff.com/	Global headquarters of Oettinger Davidoff group. There are close links between Oettinger Davidoff and Imperial

					Brands PLC, which are, however, kept confidential. Imperial states is the owner of the Davidoff cigarette brand, while Davidoff & Cie SA is listed as its registered holder in trademark databases (WIPO, national). Alison Cooper, the former CEO of Imperial (2010-2020), sits on the board of Oettinger Davidoff.
	Oettinger Davidoff AG	BS	https://bs.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.933.589		
	Davidoff & Cie SA	GE	https://ge.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-107.749.772	https://twitter.com/davidoffgeneva	Registered holder of the <i>Davidoff</i> brand
	A. Dürr & Co. AG	BS	https://bs.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.970.745	https://de.davidoffgeneva.ch/	Domestic sales
Burger & Söhne	Burger Holding AG	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-362.735.649	https://www.dannemann.com/de/our-company	Burger Holding AG is an internationally active Swiss tobacco company. It produces and sells exclusively cigars, cigarillos and cheroots. The brands include On, <i>Dannemann</i> , <i>Rössli</i> , <i>Al Capone</i> , <i>Weekend</i> , <i>Meccarillos</i> , <i>Ormond</i> , <i>Fivaz</i> , <i>Churchill</i> , <i>Huifkar</i> , <i>Blauband</i> , <i>Brissago</i> , <i>Bündner</i> , <i>Monopol</i> , <i>Pedroni</i> , <i>Nazionale</i> , <i>Toscanelli</i> and <i>Garibaldi</i> .
	Burger Söhne Holding GmbH	AG	https://ag.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.778.662		Ownership of this company has been transferred from the Burger Holding AG to Helix Innovations AG
	Helix Innovations GmbH	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-295.384.786	https://www.altria.com/Overlays/Companies-and-Brands/Helix	Joint venture between Altria (USA) and Burger Söhne Holding. Parent company responsible for the international marketing, manufacturing and distribution of on! nicotine

					pouches. Holder of IOP rights of <i>on!</i>
	Dannemann AG	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-102.359.180	https://www.dannemann.com	The German cigar and cigarillos company Dannemann was acquired by Burger in 1988. Dannemann is a multinational company, with subsidiaries in Brasil, Germany, The Netherlands, Spain, France, USA, China (Hong Kong), Honduras and the UK, with factories in Switzerland, Germany, Spain, and Honduras.
Villiger	Villiger Söhne Holding AG	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-103.544.372		Holding Cigars and cigarillos Villiger has subsidiaries in Germany and the USA
	Villiger Söhne AG	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-105.927.488	https://www.villigercigars.com/	
Universal Corporation	Continental Tobacco SA	GE	https://ge.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-102.565.213	http://www.universalcorp.com/AboutUs	Universal Corporation is “the leader in the global leaf tobacco business.” The three companies indicated here are listed in Universal’s SEC 10-k filings as its Swiss subsidiaries.
	Ultoco SA	GE	https://ge.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-102.321.131		
	Ultoco Services SA	GE	https://ge.ch/hrcintapp/externalCompanyReport.action?companyOfsUid=CHE-102.321.131		

Appendix II:
Domestic tobacco companies in Switzerland
(as of 14.03.2021)

Company/group	Officially registered name	Canton	Official documents	Source	Comment
Coop	Coop-Gruppe Genossenschaft	BS	https://bs.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-109.029.938	https://www.coop.ch/en/lounge/tobacco-products/c/m_2199	One of Switzerland's largest retail and wholesale companies, with 2'250 shops throughout the country where tobacco products are sold. Owns and sells several tobacco brands: <i>Bay</i> , <i>GM</i> (and <i>5.50</i>), <i>Mirabienne</i> ("NATURAL Additive Free").
Edel	Multifill AG	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-400.238.035#	https://edelsnus.com/	Swiss Snus Brand, providing tobacco-free snus.
Pöschl	Pöschl Tobacco Switzerland AG	LU	https://lu.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-358.515.576		Swiss subsidiary of Alois Pöschl GmbH & Co. KG, of Germany. Brands: <i>Pueblo</i> , <i>Brookfield</i> , <i>Red Bull</i> (cigarettes and RYO), <i>Slash</i> (snus)
Nicom	Nicomgroup AG	ZG	https://zg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-401.534.996	https://www.nicomgroup.net/	Chewing oral products, tobacco and non-tobacco based, vaping liquids and devices. Closely related to VK Nordic AG. Vladimir-Silvo Kavalic (VK), the key member of the board of VK Nordic AG, is vice-president of the board of Nicomgroup AG. Brands: <i>FX3</i> , <i>Ink</i> , <i>Vika</i>
Koch & Gsell	Koch & Gsell AG	SG	https://sg.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-422.513.089	https://heimatkult.ch/en	Produces and sells the <i>Heimat</i> cigarette brand
Fred	Fred & Fly Sàrl	VD	https://www.rc2.vd.ch/registres/hrcintapp-pub/externalCompanyReport.action?companyOfsUid=CHE-324.853.302	https://smokefred.ch/	Company launched in Switzerland by a former employee of Philip Morris. Brands (cigarettes and RYO) sold in Switzerland and Germany: <i>Fred</i> , <i>Freddies</i>
Sullana	Sullana GmbH	ZH	https://zh.chregister.ch/cr-portal/auszug/auszug.xhtml?uid=CHE-206.932.021	https://sullana-cigaretten.ch/	Company created in 2020, whose goal is to revive and market the <i>Sullana</i> cigarette brand. The former company,

					Sullana Tabac SA, was acquired by American-Cigarette Company (BAT) through a merger on 08.09.2011.
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Appendix III: TOBACCO FRONT GROUPS

Tobacco Industry Representative	Type (Front Group/ Affiliate/ Individual)	Source
Eliminating Child Labour in Tobacco-Growing (ECLT) Foundation	Front group. Swiss foundation created in 2001 and based in Geneva, Switzerland. ECLT is a member of the UN Global Compact and holds special consultative status with the UN Economic and Social Council. It is a front group which the tobacco industry fully finances and controls. The International Labour Organization terminated all partnership agreement with ECLT in October 2019, considering it was part of the tobacco industry.	https://ge.ch/hrcintapp/externalCompanyReport.action?companyId=CHE-109.569.011 https://ge.ch/hrcintapp/rdfisFile?id=14073632200000066031012 https://www.eclt.org/en https://tobaccotactics.org/wiki/eclt/
International Network of Nicotine Consumer Organisations (INNCO)	Front group. In 2019, INNCO described itself as a global coalition of non-profit consumer advocate organisations and stated that its aim was to “represent consumers of low-risk, alternative nicotine products and to promote tobacco harm reduction (THR) on the global stage”.	https://tobaccotactics.org/wiki/international-network-of-nicotine-consumer-organisations-innco/ https://innco.org/
Swiss Cigarette	Affiliate. Association of the three largest tobacco multinationals operating in Switzerland (BAT, JTI and PMI). According to its statutes, the association has the following goals: a) to defend its members' rights and interests in the free manufacture, marketing and communication of their products to adult consumers; b) to draw up rules concerning advertising and promotion and to ensure that they are respected by its members, in order to promote responsible marketing; c) to initiate and/or support initiatives aimed at the prevention of tobacco use among young people; d) to act on behalf of its members as a representative to the authorities and to national public and private organisations. One of association's main purposes is to promote voluntary regulations, notably of advertising, to prevent legislation that would implements strict, FCTC-compatible regulations.	http://www.swiss-cigarette.ch/ Statutes of Swiss Cigarette with Arbitration Convention: https://www.oxysuisse.ch/files/public/docs/20090701-swiss-cigarette-statuts-avec-convention-d-arbitrage.pdf Self-regulation agreement: https://www.oxysuisse.ch/files/public/docs/20180201-accord-autoreglementation.pdf

SwissTabac	Affiliate. SwissTabac is a cooperative which is the umbrella organisation of the country's tobacco growers. The cooperative is responsible for the organisation of production in terms of quality and quantity, as well as for the professional protection of its members.	https://www.swisstabac.ch/
Vereinigung des schweizerischen Tabakwarenhandels / Communauté du commerce suisse en tabacs (Swiss Tobacco Trade Community)	Affiliate. Association of companies and organisations in the Swiss wholesale and retail tobacco trade. It represents their interests vis-à-vis the authorities, the tobacco industry and the public and is particularly committed to strengthening and maintaining the private economic liberal order. They claim to advocate for a moderate and reasonable regulation of tobacco products.	https://www.swiss-tobacco.ch/
Verein Schweizerischer Rauchtobak-Fabrikanten VSRF / Association suisse des fabricants de tabac à fumer (Swiss Association of Smoking Tobacco Manufacturers)	Affiliates. Associations whose members are two Swiss tobacco manufacturers, Burger & Söhne and Villiger.	
Verband Schweizerischer Zigarrenfabrikanten VSZ / Association suisse des fabricants de cigars (Swiss Association of Cigar Manufacturers)	Affiliate, with the same president and located at the same address (in Reinach/AG).	
Allianz der Wirtschaft für eine massvolle Präventionspolitik (AWMP) / Alliance des milieux économiques pour une politique de prévention modérée (AEPM) (Business alliance for a moderate prevention policy)	Front group. The Alliance has been created under the aegis of the Swiss Trade Federation (Schweizerischen Gewerbeverbandes sgv/Union des arts et métiers - Usam), which has been for the last 30 years the largest and most loyal ally of the tobacco industry in Switzerland, and its political arm for intervening in Swiss health prevention policy (its president is a member of the National Council). Recognizing that sgv/Usam's "main strength was their strong organizational network at the cantonal level, in all cantons", the trade organization, "one of the key politico/economic top associations", was chosen by the tobacco industry to lead the coalition against tobacco prevention regulation, which has been formalized as the AWMP/AEPM alliance. The Alliance includes among its regular members JTI and the Swiss Tobacco Trade Community, while its supporting members include Swiss Cigarette and the Swiss People's Party (SVP/UDC), the national-conservative right-wing populist party which has the highest representation in the Swiss parliament.	https://www.awmp.ch/home
IG Freiheit/ Communauté d'intérêts Priorité Liberté (Community of interest Freedom First)	Front group. This think-tank is chaired by the president of the Swiss Tobacco Trade Community. Its members are all, except one, current or former members of the Swiss	https://www.freiheit-liberte.ch/home.html

	parliament. It presents itself as “a non-partisan interest group [that] wants to defend citizens’ freedom rights against increasing state paternalism.” Adding that “It publicly denounces the state’s regulatory frenzy and appeals to the self-responsibility of each individual. It fights the enactment of unnecessary laws, bans and regulations - at national, cantonal and local level.” And, as such, serves well the interests of the tobacco industry.	
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a. News Sources

Top Newspaper/Dailies*	Type (Print/Online)	Source
Tagesanzeiger	Print+Online	https://www.aargauerzeitung.ch/
20 Minuten, 20 Minutes and 20 Minuti	Print+Online	https://www.20min.ch/
Neue Zürcher Zeitung (NZZ)	Print+Online	https://www.nzz.ch/
Swiss Broadcasting Corporation <ul style="list-style-type: none"> Schweizer Radio Fernsehen (German) Radio Télévision Suisse (French) Radiotelevisione Svizzera (Italian) SWI swissinfo.ch (English, among other languages) 	Air+TV+Online	https://www.srf.ch/ https://www.rts.ch/ https://www.rsi.ch/ https://www.swissinfo.ch/eng
Le Temps	Print+Online	https://www.letemps.ch/

*Basis of Ranking: O Circulation O Popularity **X Others:** Arbitrary

Ranking Authority/ies: _____

Other News Source (not a newspaper but is a relevant source)

Argus Data Insight, Digest of all Swiss Media

b. Government Agencies (Refer also to Annex A)

Agency	Specify if more than one office is involved in this function:	General Sources of Information/ News for each office
1. Office of the President)	Guy Parmelin	https://www.admin.ch/gov/en/start/federal-presidency/presidential-year-2021.html
2. Cabinet and/or National Assembly (Policy makers)	Ignazio Cassis, Alain Berset, Karin Keller-Sutter, Viola Amherd, Ueli Maurer, Simonetta Sommaruga (each responsible for a different agency domain)	https://www.admin.ch/gov/en/start/federal-council/members-of-the-federal-council.html
3. Agriculture / National Tobacco Board	Federal Office for Agriculture (FOAG)	https://www.blw.admin.ch/blw/en/home.html

4. Customs	Federal Customs Administration (FCA)	https://www.ezv.admin.ch/ezv/fr/home/infos-pour-entreprises/impots-et-redevances/importation-en-suisse/impot-sur-le-tabac.html
5. Education	Federal Department of Economic Affairs, Education and Research (EAER)	https://www.admin.ch/gov/en/start/departments/departement-of-economic-affairs-education-research-eaer.html
6. Environment	Federal Office for the Environment (FOEN)	https://www.bafu.admin.ch/bafu/en/home.html
7. Finance/ Revenue/ Investments/ Excise	Federal Customs Administration (FCA)	https://www.ezv.admin.ch/ezv/fr/home/infos-pour-entreprises/impots-et-redevances/importation-en-suisse/impot-sur-le-tabac.html
8. Health	Federal Office of Public Health (FOPH)	https://www.bag.admin.ch/bag/en/home.html
9. Labour	Swiss Labour Force Survey (SLFS)	https://www.bfs.admin.ch/bfs/en/home/statistics/work-income/surveys/slfs.html
10. Trade and Industry/ Investments	Federal Customs Administration (FCA)	https://www.ezv.admin.ch/ezv/en/home.html
Additional agencies/sectors to be named per country:		

c. Meetings Attended/ Public Hearings

List the types of meetings and name of groups meeting (Working Group, Drafting group, National Assembly Public Hearing, National Tobacco Control Committee, etc.) and the contact person / source of the minutes:

<i>Type of Meeting</i>	<i>Source</i>
Commission fédérale pour les questions liées aux addictions et à la prévention des maladies non transmissibles (CFANT) (Swiss fédéral expert commission on NCDs and addictions)	https://www.bag.admin.ch/bag/fr/home/das-bag/organisation/ausserparlamentarische-kommissionen/eidgenoessische-kommission-sucht-praevention-ncd-eksn.html
Tobacco Prevention Fund	https://www.tpf.admin.ch/tpf/de/home.html
Parliament commissions	https://www.parlament.ch/en

II. Laws, Policies, and issuances:

HEALTH LAWS:

1. Is there a health law database? If yes, please list which one will be used and cite the limitations:

The Federal Office of Public Health (equivalent to a MoH) has an entry page for the Swiss Health Legislation (<https://www.bag.admin.ch/bag/en/home/gesetze-und-bewilligungen/gesetzgebung.html>)

All federal laws are published in a classified compilation available in four languages (all Swiss laws are published in German, French and Italian, but not everything is available in English); health laws are under chapter 81 (<https://www.fedlex.admin.ch/en/cc/internal-law/81>).

A first limitation is that tobacco regulation is not under any current public health law. A new tobacco products law is currently under discussion in Parliament. Only the Law on passive smoking (818.31) and its implementation ordinance (818.311) are part of chapter 81.

A second important limitation is that the roles and responsibilities within the Swiss healthcare system are split up among the federal, cantonal, and municipal levels. A clear example of this split is that there is no federal age limit to sell tobacco products to minors, those limits are usually formulated in cantonal laws, ending up with a patchwork of different legislations (two Swiss cantons still have no age limit). However, we have a comprehensive knowledge of the current federal and cantonal laws, which will allow us to answer all necessary questions.

There is also a page for the current tobacco laws in place:

<https://bit.ly/32kdkFS>

2. If there is no existing health law database, then list the primary source of the law listing to be searched:

3. Does the above sources include issuances? X **Yes** O No

If no, please list the alternative source for the issuances: _____

ALL LAWS:

4. Is there a centralized (all) law database? If yes, please list which one will be used and cite the limitations:

All Federal Laws are published in a classified compilation available in four languages; health laws are under chapter 81 (<https://www.fedlex.admin.ch/en/cc/internal-law/81>)

5. If there is no existing centralized law database, then list the primary source of the law listing to be searched:

6. Does the above sources include issuances? X **Yes** O No

If no, please list the alternative source for the issuances: _____

This list serves not only as a bibliography or reference list but also includes a search mechanism that can be used to retrieve texts of law matching specific questions.

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- 2 WHO. *WHO report on the global tobacco epidemic, 2019*. Geneva, 2019.
- 3 Reitsma MB, Kendrick PJ, Ababneh E, Abbafati C, Abbasi-Kangevari M, Abdoli A, et al. Spatial, temporal, and demographic patterns in prevalence of smoking tobacco use and attributable disease burden in 204 countries and territories, 1990–2019: a systematic analysis from the Global Burden of Disease Study 2019. *The Lancet* 2021.
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