

Tobacco Europe: European Ombudsman Confirms Commission’s Failure to Address Conflict of Interest in Tobacco Policy

“The Ombudsman has demonstrated that DG SANTE was not impartial when selecting a lobbying organization to evaluate the tobacco control framework.

In fact, the Ombudsman confirmed that ENSP was chosen precisely because it aligns with DG SANTE’s opposition to new nicotine products.

However, Tobacco Europe raises concerns about the fairness of the process, arguing that, when a participant also serves as a referee, it undermines impartiality and challenges the credibility of evidence-based and transparent lawmaking.”

The European Ombudsman has closed her inquiry into the European Commission’s handling of a conflict-of-interest investigation involving the European Network for Smoking Prevention (ENSP), an EU-funded NGO with a clear anti-tobacco agenda. While deciding that there is no cause for a financial conflict of interest, her findings confirm what we have long argued: the Commission failed to acknowledge ENSP’s vested interests and concealed the bias in the legislative process involving the Tobacco Products Directive currently under evaluation.

For two years, Tobacco Europe has called for transparency regarding ENSP’s role in a critical framework contract on tobacco control policy. As a staunch advocate for stricter regulation prohibitionist measures, ENSP’s involvement in the legislation it actively lobbies for raises serious concerns about the objectivity of the process. The Ombudsman herself stated:

“It is regrettable that the Commission did not acknowledge ENSP’s interest in tobacco control in its exchanges with the complainant and then failed to explain how it assessed this interest in view of the ENSP’s role under the framework contract.”

This case highlights a deeper issue: the Commission’s selective interpretation of conflict-of-interest rules. While industry links are heavily scrutinized, ideological and institutional biases within NGOs remain unchecked. To the point where the Ombudsman reminds the Commission NGOs must be subject to the same conflict of interest standards:

*“It is relevant to recall that the Commission must make a conflict of interest assessment in relation to **all bidders** in a procurement procedure, including **non-governmental organisations**” (emphasis added).*

The Ombudsman’s decision serves as a wake-up call—EU-funded NGOs must be subject to the same transparency and accountability standards as all other stakeholders.

The Commission has admitted to sharing a “common interest” with ENSP on tobacco control yet dismisses concerns that this alignment compromises neutrality. We question what the Commission considers a “*shared interest in the field of tobacco.*” While ENSP aligns with the Commission’s goal of a “tobacco-free generation” by 2040, its stance—such as advocating bans on legal nicotine products despite evidence of lower harm¹—reflects selective policy choices. This

¹ [European Union Elections: Time to stand for a Tobacco and Nicotine Free EU - European Network](#)

also calls into question the nature of the “shared interest”: does it refer to alignment on the policy goal or, instead, a commitment to specific measures, like banning certain products?

This sets a dangerous precedent where advocacy groups with pre-determined agendas wield outsized influence over EU policymaking.

Separately, the Ombudsman recently declined to open a formal investigation into another potential conflict of interest involving a consultant working for Open Evidence—a firm awarded the contract to evaluate the EU’s tobacco control policies². However, her statement acknowledges the gravity of the issue:

*“The mere fact that the employee in question attended the event in a personal capacity, as a **pro-bono volunteer**, and that the contractors’ tasks under the framework contract do not involve any policy considerations, **does not exclude in itself a possible conflict of interest.**”*

Tobacco Europe remains committed to fair and impartial policymaking. We call on the European institutions to introduce stronger safeguards against conflicts of interest and uphold the highest standards of transparency. The credibility of EU tobacco policy depends on independent, evidence-based evaluations—not biased assessments driven by ideological interests.

We will continue to advocate for a balanced and science-driven approach to tobacco control, ensuring that all voices are heard in the policymaking process.

[Joint Press Release: European Societies call for an EU Endgame on Tobacco - European Network Tobacco Free Europe – European Citizens' Initiative – Tobacco Free Europe](#)

² Under the framework contract under HADEA/2022/OP/0011 – Single Framework Contract for Support Actions in the Field of Tobacco Control (Reference number: HADEA/2022/OP/0011)