



EU is setting up a system to track tobacco products, to prevent smuggling (Photo: [Ander Burdain](#))

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Anti-smuggling expert Luk Joossens has called on MEPs to accept a draft bill aimed at curtailing cigarette tax evasion, saying that no system will be immune from influence by the tobacco industry.

Some MEPs have threatened to veto the bill, which puts in place detailed rules on how tobacco manufacturers should agree a contract with companies to store the data of a track-and-trace system for tobacco products.



Joossens is an expert on tobacco lobbying tactics. 'They are capable of influencing everyone.' (Photo: Peter Teffer)

Critics fear 'Big Tobacco' will have too much control over the system's operators.

The system will require cigarette packs, and other tobacco products, to have a unique code to allow tracking.

That will make it easier for law enforcement authorities, if they seize smuggled goods, to trace down the leak in the supply chain.

"We also wanted more strict criteria. But even if they were more strict, you would have no guarantee that the system would be truly independent," said Joossens, advocacy officer at the Association of European Cancer Leagues.

"A veto would be the nuclear solution," he told this website in an interview in Brussels.

According to French left-wing MEP Younous Omarjee the tobacco industry, which in the past has been accused of smuggling its own goods, cannot be trusted with the task of drawing up the contracts.

Omarjee said that the legislation, if adopted, will be in conflict with a World Health Organization (WHO) treaty which the EU has signed – [the Protocol to Eliminate Illicit Trade in Tobacco Products](#).

"The European Union has ratified the WHO protocol. It has to respond to that obligation," he told this website.

The MEP has asked for an opportunity to veto the text – a so-called delegated act – which would mean that the European Commission would have to come with a replacement text.

"It is not up to me to tell you what is the solution," said Omarjee.

A veto would 'sabotage' everything

But Joossens, who in the mid-2000s was one of the four authors of a WHO report that was supplied to the protocol negotiators, said the parliament was too late to launch such a veto.

"It is totally unrealistic to think that if the parliament vetoes this, there will be a replacement bill on time," he said. "If your goal is to sabotage the whole thing, then that [veto] is what you should do."

The track-and-trace system has to be in place by 20 May 2019, according to [the revised tobacco products directive](#), which was adopted in 2014.

It is that directive, adopted by national governments and a majority of MEPs, which said that tobacco manufacturers should select the data storage companies.

"If MEPs had voted differently in 2014, then things would have been different," noted Joossens.

Ahead of the vote on that directive, when MEPs were negotiating a compromise text with governments and the commission, tracking and tracing was not one of their main concerns, he said.

Changing directive would 'take five years'

Joossens noted that the only way to make the commission, for example, responsible for selecting the data storage providers, was by changing the directive.

"In the best scenario that would take five years," he warned.

Joossens, a Belgian, is a sociologist by training. Over the past four decades, he became an expert in smuggling tactics and the lobby activities of Big Tobacco.

Although he recently officially retired, he still keeps a close eye on some tobacco-related files, like the European tracking-and-tracing system.

He was one of the first to advocate such a system, [in an article he co-authored in 1998 in the journal Tobacco Control](#), which is owned by the BMJ, the former British Medical Journal.

The EU system is an advance to tracking-and-tracing requirements in the WHO protocol, which was adopted in 2012.

"In 1998 we proposed tracking-and-tracing in an article and in 2012 it was adopted. That is incredibly fast, for an international treaty," Joossens said with pride.

The protocol has formally not entered into force, because a minimum of six signatories [still need to ratify it](#).

The EU has already done so as a whole, but individual EU countries Belgium, Denmark, Finland, Greece, Ireland, the Netherlands, Slovenia, Sweden, and the UK, have not.

Powerful tobacco industry

The signatories of the treaty agreed that five years after entry into force, a global tracking and tracing regime should be in place.

They also said that the tasks related to tracking and tracing "shall not be performed by or delegated to the tobacco industry".

Joossens however said that no system would be watertight against the vast resources and lobbying of the tobacco industry.

"They are capable of influencing everyone," he said.

Joossens gave the example of Derek Yach, who used to be a senior WHO official, but recently landed a job as the president of Foundation for a Smoke-Free World – an organisation which received all its \$80m in funding from tobacco giant Phillip Morris International.

Nevertheless, Joossens also said that the upcoming changes were an improvement.

"We do not know how it will work in practice, but it is a complete change. The way that the tobacco industry produces will be under incredible scrutiny," he noted.

If the EU parliament wants to veto the delegated act, it needs to do so before 15 April 2018, which effectively means a vote would have to be scheduled for the plenary session of 12-15 March.