

# Illicit traders

Florence Berteletti Kemp and Luk Joossens are calling for increased regulation of the tobacco industry to help tackle the trade in illicit cigarettes

**W**e were surprised to read the article on illicit cigarette trade written by Edit Herczog, MEP and Daniel Witt (Parliament Magazine issue 337). According to the authors, the regulatory focus has so far been on cigarettes that are being legally purchased instead of the increasingly large number of illegal cigarettes that fall outside of the system. Tobacco is an industry that must be thoroughly regulated, but we should not lose sight of the flourishing illegal tobacco market when considering regulations.

This statement is amazing for several reasons. First, there is absolutely no evidence anywhere in the world that tobacco control regulations increase illicit trade. A 2010 report by the United Nations office on drugs and crime (UNODC) looked at major trafficking of products such as illicit drugs (cocaine and heroin), firearms, counterfeit products and stolen natural resources. One of the main conclusions of the UNODC report is that because globalised commerce has made it difficult to distinguish the licit from the illicit, enhanced regulation and accountability in licit commerce could undermine demand for illicit goods and services. Exactly the same applies in the tobacco sector: more regulation with the aim to decrease the illicit demand.

Second, it should be noted that tobacco companies have been heavily involved in cigarette smuggling. In the past eight years, tobacco makers in the EU and Canada have agreed to pay several billion euros in payments and fines and signed agreements to stop participating in illicit trade. Just as recently as last month, the European anti-fraud office announced that is investigating an allegation that a major multinational company is smuggling cigarettes into Syria and Iraq.

Third, Edit Herczog MEP and Daniel Witt invite the commission to listen closely to citizens' concerns as expressed in the public consultation regarding the proposed revision of the tobacco products directive. What the authors forgot to report is that, whilst it is true that the public consultation drew a wide response from citizens (82,117 responses

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in total), this volume was the result of several mobilisation campaigns organised and funded by the tobacco industry. As noted in the commission's report, the actions and efforts of these campaigns and their ability to mobilise citizens seem to have affected the overall results of the public consultation. One of the side effects of these campaigns is that there were a significant number of pre-programmed responses to the public consultation document. When searching for duplicates and 'form' responses, 46,792 files could be identified; about 57 per cent of all citizen responses.

Finally, this article seems to back up tobacco industry claims that plain packaging of tobacco products (one of the measures currently being considered by the European commission in the context of the revision of the tobacco products directive) are easier to counterfeit. There is, however, no evidence that plain packaging will have any impact on counterfeiting. Plain (or generic) cigarette packets will always have large pictorial health warnings and such packs will therefore be as difficult to counterfeit as any other pack. Could it be that Edit Herczog and Daniel Witt spent a fair amount of time listening to the arguments of the tobacco industry?

To us, this article is another reminder that the tobacco industry can persuade some MEPs with arguments it knows to be spurious in its efforts to prevent regulation, and should not be believed. Indeed, an industry that has been so heavily involved in cigarette smuggling has no credibility in these debates. ★