



ENSP
European Network
for Smoking and Tobacco Prevention



Att. Ms. Sara Aagesen
Minister of Ecological Transition
Spanish Government

January 23, 2025

Dear Ms. Sara Aagesen, Minister of Ecological Transition,

The undersigned organizations— comprising healthcare, civil society, patients, consumers, environmental, and human rights associations at national and international levels—would like to express our deep concern regarding the terms under which Royal Decree 1093/2024, dated October 22, has been approved. This decree regulates the management of waste from tobacco products with filters and single-use filters containing plastic that are marketed for use with tobacco products.

While its objective is both laudable and necessary—holding the tobacco industry accountable for the environmental damage it causes, as established by Directive (EU) 2019/904 of the European Parliament and of the Council of June 5, 2019, on the reduction of the impact of certain plastic products on the environment—the content of the decree contradicts the United Nations Sustainable Development Goals (SDGs) and conflicts significantly with the WHO Framework Convention on Tobacco Control (FCTC). We would like to request that these issues be addressed.

We must begin with the premise that tobacco is not a consumer product comparable to any other on the market due to its harmful health effects and severe environmental impact. In fact, it is the only consumer product that has prompted the creation of an international treaty—the WHO Framework Convention on Tobacco Control (FCTC)—which Spain ratified on January 11, 2005, joining the European Union and 182 other countries as Parties to this public health treaty.

Furthermore, various United Nations mechanisms have established that the tobacco industry cannot be treated like any other industry. The United Nations Global Compact, the world's largest corporate sustainability initiative, excluded tobacco companies in 2017, stating that "tobacco products are in direct conflict with UN goals, particularly the right to public health, and undermine the achievement of SDG 3." Similarly, the FCTC affirms that "there is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests." The tobacco industry remains part of the problem of the tobacco epidemic and the pollution it generates, with no indication that it intends to become part of the solution to a problem it created and perpetuates. If the TI takes part in the implementation of an EPR system, it will be impossible to make effective progress because the industry will propose solutions that are not effective and will slow down decisions (cf – Biodegradable filters / refuse to pay for the collect of cigarette ends).



The latest Conference of the Parties to the Framework Convention on Tobacco Control (COP10 of the FCTC) also adopted a decision on its Article 18, which:

- Requests Parties to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry and those working to further its interests.
- Urges Parties to counter the so-called corporate social responsibility activities of the tobacco industry, and to ensure that WHO FCTC objectives are not undermined through the industry's implementation of extended producer responsibility systems.

Unfortunately, the drafting of Royal Decree 1093/2024 includes several elements that contradict the spirit of the United Nations Sustainable Development Goals, particularly Goal 3: "Ensure healthy lives and promote well-being for all at all ages," which includes Target 3.a, urging countries to "strengthen the implementation of the World Health Organization Framework Convention on Tobacco Control in all countries, as appropriate."

With regard to the Framework Convention on Tobacco Control (FCTC), we would also like to draw your attention to several issues in Royal Decree 1093/2024 that we consider problematic, as they go against this international treaty. This is despite the fact that Chapter IV of the General Provisions emphasizes the importance of "taking into account the provisions of Article 5.3 of the FCTC and its implementation guidelines" during its development.

The decree, in Chapter II, allows the tobacco industry to manage the cleanup of tobacco waste, which would involve signing contracts with public administrations. This would grant the industry access to interact with municipal and regional representatives, violating Article 5.3 of the FCTC, which addresses tobacco industry interference in public health policies. This article states that to protect public health policies from the commercial interests of the tobacco industry, Parties "should interact with the tobacco industry only when and to the extent strictly necessary to enable effective regulation of the tobacco industry and tobacco products."

Moreover, entrusting the tobacco industry with waste management allows this industry, which not only harms the environment but kills 60,000 Spaniards annually with its products, to use social responsibility programs to greenwash its image. These programs include not only waste management but also awareness campaigns, some of which feature counterproductive measures, such as distributing pocket ashtrays that contribute to normalizing tobacco consumption. We cannot allow the tobacco industry to use organizations representing citizens to rehabilitate its public image and thereby boost sales of its lethal products.

Furthermore, the Royal Decree excludes the cleanup of future "biodegradable" or "eco-friendly" filters from regulation, even though these types of waste, despite potentially being plastic-free, have a significant environmental impact due to their toxicity. The tobacco industry should also be held responsible for financing the cleanup of this type of waste, as well as the plastics from disposable vapes.



This strategy is not exclusive to Spain. France also faced a similar approach, and an NGO associated with the tobacco industry has been responsible for managing tobacco filter waste.

Tobacco and the environmental impact of cigarette butts will be a priority issue at the international level in 2025. By then, the first phase of negotiations will have concluded to develop a legally binding international instrument under the UN addressing plastic pollution, including cigarette butts. Furthermore, the Eleventh Session of the Conference of the Parties to the FCTC will take place in Geneva, where the environmental impact of tobacco products will be a central issue. Additionally, the “World Conference on Tobacco Control” will be held in Dublin, Ireland. In this context, it would be regrettable if Spain's Royal Decree 1093/2024 were cited in these international forums as a negative example of what should not be done in public health and environmental protection.

For all the reasons outlined above, the undersigned organizations respectfully request amendments to the decree to ensure:

1. The tobacco industry bears the financial burden of cleaning up the waste it generates but is never involved in managing the cleanup process or in raising public awareness on the issue (The appropriate eco-organization should be independent of tobacco manufacturers, and their contribution should be limited to financing the system).
2. The criteria for accrediting the ecological entity responsible for waste management—should it not be the municipalities or public administrations—must include the following:
 - If the accreditation request involves products from the tobacco industry, the decision-making body on extended producer responsibility (EPR) must consult with the Spanish Committee for Tobacco Prevention (organization that encompasses tobacco control organizations in Spain).
 - Tobacco product manufacturers or their representatives cannot influence government policy on waste management.
 - Government policy to discourage tobacco use must not be hindered.
 - The WHO Framework Convention on Tobacco Control (FCTC) must not be violated.
 - Government policy to discourage the use of single-use packaging must not be opposed.
 - Consideration must be given to the progressive elimination of non-biodegradable cellulose acetate cigarette filters, without promoting plastic-free substitutes, as filters do not protect smokers' health and all cigarette butts are toxic to the environment.

With these modifications, the Spanish government would avoid contravening the SDGs and violating Article 5.3 of the FCTC—issues we believe to be of grave concern, and which will likely be viewed as such by national and international bodies, to whom a copy of this letter has also been sent:

- Mónica García, Minister of Health of the Government of Spain



- World Health Organization (WHO)
- WHO Regional Office for Europe
- Pan American Health Organization (PAHO)
- Secretariat of the WHO Framework Convention on Tobacco Control (FCTC)
- Office of the UN High Commissioner for Human Rights
- Secretariat of the United Nations Development Program (UNDP)
- UN Global Compact
- UN Special Rapporteur on the Right to Physical and Mental Health
- UN Environmental Program (UNEP)

Trusting that the Council of Ministers will act to correct this irregular situation, we extend our full support. Please count on our complete backing and technical assistance to address the problematic aspects of the Royal Decree and work toward its amendment. We look forward to your response to learn about the measures you will take to reverse this violation of the agreements that Spain has signed at the international level and which, in our view, represents a concerning risk to public health.

Sincerely,

The Promoters of this Initiative

Raquel Fernandez Megina, President of
Nofumadores.org

Dr. Francisco Pascual, President of the Spanish
Committee for Tobacco Prevention (**CNPT**)

Laurent Huber, Executive Director Action on Smoking
& Health (**ASH**)

Dr. Florin Mihaltan, President of the European Network
for Smoking and Tobacco Prevention (**ENSP**)



ORGANIZATIONS, ENTITIES AND ASSOCIATIONS SUPPORTING THIS PETITION

SPANISH

CIVIL SOCIETY

1. ATAEX – Association of People Affected by Smoking in Extremadura
2. Fundación MÁS QUE IDEAS – Foundation MORE THAN IDEAS
3. Nofumadores.org – No Smokers.org
4. SALT – Aragonese Society Free of Tobacco
5. FACUA – Consumers in Action
6. Lovexair Foundation
7. XQNS – Why Us

HEALTH, SCIENTIFIC AND RESEARCH ORGANIZATIONS

8. AEP - Spanish Association of Pediatrics
9. Aireberri – Clean Air
10. ARES - Association of Residents in Preventive Medicine and Public health
11. ASOMEGA – Association of Galician Doctors
12. CNPT – National Committee for Smoking Prevention
13. COELP – Official College of Dentists of Las Palmas
14. Official College of Doctors of Las Palmas
15. CGOE – General Council of Dentists of Spain
16. DENTEF – Official College of Dentists of Santa Cruz de Tenerife
17. FAECAP – Federation of Family and Community Nursing Associations
18. ICAPEM – Association for Lung Cancer Research in Women
19. ICS – Catalan Institute of Health
20. PAPSF – Catalonia Primary Care Smoke-Free Program Network
21. SECIB - Spanish Society of Oral Surgery
22. SEMG – Spanish Society of General Practitioners and Family Physicians
23. SERGAS – Galician Health Service
24. SEMFyC PAPPS - Spanish Society of Family and Community Medicine (Program for Preventive Activities and Health Promotion)
25. SESPO – Spanish Society of Epidemiology and Oral Public Health
26. SEMI – Spanish Society of Internal Medicine
27. SEPAR - Spanish Society of Pulmonology and Thoracic Surgery
28. SEPSM - Spanish Society of Psychiatry and Mental Health
29. SCATT - Catalan Society for the Care, Treatment, and Consumption of Tobacco
30. SVNPT ab ENTaE – Basque-Navarre Society for Tobacco Prevention
31. Pediatric Environmental Health Unit (PEHSU), Territorial Pediatric Team of La Garrotxa, Hospital d'Olot and Comarcal de la Garrotxa Foundation

PATIENT ASSOCIATIONS



32. AEACaP – Spanish Association of Lung Cancer Patients
33. APEPOC – Association of COPD Patients
34. FENAER – Spanish Federation of Associations of Allergic and Respiratory Disease Patients

INTERNACIONALS

ENVIROMENTAL

35. CIEL - Center for International Environmental Law (International)

CIVIL SOCIETY

36. ACITASVE – Civil Association Tobacco or Health of Venezuela (Venezuela)
37. ADAT – Dominican Anti-Smoking Alliance (Dominican Republic)
38. Alliance pour une Société sans Tabac – Alliance for a Tobacco-Free Society (Belgium)
39. Arizonans Concerned about Smoking (United States)
40. ASH – Action on Smoking and Health (United States)
41. ASH Finland (Finland)
42. Bayside Smokefree Housing Alliance (United States)
43. Chile Libre de Tabaco – Tobacco-Free Chile (Chile)
44. COLAT – National Permanent Commission for the Fight Against Tobacco (Peru)
45. Corporate Accountability (United States)
46. DNF – Tomorrow Will Be Smoke-Free (France)
47. ENSP – European Network for Smoking and Tobacco Prevention (Europe)
48. Health Funds for a Smokefree Netherlands (Tobacco Control Organization) (Netherlands)
49. OMIS – Multidisciplinary Organization for Social Integration (Uruguay)
50. Paraguay sin tabaquismo – Paraguay Without Tobacco (Paraguay)
51. RUKKI-IHPF – Health Policy Space – Indonesia Health Policy Forum (Indonesia)
52. SEATCA – Southeast Asia Tobacco Control Alliance (Thailand)
53. Tobacco Control Alliance in Georgia (Georgia)
54. Turkish Green Crescent Society (Turkey)

HEALTH, SCIENTIFIC AND RESEARCHERS

55. Austrian Council on Smoking & Health (Austria)
56. CNCT - Comité National Contre Le Tabagisme (France)
57. Doctors Against Tobacco (Sweden)
58. Irish Heart Foundation (Ireland)
59. Foundation "Smart Health" - Health in 3D" (Poland)
60. NTAK - Lithuanian Tobacco and Alcohol Control Coalition (Lithuania)
61. NHMRC Centre of Research Excellence on Achieving the Tobacco Endgame (University Research Centre), (Australia)
62. SITAB - Italian Society of Tobaccology, (Italy)
63. SCTC - Slovenian Coalition for Public Health, Environment and Tobacco Control (Slovenia)
64. TFRI – TobaccoFree Research Institute Ireland (Ireland)

LOGOS OF SPANISH ORGANIZATIONS THAT SUPPORT THE PETITION



nofumadores.org
Por el derecho a vivir sin humo de tabaco



Fundación
Lovexair
cuida tus pulmones

XONS!
Porque Nosotros Sí!
Acción ciudadana por la salud
y el avance de la ley de tabaco en España



Aire Berri
Tabaco
Control

ARES
ASOCIACIÓN DE RESIDENTES
DE MEDICINA PREVENTIVA
Y SALUD PÚBLICA



Asociación de
médicos gallegos



M
médicos
COLEGIO
LAS PALMAS



Programa
**Atenció Primària
sense fum**
www.papsf.cat



FENAER
Federación Española de Asociaciones de Pacientes
Alérgicos y con Enfermedades Respiratorias

LOGOS OF INTERNATIONAL ORGANIZATIONS THAT SUPPORT THE PETITION

