

Voices of Local Advocates: Defending Article 5.3 in Action

October 2025



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Summary



Overview and Vision

Ingrid Zweep, from the Ministry of Health's tobacco team, discusses the Netherlands' strategy to implement Article 5.3 of the WHO FCTC, which aims to shield public health policies from tobacco industry influence. Central to this approach is the National Prevention Agreement and the goal of a smoke-free generation by 2040.

Implementation and Coordination

Since 2015, Article 5.3 implementation has been institutionalized across national and local levels. A clarification document presented to Parliament defined the scope of "tobacco industry" broadly, including lobbyists and representatives. The Ministry issues letters every five years to all ministries, provinces, and municipalities, instructing them to avoid contact with the industry except for strictly technical matters. Protocols are attached to guide appropriate interactions.

Transparency and Monitoring

All permitted meetings with industry representatives are publicly reported online at both national and local levels. While ministries generally comply, Parliament has been resistant, citing its duty to engage with all constituents. To counter this, the Ministry continues to remind Parliament of Article 5.3 obligations, with another letter planned after the October 2025 elections.

Challenges and Industry Pushback

Resistance has mainly come from the tobacco industry and some parliamentarians, including legal challenges to Article 5.3 implementation, all of which were dismissed. The industry continues to exert influence, especially during parliamentary stages of lawmaking.

Safeguards and Best Practices

Key safeguards include restricting industry input to public online consultations during regulation drafting and prohibiting participation in policymaking. Examples of enforcement include halting a promotional partnership on cigarette butt cleanup that violated Article 5.3 principles.

Inter-Ministerial Collaboration and Legal Requirements

The Ministry of Health collaborates closely with the Ministry of Finance, which holds annual technical meetings with the industry on tax-related matters while maintaining strict transparency. Such contact is limited, formalized, and publicly documented.

Lessons and Future Directions

The Netherlands emphasizes repetition and awareness—regular communication to over 400 authorities, ongoing monitoring by health organizations, and reinforcing accountability through public disclosure. Future strategies will maintain zero-contact policies, limit engagement to technical implementation issues, and enhance vigilance. By 2030-2040 the current system will be maintained to ensure that all government bodies remain protected from undue influence.

A smoke-free generation by 2040 in the Netherlands, with Article 5.3 as the core driver

My name is Ingrid Zweep. I work in the Ministry of Health, in the tobacco team. I was part of Article 5.3 implementation in the Netherlands.

Q The Netherlands aims for a smoke-free generation by 2040 through the National Prevention Agreement, linking Article 5.3 efforts with broader tobacco control goals. How does this long-term vision influence your approach to implementing Article 5.3 at national and local levels?

Since 2015, the implementation of Article 5.3 has been strengthened at both national and local levels, with a focus on safeguarding tobacco control policies from the commercial interests of the tobacco industry. For the purposes of this provision, the term “tobacco industry” encompasses not only tobacco companies themselves but also organizations and individuals representing the industry, including lobbyists and those acting on its behalf.

Q In your role at the Ministry of Health, how do you promote and ensure consistent application of the principles of Article 5.3 across all departments and agencies in their daily operations?

The Netherlands ratified the WHO Framework Convention on Tobacco Control (FCTC) more than two decades ago and has since taken significant steps to integrate the treaty’s provisions into national policies. A key element of this commitment is the implementation of Article 5.3, which aims to protect public health policies from the influence of the tobacco industry. Recognizing the importance of this safeguard, the Dutch government has, over the past decade, taken measures to ensure compliance. In 2015, the government issued a clarification document elaborating on the implementation of Article 5.3.



This clarification was also relevant to discussions with the Ministry of Finance and the Youth Smoking Prevention Foundation concerning legal proceedings related to close ties with the tobacco industry—an issue directly connected to Article 5.3. The document emphasized that while the Ministry of Health, Welfare and Sport has the most comprehensive knowledge of the tobacco industry, the implementation of Article 5.3 applies across all government policies. The purpose is to shield tobacco control measures from industry interference. This clarification was presented to the House of Representatives (Parliament) in 2015.

Following this, in 2015, a letter was also sent to all ministries, provinces, and municipalities underscoring the importance of Article 5.3. The letter stipulated that no contact with the tobacco industry should occur except for matters strictly related to the technical implementation of established policies. An annex to the letter outlined a protocol for interaction with the tobacco industry. Every five years, the Ministry of Health, Welfare and Sport renews and sends this letter to ministries and local governments to reinforce the consistent application of Article 5.3.

Q Could you walk us through the process used to monitor and publicly report meetings or contacts with tobacco industry representatives at both national and sub-national government levels?

At the national level, the Ministry of Health regularly compiles and publishes reports on any contacts permitted with tobacco industry representatives. These reports are made available to the public through the central government's official website. The same reporting mechanism applies to other ministries, which also submit and publish their records on the same central platform. At the sub-national level, local governments follow a parallel process, but they make their reports accessible through their respective official websites, ensuring transparency across all levels of government.

Q What challenges or resistance have you encountered from within government institutions or external stakeholders when implementing transparency measures regarding tobacco industry contacts?

Within government institutions, there has been no resistance to implementing transparency measures, and the media actively monitor contacts with the tobacco industry. In 2018, a parliamentary question highlighted that ministries were lagging in publishing records of such contacts. In response, the government committed to reminding ministries and lower-level authorities to comply, an action that was carried out in 2019.

Since then, publication of these records has progressed satisfactorily.

Resistance, however, came from the tobacco industry and certain members of parliament—not in opposition to transparency per se, but to the implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC). The tobacco industry challenged the implementation through the national ombudsman. In 2020, the ombudsman concluded there was no basis for further investigation. Similarly, the federation of tobacco retailers intended to file a complaint with the ombudsman over Article 5.3 implementation, based on the retailers' desire to participate in policymaking. Following the ombudsman's decision, no further action was taken. The government has maintained its interpretation and enforcement of Article 5.3, limiting interactions with the tobacco industry strictly to those necessary for implementing established policies. However, the parliament has not fully agreed with this approach.

The House of Representatives acknowledged that Article 5.3 applies to members of parliament, yet insisted on the need to engage with the tobacco industry, claiming to represent all constituents. In response, letters were sent to the parliament urging compliance with Article 5.3. Another letter is planned following the general election in October 2025 to reiterate this position. Despite these efforts, parliament has continued to maintain that open communication with all stakeholders, including the tobacco industry, is necessary. Consequently, industry influence on policymaking persists, with implications for the effective implementation of Article 5.3.



Q As parliament is a challenge, what new Article 5.3 safeguards in monitoring, transparency, and enforcement should be adopt to keep policymaking protected?

Policy development is increasingly safeguarded by involving the tobacco industry only at the stage of the internet consultation on new draft regulations. At this point, the tobacco industry can respond to new regulations for the first time. This contributes to ensuring that policy is not influenced by the interests of the tobacco industry. The situation differs when legislation subsequently passes through Parliament. The House of Representatives, which represents the Dutch population, is an independent legislative body with its own responsibilities.

After the parliamentary elections in October 2025, a letter will again be sent to the House of Representatives requesting that the application of Article 5, paragraph 3, to members of Parliament be discussed. Previous negative decisions by the Presidium on this matter (2017/2019) imply that tobacco lobbyists could still exert influence on tobacco control policy and related legislation through Parliament. This appears to conflict with the principle that the tobacco industry should have no contact with ministers and (national) civil servants to prevent policy influence. The commercial interests of the tobacco industry are explicitly incompatible with public health. If the House of Representatives also agrees to comply with Article 5.3, the entire tobacco policy development process will be protected.

Q How does the Ministry train or raise awareness among civil servants—particularly new or non-health-sector officials—about their obligations under Article 5.3?

Since 2015, the Ministry of Health has issued a letter every five years to all ministries, provinces, and municipalities, reiterating the importance of Article 5.3 and advising them to refrain from any engagement with the tobacco industry. No additional or specific programs are in place for newly appointed officials.

Q Can you share examples where the protocol on contact with the tobacco industry helped prevent or limit potential interference in tobacco control policy-making?

The protocol explicitly prohibits any engagement with the tobacco industry. Nevertheless, the industry has corresponded with the Ministry regarding technical matters related to the implementation of tobacco control regulations, such as the transition period for new measures. The industry's role is limited to responding to online consultations on specific regulations, and it is excluded from discussions on policy formulation. An illustrative example is the former collaboration between the Ministry of Infrastructure and Water Management and the tobacco industry in an initiative aimed at achieving cigarette butt-free beaches.

In practice, the industry's contribution was to distributing branded ashtrays, effectively serving as a promotional tool for its products. Upon review, we advised the Ministry that such engagement contravened Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), which prohibits collaboration with the tobacco industry. The Ministry acknowledged this guidance and terminated the partnership. Currently, when the industry attempts to initiate communication, we consistently respond that we cannot engage due to the potential for policy influence. Communication is restricted solely to technical implementation matters, in strict adherence to Article 5.3.



Q How does the Ministry coordinate and collaborate with other government bodies, such as the Ministry of Finance or local municipalities, to ensure compliance with Article 5.3?

The document was prepared jointly in response to directives from the Ministry of Health and the Ministry of Finance, as these ministries exert the most significant influence on matters related to the tobacco industry. In accordance with established practice, a formal letter is issued to municipalities every five years.

Q What mechanisms are in place to handle situations where contact with the tobacco industry is legally required—for example, in the context of tax regulations or product standard enforcement—while still protecting policy integrity?

The Ministry of Finance recognizes the necessity of engaging with industry stakeholders when addressing matters related to the imposition and collection of excise duties. This engagement often concerns the technical aspects of implementing regulations, as well as assessing the potential impacts of specific methods on factories and the broader industrial sector due to their obligations in tax collection. The Ministry maintains ongoing contact with relevant industry associations across nearly all areas of taxation. Over time, the nature of interactions between the Ministry of Finance and the tobacco industry has evolved into a more streamlined process. Whereas in the past there may have been multiple points of engagement, communication is now largely consolidated into an annual consultation.

This single meeting serves as a platform to address technical implementation issues. Examples include updates to annual coding systems, issuance of excise stamps, adjustments to average prices and tax structures, and the introduction of new laws and regulations since May 2014.

In line with its policy commitments, the Ministry of Finance places a strong emphasis on transparency and professionalism in its interactions with the tobacco industry. This approach is intended to ensure that communication remains focused, accountable, and aligned with the principles of good governance.

Q From your perspective, what lessons has the Netherlands learned that could benefit other countries trying to implement Article 5.3 effectively?

This matter concerns the general awareness and implementation of Article 5.3. To reinforce compliance, a formal reminder letter is issued every five years to all relevant ministries, as well as to over 400 municipalities and provincial authorities, emphasizing the need to regulate interactions with the tobacco industry. In addition, similar reminder letters are periodically sent to Members of Parliament to ensure their continued awareness of Article 5.3. The next communication to Parliament is scheduled for October of this year.

Q How do you assess whether the existing measures (such as the public contact register) are sufficient, or if there are plans for further strengthening transparency and accountability regarding tobacco industry influence?

The current measures requiring disclosure of interactions with the tobacco industry are considered adequate. Health organizations actively monitor compliance.





Q Looking ahead, what additional strategies or innovations is the Ministry considering to further insulate public health policymaking from tobacco industry interference?

The Ministry of Health considers that Article 5.3 is currently being well observed. The Government's principle is to maintain no contact with the tobacco industry except when strictly necessary for addressing technical implementation issues arising from established policies. Any such contact is conducted with full transparency and through professional arrangements. The Ministry facilitates industry responses to regulations through online consultations. Regulations are developed without consultation with the tobacco industry and are subsequently published online, enabling the industry to provide feedback solely on technical aspects of implementation.

In 2015, the Youth Smoking Prevention Foundation filed a lawsuit alleging that the Ministry had engaged in contact with the tobacco industry.

The court ultimately dismissed the case, ruling that Article 5.3 did not have a direct impact on the Foundation. The Ministry also collaborates with health promotion organizations that advocate for comprehensive smoke-free environments.

Q Looking ahead to 2030–2040, what does an industry-proof tobacco control system look like?

With the letters sent every five years to municipalities, provinces, and ministries, which reiterate that contact with the tobacco industry should be limited to technical implementation issues arising from established policy, the tobacco industry is already being kept at a considerable distance. This sustained attention is essential to ensure that all governmental bodies remain vigilant.

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